Approved 12/21/04

September 7, 2004
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:03 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer. Others present were Mr. Kain, Borough Attorney and Mr. Palamara, Administrator.

RESOLUTION

1. Resolution #288-04, 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. Tax Office

Litigation
1. 25 Church Street
2. 75 Manchester Avenue

Labor Relations
1. PBA Negotiations

Contract Negotiations
1. New Municipal Complex
2. Keyport Legion Apartments/Garbage Collection

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 Council Chambers 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. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle,
Atkins, Strang, Hyer

Council went into closed session at 7:05 P.M. and this meeting was reconvened at 7:47 P.M.

Mayor Merla called the meeting to order at 8:01 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Stalter, Hyer. Others present: Mr.

Kain, Borough Attorney and Mr. Palamara.

Mayor Merla asked to pause for prayers for President Clinton.

PRESENTATION

1. **Newsletter/The Courier (Bayshore Express).** Debbie Couten of the Courier said they do the Atlantic Highlands Newsletter and have received good feedback. Atlantic Highlands has an Editor and the Courier provides the lay out (2 weeks lead time). Mr. Bergen asked if they help write the text; yes. They can take photos or the Borough can provide them and they will take the Newsletter to the Post Office. Cost $975.00 for 5,000 pieces plus .10 cents to mail (they are put in the carrier routes). Approximate cost to mail $270.00. The Newsletter would be mailed out quarterly. A Christmas edition was suggested. Mr. Wedick recommended asking the school to share the cost. Mr. Hyer said tomorrow there is a shared services meeting at 6:30 PM.

2. **125 Employee Program/AFLAC.** Mr. Palamara, Administrator advised that an employee can opt out of Health Insurance (there are two employees who are eligible). Compensation could be up to 50% and could be taxable. According to the IRS, employees could participate in the 125 Plan. The funds could be used to pay for child care or health care for example - $5,000/year pre tax dollars. There is a $450.00 set up fee per employee plus $5.00 for each employee. The Borough would benefit, saving 8 ½% in taxes, i.e. social security. Mayor Merla asked that the matter be referred to the Finance Committee.

HEARING ON PERSONNEL MATTER

1. Carole Cerase, Senior Permit Clerk. The Hearing was held after the Public Comment portion of the meeting.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of April 14, 2003 and May 20, 2003, Closed Meeting of May 5, 2003, Special Meeting of May 5, 2003 and Work Meeting of June 2, 2003 were approved, moved by Mr. Hyer, seconded to Mr. Doyle, with Ayes by all present except Mr. Wedick and Mr. Strang who abstained.

Minutes of the Reorganization Meeting of January 1, 2004 were approved, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present except Mr. Strang who abstained.

HEARINGS ON ORDINANCES

1. Ordinance #26-04, Amend Ch. VII, "Traffic" Repealing Ordinance #23-03, Stop Intersection Therese Street/Provost Avenue and Parking Prohibited on Manchester between Third & Seventh Sts.

The Borough Clerk reported that the Ordinance was published as introduced, in the Courier, issue of August 6, 2004, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

AN ORDINANCE REPEALING PORTIONS OF AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER VII "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND BOROUGH COUNCIL ON SEPTEMBER 2, 2003 AS ORDINANCE 23-03

The Hearing on the Ordinance was held on August 17, 2004.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Hyer

Abstain: Councilman Strang

1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of September 9, 2004, moved by Mr. Doyle, seconded by Mr. Hyer, with Ayes by all present.

2. Ordinance #17-04, Amend Ch. VII, "Traffic", Stop Intersection Therese Street/Provost Avenue

The Borough Clerk reported that the Ordinance was published as introduced, in the Asbury Park Press, issue of August 11, 2004, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough 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 COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER VII, "TRAFFIC", TO ESTABLISH A STOP INTERSECTION AT THEREASE STREET AND PROVOST AVENUE

The Hearing was opened to the public for comments or questions at 8:17 PM. There being none, the Hearing was closed at 8:17 PM.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Hyer
Abstain: Councilman Strang

1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of September 9, 2004, moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

3. Ordinance #18-04, Amend Ch. XIV, "Water and Sewer", Connection Fees for Fire Suppression or Sprinkler Systems

The Borough Clerk reported that the Ordinance was published as introduced, in the Courier, issue of August 19, 2004, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough 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 COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER VIV, WATER AND SEWER, TO FIX AND ESTABLISH A SCHEDULE FOR CONNECTION FEES FOR FIRE SUPPRESSION OR SPRINKLER SYSTEMS IN RESIDENTIAL AND COMMERCIAL PROPERTIES AND FOR REVISIONS RELATIVE TO PRIVATE FIRE SERVICE

The Hearing was opened to the public for comments or questions at 8:19 PM. There being none the Hearing was closed at 8:19 PM.

1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of September 9, 2004, moved by Mr. Hyer, seconded by Mr. Wedick, with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. An Ordinance Amending Chapter VII, "Traffic", Section 7-7, Loading Zone, West Front Street

Police Chief Gajewski said the sweeper comes through W. Front Street Tuesday and Fridays. This ordinance would require County approval (County Road). Anyone parked there would get ticketed, including tenants. Mr. Wedick advised the Council should look at this very hard. Mr. Bergen said he is not in favor (early in the morning). Mayor Merla said when it was Newberry's, the used to unload in the back. The Ordinance was requested by the owner to unload trailers from 6 am to 8 am. The Ordinance was pulled from the agenda and referred to the Police Chief and Borough Attorney.

COMMUNICATIONS AND PETITIONS

1. Letter from Keyport First Aid Squad commending Virginia Febo, Administrative Clerk for help in restoring the radio frequency and License.

   Motion to put copy in Personnel File, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

2. Letter from the Keyport Board of Education advising of "Keyport Walks" program.

   Motion to approve, moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

3. Letter from Eleanor Magee of Matawan requesting permission for Keyport Red Hat Group to park cars in municipal lot on West Front Street from 10/10-10/14/04.

   Motion to approve, moved by Mr. Doyle, seconded by Mrs. Atkins, with Ayes by all present.

4. Request from St. Joseph Church to waive connection fee for fire suppression system.

   Motion to approve pending publication of Ordinance, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present except Mrs. Atkins who voted Nay.

5. Request from Clean Ocean Action to hold 19th Annual Fall Beach Sweeps on Saturday, October 23, 2004.

   Motion to approve, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

6. Letter from New Jersey State Firemen's Association rejecting application for membership from Thomas D. Gallo, Jr.

   Motion to approve Keyport Fire Department membership only and to receive and file the State Letter, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

7. Letter from attorney for Neighborhood Venture Group, LLC requesting to be grandfathered in under old water/sewer connection fees.

   Motion to deny, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

8. Letter from CalCorp, dba Stultz Fuel requesting vacation of paper

street.

Motion if CalCorp goes before Planning Board, Borough will consider vacation at that time, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present. The property needs a storm water management program.

9. Request from Police Chief Gajewski to hire School Crossing Guard.

   Motion to add a Resolution to hire on the agenda, moved by Mr. Bergen, seconded by Mr. Wedick, with Ayes by all present.

10. Letter from David Olsen expressing interest in the purchase of Borough property corner of Church and Second Streets.

    Motion to refer the matter to the Finance Committee, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

11. Request from Keyport-Aberdeen Women's Softball League to use Cedar Street field from September 14-November 15, 2004 (approved by Special Events Committee.

    Motion to approve, moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present. Bert Morris advised about the condition of the field due to people playing soccer. Motion to refer the use of the field to the Recreation Commission, moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present.

UNFINISHED BUSINESS

1. Historical Society Lease Extension. Referred to the Finance Committee and the Borough Attorney.

2. Mosquito Problem. Mr. Hyer reported that the Mosquito Commission was out in that area several times and sprayed. August surpassed the total for 9 years. Vicky Thompson will meet with the Department of Environmental Protection.

3. Bus for Seniors. The bus would be run for seniors in the high rises to get to the concerts. A part time bus driver (on call) is being sought. Mr. Bergen asked about looking at the SCAT costs. Mr. Palamara said the problem is the person would be on call. Motion to look for a part time driver and authorize $10-12.00 per hour, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

4. Smart Growth Steering Committee. Mr. Doyle reported that they will be submitting a report to the Council soon.

5. Meeting Schedules. Mr. Doyle reported that they will soon be on the Web Site.

6. Antiques and Collectibles. The date is September 12, 2004.

7. Brian Mullen, Esq. Mr. Bergen said that Mr. Mullen should be asked to give up one job, that he cannot act as the Planning Board Attorney and Special Counsel at the same time. Mr. Wedick said he doesn't want to see all the work that has been done in jeopardy. Mayor Merla said this may prohibit moving forward. Mr. Hyer recommended that a letter be sent to Mr. Mullen and Mr. Kain will forward same.

8. Handicapped Parking Space. Mayor Merla said a handicapped parking space was installed in 2003 at Osborn Street and Maple Place. The residents of 147 Osborn Street are asking to have it removed. An Ordinance will have to be adopted.

9. Gateway Park. Home were built on what was formerly the Major's property. Water is running off and goes onto Gateway's property. The Engineer said there should have been storm water management.

Gateway was contacted. A drain is needed before it hits the Gateway property. The Engineer is looking at the problem. Mr. Bergen recommended contacting Schoor Depalma (Mr. Palamara will contact them). Mr. Palamara advised that people are using sump pumps.

10. Senior Center Farmers Market Vouchers. A call was made to the State for 125.

11. Keyport High School Football Field. The Engineer has prepared a sketch for parking spaces and advised that the school should have paved up to the fence. They could put in crushed stone which would give them 20 more spaces.

12. Board of Health Garbage Ordinance. The Downtown Commercial District is abusing the ordinance, they are putting out bags, not cans. The ordinance allows putting garbage out 12 hours before pick up. There were questions on bulk items being put out before time and where is the garbage being stored during the week. Businesses must purchase and use cans. Mr. Wedick said the Landlord Registration will identify the property owners and he asked about the Board of Health changing hours in order to enforce the ordinance. Mr. Bergen said the ordinance should be amended, that it is unfair to subsidize the businesses. Mr. Hyer said he spoke with Kathy Shaw of the KBA and discussed the best way to educate the businesses. Mayor Merla said areas of concern are W. Front Street and Broad Street. Ms. Shaw said everyone has to work hand in hand, either 4 cans or provide a dumpster and businesses could share locations for a dumpster or cans and she has met with the Borough officials. Mr. Bergen said the ordinance is in effect and they must comply by October 1st. Mayor Merla said the Board of Health ordinance has teeth and it need enforcement. Mr. Bergen said it is cost prohibitive and the businesses aren't cooperating. Motion that the Public Works Department hand deliver a letter and cite the ordinance, 4 cans by October 1st per lot and block, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the following. August 31, 2004 Payment of Bills: Current Account-$138,680.00; Water and Sewer Account-$15,688.20; General Capital Account-$978.20; RBIT Account-$1,894.64. The Borough Clerk is transmitting the Agendas for posting on the Web Site. The Water Plant is closed and the Borough is on Shorelands Water. Some things have to be finalized (run Well #8). The Borough has to explore short and long term costs on running the operation. The Public Works have cleared the 324 Main Street site and a bill in the amount of $2,700.00 has been prepared for filing a lien against the property. The First Aid is in need of a generator and Mr. Palamara met with June Atkins, Robert Poling and Ken Krohe. Mr. Fahey of Check Electric checked on the load. There is a grant up to $200,000. Mr. Wedick asked if there is emergency back up in the school, do they have a generator. Regarding the DeFino Contract, there should be an answer tomorrow regarding New Jersey Natural Gas. Mr. Hyer advised Mr. Palamara on information for new water meters and it should be ready for the next meeting on 9/21/04.

ENGINEER'S REPORT

Mr. Freda reported on the following. The low bid received for the Public Works Facility was $1,068,723.00 plus options (approx. $1,400,000). Mr. Bergen said he is exploring other options. Atlantic Street project - one block was skipped from Maple Place to Elizabeth Street. There is an old water main and in order to do the sewer the water main has to be replaced. It would cost $13,000 to retire the line and it would be covered under a change order. When Phase II is being put together, Change Order #2 should be considered for the removal of timber sheathing which is still there in the trenches. Mr. Bergen recommending contacting a company in Matawan to get a price to retire the line and Mr. Freda said there is not enough time and $13,000 is a fair price. The Borough will do well with the Therese Street contract. Mr. Wedick asked about the top coat; in a few more weeks. Mayor Merla said there is a concern about the storage of equipment for the Atlantic Street Project. He asked that the County be contacted about wrapping the curb around onto Church Street. New Jersey Natural Gas Co. have had time to upgrade their services on Prospect, E. Front and Myrtle. Plans were sent to NJNG and they attended the preconstruction meeting and nothing has been done since.

ATTORNEY'S REPORT

Mr. Kain had no report.

NEW BUSINESS

1. Public Works Supervisor Position. Mr. Hyer amended his recommendation and advised that the position will be posted in house.
2. Dive Team. Mr. Strang reported that the Dive Team responded Saturday to Keansburg for a drowning man who passed away. The Team was excellent, it was their first call. Fire Patrol also responded. Mr. Hyer recommended sending the Fire Department a letter.
3. Green Grove Apartments. They are coming before the Planning Board in September.
4. Resolution A191. Mayor Merla advised that the Resolution covers policies and procedures for volunteers. Motion to add a resolution from the Borough to the agenda, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.
5. Bulkhead Project. Mayor Merla advised that the project is ready to go to bid and that the State Aid grant papers have to be signed. Mr. Freda said the State has to know that the Borough and County funds are in place.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:46 PM. Mr. Ludwig, 50 Beers Street requested the Mayor and Council consider the request from the Keyport Legion Apts. regarding the garbage pick up. Mike Lane, First Street asked Mr. Freda about the June 29th letter from Maser's office regarding the Browns Point Marina and Mr. Freda said they posted money in the Escrow Account, that they were inquiring about water service for up to 75 units and they were given information. Mr. Lane asked about the road along the bulkhead. Mr. Lane asked about the redevelopment and the conflict concerning Brian Mullen and if the Planning Board Classes #1 & #3 are involved. Mr. Kain said that Mr. Mullen should answer the question. Mr. Lane asked about the status of the West Furniture property. Mr. Kane advised that they were in court in July, that the matter was carried once, that it was scheduled for August and Mr. Dubleski's attorney requested an adjournment. There is a September 22nd court date. Mr. Lane asked about the property at Beers and W. Front Street, that there is a tractor trailer and cargo vans parked there and what is allowed on the lot. He asked how does the Borough validate that conditions have been met that were approved by the Planning Board. Mr. Kane advised the Borough Engineer does and Mr. Freda said the system is not perfect, but there are checks and balances before a Certificate of Occupancy is issued. The Borough does not have the ability to force him to proceed. Mr. Freda said he receives the plans and conditions and he checks to see that they are done. George Walling, Second Street asked when the Council Meetings will be on the TV and Mayor Merla said the Borough is working in conjunction with the School. He asked if the Council Meetings are taped; yes. He asked about the Administrator's contract; nothing finalized. He asked why the trucks can't unload behind the old Newberry's store; Mayor

Merla said he did not know. Mr. Walling asked about using first and last names. He asked about the difference in the agendas for the public; as per the Administrator. Mr. Bergen said there are two difference agendas and did this create additional work and Mrs. Poling said yes. Mr. Ludwig said the owner of the property at Beers and W. Front Street is not maintaining the property. Mr. Hyer said that Mr. Caddle moved grass. Mr. Ludwig said that Mr. Caddle is storing materials on Mr. Cummins property and there is a lack of code enforcement. Mr. Bergen agreed with Mr. Ludwig, that storage of trailers is not allowed and that employees should be disciplined.

HEARING ON PERSONNEL MATTER

Carole Cerase, Senior Permit Clerk. The Hearing was opened at 10:27 PM. Mayor Merla was excused from the discussion. Carole Cerase and Charles McDonald, IUOE Business Representative. Mr. McDonald said regarding the Disciplinary Action Notice, a letter was received by Carole Cerase dated July 26th and that she asked that this matter be discussed in open session. She did not forward the letter to Mr. McDonald (Mr. Kain gave him a copy) and Mr. McDonald read same. Robert Burlew, was sworn in. He is the Construction Code Official and Department Head and he hold various licenses. Mrs. Cerase is a Senior Permit Clerk. Mr. Kain asked Mr. Burlew about the log and zoning record. Mr. Burlew said it is mandated by the Borough that this be kept, an application is assigned a number and is maintained in a small black book and put in the file to be reviewed by the Zoning Officer (chronological order by date). Mrs. Cerase is trained to do this and does it on a regular basis. In February/March there was a problem with the log which was reported by Anthony Vecchio, Zoning Officer. On 2/25/04 an applicant came in and dropped off an application, but did not pay for it. 10 days went by and the applicant called and asked if this application was approved or denied. Mr. Burlew called Mr. Vecchio to come back to the office. Mr. Vecchio said the application was denied, that the applicant did not pay for it. 2/25/04 & 3/5/05 didn't jive, the entry is out of sequence. Mr. Kain asked if there were any penalties to the Borough? Mr. Burlew said the procedures were in place and are in place. The State looks at all documents and he has discussed the inconsistency. Mrs. Cerase made the entry and said she made a mistake. Mr. Burlew said he is not aware of any relationship between Mrs. Cerase and the Grandons. She was careless. Mr. Bergen asked if only one number is assigned to an application; yes. Mrs. Atkins, Council President polled the Councilmembers for questions. Mr. Wedick asked Mr. Burlew is he was Anthony Vecchio's department head and Mr. Burlew said he didn't know. Mr. Wedick asked the reason this all came about was due to a date issue; yes. Mr. Burlew was asked if he had access to all records; yes. Mr. McDonald said that Mrs. Cerase did not take the request, it was taken by Mrs. Kovacs who gave it to Mrs. Cerase. It was asked when was it given to Mr. Vecchio. Mr. Bergen asked Mrs. Kovacs took the application with no money and didn't give it a number? Mr. Burlew said he did not know. Mr. Wedick asked if the payment was taken after hours (2:30 pm) and that Mr. Vecchio was called? Mr. Kain said there is a personality problem between Mrs. Cerase and Mr. Vecchio. Mr. Kain asked Mr. Burlew if the entry error in the log could be justified and Mr. Burlew said he didn't know. Carole Cerase was sworn in. On 2/25/04 Mrs. Grandon gave an application to Mrs. Kovacs who didn't think a fee was necessary and put the application on Mr. Vecchio's desk. On 3/5/04 Mrs. Grandon called inquiring about the application. Mrs. Kovacs had put it on Mr. Vecchio's desk. Mrs. Cerase said she wrote in the 2/25/04 date stating that there are other mistakes in the book. Mrs. Cerase said she admitted making an error, that she put the wrong date down. She has worked for the Borough for three years and has been a Senior Permit Clerk for one year. Mrs. Cerase said on March 8th she was told by Mr. Burlew not to touch the book. Mrs. Grandon paid the $10.00 fee around 4 PM on 3/5/04. Mrs. Atkins asked if it was the normal occurrence to just take an application and put it in the basket. After this incident, Mr. Vecchio locked his door. The applicant is supposed to put the date on the application. Mrs. Cerase said when the application was returned on 3/5/04,d the 2/25/04 date was not changed. Mr. Bergen asked is the Grandon's copy was used; Mrs. Cerase said yes, that Mr. Vecchio's office was locked. Mrs. Cerase was asked if she took applications without money; no. Mrs. Cerase said that Mr. Vecchio does not put the date of his approval on the application. Mr. Kain asked Mr. Burlew is the employees were trained on procedures. Mr. Burlew said they are given training and doing ok prior to this incident. Mr. Wedick asked if there are any written procedures and if they employees are bonded. Mr. McDonald asked about the 10 day period; time frame in which Mr. Vecchio issues denial letters. Mr. Burlew left the Hearing at 11:33 PM. Mr. McDonald said this was a simple clerical error and that Mrs. Cerase admitted to the mistake and that the charges should be dismissed. Mayor Merla said the Council would render a decision within 14 days.

RESOLUTIONS

1. Resolution #289-04 -04,Renewal of 2004/2005 Liquor License, Adamo, Eugene

WHEREAS, application for renewal of certain plenary retail consumption, retail distribution and club licenses has been made to the Mayor and Council of the Borough of Keyport as hereinafter set forth; and

WHEREAS, the Borough Clerk reports that in each and every instance notice of renewal has been published by the Alcoholic Beverage Control; and

WHEREAS, the Borough Clerk further reports that the requisite fee by each and every applicant has been paid and is in her office; and

WHEREAS, the Borough Clerk reports that each of the applicants has received approval from the Keyport Building Inspection Department and that all pertinent Ordinances of the Borough of Keyport have been complied with by each of the applicants.

NOW, THEREFORE, BE IT RESOLVED that plenary retail consumption licenses be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2004 and ending June 30, 2005, upon application filed by:

1322-33-003-007   Eugene Adamo

BE IT FURTHER RESOLVED that all licenses renewed herein, except Package Stores, but including Retail Consumption Licenses, Retail Plenary Distribution Licenses and Club Licenses, shall have exit and entrance doors to Licensed premises closed during all business hours.

BE IT FURTHER RESOLVED no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2005.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

2. Resolution #290-04, Authorizing the Borough Engineer to Prepare Grant Application for Park Improvement and Road Relocation Through Green Acres Program.

WHEREAS, the Mayor and Council of the Borough of Keyport have determined to apply to the New Jersey Department of Environmental Protection Green Acres Program for a grant relative to certain park improvements and roadway relocation at the present American Legion Waterfront Park location; and

WHEREAS, the Mayor and Council have concluded that such a grant would enhance the ability of the Borough to relocate American Legion Drive and to develop the waterfront park consistent with planned improvements to the Keyport waterfront; and

WHEREAS, the Mayor and Council have received a proposal from the Borough Engineer for engineering services relative the preparation of the grant application to the Green Acres Program dated August 11, 2004, which incorporates engineering services necessary to file a completed application with the Green Acres Program; and

WHEREAS, Borough Engineer has proposed to complete the application, inclusive of all engineering including conceptual site plan, mapping, description, permit inquiries, public hearing and all additional services set forth in the letter proposal of August 11, 2004 a total cost not to exceed $10,500.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer dated Augustb11, 2004 and have determined to authorize the Borough Engineer to undertake this proposal in conjunction with the grant application to the New Jersey Department of Environmental Protection Green Acres Program, subject to the certification of availability of funds by the Municipal Finance Officer.

NOW, THEREFORE BE IT the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. Borough Engineer is authorized to proceed with the engineering services required to submit the grant application for the American Legion Waterfront Park including park improvements and roadway relocation for the Borough of Keyport through the Green Acres Program.

2. Borough Engineer shall provide all engineering services relative to the grant application to be filed with the Green Acres Program as set forth in his letter proposal dated August 11, 2004, upon certification from the Municipal Finance Officer as to the availability of funds from the Borough of Keyport.

3. That a certified copy of this resolution be forwarded to the Borough Engineer and Municipal Finance 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. Doyle, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Stalter, Hyer

4. Resolution #291-04, Authorizing Borough Engineer to Undertake Professional Engineering Service Relative to the Evaluation of the Sanitary Sewer System

WHEREAS, the Mayor and Council of the Borough of Keyport have determined to proceed with the evaluation, repair and renovation of the sanitary sewer system located throughout the Borough of Keyport; and

WHEREAS, the Mayor and Council have concluded that the evaluation must begin with an engineering study to include a closed circuit inspection of the sanitary sewers, the evaluation of inspection reports and the performance of manhole visual inspections within the Borough in order to determine present condition and the scope and areas which require remediation; and

WHEREAS, the Mayor and Council have received a three (3) phase proposal from the Borough Engineer for engineering services relative to the evaluation of the sanitary sewer system dated April 7, 2004; and

WHEREAS, Borough Engineer has proposed to provide engineering services relative to the inspection of the sanitary sewer system within the Borough of Keyport which will include an inspection of the sanitary sewer system through closed circuit television in order to locate and identify leaks and breaks, including the removal of debris to permit the televising which will generate computer generated reports and videotapes which will identify areas in need of remediation for a Phase 1 cost of $113,500.00 and thereafter to make visual inspections of all manholes to supplement the data received from the televising of the lines for a Phase II cost of $21,000.00 and thereafter to provide a sewer system evaluation report which shall include recommended remedial actions and preliminary construction costs in Phase III for a cost of $24,000.00, for a total estimated fee not to exceed the sum of $158,500.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer dated April 7, 2004 and have determined to authorize the Borough Engineer to undertake this proposal in conjunction with the evaluation of the sanitary sewer system, subject to the certification of availability of funds by the Municipal Finance Officer either from bonds or the general revenues of the Borough of Keyport.

NOW, THEREFORE BE IT the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. Borough Engineer is authorized to proceed with the engineering services required relative to the evaluation of the sanitary sewer system within the Borough of Keyport.
2. Borough Engineer shall provide for the television study, inspection and evaluation of manholes and the presentation of a detailed evaluation report with recommendations and estimated construction costs consistent with the proposal dated April 7, 2004, for a total fee, inclusive of all phases in an amount not exceed the cost of One Hundred and Fifty-Eight Thousand, Five Hundred ($158,500.00) Dollars, broken down into various phases and options, upon certification from the Municipal Finance Officer as to the availability of funds from the appropriate bond ordinances or general account of the Borough of Keyport.
3. That a certified copy of this resolution be forwarded to the Borough Engineer and Municipal Finance 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. Doyle, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle,
Atkins, Strang, Hyer

5. Resolution #292-04, 2003 Recycling Tonnage Grant Application

WHEREAS, The Recycling Act, P.L. 1987, c.102, has established a fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the new Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, these recycling regulations impose certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, this resolution will re-memorialize the commitment of Keyport to recycling and to indicate our assent to the requirements contained in the Recycling Act and recycling regulations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, in the County of Monmouth, State of New Jersey that it hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Gallo to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that any monies received from the recycling tonnage grant will be used solely for the purposes of recycling.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

6. Resolution #293-04, Authorize Payment No. 1 to Ace Manzo, Inc. and D. Manzo & Sons, Inc. in the amount of $263,362.46 (Improvements to Therese Avenue)

AUTHORIZING PAYMENT TO: Ace Manzo, Inc. and D. Manzo & Sons, Inc. for services rendered relative to ___th Year Community Development Project for the Borough of Keyport.

WHEREAS, the Borough of Keyport has entered into an agreement with the County of Monmouth for the completion of Therese Avenue; and

WHEREAS, the Borough of Keyport has engaged the services of Ace Manzo, Inc. and D. Manzo & Son, Inc. for the completion of this project; and

WHEREAS, the Borough of Keyport has incurred costs in the amount of $263,362.46; and

WHEREAS, the Governing Body of the Borough of Keyport has determined that Ace Manzo, Inc. and D. Manzo & Son, Inc. has adequately completed the work for which they are now seeking payment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Governing Body of the Borough of Keyport hereby authorizes approval of voucher #___, in the amount of $263,362.46 and submission to the Monmouth County Community Development Program of the appropriate documentation for payment.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

6. Resolution #294-04, Amending Resolution #11-04, Official Bank Depositories (Addition of Depositories)

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in. the state and organized under the laws of the United States or this state; and,

WHEREAS, the CFO has found that Two River Community Bank offers services that are cost effective and beneficial to Keyport and he recommends adding this bank as an official bank for Keyport; and,

WHEREAS, changes in Borough staffing and operations require that the list of approved signators be updated,

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

1. Fleet Bank, First Union, Sovereign Bank' of New Jersey, Shrewsbury State Bank, Two River Community Bank and New Jersey Cash Management Fund be and the same are hereby designated as the Depository Banks for the funds of the Borough of Keyport for 2004; and

2. Prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Chief Financial Officer a statement indication that the bank is covered under the Governmental Unit Deposit Protection Act (R.S. 17:9-41)

3. Said banks are hereby authorized and directed to honor checks drawn upon said banks signed by three of the following five, The Mayor, Borough Administrator, Borough Clerk, Chief Financial Officer, and/or Treasurer. In the absence of the Mayor, The Council President or Finance Chairman shall be an authorized signator and, in the absence of the Borough Clerk, the Deputy Borough Clerk shall be an authorized signator.

4. This resolution shall replace resolution 11-04.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

7. Resolution #295-04, Amending Resolution #209-04 Which Authorized the Mayor and Borough Clerk to Execute Agreement with NJ American Changing the Authorization to Administrator with Applied Water Management

WHEREAS, the Mayor and Council have previously authorized the Mayor to enter into an agreement with New Jersey American Water relative to the operation and management of the Keyport Water Plant; and

WHEREAS, following negotiations between the Borough of Keyport and New Jersey American Water, a proposed agreement was presented for review and execution by the Borough prior to the operation o0f the water plant; and

WHEREAS, based upon negotiations between the parties, the final draft agreement was modified to include Applied Water Management, a subsidiary or partner of New Jersey American Water, which agreement contained terms previously reviewed and approved by the governing body; and

WHEREAS, the final agreement between the Borough and Applied Water Management was duly executed by the Administrator in order to commence the operation of the water plant; and

WHEREAS, the Mayor and Council desire to amend Resolution No. 209-04 to provide for the agreement with Applied Water Management and the execution of same by the Administrator.

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

1. Resolution 209-04 adopted by the Mayor and Council is hereby amended to provide that that the actual agreement shall be between the Borough of Keyport and Applied Water Management and that the aforesaid agreement be executed by the Borough Administrator.

2. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Attorney, and a copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

9. Resolution #296-04, 2004 Salaries for Administrative and Non Union Employees

WHEREAS, the Mayor and Council periodically fix and determine the salaries for all employees of the Borough of Keyport;

WHEREAS, the Mayor and Council have determined to fix and determine the annual salaries for the following administrative and non union employees of the Borough of Keyport to be effective as of January 1, 2004.

NOW, THEREFORE, BE and it is HEREBY RESOLVED by the Mayor and Borough Council of the Borough of Keyport, that the following annual salaries be and are hereby established for the indicated positions as filled by the present and/or prior named employees effective January 1, 2004 or the effective date of hire or transfer, whichever is later, in accordance with the salary ordinances currently in effect:

1.

TITLE/ EMPLOYEE	EFFECTIVE 1/1/2004
Administrator (Poling 1-1-04 to 2-29-04)	$15,334.14
Borough/Election Clerk (Poling)	$54,183.57
Deputy Borough Clerk (Clemente)	$26,520.00
Court Administrator (Coffey)	$35,508.58
Deputy Court Administrator (Deverikos)	$24,333.06
Superintendent of Public Works (Sappah)	$76,040.81
Administrative Clerk (Febo)	$45,246.53
Supervisor of Senior Center Activities (Tooker)	$35,924.78
Tax Collector (Redmond 1-1-04 to 3-31-04)	$63,263.92
Treasurer (Redmond 1-1-04 to 3-31-04)	$15,123.24

2. The salaries stated above do not include longevity which shall remain unchanged and continue under the previous resolution.

3.

TITLE/ EMPLOYEE	EFFECTIVE 1/1/2004
Chief Financial Officer	$42,699.28

4. All additional terms and conditions of any previous salary resolution not affected by the within Resolution shall continue in full effect.

5. A copy of the within resolution shall be forwarded to the Municipal Finance Officer and a copy shall further be maintained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

10. Resolution #297-04, Payment of Bills

(copy of Resolution attached hereto and made part of these minutes)

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

11. Resolution #298-04, Hire School Crossing Guard/Catherine Cobb

WHEREAS, there is a present need to fill the position of School Crossing Guard; and,

WHEREAS, the Captain has recommended that Catherine Cobb be hired for this position; and,

WHEREAS, sufficient funds have been provided in the 2004 Budget for this position; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Catherine Cobb is hereby hired as a School Crossing Guard, effective September 8, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $9.90 per hour, the salary in effect as per current Salary Ordinance and Salary Resolution; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

12. Resolution #299-04, Recognize 75th Anniversary of the New Jersey Society of Municipal Engineers and New Jersey Municipal Engineers Week, September 26 60 October 2, 2004.

WHEREAS, during 2004, the New Jersey Society of Municipal Engineers is celebrating its 75th Anniversary, and

WHEREAS, the Borough of Keyport is pleased to join the New Jersey society of Municipal Engineers in marking and observing its 75th Anniversary and September 26 to October 2, 2004 as New Jersey Municipal Engineers Week, and

WHEREAS, Founded in 1929, the New Jersey Society of Municipal

Engineers has continued to fulfill its mission of improving the quality of life of New Jersey communities through municipal engineering, and

WHEREAS, the New Jersey Society of Municipal Engineers encourages high professional standards and the improvement of the professional and social status and welfare of municipal engineers in New Jersey, and

WHEREAS, the New Jersey Society of Municipal Engineers discourages the influence of party politics in the selection or retention of municipal engineers over the efficient and professional administration of the office of the Municipal Engineer, and

WHEREAS, for seventeen years, the New Jersey Society of Municipal Engineers, through the New Jersey Municipal Engineering Institute has administered programs dedicated to the continuing educational needs of professional engineers practicing municipal engineering; and

WHEREAS, in addition, the New Jersey Municipal Engineering Institute has administered the Certified Municipal Engineer program to introduce engineers to both the technical and administrative areas that are encountered in the practice of municipal engineering, and the N.J.M.E.I. also co-sponsors programs with Rutgers University to assist municipal engineering departments through educational programs, and

WHEREAS, it is altogether proper and fitting for the Borough of Keyport to recognize The 75th Anniversary of the New Jersey Society of Municipal Engineers and New Jersey Municipal Engineers Week as significant occasions in this State, now, therefore

BE IT RESOLVED by the Borough of Keyport that the Borough of Keyport hereby recognize the occurrence of the 75th Anniversary of the New Jersey Society of Municipal Engineers and New Jersey Municipal Engineers Week September 26 to October 2, 2004 and extends sincere best wishes and congratulations and,

BE IT FURTHER RESOLVED, that a duly authenticated copy of this resolution, signed by the Municipal Clerk, be transmitted to the New Jersey Society of Municipal Engineers and the Municipal Engineer for the Borough of Keyport.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle,
Atkins, Strang, Hyer

13. Resolution #300-04, Request Extension of Time for FY 2004 NJDOT Trust Fund Improvements to Atlantic Street - Phase II

WHEREAS, the Borough of Keyport has previously been awarded funding from the New Jersey Department of Transportation through the New Jersey Transportation Fund Authority for improvements to Atlantic Street - Phase II, which the Mayor and Council believe will afford the opportunity to undertake significant repairs for the benefit of the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council been advised by the Borough Engineer that an extension of time is required to prepare appropriate specifications and award a contract for the Phase II completion of Atlantic Street; and

WHEREAS, the Borough Engineer has advised the Mayor and Council of the need for the extension based upon the fact that the within project will not be awarded within the twelve (12) month period that the New Jersey Department of Transportation requires for its funding; and

WHEREAS, the Mayor and Council are resolved to request an extension of the New Jersey Department of Transportation by which to complete Phase II of the Atlantic Street Project.

NOW, THEREFORE BE IT the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. The Mayor and Council hereby formally request of the New Jersey Department of Transportation an extension of time for the FY 2004 NJDOT Trust Fund Improvements to Atlantic Street - Phase II in the amount of the funding approved for Atlantic Street - Phase II.

2. That two (2) certified, fully executed copies of this resolution be forwarded to the New Jersey Department of Transportation, Robert Werkmeister, District 3, Borough Engineer and Municipal Finance 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. Doyle, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

14. Resolution #301-04, Authorize Payment to Tideland Council/Park Grant

WHEREAS, the Borough of Keyport has made application to obtain a riparian grant from the Tidelands Resource Council for property identified as Block 21.01, Lot 49, on the Tax Map of the Borough of Keyport; and

WHEREAS, the Borough has received notification that the Tidelands Resource Council voted to approve both a modified riparian grant and an interim riparian license to the Borough of Keyport for the waterfront area in the vicinity of American Legion Drive; and

WHEREAS, due to the delay in finalizing the riparian grant, the Tidelands Resource Council has approved an interim license in favor of the Borough for a term of seven (7) years with an annual fee of $279.00 per year together with a one-time processing fee of $100.00, which license would permit the Borough to perform construction related activities on the within property located adjacent to American Legion Drive; and

WHEREAS, the Mayor and Council are determined to accept the issuance of an interim license and to authorize payment of the requisite licensing fees to the Bureau of Tidelands Management.

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

1. The Mayor and Council hereby authorize the Borough of Keyport to accept the issuance of a seven year riparian license for the property identified as Block 21.01, Lot 49 on the Tax Map of the Borough of Keyport, which property is the site of scheduled construction related activities including the replacement of the bulkhead.

2. The Borough hereby authorizes the immediate payment of an annual fee during the term of the license of $279.00, together with a one-time set up fee of $100.00, payable, in separate checks, to the Treasurer-State of New Jersey, which shall be forwarded to Special Counsel, Gordon N. Litwin, Esq., for processing through the Tidelands Resource Council.

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, Borough Attorney and Special Council, Gordon N. Litwin, Esq., and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

15. Resolution #302-04, Hire Clerk, Tammy O-Steen

WHEREAS, there is a need to hire a Clerk; and

WHEREAS, applications were submitted, interviews held and a recommendation has been made by the Tax Collector/Treasurer and the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that **TAMMY O'STEEN** is hereby appointed Clerk, effective September 13, 2004, at an annual salary of $23,000 in accordance with Salary Ordinance #15-04.

BE IT FURTHER RESOLVED that the appointment carries a 90 day probation period ending on December 6, 2004.

BE IT FURTHER RESOLVED that the appointee is assigned to the Tax, Water/Sewer, Finance Department.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

16. Resolution #303-04, Additional Advertising Relative to the Receipt of Bids for the Solid Waste and Recyclable Collection Services Contract in the Asbury Park Press and Newark Star Ledger

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized receipt of bids for a contract for the Collection of Solid Waste and Recyclable Materials within the Borough of Keyport, which bid was duly advertised by the Borough of Keyport for bids to be received on November 8, 2004; and

WHEREAS, the Mayor and Council have determined that it would be in the best interest of the Borough of Keyport to authorize additional advertising in order to notify perspective bidders of the Solid Waste Contract offered by the Borough and to further promote competitive bidding on said contract, and

WHEREAS, the Mayor and Council have determined based upon the recommendation of the Borough Attorney to authorize additional advertisement in the Asbury Park Press and Star Ledger to promote the within Contract to perspective bidders; and

WHEREAS, the Mayor and Council are resolved to authorize the Borough Clerk to advertise an Invitation To Bid for the Solid Waste and Recyclable Materials Collection Services Contract in newspapers of wider statewide circulation in order to further promote competitive bidding.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize the Borough Clerk to publish notice of the Invitation to Bid for the Solid Waste and Recyclable Materials

Collection Services Contract in the Asbury Park Press and Newark Star Ledger as soon as practical for bids to be received on November 8, 2004.

2. That a copy of the within Resolution, duly certified, be forwarded to the Borough Attorney and Municipal Finance Officer.

3. That a copy of the within resolution shall be retained in the office of the Borough Clerk for public inspection according to law.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

17. Resolution #304-04, Atlantic Street Phase I Contract, Change Order No. 1, $13,000

WHEREAS, the Mayor and Council of the Borough of Keyport did previously award a contract to Ace Manzo Inc and D. Manzo & Son, Inc., for certain improvements to Atlantic Street (Phase 1), which included the full road repavement, installation of curbs and sidewalks together with such other improvements set forth in the base bid together with base bid Option "A" consisting of replacement of sewer pipe, sanitary sewer and sanitary sewer house connections based in part upon a grant received from the New Jersey Department of Transportation to the Borough of Keyport, as delineated within the bid specifications for the within project; and

WHEREAS, the successful bidder did commence work in accordance with the contract with the Borough of Keyport; and

WHEREAS, during the course of the street opening for the replacement of various sewer pipes it was determined to close a section of water line between Elizabeth and Maple Avenue and retire said main from service due to the location and condition of said line; and

WHEREAS, the Mayor and Council have reviewed the proposed Change Order No.1which provides for the retirement of the existing 100 year old water line between Elizabeth and Maple Avenue and the connection of the present water service through the existing 12" main, which replacement will result in an increase project cost of $21,960.00, inclusive of all costs for material and labor as set forth in a letter proposal by the Borough Engineer dated September 3, 2004; and

WHEREAS, based upon the nature and scope of the project, the recommendation of the Borough Engineer and the condition of the existing water line, the Mayor and Council are resolved to approve Change Order No.1 subject to the certification of the Municipal Finance Officer as to the availability of funds from either the current grant or existing bond ordinances of the Borough of Keyport.

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

1. The Mayor and Council hereby approve Change Order No.1 to the Improvements to Atlantic Street (Phase I) to authorize the retirement of a water line between Elizabeth and Maple Avenues in the total sum of $21,960.00 as set forth in a proposal dated September 3, 2004 as prepared by the Borough Engineer and consented to by the contractor, Ace Manzo Inc., and D. Manzo & Son, Inc.

2. Ace Manzo, Inc., and D. Manzo & Son, Inc., shall perform all work set forth in Change Order No. I, including the retirement of the water main as set forth in the written proposal dated September 3, 2004 for a total sum of $21,960.00.

3. The Mayor and appropriate officials are authorized to execute the within change order with Manzo, Inc., and D. Manzo & Son, Inc., upon certification of the availability of funds by the Municipal Finance Officer.

4. The Change Order shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer.

5. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

18. Resolution #305-04, Support of Assembly Resolution No. 191 on Volunteerism

BE IT RESOLVED AS FOLLOWS:

The Mayor and Council of the Borough of Keyport encourages volunteerism as a fitting and lasting tribute to the horrific events that occurred in New York City, Washington, D.C. and Pennsylvania the morning of September 11, 2001.

BE IT FUTHER RESOLVED AS FOLLOWS

The Mayor and Council of the Borough of Keyport support Assembly Resolution No. 191 which was introduced on June 21, 2004 and sponsored by Assemblyman Peter C. Eagler, District 34 (Essex and Passaic) urging counties and municipalities to adopt policies and procedures which encourage volunteerism during September 11 through September 17 and to track level of volunteerism.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer

ADJOURNMENT

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

Time of Adjournment: 11:39 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk