

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 7:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen. Others present: Mr. Litwin, Borough Attorney.

RESOLUTION

1. Resolution #59-01, 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. Borough Clerk's Office
2. Police Department
3. Public Works Department

Litigation

1. RCG vs. Borough of Keyport

Labor Relations

1. PBA Negotiations
2. Administrative and Non Union Negotiations

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 Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

Council went into Closed Session at 7:11 P.M. and this meeting was reconvened at 7:50 P.M. On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen.

2. Resolution #60-01, Closed Meeting - Labor Relations

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

Labor Relations

1. IUOE Grievances: Public Works/PSTO and Clerical Units

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:

Labor Relations

BE IT FURTHER RESOLVED that the discussions on Labor Relations 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 10 minutes.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

Council went into Closed Session at 7:51 P.M. and this meeting was reconvened at 8:05 P.M.

Mayor Graham called the meeting to order at 8:12 P.M. and read the Sunshine Law Notice. Councilmember Ashmore led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen. Others present: Mr. Litwin, Borough Attorney and Mr. Kriskowski, Borough Engineer.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of December 19, 2000, Closed Meeting of December 19, 2000, Special Meeting of December 27, 2000 and Reorganization Meeting of January 1, 2001 were approved as read on motion of Mrs. Atkins, seconded by Mr. Pedersen with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #1-01, Amend Chapter II/Prosecutor and Alternate Prosecutor Positions

The Clerk read the Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II, ENTITLED "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO DEFINE THE POSITION OF MUNICIPAL PROSECUTOR AND TO ESTABLISH AND TO DEFINE THE POSITION OF ALTERNATE MUNICIPAL PROSECUTOR

BE IT ORDAINED by Mayor and Council of the Borough of Keyport, a municipal corporation of the State of New Jersey, located in Monmouth County, thereof as follows:

Section 1. Chapter II entitled "Administration" of the Revised General Ordinances of the Borough of Keyport is hereby amended and supplemented as follows:

2-19 MUNICIPAL PROSECUTOR: ALTERNATE MUNICIPAL PROSECUTOR

2-19.1 Appointment. Pursuant to, and in conformity with the laws of the State of New Jersey, there shall be a Municipal Prosecutor of the Borough of Keyport who shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Mayor, with the advice and consent of the Council, for a period of one (1) year from the first day of January of the year of appointment and until a successor has been duly appointed and qualified. The Municipal Prosecutor shall receive a fixed salary as may be agreed upon and authorized by the Council, and may, with the approval of the Council, be entitled to additional compensation for an assignment to prosecute a de novo appeal in the Superior Court.

2-19.2 Powers and Duties. The Municipal Prosecutor shall (1) represent the State, the County or the Borough in the prosecution of all offenses, except for zoning violations, within the statutory jurisdiction of the Municipal Court of the Borough of Keyport, except as may be otherwise provided by law; and (2) be responsible for handling all phases of the prosecution of an offense, including but not limited to discovery, pretrial and post trial hearings (excluding de novo appeals in Superior Court), motions, dismissals,

removals to Federal District Court and other collateral functions authorized to be performed by the Municipal Prosecutor by law or the Rules of Court adopted by the Supreme Court of New Jersey. In furtherance of such general powers and duties, but without limitation thereto, the Municipal Prosecutor may, in accordance with the Rules of Court:

a. Authorize private attorneys to prosecute citizen complaints filed in the municipal court, or decline to participate in Municipal Court proceedings in which the defendant is not represented by counsel; provided he/she does so with approval of the court.

b. Move, at any time, before the Municipal Court to amend or dismiss any complaint for good cause shown.

c. Recommend the acceptance of a plea to a lesser or other offense to the Municipal Court.

d. Move before the Municipal Court to amend the original charge.

2-19.3 Removal From Office. In addition to any of the other means provided by law for the removal from office of a public official, a Municipal Prosecutor may be removed by the Mayor and Council for good cause shown and after a public hearing, and upon due notice and an opportunity to be heard.

2-19.4 Alternate Municipal Prosecutor. There is hereby established for the Borough the position of Alternate Municipal Prosecutor, who shall act in the place of the Municipal Prosecutor if there is a vacancy in the office of Municipal Prosecutor, or if the Municipal Prosecutor is temporarily unavailable (including instances where conflict of interest preclude participation). The Alternate Municipal Prosecutor shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Mayor with the advice and consent of the Council for a period of one (1) year from the first day of January of the year of appointment and until a successor has been duly appointed and qualified. The Alternate Municipal Prosecutor shall receive a fixed salary and may be agreed upon and authorized by the Council, any may, with the approval of Council, be entitled to additional compensation for an assignment to prosecute a de novo appeal in the Superior Court.

Section 2. 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 3. 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 4. This Ordinance shall take effect immediately following passage and publication as required by law.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of January 18, 2001 for a Hearing to be held February 6, 2001 moved by Mrs. Atkins, seconded by Mr. Pedersen with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. This past Saturday (1/13) she attended the Newly Elected Officials meeting at Brookdale. She has spoken to Police Chief Gajewski. Union Beach asked for First Aid assistance on January 4th; a Union Beach Council representative remarked on how efficient the response was (it is unknown who responded-she will find out). A meeting will be held on January 17th at 3 PM between the Police Committee and Chief Gajewski.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr.

Antonucci did not have a report.

Councilman Merla; Fire: Mr. Merla reported on the following. A Chandler Avenue resident, Linda Miele, called him on behalf of her mother. There is an abandoned house on First Street that flooded; Public Works cut the water off at the curb. Since the house was abandoned the water did damage to the neighbors house. The Fire Department pumped water out into the storm drain; he asked if the owner should be billed. He asked Mr. Bergen about the Fire Chief's budget and if it could be done as a Committee. Mr. Bergen said that some budgets are still due; he will contact Mr. Fallon to find out who has not submitted their budget. There are several issues for 2001 and he requested a 5% reduction. At the last meeting there was a complaint from a Theresa Street resident regarding the Barrier not being in place. Police Chief Gajewski said that there is a barrier there. Mr. Merla asked if the trees were cut; Chief Gajewski did not notice. There were year end reports submitted and the Property Maintenance Officer asked for a town wide clean up; Mr. Merla asked that the Recycling Committee discuss this along with the three permit per household idea submitted by Councilman Pedersen (he will support this). Mr. Pedersen said that two more dumpsters were bought and he will check with Holmdel regarding how they handle: who can dump and if proof of home ownership is required. This will need rules and regulations.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. For December, There were 1253 books and magazines circulated, 1004 residents registered, 55 new books, 1042 patrons and 179 people used the computers. The year end Library report was 297 people used the library a day, 19,904 books and magazines were circulated, 8,189 children's books were taken out, 18,589 patrons and 2,862 used the computer. There is a Drug Alliance meeting in the County Friday, January 26th regarding the 2001 grant package; Barbara Hilliard, Coordinator, will attend.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen reported on the following. The budget process has begun.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen reported on the following. There were two water main breaks on the Highway at the end of Main Street and one in front of Pinebelt. Oswald will clean up the hot spots; restaurant grease. Mr. Sappah had them come in (2 at pumping stations and they worked off on his list - Atlantic Street). Eight sites have been completed. On January 15th there was a fire call at I-Hop for a traffic accident which required the jaws of life (hats off to the Police, Fire and First Aid).

Administrator Poling: Mrs. Poling reported on the following. Wright Express does not handle diesel. Mr. Pedersen said that the site should be moved and the Borough should look at Bill Wright (Stultz Fuel vs. buying at Bill Wright). Mr. Kriskowski reported regarding the Green Grove Avenue Bridge, the County did the work themselves; they will return to repair the road. With regard to the M-14 Bridge, Receipt of Bids were received January 16th and they will be awarding the contract in one week (next Thursday). This project will be started in mid-February; the bridge will be down for 75 days and completed by Memorial Day. There are plans for total reconstruction (4-5 years ahead).

Engineer Kriskowski: Mr. Kriskowski reported on the following. The Washington Street snow signs were replaced. The Third and Partial Payment for Manzo is on tonight's Payment of bills; he recommended approval. The Ventrone matter listed under Unfinished Business will be held.

Attorney Litwin: Mr. Litwin reported on the following. A settlement has been reached regarding the Cablevision Ordinance. A proposed Ordinance was sent to them for review and then will be sent to the Office of Cable Television. RCG Construction (4th lowest bidder) filed suit against the Borough regarding the new Municipal Complex contract award. The matter went before Judge Lawson in Superior Court last Thursday and he put a freeze on the matter, but has not determined the merits of the suit. RCG claims that A&K did not register the subcontractor before the biddings; the Statutes states before bids or engaging in construction. The subcontractor did not submit the bid and they registered. RCG also claims that the Corporate Resolution was not signed; A&K filed a correcting resolution (99% owned by signer-Mr. Mallory). There

will be a hearing before Judge Lawson on February 15th; there are briefs to file. Maharaj has also filed suit; Mr. Litwin assumes both matters will be heard at the same time. Mr. Merla asked if the Borough could sue because this will delay the project; it could cost \$117,000 (RCG vs. A&K). Mr. Merla said that the cost of construction materials could be higher if the project is not started on time.

Mayor Graham: The Mayor reported on the following. He attended the Bayshore Conference of Mayors Meeting with Mr. Pedersen on January 5th; the Monmouth County Improvement Authority spoke. An Interlocal Agreement for the Building Department was discussed with Aberdeen; he met with Mr. Coren and Dennis Peno to give them an overview. They met with Annette Kovacs on January 18th. The Department of Community Affairs and Mr. Peno will review the Building Department regarding personnel and they will respond. Mrs. Poling spoke with Mr. Czech of Middletown to find out what permits are open; Mr. Czech will speak with Joseph Kachinsky. With the new Interlocal, Keyport would pay a percentage of the Officials salary and adjustments would be made according to time sheets. The Mayor will speak with Mr. Fallon, Chief Financial Officer, on how this could be handled. He and Mrs. Atkins attended the BID Board of Directors meeting; the 2001 budget is being prepared. There are three Committees chaired by Mr. Fink, Mr. Carton and Mr. Gale. The first official quarterly meeting will be on January 22, 2001, 7 PM in the Keyport Central School. The Mayor will make a presentation on the Bulkhead Project.

REPORTS OF DEPARTMENTS

2000 Year End Reports

1. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	\$ 2,300.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	2,000.00
POOL PERMIT	525.00
METER WITH TURN ON	800.00
DEMOLITION	900.00
TOTAL	6,525.00

CURRENT ACCOUNT

BINGO	\$ 2,020.00
GUN PERMIT AND ID	871.00
LIMO LICENSE	520.00
PHOTOCOPIES	463.75
POSTAGE	30.70
RAFFLE	1,350.00
TAXI DRIVER	40.00
TAXI OWNER	150.00
POLICE DEPT ACCIDENT REPORTS	4,934.50
SEARCHES	40.00
VENDING MACHINES	360.00
PEDDLAR	-0-
LIQUOR LICENSE	23,250.46
STREET OPENINGS	2,775.00
FISH AND GAME	21.00
TOW TRUCK	700.00
PARKING PERMITS	190.00
RECYCLING PERMITS	11,790.00
AUCTION PERMITS	420.00
LIQUOR LICENSE APPLICATIONS	12.00
NEWSPAPER VENDING MACHINES	425.00
SEASONAL BUSINESS LICENSE	100.00
FAX TRANSMISSION	6.00
RETURNED CHECK CHARGES	40.00
TOTAL	\$50,509.41

RECREATIONAL BAYFRONT ACCOUNT

PASSES	\$ 25,430.00
BAIT	1,639.00
ICE	350.50
ICE CREAM/SODA	569.50
TOTAL	\$ 27,989.00

ESCROW ACCOUNT

CASH REPAIR DEPOSITS \$ 6,189.00

TOTAL AMOUNT COLLECTED \$ 91,212.91

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

2. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

3. Board of Health's Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE \$42,229.00

DOG LICENSES	\$ 6,617.00
CAT LICENSES	997.00
MARRIAGE LICENSES	1,540.00
BURIAL PERMITS	400.00
DEATH CERTIFICATES	16,300.00
MARRIAGE CERTIFICATES	825.00
BIRTH CERTIFICATES	40.00
POOL PERMITS	200.00
PLAN REVIEW	600.00
FOOD HANDLERS	14,520.00
MISCELLANEOUS	210.00

Submitted by Anne R. Biagianti, Treasurer

December 2000

1. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	\$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	-0-
WATER METER W/TO	-0-
DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #	\$ -0-

CURRENT ACCOUNT

BINGO LICENSE	\$ 2,020.00
GUN PERMITS & ID'S	90.00
LIMO LICENSE	80.00
PHOTOCOPIES	-0-
POSTAGE	-0-
RAFFLE LICENSE	20.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	705.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	150.00
FISH & GAME	7.00
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	765.00
PARKING PERMITS	30.00
AUCTION LICENSES	-0-
TOW TRUCK OPERATORS	500.00
SEASONAL BUSINESS LICENSE	50.00
TOTAL CURRENT, CHECK #3411	\$ 4,417.00

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3412 \$ 3,052.00

TOTAL RECEIPTS \$ 7,469.00

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

2. Tax Collector's Report

2000 TAXES	\$115,804.68
1999 TAXES	-0-
2001 PREPAID TAXES	21,828.11
PRIOR YEARS TAXES	-0-

PROPERTY REDEEMED	-0-
INTEREST AND COSTS	6,822.72
TAX SEARCHES	10.00
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	14,100.00
RETURNED CHECK CHARGES	20.00
ALL OTHER MISCELLANEOUS REVENUE	130,671.02
TOTAL CURRENT RECEIPTS	\$289,256.53

WATER & SEWER RENTS	\$ 92,107.60
INTEREST AND COSTS	533.09
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	13.00
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	1,500.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	5,500.00
TOTAL WATER/SEWER RECEIPTS	\$ 99,653.69

Submitted by Pauline Redmond, Tax Collector

3. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
CONSTRUCTION STATE FEE	24	\$ 107.00
CERTIFICATE OF OCCUPANCY	26	680.00
PLUMBING PERMITS	14	845.00
ELECTRICAL PERMITS	8	890.00
BUILDING PERMITS	8	1136.00
FIRE SUB CODE	11	710.00
CONST CERT OF OCCUPANCY	0	-0-
ZONING PERMITS	4	40.00
200 FT PROPERTY LIST	3	30.00
TRANSFER OF TITLE	6	210.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISCELLANEOUS (FENCE)	1	25.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	26	520.00
CONST. DEPOSITS REFUNDABLE	1	50.00
TOTAL		\$ 5,243.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2327	\$ 5,086.00
STATE FEE DUE - PAID QUARTERLY (OCT-DEC)	343.00

Submitted by Annette Kovacs, Senior Permit Clerk

4. Police Department/Traffic Safety Report

Total Amount received	\$ 705.00
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Submitted by Theodore Gajewski, Police Chief

5. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

6. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$6,787.00
DOG LICENSES	\$ -0-
CAT LICENSES	-0-
MARRIAGE LICENSES	112.00
BURIAL PERMITS	35.00
DEATH CERTIFICATES	1,150.00
MARRIAGE CERTIFICATES	40.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-

PLAN REVIEW
FOOD HANDLERS
MISCELLANEOUS

-0-
5,430.00
20.00

DISBURSEMENTS

CHECK #2630 - BOROUGH OF KEYPORT MISC. ACCT	\$6,687.00
CHECK #2631 - BOROUGH OF KEYPORT TRUST ACCT	100.00
CHECK # - BOROUGH OF KEYPORT DOG ACCT	-0-
CHECK # - NJ STATE DEPT OF HEALTH	-0-

Submitted by Anne R. Biagianti, Treasurer

8. Fire Department Report

Total Company runs: 160
Mileage on Chief's car: 95,428

Submitted by Anthony Vecchio, Fire Chief

9. Municipal Court Report

STATE FINES	\$ 499.00
STATE SURCHARGE	17.00
STATE UNINSURED	713.00

COUNTY FUNDS	1,126.60
COUNTY FINES	5,462.75

MUNICIPAL FINES	5,462.75
MUNICIPAL COSTS	3,541.00
MUNICIPAL PARKING	1,180.00
MISCELLANEOUS	1,949.90

Submitted by Kathy Coffey, Court Administrator

10. Property Maintenance Officer Report

See full copy on file in the Clerk's Office

Submitted by James Poling, Property Maintenance Officer

Motion to Accept reports as submitted moved by Mr. Pedersen, seconded by Mrs. Atkins with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Resignation from Terrence Keel, Environmental Commission

Motion to Accept with regret moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

Mayor Graham said that he had a replacement for the vacancy.

WHEREAS, the Mayor and Council of the Borough of Keyport have established, by Ordinance, an Environmental Commission consisting of seven members; and

WHEREAS, the Ordinance provides that the Mayor shall appoint all members of the Commission.

NOW, THEREFORE, BE IT RESOLVED that I, Kevin Graham, Mayor of the Borough of Keyport, do hereby appoint the following member of the Environmental Commission for an unexpired three year term.

1. Rebecca Chen 1/16/01 to 12/31/2002

2. Off Premise Cash Raffle License, Application from Keyport High School Mothers Club (5/17/01)

Motion to Approve moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

3. Nicholas Devincenzo's Fire Department Membership Application

The State denied the application. Mr. Merla said that he will check into the matter. The matter was held.

4. Eagle Hose Application for Super 50/50 Raffle License.

Motion to Approve moved by Mrs. Atkins, seconded by Mr. Bergen with Ayes by all present.

5. Request from PBA for permission to use the Main Street Ballfield (May 19th) for their 1st Annual Bike Tour.

This matter was held until verification of use of the field for baseball is checked into.

6. Letter from Julie Lundberg Maddox regarding water/sewer bill (broke water pipe).

Ms. Maddox will be advised to wait until she receives her water bill.

Motion to refer to the Public Works Committee and Mrs. Poling moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

UNFINISHED BUSINESS

1. **Bulkhead Project.** Mr. Bergen said that there is a Resolution to award the Survey/Geotechnical work on tonight's agenda. Mr. Kriskowski said that the work will take three weeks. Mr. Pedersen asked about the initial test borings behind the Bulkhead. Mr. Kriskowski said that it has been established that there is a problem and borings were done. Now the area of concern will be isolated.
2. **Demolition of Annex/Relocation of Offices.** Mrs. Atkins and Mrs. Poling met with Wendy Tooker, Senior Center Director, about using the downstairs room in the Senior Center to house the Annex Offices. Equipment needs to be relocated. Shelving can be put up in the left room. Using the Senior Center would save on the cost to rent office space. The Annex personnel has been notified to start sorting their files. It is not easy to find a place.
3. **Prosecutor, Alternate Prosecutor and Public Defender.** Mayor Graham said that Mayor and Council appointed Pasquale Menna as Prosecutor on January 1st and he has resigned. An alternate Prosecutor is needed. Patrick Healy was appointed Public Defender on January 1, 2001 and has resigned because he was appointed as Prosecutor in Hazlet and cannot serve in both positions. The Mayor recommended the appointment of Mr. Healy as Prosecutor. Alan Falk would serve as Alternate Prosecutor. The Public Defender position will be on hold. Motion to list resolutions accepting the resignations and appointing Mr. Healy as Prosecutor moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.
4. **Fire Patrol/1972 Hahn Pumper.** Mr. Litwin asked about the Borough keeping the truck and Fire Patrol fix it up. He asked if the truck was still on the Borough's insurance policy. Mr. Litwin said that the problem is the value of the truck. Mr. Merla said put the truck out to bid and Fire Patrol can bid on it. The value of the truck needs to be indicated by an outside company Engineer and given to the Borough Administrator. The truck could be sold and the title conveyed and then they would have to insure it immediately (a Resolution should be done).
5. **First Aid Cadet Donation.** Mayor Graham said that he met with Ken Krohe and it would cost \$3500 to outfit 14 cadets. This matter was referred to Mr. Bergen, Finance Chairman for possible inclusion in the temporary budget.
6. **Ferry Proposal.** Mayor Graham and Mr. Cummins met regarding the miscommunication on parking. The Mayor's concept at the beginning and now a drastic difference. A decision of how many spaces will be allowed must be made and a dollar amount for use of the pier must be determined. The Finance Committee will work these matters out with the Ferry Service. Motion to refer this matter to the Finance Committee to make recommendation at the next meeting moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present. Mr. Bergen said that the Finance Committee will make a recommendation on a bottom line number (minimum bid-annual use). Mayor Graham said that the Ferry Service deserves a chance.
7. **Aniello Ventrone/Release of Performance Guarantees.** This matter was held.

NEW BUSINESS

1. **REAP Program.** The application is due February 16th. This will be referred to Tom Fallon, Chief Financial Officer, to check on the Middletown Interlocal monies and showing on the tax bill.
2. **Website.** Mrs. Ashmore asked about setting up a web site and suggested that the Red Bank web site be brought up. She will research and access the website from home. Mr. Antonucci said he will also check on establishing a web site.
3. **State Insurance Benefits Program.** Mr. Merla asked Mr. Bergen about the State Insurance Benefits Program. A memo was given to the employees today on the Health Insurance Fund and then this will be addressed.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 9:25 P.M. Mary Allen, Maple Place, asked if a Certificate of Occupancy is needed if you are selling your house; yes. She asked what is going to happen to taxes. The school referendum was \$4 million, the New Municipal Complex will cost \$3 million and the Bulkhead Project will be approximately \$2 million. Mr. Bergen said that the Bulkhead will be 70% State funded. Mayor Graham said that the loan is only for the acquisition of property; the Borough will be retiring old debt and replacing it with new debt. Mr. Bergen said that the Borough is trying to work with the school regarding finances. Costs have risen over 20 years; the bulkhead and what is behind will be kept separate. The Meeting was closed to the public at 9:38 P.M.

RESOLUTIONS

3. Resolution #61-01, Borough Auditor Contract for 2001

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

WHEREAS, on January 1, 2001 William Antonides, Sr. of the firm Armour S. Hulsart and Company was appointed Auditor for the year 2001; and

WHEREAS, it is desirable to have a contract document which spells out the terms and conditions of employment of the Borough Auditor.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey that the attached Contract marked Exhibit "A" for the services of William Antonides as Borough Auditor.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said Contract on behalf of the Borough of Keyport.

BE IT FURTHER RESOLVED that a notice of this Resolution and Award of Contract shall be published once in an official newspaper of the Borough as required by law, within ten days of the passage of this Resolution.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

4. Resolution #62-01, Third and Partial Payment/Washington Street Project

WHEREAS, the Borough Engineer has submitted and recommended payment of the Third 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 Third and Partial Payment in the amount of \$67,858.51 is hereby approved.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Atkins

Bergen, Pedersen
Abstain: Councilman Merla

5. Resolution #63-01, Payment of Bills

See full copy of Resolution as pages 14-19 of these minutes

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

6. Resolution #64-01, Leave of Absence/Deputy Borough Clerk

WHEREAS, Allyson Cinquegrana, Deputy Borough Clerk, has requested a Leave of Absence for the period of March 19, 2001 through June 29, 2001 using 73 accumulated Sick, Vacation, Personal and Comp Days.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that a 30 day Leave of Absence with pay is approved from March 19, 2001 through April 19, 2001.

BE IT FURTHER RESOLVED that additional 30 day extensions may be granted after April 19, 2001.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

7. Resolution #65-01, Reschedule April 17, 2001 Meeting Date

BE IT RESOLVED by the Mayor and Council that the Tuesday, April 17, 2001 Council Meeting is rescheduled and will be held on Monday, April 16, 2001.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

8. Resolution #66-01, Hire Substitute School Crossing Guard-Paul Albrecht

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

WHEREAS, funds are available in the 2001 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Paul Albrecht is hereby hired as a Substitute School Crossing Guard, effective January 17, 2001 at the salary in effect as per the current Salary Ordinance and Salary Resolution.

BE IT FURTHER RESOLVED, that this appointment will expire on December 31, 2001.

BE IT FURTHER RESOLVED, as this is a part time position there are no benefits.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

9. Resolution #67-01, Accept Proposal from Schoor DePalma/Survey Services for Bulkhead Replacement

WHEREAS, on or about December 15, 2000, the Mayor and Council of the Borough of Keyport received a proposal (the "Proposal") from Schoor DePalma, Inc for engineering services to provide professional surveying services related to the redevelopment of the properties located along American Legion Drive including base mapping for reducing, American Legion Drive and the possible future development of the 3.6+ acre Green Acres Area between Front Street

and the American Legion Drive Bulkhead, including the existing bulkhead. In addition, the Proposal included provision for additional soil borings along the proposed bulkhead and the proposed alignment of American Legion Drive to insure stable design, all of said services to be provided at a total cost of \$30,850; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the Proposal and the Chief Financial Officer has certified that the funds for same are available.

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

1. The Proposal from Schoor DePalma, Inc. for engineering services to provide professional surveying services as set forth in the Proposal of December 15, 2000 and related to replacement of the existing bulkhead along American Legion Drive and the redevelopment of the properties along said Drive, at a total cost of \$30,850 for said services is approved.
2. The Mayor and appropriate Borough officials are authorized to execute an acceptance of the Proposal for same.
3. Annexed hereto is a copy of the Proposal.
4. This action is approved without competitive bids as an award of a professional contract. A notice of this award shall be advertised as required by law.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

10. Resolution #68-01, Accept Resignation of Pasquale Menna, Esq. as Borough Prosecutor

WHEREAS, on January 1, 2001 Pasquale Menna was appointed as Borough Prosecutor; and

WHEREAS, Pasquale Menna has since submitted his resignation due to conflicting schedules.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the resignation of Pasquale Menna as Borough Prosecutor is hereby accepted.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

11. Resolution #69-01, Accept Resignation of Patrick Healy, Esq. as Public Defender

WHEREAS, on January 1, 2001 Patrick Healy was appointed Public Defender; and

WHEREAS, Patrick Healy has since submitted his resignation because he cannot serve in the position due to the Court's ruling in State vs. Clark.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the resignation of Patrick Healy as Public Defender is hereby accepted.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

12. Resolution #70-01, Appointment of Borough Prosecutor-Patrick Healy, Esq.

WHEREAS, there exists a need for a Borough Prosecutor in the

Borough of Keyport, County of Monmouth, and

WHEREAS, funds are or will be available for that purpose, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after the passage of the Resolution.

WHEREAS, pursuant to P.L. 1996, c. 95, subsection 14, a municipality may employ an attorney at law as a prosecutor under the supervision of the Attorney General or County Prosecutor, who may represent the state, county or municipality in any matter within the jurisdiction of the Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, that the appointment for the remainder of the year 2001, by the Mayor, be and the same is hereby confirmed. The person hereby appointed, Patrick Healy, is a member of the legal profession and it is not possible to obtain competitive bids.

BE IT FURTHER RESOLVED this appointment is made pursuant to the authority conferred by P.L. 1996, c. 95, subsection 14; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Courier, as required by law, within ten days of its passage.

Offered for adoption by Mr. Bergen, seconded by Mr. Pedersen

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

ADJOURNMENT

Motion to Adjourn moved by Mr. Pedersen, seconded by Mrs. Atkins with Ayes by all present.

Time of Adjournment: 9:43 PM

Respectfully submitted,

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

Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

