Approved 10/15/02
September 17, 2002
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent and Two River Times and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Graham called the meeting to order at 7:06 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer. Absent: Councilmembers Bergen and Stalter. Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #307-02, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel
1. State of Emergency
2. Compensatory Time
3. Policy on Use of Borough Employees & Equipment
4. Water/Sewer and Tax Office Personnel
5. Environmental Commission
6. Library Board of Trustees

Litigation
1. Magic Touch vs. Borough of Keyport
2. Kutschman vs. Borough of Keyport
3. Sjoblom vs. Borough of Keyport
4. Aeromarine Property

Labor Relations
1. PBA Grievance
2. Public Works/PSTO Negotiations
3. Police Chief Negotiations
4. Clerical Negotiations

Contract Negotiations
1. Garbage Contract
2. New Municipal Complex
3. Health Benefits
4. Water/Wastewater Utility
5. WFI/VoiceStream Cellular Tower Lease
6. Hazlet Leaf Bags

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Merla, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Ashmore, Hyer
Absent: Councilmembers Bergen and Stalter

Council went into Closed Session at 7:08 P.M. and this meeting was reconvened at 8:15 P.M.

Mayor Graham called the meeting to order at 8:15 P.M. and read the Sunshine Law Notice. Councilmember Merla led the Pledge of Allegiance and Moment of Silence to recognize the families affected by the 9/11 attacks.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen (arrived 7:16 P.M.), Atkins, Merla, Ashmore, Hyer, Stalter (arrived 7:12 P.M). Others present: Mr. Kain, Borough Attorney and Richard Gardella, Borough Engineer's Office.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions pertaining to Agenda items at 8:15 P.M. There being none, the meeting was closed to the public at 8:15 P.M.

APPEARANCE AND DISCUSSION

1. **Dr. John Dumford - School Vouchers.** Dr. Dumford was not in attendance at the meeting.

2. **Courtney Wald - Monmouth Conservation Foundation.** Ms. Wald is the Project Coordinator for the Monmouth County Conservation Foundation. She works with communities. Copies of the Outreach program which outlines the Preservation Process were submitted to Mayor and Council prior to this meeting. There will be a non binding referendum on the November ballot. Sources of revenue entitles Keyport to Green Acres funds. Keyport is a small community, but there is land to be preserved (green spaces could be created). There will be a Monmouth County Green Table meeting on October 2nd in Tinton Falls for networking and sharing information. The topics are relevant and information on how to move forward will be given. The County Tax will be decided in November. There is a $6 million non-binding referendum for the County for park maintenance and to preserve land. There is $2 million available for municipal projects with the County (this is a minimal amount of money). Ms. Wald said the Borough can call her and her staff; they have contacts. Mayor Graham said the program would be worthwhile. He grew up on Long Island where there was massive traffic, overcrowding and high taxes. People are more concerned now.

PROCLAMATIONS

Mayor Graham read a proclamation for Race Equality Week (September 23rd - 29, 2002) and a proclamation for the Keyport Fire Department's 125th Anniversary which is October 5th. Mr. Merla requested that a copy of the Race Equality Proclamation be sent to the Second Baptist Church and the Civic League. The Mayor said he was looking forward to the celebration for the Fire Department's anniversary.

APPROVAL OF MINUTES

Minutes of the Work Meeting of August 6th, September 3rd, Regular Meeting of August 20th, Closed Meeting of August 6th, 20th, September 3,2002 were approved as read on motion of Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #24-02, Salary Ordinance/Fire Inspector

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 5, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

The Hearing was opened to the public for comments or questions at 8:28 P.M. There being none, the Hearing was closed at 8:28 P.M.

Offered for adoption by Mr. Merla, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of September 19, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

2. Ordinance #25-02, Amend Fire Prevention Ordinance

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 5, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER XIII, FIRE PREVENTION

The Hearing was opened to the public for comments or questions at 8:31 P.M. There being none, the Hearing was closed at 8:31 P.M.

Offered for adoption by Mrs. Atkins, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

2a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of September 19, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

<u>INTRODUCTION OF ORDINANCE</u>

1. Ordinance #26-02, Amend Chapter V, Section 5-12, "Games of Chance on Sunday

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER V, SECTION 5-12 ENTITLED "GAMES OF CHANCE ON SUNDAY"

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey that Chapter V, Section 5-12 of the Revised General Ordinances of the Borough of Keyport is hereby amended and supplemented as follows:

<u>Section 1.</u> Title. The within Ordinance shall amend and supplement Borough Ordinance Chapter V, Section 5-12 entitled "Games of Chance on Sunday" specifically, Section 5-12 Games of Chance.

<u>Section 2.</u> Games of Chance. Section 5-12 Games of Chance is hereby amended and supplemented as follows:

b. Except as provided by subsection (d) herein, the Borough shall charge a fee in the amount equal to the amount charged by the Control Commission, as set forth in NJAC 13:47-4.9 or equivalent section as may be amended from time to time.

c. Upon the adoption of the within Ordinance, the Borough of Keyport shall not waive the municipal fee established under subsection (b) for any religious, charitable, fraternal or other such organizations within the Borough of Keyport. The Borough shall be entitled to receive a municipal fee for each and every "pull tab" ticket/raffle application made by entity within the Borough of Keyport. Nothing as set forth in this subsection (c) shall exempt any organization from payment of any fee due to the Control Commission.

d. At the request of any bona file religious, charitable, fraternal or other not-for-profit organization, the Borough of Keyport shall waive the municipal yearly fee established for any machine generated "pull tab" tickets and/or raffles utilized within the Borough of Keyport. This waiver shall only apply to tickets generated directly from a machine operated and located within the Borough of Keyport. Nothing is set in this subsection (d) shall exempt any organization from payment of any fee due to the Control Commission.

Section 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

Section 4. If any section, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5. This Ordinance shall take effect immediately following final passage and publication as required by law.

Section 6. The Borough Clerk/Administrator is hereby directed to forward a copy of this Ordinance to the Control Commission immediately upon its adoption.

Mr. Kain explained the change in the Ordinance which allows the Borough to waive the yearly municipal application fee for pull tab generate machines.

Offered for adoption by Mr. Merla, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of September 17, 2002 for a Hearing to be held on October 1, 2002 moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

2. Ordinance #27-02, Amend Chapter XVI, Streets, Sidewalks and Sanitation (Mark Out Paint)

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER, CHAPTER XVI STREETS, SIDEWALKS AND SANITATION

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, that the "Revised General Ordinances of the Borough of Keyport, Chapter XVI, Streets, Sidewalks and Sanitation" is hereby amended and supplemented as follows:

Section 1: Declaration. The Mayor and Council are concerned that both public and private utility companies continue to mark and deface pavements, curbs and sidewalks within the borough of Keyport with indelible paint on the various ground surfaces. Upon completion, this indelible paint remains an eye sore to the residents of the Borough of Keyport. The intent of the within section is to regulate the use of indelible paint on the pavements, curbs and sidewalks within the Borough of Keyport.

Section 2: Marking or Defacing of Pavements, Curbs, Sidewalks, Prohibited: Exceptions.

a. No person shall paint, stencil, color, mark or deface the pavement, sidewalk or curb of any public street in the Borough, provided, however, that this section shall not be applicable to painting under the direction of the Chief of Police of the Borough of Keyport or his designee, in the regulation of the traffic and parking of motor vehicles within the Borough of Keyport.

b. Definitions. Public Utility - As herein used this term shall have the meaning set forth in NJSA 48:2-13.

Utility Mark-Out: Pursuant to NJSA 48:2-80, the marking, staking, locating or other identification of underground facilities performed by utility providers or their agents, that may be effected by a planned excavation or demolition.

c. Temporary marking is customarily done in indelible paint on the ground surface above the utility to indicate its location in order to enable an excavator to employ prudent construction techniques to determine the precise location of the provider's underground facilities. The mark out is performed within 3 business days after receipt of a notice of intent of any person performing excavations, exploratory borings or subsurface probing and demolition, on public or private properties.

Public and private utility providers shall insure that painted mark out must be removed no later than 4 weeks after the mark outs are ordered or performed, but not less than the term of longevity required under State Law. Removal of the mark outs shall not destroy, damage, or mar the public streets, sidewalks or curbs on which the paint exists.

Section 3. Penalties. Any public utility, private utility, private contractor, corporation or individual who fails to remove indelible paint mark outs on public sidewalks, curbs or streets within the time prescribed shall be subject to a penalty of $500.00 for each offense, plus the cost to the Borough for the restorational repair of said sidewalk, curbs or streets. Each Offense shall consist of responding to a requires for the marking out of underground utilities.

Section 4. Waiver. Upon application and upon such terms as the Mayor and Council may believe reasonable, the Mayor and Council may agree to waive the terms and conditions set forth or to expand any terms and conditions as set forth, in the within Ordinance.

Section 5. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and hereby are repealed as to the extent of such inconsistencies.

Section 6. If any section, subsection, part, clause or phrase of this ordinance shall be declared invalid by judgement of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 7. This Ordinance shall take effect immediately following final passage and publication as required by law.

Mr. Merla thanked Council for the Ordinance; he has pictures of the paint at Pedersen Staeger.

Offered for adoption by Mr. Merla, seconded by Mr. Stalter

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of September 17, 2002 for a Hearing to be held on October 1, 2002 moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present.

3. Ordinance #28-02, Bond Ordinance - Various Equipment

The Clerk reported that the Supplemental Debt Statement is on file in her office.

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF FIRE TRUCKS EQUIPMENT AND NON PASSENGER VEHICLES, BY AND FOR THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING $837,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $792,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements of purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of $837,000 said sum being inclusive of the sum of $5,000 from the reserve for a public works vehicle in the general capital fund (the "Reserve Monies") and the sum of $40,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, NJSA 40A:2-1 et seq (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said $837,000 appropriation not provided for by application hereunder of said down payment and said Reserve Monies, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of $792,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in an aggregate principal amount not exceeding $792,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

Description	Appropriation	Authorization	Down Payment	Useful Life
(i) The acquisition of two (2) fire trucks, including one (1) utility fire truck for Keyport Fire Patrol a volunteer organization and one (1) pumper fire truck for Raritan Hose Company #1, a volunteer organization, the title to which fire trucks shall remain with the Borough and which appropriation for such fire trucks shall be controlled and disbursed by the Borough;	$550,000	$523,600	$26,400	10 yrs
(ii) the acquisition of equipment and non passenger vehicles for the Borough's Department of Public Works including, but not limited to a street sweeper, dump truck and a lift truck; and	$260,000 (including $5,000 from the reserve for a public works vehicle in the general capital fund)	$242,700	$12,300	10 yrs
(iii) the overhauling and renovation of a backhoe for the Borough's Department of Public Works;	$ 27,000	$ 25,700	$ 1,300	7 yrs
TOTALS	**$837,000**	**$792,000**	**$40,000**	

(b) The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $792,000.

(d) the aggregate estimated cost of said improvements or purposes is $837,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of $792,000 is the Reserve Monies in the amount of $5,000 and the aggregate down payments for said improvements or purposes in the amount of $40,000.

SECTION 4. In the event the United State of America, the State of New Jersey and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event however, that any amount so contributed or granted by the United State of America, the State of New Jersey and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to see part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report, in writing, to the Governing Body at the meeting next succeeding the date when any sale or deliver of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance is 9.90 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the

Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $792,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $70,000 for items of expense listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1:150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1:150-2 and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1 e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $792,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this Ordinance.

SECTION 11. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Mr. Merla said the Fire Department and Committee went through a process. They acknowledged the true fiscal responsibility of the Board of Fire Chiefs. The amount would have exceeded $720,000. Mr. Merla commended the Board of Chiefs, Fire Companies and members who reduced the figure. He also commended the Public Works Committee who had $200,000 and received a bid of $127,000 plus a trade in for the old sweeper (14 years old). Regarding the lift truck, BID will fund ½ of the money; the current truck is not safe. The backhoe will be overhauled ($25,000); Mr. Sappah was commended as well as the other department heads and Council. Mrs. Atkins commended the Board of Chiefs who wanted changes and she supported them. The Chiefs worked hard on the figures. Mrs. Atkins thanked everyone.

Offered for adoption by Mr. Merla, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Ashmore Hyer, Stalter
Nays: Councilman Bergen

3a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of September 17, 2002 for a Hearing to be held on October 1, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library. Mr. Bergen reported on the following. The new municipal complex is moving forward; weekly reports have been submitted.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following. She recognized Fire Chief Marr and the Fire Department members for the awards they received at the Firemen's Convention, Wildwood. Fire Chief Marr and Assistant Chiefs Aumack, Jimenez and Walling said the convention is Family oriented and there are competitions. There were 250 parade participants; the judges are tough. Keyport had a 50 member pipe and drum band and three trucks. There was an 1859 hand hose cart that was walked. Keyport's Fire Department was awarded 5 trophies: 1) Best Appearing Apparatus for Monmouth County; 2) Best Appearing Monmouth County Fire Department; 3) Best Appearing Pipe and Drum Band in the State of New Jersey and 4) & 5) were New Jersey State Association awards (Best Appearing Hosehand Cart and State overall Engine Company pumper). Chief Marr thanked all of the Fire Department volunteers; everyone worked hard. He thanked the residents and the town for their support. Mr. Merla said there were pictures taken of the mural of Engine Company's truck. Chief Marr said the mural was hand painted. Mrs. Atkins said the people who pulled the cart had bowler hats, red suspenders and mustaches. Chief Marr thanked Holmdel for use of their handcart. Mrs. Atkins said the First Aid brought the cadets who marched. The Fire Department and First Aid were very impressive. Mrs. Atkins attended the Snapper Contest held September 7th. On September 19th, the Senior Center is holding their annual fashion show. This Saturday (9/21) the Historical Society is hosting a trolley ride. October 5th is the Fire Department's 125th Anniversary. Community Development has approved $199,000 for Keyport who was #8 on their list out of 28. In August, there were 11 general alarms, 18 still alarms and 9 EMS Fast Team responses.

Councilman Merla; Finance: Mr. Merla reported on the following. He thanked all who attended and helped with the 9-11 event; calls were received that it was a nice service. Last week was the first Smart Growth meeting; issues and ideas were coordinated into an agenda. Assets and liabilities were discussed. He asked Council to endorse asking the Planning Board to reconsider the conversion ordinance of multiple back to single family homes; cut taxation. Legislators should be written to; the State does not permit a municipality to go after developers after 10 years to impact. The DOT is doing a study near Home Depot regarding the traffic on local streets. An impact fees schedule is needed. Council should write to the legislators to write a law for New Jersey. Jamie Fox, DOT Commissioner, recommended looking at this. A resolution of support should be adopted at the October 1st Meeting. There are outstanding engineering bills; the bills were reviewed and there is money available, the bills should be paid. Some Schoor bills were withdrawn. He and Mr. Kain met regarding the Montemauro property on Highway 35. He was approached by someone from the Yacht Club to rent the Second and Church Street property for parking. This matter will be listed on the October 1st Agenda (Council should consider and respond to him). There is a program in New York where all municipalities are entitled to a piece of steel from the Trade Center. Keyport should take a piece and coordinate and erect onto the new Municipal Complex; they will bring it to Keyport. A person from Washington Street has a 35 foot spruce tree that they would like to get rid of; a letter should be written to New York City to see if they want it for Rockefeller Center. Gail VanPelt has a blue Spruce that she will donate to the BID for Christmas. Mr. Merla congratulated Keyport High School who beat Keansburg. He will report on the Clerical and Department Head meetings next week. Anthony Vecchio would like to set up the Landlord Registration Act. Mr. Merla attended the DOT meeting where Jamie Fox, DOT Commissioner, was a guest. All towns were sent an invitation. The triangle at routes 35 and 36 (near the Town and Country) was discussed; it will be cleaned and Keyport could adopt it. He asked about weed control at the route 35 and 36 intersection. Money has been assigned for Keyport for Fiscal year 2003-2004 for Atlantic and Broad Streets and there is money for Cass Street (GPU off Highway 36); the left lane backs up. The State has identified the problems and announced that a liveable community grant is available. October 18th is the deadline; we meet the criteria. Richard Gardella said there is a traffic survey being done Borough wide to assess the whole community; there is no consistency regarding mph on Maple Place.

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. Chief Gajewski attended at seminar on September 12th regarding Open Public Records Act; he received a Certificate of Achievement for attending the seminar. Regarding the Police Schedule, she and Mr. Kain met with Sergeant Casaletto this past March/April regarding the changes and he indicated that he would put the changes on computer. The changes were reviewed with the PBA's attorney and an addendum was received which was forwarded to Mr. Kain. She and Mr. Merla held a Condo Association Meeting and Gateway Park did not attend; there is no communication and they are the bigger association. The concerns discussed were garbage pick up. When the bids went out, the condos were not contacted; the contractor is doing more pick ups than the contract. Haven Off The Bay has a new phase. The Third Street level is too low and garages are being flooded; this was referred to Richard Gardella to inspect. Mr. Merla said the prior Engineer should inspect and there was over 8 inches of water over the curb into the driveway; there was an approved plan vs. what was built (Schoor DePalma should be contacted). Mr. Bergen asked who will pay the Engineer. Mr. Merla said this area has always been a problem. Mr. Bergen said the Association should go after the builder; the Borough should be careful with what is done with the public funds. The Association should retain their own engineer. Mr. Merla said if it is the Developer's fault, they did not meet the plans. Mrs. Ashmore said the Association is taking action, but the Borough should look into its records. Mr. Bergen said they can look at plans. Mr. Merla said he and Mrs. Ashmore asked the condo who from the Borough asked to review each condo had different concerns. They are all doing or want things done differently. Mrs. Ashmore said the contractor accommodated everyone. Mr. Merla said the size of the dumpsters is not right. Mr. Kain said an addendum could be done to the contract. Mr. Merla said the Condo Associations asked about hydrant flushing; they will be advised when it would take place. Mr. Bergen said the first year of the Condo law, the pick up information was received from Art Rooke. The contracts did not provide for dumpsters. Mr. Merla said the matter should be reviewed. All condos acknowledged they are illegally dumping in the dumpsters. There has been a car parking in front of a dumpster; signs are being put up for no parking. Mrs. Ashmore said condo pick ups are on Mondays and Thursdays. Mr. Merla said a brochure should be drafted for the condos. There will be a meeting with Mrs. Poling and Kathleen Shaw this Thursday regarding the web site. There was a lot of effort from people for the 9-11 ceremony, she thanked John Merla for all of the time he put into this. The Senior Center also does events.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. The IOCC e-mailed and said the cyclists that left Keyport in August completed the trip across country in 25 days. Fence quotes were received and are important. A sewer main call was made for his home (through a lead in his drain, they opened the manhole and there was a main block); he thanked Dave Rooke and Tony Davino of Public Works. Bill Kofer, DOT, was in town on Monday regarding a left turn on green; there is no way it can be done (the lanes must meet). The control box was revamped to delay. The Public Works/PSTO Negotiations were discussed in closed session. Keyport Pop Warner Indians has requested the Borough take an ad for their ad book. Motion authorizing a full page ad moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present. The steps off the pier that go down to the float were damaged by rain and wind. The catwalk at the Boat Launching Ramp should be closed off; boards are missing. An invitation was received from the Fire Department for their Anniversary parade; they are going to need 5-6 Public Works employees to work overtime. Mr. Merla said Police are needed also. It was asked that the turn on charge be increased for after hours and on Saturdays; the Ordinance would have to be revised to $50.00 and after hours $100.00. Motion to refer this matter to Mr. Kain moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present. In June/July, Mr. Hyer contacted the Public Works Association and recommended George Sappah for the Recognition of Leadership Award; Mr. Sappah has been chosen and will be given the award at the League of Municipalities Convention on November 21, 2002.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following. He and Mr. Hyer looked at Jackson Street near the basketball court for the skate park (the street could be fenced off). Plans have been reviewed and information submitted to the insurance company for coverage. He attended a buildings and grounds Board of Education Committee Meeting with this idea. Guidelines are mandated and they must abide by rules. Tremendous strides have been made. Mr. Merla asked how the Board of Education felt about this idea; they have questions. Mr. Bergen asked if there would be parking available; Chief Gajewski said no, there would be no place for cars to back in to. Mr. Stalter said a public forum would be held. The equipment is portable, space is at a premium. Mr. Stalter said he put in a lot of time last year (baseball and basketball make more noise than skateboards). The Recreation Commission is holding a second bus trip on October 19th (paintball); the bus will leave the Ye Cottage Inn parking lot at 9 AM. The cost of the trip will be $40.00 which will include transportation and the equipment. Flyers and waivers will be distributed.

Administrator Poling: Mrs. Poling reported on the following. One bid was received for the Catamaran Lease in the amount of $750.00. Mr. Merla suggested giving it a chance and then reviewing. Mayor Graham asked if the lease spelled out when passengers would be picked up so the fishing boat is not interrupted. Mr. Kain said the bid could be rejected and the information could be put in the base bid. Mr. Hyer said the Harbor Commission is in favor of the Catamaran Lease; another person has a catamaran and another person has a charter fishing boat. It was suggested the bid be held and Mr. Dell be spoken to. Mayor Graham said the lease is open ended and should state how many trips are allowed. Mr. Dell should be contacted regarding issues and asked if he could use the boat launching ramp to run trips at certain times.

Engineer Freda: Richard Gardella reported on the following in Mr. Freda's absence. Washington Street, Phase III, Schoor DePalma forwarded signed Bid sheets to the DOT. A pre-construction meeting should be set up; the contractor is ready. The resolution needs to be revised. The preliminary design for Phase IV is complete; he spoke with George Sappah and the utility companies. Regarding Utility mark outs, plans should be sent to them and they will advise on the Ordinance regarding spray painting. A structural inspection for the Fishing Pier will be done next week with George Sappah. Mr. Hyer said Benjamin Terry Park's bulkhead needs work.

Attorney Kain: Mr. Kain reported on the following. A meeting was held with the owner of a Highway 35 property; Pauline Redmond will contact George Sappah. The property is encumbered with wet lands (there is an $18,000 tax lien).

Mayor Graham: The Mayor reported on the following. He and Chief Gajewski attended the Bayshore Conference of Mayor's meeting; the topic was the Bayshore Narcotics Task Force. The Task Force thanked Keyport for the man power. Borough meetings were listed in the School calendar. At the Snapper Contest, his grandson, James, caught a fish. Dominique Merla caught a 6" snapper. Mr. Hyer grandsons and Mrs. Atkins grandsons did not win. Mr. Bergen thanked everyone for the calls, cards and flowers when he was in the hospital; he is O.K.

Mr. Merla said the Library accepted a donation of a dehumidifier. He asked about the donated bleachers. They are being stored at the High School field until a permanent location has been designated.

Motion authorizing a Resolution to accept a donation to the Library moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

REPORTS OF DEPARTMENTS

JULY 2002

3. Treasurer's Report

CURRENT CHECKING	$ 955,270.15
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	6,063.97
TRUST CHECKING	50,988.62
TRUST SAVINGS	133,758.13
RECREATION BAYFRONT	84,207.00
UNEMPLOYMENT/DISABILITY	62,051.70
RECREATION COMMISSION	15,590.81
GENERAL CAPITAL	395,036.79
ESCROW TRUST	188,976.92
LAW ENFORCEMENT	9,193.26
SELF HEALTH INSURANCE FUND	2,149.14
WATER/SEWER OPERATING	5,000.00
WATER/SEWER SAVINGS	108,354.40
WATER/SEWER INVESTMENT	44,156.90
WATER CAPITAL CHECKING	2,701.73
WATER CAPITAL INVESTMENT	89,314.70
GENERAL CAPITAL INVESTMENT	2,983,353.43

INTEREST EARNED ON INVESTMENTS FOR JULY, 2002
CURRENT - $5,936.34
WATER - $ 386.56

Submitted by Pauline Redmond, Treasurer

AUGUST 2002

2. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 800.00
WATER METER	165.51
TURN ON CHARGE	80.00
SEWER CONNECTION	1,000.00
SEWER/POOL PERMIT	-0-
WATER METER W/TO	100.00
DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #3525	**$ 2,145.51**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	30.00
LIMO LICENSE	-0-
PHOTOCOPIES	15.75
POSTAGE	.37
RAFFLE LICENSE	680.00
TAXI LICENSE, DRIVER	-0-

TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	378.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	490.26
STREET OPENING	600.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	400.00
PARKING PERMITS	-0-
AUCTION LICENSES	-0-
VENDING MACHINE LICENSE	30.00
TOTAL CURRENT, CHECK #3526	**$ 2,624.38**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3527	$ 1,041.00

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$ 5,805.50
BAIT	590.75
ICE	204.25
ICE CREAM	23.00
SODA	179.50
TOTAL RBIT, CHECK #3528	**$ 6,802.50**

TOTAL RECEIPTS	**$ 12,613.39**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

3. Tax Collector's Report

2002 TAXES	$2,684,935.74
2001 TAXES	19,640.34
2003 PREPAID TAXES	7,144.62
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	5,429.65
TAX SEARCHES	-0-
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	21,405.00
RETURNED CHECK CHARGES	20.00
ALL OTHER MISCELLANEOUS REVENUE	103,366.67
TOTAL CURRENT RECEIPTS	**$2,841,942.03**

WATER & SEWER RENTS	$ 74,469.47
INTEREST AND COSTS	1,001.90
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	48.00
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	9.83
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	16.35
TOTAL WATER/SEWER RECEIPTS	**$ 75,545.55**

Submitted by Pauline Redmond, Tax Collector

4. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	37	$ 242.00
CERTIFICATE OF OCCUPANCY	54	1,425.00
PLUMBING PERMITS	15	1,257.00
ELECTRICAL PERMITS	13	1,075.00
BUILDING PERMITS	20	3,554.00
FIRE SUB CODE	9	524.00
CONST CERT OF OCCUPANCY	3	297.00
ZONING PERMITS	13	130.00
200 FT PROPERTY LIST	4	40.00
TRANSFER OF TITLE	17	625.00

REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	9	225.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	54	1,080.00
CONST. DEPOSITS REFUNDABLE	4	200.00
TOTAL		**$ 10,619.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2379	$ 10,177.00
STATE FEE DUE - PAID QUARTERLY	242.00
ELEVATOR INSPECTION AGENCY, CHECK #	

Submitted by Annette Kovacs, Senior Permit Clerk

5. Police Department/Traffic Safety Report

Total Amount received $ 388.00

Submitted by Theodore Gajewski, Police Chief

6. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

7. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE		**$2,146.20**
DOG LICENSES	$ 105.20	
CAT LICENSES	41.00	
MARRIAGE LICENSES	84.00	
BURIAL PERMITS	31.00	
DEATH CERTIFICATES	1,255.00	
MARRIAGE CERTIFICATES	80.00	
BIRTH CERTIFICATES	-0-	
POOL PERMITS	-0-	
PLAN REVIEW	-0-	
FOOD HANDLERS	350.00	
MISCELLANEOUS	200.00	

<u>DISBURSEMENTS</u>

CHECK #2710 - BOROUGH OF KEYPORT MISC. ACCT	$1,925.00
CHECK #2711 - BOROUGH OF KEYPORT TRUST ACCT	75.00
CHECK #2712 - BOROUGH OF KEYPORT DOG ACCT	118.00
CHECK #2714 - NJ STATE DEPT OF HEALTH	28.20

Submitted by Anne R. Biagianti, Treasurer

8. Fire Department Report

Total Company runs: 28
Mileage on Chief's car: 13,675

Submitted by Kenneth Marr, Jr., Fire Chief

10. Code Enforcement Officer Report

See full copy on file in the Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

Motion to Accept reports as submitted moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 10:07 P.M. Frank Mongiello and his son, Main Street, have been residents of Keyport for seven years at the corner of Jackson and Main Streets and were given warnings regarding parking. They are concerned with speeding. Jackson Street is a light traffic street and there are heavy vehicles going through the street. There is a parking issue; there is no parking at the corner of Jackson and Broad during school. The Mongiello Family has a one car driveway and own three cars so they park on Jackson Street. There are High School students parking there. Mr. Merla said the Borough should shy away from parking permits. A traffic flow analysis should be done. Chief Gajewski will check the Ordinances as to whether Jackson Street is light traffic. Mr. Mongiello said there is speeding on Jackson Street and there are kids on the street; he requested a speed sign. Chief Gajewski and Captain Dayback will do a survey and report back; they will also meet with Mr. Mongiello. Kenneth Marr said there was an ambulance at school today. He suggested that the Atlantic and Monroe Street property be made into a parking lot. Mr. Merla said County approval is needed for Broad Street. Joanne Staeger, said the Atlantic Street lot is not open yet; the vocational students park there also. The school met with all driving age students and advised them to use the football fields. Mitchell Meyerson, Church Street, took pictures of the old West Furniture property; the unsafe condition is still there. He asked if a Certificate of Occupancy was issued because business is being done. Someone cleaned up the property and boarded up some windows. The giant sign is still there, as well as the air conditioning units and the parking lot is in disrepair. Mr. Bergen made a motion that the Property Maintenance and Code Enforcement Officers make an inspection and take any action necessary and report back to Council at the next meeting, seconded by Mr. Hyer with Ayes by all present. It was asked what the project status is with the Planning Board. Mr. Meyerson said the windows have been open for several years and there is water damage; there are skateboarders in this area. Mrs. Staeger said she appreciated the Administration allowing the public to address them with no lime limits. Mrs. Staeger asked Mr. Stalter how many skateboarders he anticipates taking advantage of a skate park. Mr. Stalter said he did not have a number at this time. On September 14th, Van Dorn Street did not get their cardboard picked up. Mrs. Staeger said the condos should not get anything more than homeowners from the garbage company. She said someone is always missed with this garbage company. Mr. Bergen requested Mr. Kain write to Mr. Messler requesting the weight slips for newspapers. Mrs. Staeger asked Council at what point they will take action against Marrone Disposal and go to the Board of Public Utilities. Mr. Bergen said the Borough is owed money and he wants the weight slips. Mayor Graham said the Board of Health has a two way radio and Mrs. Purcell works with Mr. Messler; it has been an on going battle with them. The Mayor said Mr. Messler would not get his support. Mr. Bergen made a motion to withhold payment because the wrong receipts were given and newspaper money is owed within five days and Mr. Kain should send a letter to the Bond Company that the Borough may make a claim against Marrone Disposal, seconded by Mr. Merla with Ayes by all present. Mr. Merla said Marrone Disposal should be contacted and advised they gave the Borough the wrong slips. Mrs. Staeger said she disagreed that you cannot make left hand turns; Mr. Hyer said the lanes do not match. Mrs. Staeger asked about no left turn from the Exxon Station and asked about the Planning Board plans. She said 14 cars made an illegal jughandle turn in 45 minutes and cars are making right hand turns on red from Atlantic Street onto the highway and there are signs prohibiting this. Mr. Merla said there are DOT surveys from 1960 to date; there has been growth in traffic and the highways need to be expanded. Mrs. Staeger said the State does not mow. Mr. Sappah is to be asked about losing on the tonnage grant with the newspaper weight slips. Fire Chief Marr said the VFW Ladies Auxiliary can no longer host the Halloween Parade and said the PBA, Fire Department and Recreation Commission would take it over (the Borough donates $500.00). There will be a soap box derby next year. Jim Gordon, May Street, said there is a drainage problem and water backs up on May Street. Mr. Hyer asked that this matter be referred to George Sappah; Mr. Merla said Orchard, May and Washington Streets should be looked at. Joanne Staeger thanked Mr. Merla for the 9-11 Remembrance Ceremony; there were special moments. Mrs. Staeger said she is President of the Mother's Club and there is no stand, no home football or field hockey games this year (field renovation); they need $5,700 for various events and need support (they are holding fund raisers). The First Aid Cadets are holding a Comedy night and have allowed the Mother's Club to participate. Blankets are being made. Mr. Merla asked if the Hall of Fame Parade will be held; Mrs. Staeger was not sure if there would be a parade, but the dinner will still be held. The meeting was closed to the public at 11:05 P.M.

RESOLUTIONS

2. Resolution #308-02, Amend Resolution #263-95/Insurance Requirements for Private or Non Profit Organization Events

WHEREAS, the Mayor and Council have from time to time granted permission to not for profit corporations and other such entities to use Borough property for the purpose of conducting various events; and

WHEREAS, the Mayor and Council desire to establish a uniform policy with regard to insurance requirements to be implemented in conjunction with the granting of permission for any such events.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

a. It shall be the policy of the Borough of Keyport, in conjunction with granting permits to non-profit corporations and other entities to conduct events on property owned by the Borough of Keyport that said organizations shall present evidence to the borough Clerk/Administrator in the form of a Certificate of Insurance which shall contain, at a minimum, the following:

   a. Comprehensive General Liability Coverage with limits of $1,000,000.00 for bodily injury (B), for each occurrence, and $500,000.00 for property damage (PD) for each occurrence.

   b. Where applicable, Workers Compensation and Employer's Liability Insurance in accordance with New Jersey Statutory requirements with coverage A and B.

   c. Provision for thirty (30) days written notice in advance of any changes or cancellation, which may modify the coverage provided.

   d. The Borough of Keyport is to be named as an additional insured in said Certificate.

b. Where the Mayor and Council deem it appropriate, it may either waive or reduce the foregoing requirements or in the alternative, it may increase same dependent upon the nature of the event and any facts that may be presented to it by Resolution duly adopted.

c. The within Resolution modifies and amends Resolution #263-95 adopted August 22, 1995.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

3. Resolution #309-02, Authorize Borough Engineer to prepare Bid Specs for 6 Yard Dump Truck

WHEREAS, the Mayor and Council are determined to procure a six yard dump truck and to have the Borough Engineer prepare the specifications for same; and

WHEREAS, the Mayor and Borough Council have reviewed a proposal submitted by the Borough Engineer for costs necessary to prepare said specifications; and

WHEREAS, the Mayor and Council are resolved to proceed with the aforesaid project and to authorize the Borough Engineer to prepare said specifications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the

Borough of Keyport as follows:

1. That the Borough Engineer is authorized to prepare specifications for the procurement of a six yard dump truck.

2. That the Borough Engineer shall be compensated at a lump sum cost for preparations of said specifications not to exceed the sum of Two Thousand Eight Hundred Dollars ($2,800.00).

3. That copies of the within Resolution be forwarded to Gerald J. Freda, P.E., Borough Engineer, Chief Financial Officer and that a copy of the within Resolution be retained in the office of the Borough Clerk for public Inspection.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Ashmore
Hyer, Stalter
Nays: Councilman Bergen

4. Resolution #310-02, Capital Budget Amendment

WHEREAS, the Borough of Keyport, New Jersey desires to amend the 2002 Capital Budget by inserting thereon or correcting the items therein as shown in the budget for the following reason:

Additional costs not originally anticipated in the Capital Budget

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport as follows:

Section 1. The 2002 Capital Budget of the Borough of Keyport is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 02-1
CAPITAL BUDGET OF THE BOROUGH
OF KEYPORT, NEW JERSEY
Projects Scheduled for 2002
Method of Financing

Project	Est. Cost	Capital Imp. Fund	Bonds & Notes	Capital Reserve
Acquisition/Street Sweeper	135,000	6,430	128,570	
Acquisition/Dump Truck	90,000	4,300	80,700	5,000
Acquisition/Two Fire Trucks	550,000	26,200	523,800	
Acquisition/Lift Truck	35,000	1,700	33,300	
Rehabilitation/Backhoe	27,000	1,370	25,630	

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Ashmore
Hyer, Stalter
Nays: Councilman Bergen

5. Resolution #311-02, Authorize Application to Local Finance Board regarding Non Conforming Debt Schedule

WHEREAS, the Borough Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough") duly adopted various bond ordinances to authorize the issuance of bonds or bond anticipation notes to finance the costs of various capital improvements and purposes by and in the Borough (the "Borough Projects"); and

WHEREAS, the Borough will issue bonds in the aggregate principal amount not to exceed $5,400,000 (the "Bonds") to permanently finance the costs of the Borough Projects; and

WHEREAS, the Borough will issue such Bonds in the aggregate principal amount not to exceed $5,400,000 (the"Bonds") to the Monmouth County Improvement Authority (the "MCIA") in connection with the Borough's participation in the MCIA Pooled Governmental Loan Program (the "MCIA Loan Program"), which bonds will be issued to (i) memorialize the Borough's loan through the MCIA Loan Program and (ii) permanently finance the costs of the Borough Projects; and

WHEREAS, NJSA 40A:2-26 requires the Borough to utilize a "conforming" maturity schedule for its Bonds, absent approval of a "non conforming" maturity schedule by the Local Finance Board (the "Local Finance Board") in the Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, the Borough's participation in the MCIA Loan Program involves the issuance of the Bonds to the MCIA with a "non conforming" maturity schedule; and

WHEREAS, NJSA 40A:2-26(e) provides that if the Borough determines that a "conforming" maturity schedule for its Bonds would aversely affect the financial position of the Borough, the Borough may make written application to the Local Finance Board to request its approval of the issuance of such Bonds with a "non conforming" maturity schedule; and

WHEREAS, pursuant to the Borough's desire to participate in the MCIA Loan Program, the Borough now wishes to make application to the Local Finance Board, pursuant to NJSA 40A:2-26(e), for the approval of a "non conforming" maturity schedule for its Bonds; and

WHEREAS, the Borough believes:

(a) a "conforming" maturity schedule, pursuant to NJSA 40A:2-26, would adversely affect the financial position of the Borough;

(b) it is in the public interest to structure the maturity schedule for the Bonds as a "non conforming" maturity schedule;

(c) said Borough Projects and the issuance of the Bonds are for the health, welfare, convenience or betterment of the inhabitants of the Borough;

(d) the amounts to be expended for the Borough Projects and the issuance of the Bonds are not unreasonable or exorbitant;

(e) the Borough Projects and the issuance of the Bonds are an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey as follows:

SECTION 1. The preparation and submission of the application to the Local Finance Board for the Bonds (the "Application") by the MCIA is hereby approved. The Borough Bond Counsel, Wilentz, Goldman & Spitzer, P.A. (the "Bond Counsel") and other officials, officers and professionals of the Borough, including but not limited to the Mayor, the Borough Chief Financial Officer, the Borough Clerk, the Borough Auditor and the Borough Attorney (collectively, the "Borough Officials"), are each hereby authorized and directed, nunc pro tunc, to represent the Borough in matters pertaining thereto.

SECTION 2. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

SECTION 3. The Borough Clerk is hereby directed to file a certified copy of this resolution with the Local Finance Board and to forward a certified copy of this resolution to the MCIA to supplement the Application therewith.

SECTION 4. The Borough Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Borough's issuance of the Bonds not determined by this or a subsequent resolution, all in consultation with Bond Counsel and the manual or facsimile signature of the Borough Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Borough Officials and any other Borough representatives, including but not limited to, Bond Counsel are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transaction contemplated by the Borough's issuance of the Bonds and the Borough's participation in the MCIA Loan Program and any and all such actions or inactions taken by the aforesaid Borough Officials and Bond Counsel heretofore and are hereby ratified and confirmed.

SECTION 5. This resolution shall take effect immediately.

John Cantalupo, Bond Counsel, said Mr. Fallon and he are developing a plan on outstanding BANs. The Borough can stop participating in the MCIA at any time. There is a meeting on Thursday and he will report back to Council on what is the best scenario. Mr. Bergen asked about a non conforming maturity schedule; Mr. Cantalupo explained. The Borough would need Local Finance Board approval. Mr. Cantalupo said this would make debt payments level, not new debt.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

6. Resolution #312-02, Authorize Second and Partial Payment to Lucas Electric Company/Cedar Street Park Lighting

WHEREAS, the Borough Engineer has submitted and recommended payment of the Second and Partial Payment for the above project; and

WHEREAS, funds are available for this payment as per the Certificate of Availability of Funds attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Second and Partial Payment in the amount of $3,912.50 is hereby approved.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

7. Resolution #313-02, Authorize preparation and filing of ad interim license application with Bureau of Tidelands

WHEREAS, the municipal bulkhead in the Borough of Keyport, located along portions of Block 21, Lot 22 and Block 21.01, Lot 49 is in need of repair; and

WHEREAS, the Borough is presently working with State and Federal officials for the purpose of reconstructing the bulkhead; and

WHEREAS, the Borough of Keyport has filed a riparian park grant application with the New Jersey Bureau of Tidelands Management with regard to four (4) parcels within said Block and Lot (as indicated on a map abstract on file with the Borough Clerk as Parcels A, B C and D) so that the present public uses thereon, including the bulkhead, may be continued and preserved; and

WHEREAS, the Mayor and Council find it to be in the best interest of the Borough of Keyport to file an ad interim riparian license from the Bureau to permit the bulkhead reconstruction project to commence while its park grant application is pending.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

(f) Gordon N. Litwin of the firm of Ansell, Zaro, Grimm and

Aaron as special counsel presently retained for this matter is hereby authorized and directed to prepare and submit an interim riparian license application with reference to said four (4) parcels of land within Block 21, Lot 22 and Block 21.01, Lot 49 to the Bureau of Tidelands Management; and

(g) The Mayor and appropriate Borough officials are authorized to execute the application and other such documents as may be necessary in support of said application.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

9. Resolution #314-02, Authorize Donation to Pop Warner Indians (Full Page Ad)

WHEREAS, Keyport Pop Warner Indians is an Organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, Keyport Pop Warner Indians has requested that the Borough of Keyport contribute the sum of $125.00 for the purpose of assisting them with funds for the 2002 Season Ad Book.

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council of the Borough of Keyport, that the sum of $125.00 is hereby approved as a contribution to Keyport Pop Warner Indians and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

10. Resolution #315-02, Accept Dehumidifier from Home Depot for Keyport Free Public Library

WHEREAS, the Borough of Keyport ("Borough") was established in 1908; and

WHEREAS, Home Depot, Hazlet, donated to the Borough of Keyport Free Public Library a 40 pint dehumidifier for use by the Borough of Keyport Free Public Library; and

WHEREAS, the Borough has a need for said item in the Keyport Free Public Library; and

WHEREAS, the Borough greatly appreciates the generosity of Home Depot, Hazlet.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Keyport, in the County of Monmouth and the State of New Jersey:

1. A list containing this donation accepted by the Borough is hereto attached.

2. The Borough Clerk is authorized and directed to acknowledge receipt of this donation and express the Borough's appreciation to Home Depot, Hazlet.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

12. Resolution #316-02, Payment of Bills

See full copy of Resolution as pages 22-29 of these minutes.

Offered for adoption by Mr. Hyer, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla*

Ashmore**, Hyer, Stalter***

*Mr. Merla abstained from voting on payment to John Fiorino, Jr. (Magic Touch) $1,374.00; Lomurro, Davison (Magic Touch) $937.50; Awards Unlimited $275.55 and Gatsby's Flowers and Gifts ($50.00). Mr. Merla asked about the purchase of leaf bags and if quotes were required.

**Mrs. Ashmore abstained from voting on all bills concerning Magic Touch vs. Borough of Keyport.

***Mr. Stalter abstained on all bills payable to Wesley Kain, Esq.

11. Resolution #317-02, Health Benefits are not available to Mayor and Council

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

Health Benefits are not available to the Mayor and Councilmembers

Offered for adoption by Mr. Bergen

Mrs. Ashmore had a problem with the wording; it is inaccurate (benefits are available). Mayor Graham said Council as a whole must decide. Mr. Bergen said a policy should be set. Mr. Merla said the Resolution conflicts with the State Plan. Mr. Hyer said the State Plan says benefits must be offered to Mayor and Council. Mayor Graham said decisions should be made as a group. An interpretation is needed on who decides this matter; the individual or the group. Mrs. Ashmore said Council cannot discuss Health Benefits in public and the matter should be investigated further. Mr. Kain will research the decision to participate as a group or if it is an individual decision. Mayor Graham said a letter is needed from the State Plan. Mr. Merla said this was done in the past for elected Officials who participated in the plan. Mr. Merla said the matter should be researched. There was discussion on who would participate and what benefits and salaries Councilmembers have the right to accept. Mr. Bergen said salaries are a different issue. Mr. Merla said the Health Benefits policy says to offer benefits to officials. Some employees will opt out and a dollar amount will be established up to 50%.

This Resolution **did not** pass.

Council went into closed session at 11:30 P.M. and this meeting was reconvened at 12:40 A.M. On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer, Stalter.

ADJOURNMENT

Motion to Adjourn moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

Time of Adjournment: 12:40 AM

Respectfully submitted,

Judith L. Poling/amc

Judith L. Poling, RMC/CMC
Borough Clerk/Administrator

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk