Approved November 3, 2003

January 21, 2003
Keyport, New Jersey

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

Mayor Merla called the meeting to order at 7:00 P.M. and read the Sunshine Law Notice.

**ROLL CALL**

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

**RESOLUTION**

1. **Resolution # 62-03, 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. Police Department
2. Borough Clerk's Office
3. Board of Health/CCO's Office
4. Code Enforcement Office

**Litigation**

1. PBA vs Borough of Keyport
2. Use of Court Room
3. 104 Maple Place Sewer Problem

**Labor Relations**

1. IUOE Negotiations
2. Administrative and Non-Union Employees
3. PBA Schedule

**Contract Negotiations**

1. Water/Wastewater Facilities
2. Ferry Service Lease
3. Omnipoint (Voicestream) Cellular Tower Lease
4. Janitorial Contract (Borough Hall & 35 Broad St/Unit #4)
5. Block 33, Lot 57
6. Interlocal with Borough of Matawan/Construction Code Services

**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. Hyer, seconded by Mr. Green

| | | | |
|---|---|---|---|
| Roll Call Vote: | Ayes: Councilmembers | Hyer, | Stalter, |
| | | Doyle, | Green |
| | Absent: Councilmembers | Bergen, | Atkins |

Council went into Closed Session at 7:00 P.M. and this meeting was reconvened at 8:00 P.M.

Mayor Merla called the meeting to order at 8:01 P.M. and read the Sunshine Law Notice. Councilmember Stalter led the Pledge of Allegiance and Moment of Silence.

## ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen Others Present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

## COMMENDATION

Pauline Redmond, Tax Collector
and
Tax Office Employees

Mayor Merla recognized Pauline Redmond and the employees of the Tax Office for the outstanding job of collection in 2002 (one of the highest in the County) noting that the more taxes collected, the less has to be reserved. Mrs. Redmond acknowledged the employees, saying that without them she is nothing.

## PETITION

A Petition opposing the location of a Skate Park at Cedar Street Park was submitted. The subject will be addressed at a Public Hearing with the Recreation Commission on February 6, 2003 at 7:30 PM in the Senior Center (an advertisement will be put on the cable channel and a letter will be sent to the people who signed the Petition).

## APPEARANCE/DISCUSSION

1. John C. Giordano, Jr./Re-zoning of Block 80, Lot 1.01. This is regarding Woodmont Properties who is the contract purchaser of the property. Mr. Giordano thanked various borough employees for the help. They are asking for a mixed use, retaining the office buildings and building 42 condo units. Mr. Eric Woodmont said his is a development organization and family business. They deal with residential urban mix use following the State plan, bringing the community and residents

into the urban area. Morristown was designated the first New Jersey Transit Village where they built 218 residential units (780 cars), Keyport is on the rise and the future here is to build and upgrade the properties and to keep the ratable base. The plan for the property is to elevate the building with a circular drive on First Street; 2-3 stories above a parking garage. He advised that George Ritter, Landscape Architect who has worked on land planning and L & M Design who have worked on urban projects are part of the team. The site would be integrated into the neighborhood, to bring the resident base to the area but maintain the office core. The property is in a GC district and is the largest single site in the area. There would be 73% impervious cover and 44% buildings. There would be two floors of parking and 2 ½ of living space. There would be 2 parking spaces per unit, and the site is 1.42 acres. There would be interior traffic flow going through the building and the units would face both First and E. Front streets. This is not a case of spot zoning, it is a case of allowable use, minimum lot size and acreage, certain % commerical, 20% floor area and residential. Traffic impact would not be significant (231 additional vehicles daily). They need approval for a mixed use, office and residential, and the need specification to build 42 units. The building heightwould be 62' high and would be 5 stories. Set backs and impervious coverage needs consideration. The condo's, 1 and 2 bedroom would be for sale. Mayor Merla said the Council would not ask any questions tonight, that an ordinance change is needed. Mayor Merla appointed a 3 member committee, Councilmembers Hyer, Stalter and Atkins to work with Mr. Kain, Mr. Freda and Mr. Vecchio on the ordinance change. Mr. Back asked how long is the building and he will be advised, there is a 15' set back from the road. Mr. Ken Swartz said the project gives him hope.

## HEARING ON ORDINANCE

1. **Ordinance #1-03, Establish Planning Board and Zoning Board of Adjustment**

The Clerk reported that the Ordinance was published, as introduced in the Courier, issue of January 2, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER XXV, LAND USE REGULATIONS, ARTICLE III, SECTION 25:3-1, LAND USE PROCEDURES**

The Hearing was opened to the public for comments or questions at 8:55 P.M. Raymond Lee said he has been a member of the Planning Board for 7 years and he does not object to splitting the board. He asked the Mayor to explain his statement that the combined board was ineffective. Mayor Merla said the board was inefficient, that there is no follow through on projects and that members have missed meetings. He was originally in agreement to combine the boards and there was an opportunity for the members to better themselves, but not many did. One person went to court because of engineering fees. Two members were not re-appointed. Mr. Lee said he put in a lot of time on the board and made decisions in the best interest of Keyport and he feels it is political. Mike Lane said he served on the Zoning Board, people can comment on the inefficiency and things dragged on due to opposition. Mr. Lane said that the Mayor said with the new Zoning Board there would be better enforcement and sited the West Furniture property that is not completed and needs improvement. Mayor Merla said the intent is that once approval is granted, that it is up to the enforcement officer and board. He said a full time Construction Code office is needed in Keyport for enforcement and to stay on top of issues. The Mayor makes the appointments to the Planning Board and the Council makes the appointments to the Zoning Board. The Governor in his State of the State message talked about more boards for review. The Planning Board reviews the Master Plan. It took 2 1/2 years for information on the Master Plan. Both boards will decide where we go in the future. Mr. Lane said nothing has been implemented on West Furniture, that he complained to the Planning Board and Mr. Lee said that they do not have all the required permits. Mr. Freda said it is an enforcement issue. Mayor Merla said he will look at the approving resolution and have an inspection made for violations. The Hearing was closed at 9:04 P.M.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter<br>Doyle, Green<br>Absent: Councilman Bergen

1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of January 23, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

2. **Ordinance #2-03, Establish Handicapped Parking space at 205 Atlantic Street**

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of January 9, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**AN ORDINANCE TO ESTABLISH A HANDICAPPED PARKING SPACE ON MUNICIPAL ROAD**

The Hearing was opened to the public for comments or questions at 9:10 PM. There being none, the Hearing was closed at 9:10 PM.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter<br>Doyle, Green<br>Absent: Councilman Bergen

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of January 23, 2003 moved by Mr. Stalter, seconded by Mrs.

Atkins, with Ayes by all present.

## INTRODUCTION OF ORDINANCE

1. Ordinance #3-03, Amend Chapter XXV, Land Use Regulations, Section 25:1-17, Signs (As Amended)

Mayor Merla said the ordinance is missing a section on political signs, that the signs are up too long and recommended putting them up 30 days prior and taking them down 48 hours after the election.

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER CHAPTER XXV, LAND USE REGULATIONS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Keyport, that the "Revised General Ordinances of the Borough of Keyport, Chapter XXV, Land Use Regulations, Section 25:1-17, Signs, is hereby amended and supplemented as follows:

**Section 1:** Declaration. The Mayor and Council have determined that an amendment to the within ordinance is necessary to delineate additional signs which may be displayed in residential districts without the necessity of a permit and for periods of time specified herein. The intent is to grant to residents greater latitude in promoting civic and charitable events or causes within the Borough of Keyport.

**Section 2:** Section 25-1-17(b) is amended and supplemented as follows:

(7) Garage sale and or yard sale signs located on the premises only, not to extend two (2) square feet, and containing the date of sale, which sign may be posted five (5) days prior to the sale and which shall be removed within 24 hours following the conclusion of the sale.

(8) Temporary or permanent signs posted by municipal, county or state governmental agencies, pursuant to statute or ordinance.

(9) Temporary or permanent traffic signs and signals installed by the borough, county or state for the purpose of directing and regulating the flow of traffic, parking or to identify parking areas, loading zones, entrances and exits and directions to public transportation.

(10) Signs indicating public transportation stops when installed by the borough or public transportation utility.

(11) Flags, signs or emblems of religious, educational, civic or governmental organizations or signs calculated to promote neighborhood safety or awareness may be displayed on the property or flown

from supports on buildings located on such property within residential districts.

(12) Temporary signs and posts for advertising public functions or fund raising events for charitable, religious, educational or civic organizations or groups, shall be permitted for a period of thirty (30) days prior and during the event and shall be removed within five (5) days after the event. The sign shall be non-illuminated, not larger than twelve (12) square feet in area, not exceeding eight (8) feet in height and may be erected flat against the building or freestanding. Political signs and banners for any election, general election, primary election, school board election or special election, shall be permitted in all residential zones for a period of thirty (30) days prior to any such election and such political signs shall be removed within forty-eight (48) hours following such election.

(13) Projection of Sign: No portion of any sign in any residential district, except signs installed by various municipal, county or state governments or agencies thereof, shall project beyond the property line, or shall be suspended over a public right of way.

(14) Except as provided in Section 25:1-17(a) no residential property shall be permitted to display more than two (2) lawn signs, which shall not include American or New Jersey Flags.

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

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter
Doyle, Green
Absent: Councilman Bergen

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of January 23, 2003 for a Hearing to be held on February 4, 2003 moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

**COMMITTEE REPORTS**

**Councilman Bergen; Police.** Mr. Bergen was absent.

**Councilwoman Atkins; Fire:** Mrs. Atkins reported on the following. The Senior Center was painted. A meeting of the Fire Chief will be held on January 22, 2003. Gerald Green and Mrs. Atkins walked though the new municipal building to get a perspective on the rooms.

Mayor Merla reported that this past week an employee of a restaurant was burned in Union due to a blockage in a dryer, the vents were not cleaned and there were three incidents in Union Beach.

**Councilman Hyer; Public Works/Recycling/Property Maintenance:** Mr. Hyer reported on the following. The new sweeper was delivered and has been lettered. Two pieces of equipment were removed from Theresa Street and Beach Park; There was a sewer main break at Atlantic Street, Jomac and Oswald were called in to repair the problem. There were 4 water main breaks in the borough, the pipes are deteriorating there are 135 sewer laterals. A Monmouth County recycling meeting is scheduled. Kutschman property: an engineering study is required to measure and layout the property. The Public Works will move to this site. (Mayor Merla suggested a time frame be set with the engineer).

**Councilman Stalter; Health/Recreation/Parks:** Mr. Stalter reported on the following. On February 16th the Recreation Commission will be holding a public forum regarding the skate park to bring the public up to speed and put measures in place. The Recreation Commission met to discuss planning a bus trip to the Blue Claws, there will be 50 tickets, deadeline will be April 12th; flyers will be circulated. Mr. Stalter said the Henry Hudson Trail is too dark, and asked if it should be illuminated? George Sappah will check into the matter. Mr. Stalter said that a few months back there was discussion regarding the Borough's letterhead, the Borough's seal and using the new logo. A watermark can be used (chemical) and he will prepare a draft for Mayor and Council.

**Councilman Doyle; Finance:** Mr. Doyle had no report.

**Councilman Green; Buildings & Grounds/Library:** Mr. Green reported on the following. Mr. Green walked through the new municipal building. The next construction meeting will be February 6, 2003 and two meeting per month will be held. The Library has concerns: space concerns, ADA compliance, extending the structure, maintenance issues and drainage (drain on one side . Mayor Merla reported that at the budget meeting there are capital items to address. A&K is to look at the roof of the new municipal complex, there is water problem at Broad & 3rd Streets, and using the Borough auditor.

**Administrator Poling:** Mrs. Poling had no report.

**Engineer Freda:** Mr. Freda reported on the following. Skate Park/Birdsall proposal is on hold. Bulkhead/Schoor DePalma Proposal: Mr. Freda said it is the Council's decision. closed discussion on project. Mayor Merla said Mr. Freda should meet with George Sappah and Councilman Doyle, it should be the whole project and it needs to be bonded. Bids for two fire trucks will be received on January 22, 2003.

**Attorney Kain:** Mr. Kain reported on the following. Kutschman property, the only decision left is the dollar amount. Magic Touch vs The Borough of Keyport, there have not been any depositions and a case management will be held the first week in February. Slobjom vs Borough of Keyport, there are two insurance companies involved and then settlement. PBA vs Borough of Keyport, the case is listed for Friday.

**Mayor Merla:** The Mayor reported on the following. He thanked the members of the Council for their hard work during the first few weeks of the year. He commended George Sappah, Superintendent of Works for repairing potholes and ice (more ice because of sump pumps)and snow removal. At the January 27, 2003 the Matawan Interlocal will be terminated. A meeting was held with Schoor DePalma and Birdsall regarding the Bulkhead project; the plans have not been approved and the Borough knows nothing. Senator Kyrillos will set up a meeting between the Department of Environmental Protection (bulkhead), Green Acres (American Legion Drive and Ferry Service), Department of Transportation (dredging)and the Army Corp. The present fishing pier could be replaced. After January 17, 2003 the public will be advised. The Borough needs to know what and when. Also in attendance at this meeting will be Borough officials, the Business Improvement District, Harbor Commission members and property owners who own waterfront homes. The meeting will not be public, but minutes will be taken. Two weeks ago there was a power surge and questions are being asked. There was damage at the school. The insurance company will handle the matter and then submit claims to Jersey Central Power and Light. JCP&L says is was a Act of God. There was a second and third surge and anyone who had damage should come forward.

## REPORTS OF DEPARTMENTS

**November, 2002**

1. Treasurer's Report:

| | |
|---|---|
| Current Checking........................ | $1,985,188.95 |
| Assessment Trust........................ | 621.33 |
| Federal and State Grants................ | 588.11 |
| Animal Control.......................... | 2,735.05 |
| Trust Checking.......................... | 14,253.36 |
| Trust Savings........................... | 134,589.49 |
| Recreation Bayfront Trust............... | 86,054.09 |
| Unemployment Trust...................... | 61,575.58 |
| Recreation Commission................... | 9,378.81 |
| General Capital......................... | 365,338.35 |
| Escrow Trust............................ | 173,241.94 |
| Law Enforcement......................... | 9,119.17 |
| Self Health Insurance................... | 2,149.14 |
| Water/Sewer Checking.................... | 5,000.00 |
| Water/Sewer Savings..................... | 151,129.03 |
| Water/Sewer Investment.................. | 4,304.70 |
| Water Capital Checking.................. | 2,553.37 |
| Water Capital Investment................ | 89,749.34 |
| General Capital Investment.............. | 2,095,722.76 |

Interest Earned on Investments for November 30, 2002

Current...... $4,123.20

Water........ $ 274.45

Submitted by Pauline Redmond, Treasurer

**December, 2002**

2. Borough Clerk's Report:

Cash Receipts for the month of December, 2002

**WATER/SEWER ACCOUNT**

| | | |
|---|---|---|
| WATER CONNECTION | $ 0.00 | |
| WATER METER | 0.00 | |
| TURN ON CHARGE | 0.00 | |
| SEWER CONNECTION | 0.00 | |
| SEWER/POOL PERMIT | 0.00 | |
| WATER METER W/TO DEMOLITION | 100.00 | |
| **TOTAL WATER/SEWER, CHECK #3540** | | **$ 100.00** |

**CURRENT ACCOUNT**

| | | |
|---|---|---|
| BINGO LICENSE | $1,960.00 | |
| GUN PERMITS & ID'S | 51.00 | |
| LIMO LICENSE | 240.00 | |
| PHOTOCOPIES | 34.25 | |
| POSTAGE | 1.00 | |
| RAFFLE LICENSE | 100.00 | |
| TAXI LICENSE, DRIVER | 0.00 | |
| TAXI LICENSE, OWNER | 0.00 | |
| POLICE DEPT ACCIDENT REPORT | 290.00 | |
| SEARCHES | 0.00 | |
| VENDING LICENSE | 0.00 | |
| PEDDLAR LICENSE | 0.00 | |
| LIQUOR LICENSE | 0.00 | |
| STREET OPENING | 75.00 | |
| FISH & GAME | 1.00 | |
| NEWSPAPER VENDING MACHINES | 120.00 | |
| RECYCLING PERMITS | 0.00 | |
| PARKING PERMITS | 0.00 | |
| AUCTION LICENSES | 0.00 | |
| Other: TOWING LICENSES | 500.00 | |
| **TOTAL CURRENT, CHECK #3541** | | **$3,452.25** |

**ESCROW ACCOUNT**

CASH REPAIR DEPOSIT, CHECK #3542 $ 27.00

| | |
|---|---|
| **TOTAL RECEIPTS** | **$3,579.25** |

Submitted by Judith L. Poling, Borough Clerk

3. Tax Collector's Report

| | |
|---|---|
| 2002 TAXES | $138,940.79 |
| 2001 TAXES | 36.09 |
| 2003 PREPAID TAXES | 51,796.77 |
| PRIOR YEARS TAXES | -0- |
| PROPERTY REDEEMED | -0- |
| INTEREST AND COSTS | 6,318.01 |
| TAX SEARCHES | -0- |

| | |
|---|---|
| POST OFFICE LAND RENT | 275.00 |
| SENIOR CITIZEN HOUSING IN LIEU OF TAXES | 10,500.00 |
| RETURNED CHECK CHARGES | -0- |
| ALL OTHER MISCELLANEOUS REVENUE | 130,405.03 |
| **TOTAL CURRENT RECEIPTS** | **$338,702.19** |

| | |
|---|---|
| WATER & SEWER RENTS | $ 85,892.71 |
| INTEREST AND COSTS | 808.71 |
| TURN ON CHARGES | -0- |
| RETURNED CHECK CHARGES | 24.00 |
| POOL PERMITS | -0- |
| WATER METERS/WITH TURN ON | 100.00 |
| NEW METERS AND INSTALLATION CHARGE | -0- |
| WATER & SEWER CONNECTIONS | -0- |
| METER TEST CHARGE | -0- |
| FIRE SERVICE | -0- |
| METER REPLACEMENT, PARTS ETC | -0- |
| DEMOLITION PERMIT | -0- |
| ALL OTHER MISCELLANEOUS REVENUE | 1,300.00 |
| **TOTAL WATER/SEWER RECEIPTS** | **$ 88,125.42** |

Submitted by Pauline Redmond, Tax Collector

4. Building Department Report

| PERMITS | NUMBER OF PERMITS | AMOUNT RECEIVED |
|---|---|---|
| CONSTRUCTION STATE FEE | 26 | $ 171.00 |
| CONSTRUCTION CERTIFICATE | 1 | 69.00 |
| PLUMBING PERMITS | 20 | 1,576.00 |
| ELECTRICAL PERMITS | 15 | 1,191.00 |
| BUILDING PERMITS | 8 | 1,215.00 |
| FIRE SUB CODE | 13 | 875.00 |
| CONST CERT OF OCCUPANCY | 34 | 870.00 |
| ZONING PERMITS | 4 | $ 40.00 |
| 200 FT PROPERTY LIST | 1 | 10.00 |
| TRANSFER OF TITLE | 10 | 380.00 |
| REINSPECTION FEES | 0 | -0- |
| CONSTRUCTION VIOLATIONS | 0 | -0- |
| COPIES | 0 | -0- |
| MISC. | 0 | -0- |
| ELEVATOR INSPECTION AGENCY | 0 | -0- |
| ELEVATOR-BOROUGH | 0 | -0- |
| SMOKE DETECTORS | 34 | 680.00 |
| CONST. DEBRIS DEPOSITS | 2 | 100.00 |
| **TOTAL** | | **$7,177.00** |

**ACCOUNTS PAYABLE**

| | |
|---|---|
| AMOUNT PAID TO BOROUGH, CHECK #2394 | $6,906.00 |
| STATE FEE DUE, CHECK #2395 | 528.00 |

Submitted by Annette Kovacs, Senior Permit Clerk

5. Municipal Court's Report

| | |
|---|---|
| STATE FINES | $ 279.00 |
| STATE SURCHARGE | 400.00 |
| STATE UNINSURED | 324.00 |
| COUNTY FUNDS | 1,209.82 |
| COUNTY FINES | 4,407.00 |
| MUNICIPAL FINES | 4,407.00 |

| | |
|---|---|
| MUNICIPAL COSTS | 4,078.50 |
| MUNICIPAL PARKING | 2,034.00 |
| MISCELLANEOUS | 1,759.68 |

Submitted by Kathryn Coffey, Court Administrator

6. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

7. Board of Health Report

**TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $9,127.20**

| | |
|---|---|
| DOG LICENSES | $ 11.20 |
| CAT LICENSES | -0- |
| MARRIAGE LICENSES | 112.00 |
| BURIAL PERMITS | 39.00 |
| DEATH CERTIFICATES | 1,610.00 |
| MARRIAGE CERTIFICATES | 20.00 |
| BIRTH CERTIFICATES | -0- |
| POOL PERMITS | -0- |
| PLAN REVIEW | 100.00 |
| FOOD HANDLERS | 7,235.00 |
| MISCELLANEOUS | -0- |

**DISBURSEMENTS**

| | | |
|---|---|---|
| CHECK #2727 | - BOROUGH OF KEYPORT MISC. ACCT | $9,026.00+ |
| CHECK #2728 | - BOROUGH OF KEYPORT TRUST ACCT | 100.00 |
| CHECK #2729 | - BOROUGH OF KEYPORT DOG ACCT | 8.20 |
| CHECK #2730 | - NJ STATE DEPT OF HEALTH | 3.00+ |
| | | S/B 4.20 |

Submitted by Anne R. Biagianti, Treasurer

**2002 YEAR END REPORTS**

8. Borough Clerk's Report:

Cash Receipts for the Year 2002

**WATER/SEWER ACCOUNT**

| | |
|---|---|
| WATER CONNECTION | $ 15,000.00 |
| WATER METER | 312.57 |
| TURN ON CHARGE | 160.00 |
| SEWER CONNECTION | 15,000.00 |
| SEWER/POOL PERMIT | 540.00 |
| WATER METER W/TO | 2,300.00 |
| DEMOLITION | 1,200.00 |
| **TOTAL** | **$ 34,512.57** |

**CURRENT ACCOUNT**

| | |
|---|---|
| BINGO LICENSE | $ 1,960.00 |
| GUN PERMITS & ID'S | 857.00 |
| LIMO LICENSE | 280.00 |
| PHOTOCOPIES | 691.25 |
| POSTAGE | 17.90 |
| RAFFLE LICENSE | 1,700.00 |
| TAXI LICENSE, DRIVER | 50.00 |
| TAXI LICENSE, OWNER | 150.00 |

| | |
|---|---|
| POLICE DEPT ACCIDENT REPORT | 5,373.50 |
| SEARCHES | 20.00 |
| VENDING LICENSE | 360.00 |
| PEDDLAR LICENSE | 40.00 |
| LIQUOR LICENSE | 22,106.00 |
| STREET OPENING | 3,150.00 |
| FISH & GAME | 5.00 |
| NEWSPAPER VENDING MACHINES | 500.00 |
| RECYCLING PERMITS | 190.00 |
| PARKING PERMITS | 3,4720.00 |
| AUCTION LICENSES | 9.00 |
| Other: TOWING LICENSES | 250.00 |
| **TOTAL** | **$ 41,702.21** |

**RECREATIONAL BAYFRONT ACCOUNT**

| | |
|---|---|
| PASSES | $ 27,545.00 |
| BAIT | 1,884.75 |
| ICE | 688.25 |
| ICE CREAM | 136.50 |
| SODA | 455.00 |
| **TOTAL** | **$ 30,709.50** |

**ESCROW ACCOUNT**

| | |
|---|---|
| CASH REPAIR DEPOSITS | $ 3,709.50 |
| **TOTAL AMOUNT COLLECTED** | **$110,592.28** |

9. Board of Health Report

Treasurer's Report for the Year 2002

**TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $41,439.65**

| | |
|---|---|
| DOG LICENSES | $ 5,412.80 |
| CAT LICENSES | 1,150.60 |
| MARRIAGE LICENSES | 1,568.00 |
| BURIAL PERMITS | 365.00 |
| DEATH CERTIFICATES | 14,656.00 |
| MARRIAGE CERTIFICATES | 1,020.00 |
| BIRTH CERTIFICATES | 125.00 |
| POOL PERMITS | 100.00 |
| PLAN REVIEW | 700.00 |
| FOOD HANDLERS | 11,400.00 |
| MISCELLANEOUS | 4,942.25 |

**DISBURSEMENTS**

| | |
|---|---|
| CHECK - BOROUGH OF KEYPORT MISC. ACCT | $33,499.45+ |
| CHECK - BOROUGH OF KEYPORT TRUST ACCT | 1,400.00 |
| CHECK - BOROUGH OF KEYPORT DOG ACCT | 5,428.40 |
| CHECK - NJ STATE DEPT OF HEALTH | 1,111.80 |

Submitted by Anne R. Biagianti, Treasurer

Motion to accept all reports as read, moved by Mr. Green, seconded by Mr. Stalter, with Ayes by all present.

**COMMUNICATIONS & PETITIONS**

1. Application from Raritan Post #23, American Legion to Amend Bingo License #1-03

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

2. Resignation from Matthew C. Farparan, Keyport Fire Department /Board of Fire Wardens

   Motion to accept moveed by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

3. Application from Charles R. Pfleger for membership in the Keyport Fire Department/Board of Fire Wardens (contingent upon State Approval)

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

4. Request from Spanish-American Club, to use Beach Park for a Spanish Festival

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

**PUBLIC PARTICIPATION**

The Meeting was opened to the public for comments or questions at 9:50 P.M. Michael Lane, 51 First Street asked if the committee for zoning criteria meeting to review the proposal submitted by Woodmont was open to the public. Mayor Merla said is could be, that it will be an informal discussion, that there are concerns regarding the height of the building-65' and the setback from the curb-6'. Mr. Lane said there are a dozen waterfront property owners representing approximately 65% reparian rights and they should be given imput. Mayor Merla told Mr. Lane to be his guest at the January 27, 2003, 3 PM meeting at Senator Kyrillos's office. Joanne Stager, 427 Main Street said she appreciated the Mayor's efforts with JCP&L that she lost her computer, that people can't afford to replace items and the power surge was an insult. The surge damaged two alarm systems in the school. Ms. Staeger asked if the Borough had an update on the Marrone matter. Mr. Kain said two letters were sent, that Marrone called three weeks ago and he has to remove his dumpsters. The case is in the hands of the Prosecutor's office. The Borough has withheld payments and claims are being sent to the bonding company. Ms. Staeger asked about a proposal for an urban district. Regina Klutz of Harborview Condos asked about a claim submitted to Marrone for damage to their fence. Mr. Kain said the Borough cannot authorize payment, that Marrone is an independent contractor that they can back bill to Marrone. Mayor Merla recommended paying Harborview and the Borough bill Marrone ($742.00) and the matter will be listed on the February 4, 2003 meeting agenda. John Olsen, 73 Front Street asked about the ferry company being in bankruptcy and the $2 million dollar insurance on the pier. Mayor Merla said the ferry company will remove the barge. Mr. Olsen asked about taking the ferry company's bond and the pier being put back to it's original state. Mayor Merla said there are several options. Mark Sessa asked if the engineer was to attend the February 6, 2003 Recreation meeting; no. Kathaleen Shaw, Keyport Business Alliance asked about feedback on the county bridges. Mr. Freda said they have been playing phone tag with the County Engineer, Greg Bitsko. Ms. Shaw asked about the Borough networking with the County on the GIS, to tie in the Construction Code Office. It was suggested the

Borough ask Thomas Lloyd, the consultant on the New Municipal Complex. The meeting was closed to the public at 10:06 PM.

**RESOLUTIONS**

2. **Resolution #63-03, Payment of Bills**

See copy attached as pages 23-28 of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter*, Doyle, Green
*Mr. Stalter abstained on all payments to Wesley M. Kain, Esq.
Absent: Councilman Bergen

3. **Resolution #64-03, Assign Balance of Contract for Solid Waste and Recyclable Materials Collection Service to Bridge Disposal**

**WHEREAS,** the Mayor and Council of the Borough of Keyport, did advertise certain bid specifications for garbage and recyclable materials collection in and for the Borough of Keyport, and

**WHEREAS,** bids were received on February 14, 2001 by the Borough of Keyport for the collection, removal and disposal of garbage, trash, refuse and recyclable materials for the Borough of Keyport, and

**WHEREAS,** following receipt of bids and review of bids submitted, it was determined that Marrone Waste Paper and Disposal, Inc. Avenel, New Jersey, was the lowest responsible bidder submitting and complying with the bid specifications for the collection, removal and disposal of garbage, trash, refuse, and recyclable materials for the Borough of Keyport, and

**WHEREAS,** the Mayor and Council did b Resolution No. 122-01 on March 26, 2001, authorize the Mayor to enter into an agreement with Marrone Waster Paper & Disposal, Inc. for the collection of trash, refuse, recyclable materials in and for the Borough of Keyport for a term commencing May 1, 2001 through April 30, 2004, and

**WHEREAS,** a contract was entered into between the Borough of Keyport and Marrone Waste Paper & Disposal, Inc. on March 26, 2001, which provided for the collection of garbage and recyclable materials in and for the Borough of Keyport, and

**WHEREAS,** the Mayor and Council of the Borough of Keyport having previously determined that the contractor, Marrone Waste Paper & Disposal, Inc. has abandoned his work in and for the Borough of Keyport, pursuant to the contract between the parties, and the Mayor and Council by previous Resolution No: 2344-02 did terminate the agreement with Marrone Waste Paper & Disposal, Inc., based upon the abandonment of the contract and numerous other violations, and

**WHEREAS,** the Mayor and Council have retained the services of Bridge Disposal, Inc., based upon the recommendation of the bonding company, First Indemnity of American Insurance Company, which insures Marrone Waste Paper & Disposal, Inc., and

**WHEREAS,** Bridge Disposal, Inc., has performed services consisting of solid waste and recycling removal commencing on November 17, 2002 and continuing in a satisfactory manner to the present date, and

**WHEREAS,** based upon the service performed by Bridge Disposal, Inc., it is the desire of the Mayor and Council to formally assign the balance of the Solid Waste and Recyclable Materials Collection Contract to Bridge Disposal, Inc., which contract will expire on April 30, 2004, based upon the terms and conditions therein contained.

**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 assign the balance of the Solid Waste and Recyclable Materials Contract executed by and between the Borough of Keyport and Marrone Waste Paper and Disposal, Inc., for a period ending April 30, 2004 to Bridge Disposal, Inc., Old Bridge, New Jersey, based upon the terms and conditions contained in the within agreement.

2. That copies of the within resolution duly certified by the Borough Clerk be forwarded to Bridge Disposal, Inc., Borough Attorney, Chief of Police, Municipal Finance Officer, and the Insurance Company holding the Performance Bond on Marrone Waste Paper & Disposal, Inc. and Bridge Disposal, Inc., First Indemnity Insurance of America, Parsippany, New Jersey.

3. That copy of the within resolution be retained in the office of the Borough Clerk for public inspection as required by law.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

4. **Resolution #65-03, Appointment of William Carey as Harbor Commission Member to fill unexpired 5 year term expiring on December 31, 2004**

**WHEREAS,** Mayor Merla announces with the advise and consent of the Council, the appointment of William Carey as a member of the Harbor Commission to fill a five (5) year unexpired term which will expire on December 31, 2004.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Borough of Keyport that the foregoing appointment of William Carey as a member of the Harbor Commission to fill a five (5) year unexpired term which will expire on December 31, 2004 be and the same is hereby confirmed.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

5. **Resolution #66-03, Salary Resolution - Tax Collector/Treasurer**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Keyport, that the following annual salaries be and hereby are established for the indicated positions effective January 22, 2003 or the date of hire or transfer, whichever is later, in accordance with salary ordinances now in effect.

| | Effective Date 01/22/03 |
|---|---|
| Tax Collector | $60,830.69 |
| Treasurer | $14,551.19 |

**BE IT FURTHER RESOLVED,** effective January 1, 2001 the above salaries listed herein do not include longevity, which is as follows:

| Years of Service | Percentage |
|---|---|
| 5-10 years of service | 1% increase above base pay |
| 10-15 years of service | 2% increase above base pay |
| 15-20 years of service | 4% increase above base pay |
| 20-25 years of service | 5% increase above base pay |
| 25 years of service | 6% increase above base pay |

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

6. **Resolution #67-03, Salary Resolution - IUOE Clerical and Public Works/PSTO**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Keyport, that the following salaries be and hereby are established for the indicated positions effective January 1, 2002, or the date of hire or transfer, whichever is later, in accordance with salary ordinances now in effect.

**BE IT FURTHER RESOLVED,** effective January 1, 2002 the above salaries listed herein do not include longevity, which is as follows:

| | Effective 1/1/2002 | Effective 1/1/2003 | Effective 1/1/2004 |
|---|---|---|---|
| Registrar of Vital/ Secretary to Board of Health | $22,880.00 Annually | $23,795.20 Annually | $24,747.01 Annually |
| Clerk Typist | $16,224.00 Annually | $16,872.96 Annually | $17,547.88 Annually |
| Park Maintenance Worker | $21.07 Per Hour | $21.91 Per Hour | $22.79 Per Hour |
| Public Safety Telecommunications Trainee | $24,336.00 Annually | $25,309.44 Annually | $26,321.82 Annually |
| Senior Park Maintenance Worker | $21.07 Per Hour | $21.91 Per Hour | $22.79 Per Hour |

| Years of Service | Percentage |
|---|---|
| 5-10 years of service | 1% increase above base pay |
| 10-15 years of service | 2% increase above base pay |
| 15-20 years of service | 4% increase above base pay |
| 20-25 years of service | 5% increase above base pay |
| 25 years of service | 6% increase above base pay |

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

7. **Resolution #68-03, Award of Contract - Reconstruction of Washington Street, Phase IV**

**WHEREAS,** the Mayor and Council of the Borough of Keyport did authorize receipt of bids for Washington Street Reconstruction, Phase IV, consisting of full road reconstruction, replacement of curb and sidewalk, sanitary sewer and water main replacement to Washington Street from West Front Street to North West First Street and North West First Street from Washington Street to Broadway to be performed within the Borough of Keyport; and

**WHEREAS,** bids were received by the Borough Clerk on January 15, 2003 at the Borough Hall, Keyport, New Jersey consistent with the advertisement Notice to Bidders; and

**WHEREAS,** Lucas Brothers, Inc. did submit a bid to perform the Washington Street Reconstruction, Phase IV, consisting various roadway improvements including full road reconstruction, replacement of curb and sidewalk, sanitary sewer and water main replacement to Washington Street from West Front Street to North West First Street and North West First Street from Washington Street to Broadway in the gross amount of One Hundred Eighty-Eight Thousand, Five Hundred One Dollars and Ninety-Four Cents ($188,501.94), which constituted the lowest bid received pursuant to the specifications proposed, which specifications contain the full nature and scope of the work to be performed; and

**WHEREAS,** the Mayor and Council, having reviewed the qualifications of the successful bidder, are resolved to award a contract to Lucas Brothers, Inc., based upon their low bid submitted, subject to the Certification of the Municipal Finance Officer as to the availability of funds for the within project and further subject to the approval of the contractor by the New Jersey Department of Transportation.

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

1. The Mayor and Council hereby award the contract for Washington Street Reconstruction, Phase IV for various roadway improvements including full road reconstruction, replacement of curb and sidewalk, sanitary sewer and water main replacement to Washington Street from West Front Street to North West First Street from Washington Street to Broadway, within the Borough of Keyport, in the gross amount of One Hundred Eighty Five Thousand Five Hundred One Dollars and Ninety-Four Cents ($188,501.94)to Lucas Brothers, Inc., Morganville, New Jersey, based upon

their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer and subject to approval by the New Jersey Department of Transportation.

2. The Contract shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer, prior to execution of the within contract.

3. The within award of contract is further contingent upon approval of the successful contractor by the New Jersey Department of Transportation.

4. Copies of the within resolution shall be forwarded to the successful bidder, Municipal Finance Officer, Project Engineer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

5. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under N.J.S.A. 40A:11-1 et. seq by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within ten (1) days hereof.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

8. **Resolution #69-03, Contribution to Keyport Football Championship Fund**

**WHEREAS,** the Keyport Football Championship Fund is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

**WHEREAS,** the Keyport Football Championship Fund has requested that the Borough of Keyport contribute the sum of $500.00 for the purpose of assisting them with funds for the Keyport High School Football Team Championship rings.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the sum of $500.00 is hereby approved as a contribution to the Keyport Football Championship Fund and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

9. **Resolution #70-03, Amending of Contract with the Keyport PBA for a new Shift Schedule for the Patrol Division**

**WHEREAS,** the Mayor and Council the Borough of Keyport has previously approved a contract between the Borough of Keyport and the Patrolmen's Benevolent Association representing police officers employed by the Borough of Keyport; and

**WHEREAS,** the contract between the Borough of Keyport and the Patrolmen's Benevolent Association contains certain rights and obligations relative to a schedule established for police officers working with the Borough of Keyport pursuant to the within collective bargaining agreement; and

**WHEREAS,** the Mayor and Council have received a request from the Patrolmen's Benevolent Association to modify the current shift assignments for officers engaged to the patrol division, of the Keyport Police Department, for trial period to commence on February 3, 2003 and continue for a period of six months through August 2, 2003, or which trial period may terminate sooner at the request of either the Borough of Keyport or the Patrolmen's Benevolent Association, and which trial period may be extended, at the request of the Borough of Keyport for an additional trial period not to exceed six additional months commencing on or before August 2, 2003; and

**WHEREAS,** the Mayor and Council have considered the request of the Patrolmen's Benevolent Association to provide for a shift change relative to the patrol division of the Keyport Police Department and have received favorable reports from the Chief of Police and the Municipal Finance Officer, both as to the implementation and anticipated cost, relative to the shift change in the patrol division; and

**WHEREAS,** the within shift change shall provide for modifications to the contract, on a temporary basis, to implement the intent of both parties to create a shift change for the patrol division of the Keyport Police Department, and having been requested and consented to by Patrolmen's Benevolent Association; and

**WHEREAS,** the Mayor and Council of the Borough of Keyport are resolved to permit the shift change of the Keyport Police Department as a quality of life issue, and in cooperation with the request of the Patrolmen's Benevolent Association.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize a shift change for the patrol division of the Keyport Police Department effective February 3, 2003 for a trial period not to exceed six months, which may be terminated sooner at the request of either the Borough of Keyport or the Keyport Patrolmen's Benevolent Association. The trial hereunder may be extended, at the request of the Borough of Keyport for an additional six month trial period commencing August 2, 1003, or may be terminated at the request of either the Borough of Keyport or the Keyport Patrolmen's Benevolent Association.

2. The Mayor is hereby authorized to execute any amendment, addendum or memorandum of understanding necessary to modify the collective bargaining agreement by and between the Borough of Keyport and the Patrolmen's Benevolent Association to effcutat4e the shift change contemplated by this resolution.

3. The shift change for the patrol division of the Keyport Police Department shall become effective February 3, 2003 and shall continue in effect until terminated, modified

or finally approved by the Borough of Keyport and the Patrolmen's Benevolent Association, in accordance with the procedures contained in the collective bargaining agreement for the period of time specified herein.

4. The Chief of Police is directed to implement the within schedule in accordance with this resolution.

5. Certified copies of the within resolution shall be forwarded to the Chief of Police, President, Patrolmen's Benevolent Association, Borough Attorney, and Municipal Finance Officer, and a copy of this resolution shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

10. **Resolution #71-03, Resolution Terminating Inter-local Service Agreement for the Construction Code Officer with the Borough of Matawan**

**WHEREAS,** the Mayor and Council the Borough of Keyport has previously authorized the execution of an Inter-Local Services Agreement with the Borough of Matawan relative to the operation of the construction code office; and

**WHEREAS,** the purpose of the Inter-Local Services Agreement would be to share certain costs, expenses, fees and assessments relative to the enforcement of construction codes established within the Borough of Keyport; and

**WHEREAS,** the Mayor and Council of the Borough of Keyport have determined that it has sufficient personnel to undertake the appropriate service, inspections, and collection of fees and costs without the necessity of the Inter-Local Services Agreement with the Borough of Matawan; and

**WHEREAS,** the Mayor and Council the Borough of Keyport has determined to terminate the Inter-Local Services Agreement with the Borough of Matawan and provide the Borough of Matawan with appropriate notice of its intention to terminate effective February 27, 2003.

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

1. The Borough of Keyport hereby terminates the Inter-Local Services Agreement with the Borough of Matawan pertaining to the construction code department and enforcement thereof effective February 27, 2003.

2. The Borough Clerk is directed to forward a certified copy of the within Resolution to the Borough Clerk, Borough of Matawan.

3. Certified copies of the within Resolution shall be forwarded to the Municipal Finance Officer, Construction Code 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. Hyer, seconded by Mr. Doyle

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

11. **Resolution #72-03, Resolution Authorizing and Directing the Borough Clerk to Execute Lease Documents Relative to Property Identified as Lot 2, Block 61, as it Pertains to the Fire Museum and Educational Facility**

**WHEREAS,** the Mayor and Council the Borough of Keyport did acquire Title to the property identified as Lot 2, Block 61 on the tax map of the Borough of Keyport more commonly known as 86 Broad Street, Keyport, New Jersey; and

**WHEREAS,** the Mayor and Council the Borough of Keyport have been advised by the Borough Attorney that the Borough has the authority to enter into a lease agreement with the Keyport Fire Museum Association, Inc., a New Jersey Corporation, and to lease the within premises for the use as a fire museum and educational facility; and

**WHEREAS,** by previous resolution of the Mayor and Council of the Borough of Keyport, the Council did authorize the Mayor and Borough Clerk to enter into a lease agreement with the Keyport Fire Museum Association, Inc., for the lease of the premises identified as 86 Broad Street, Keyport, New Jersey; and

**WHEREAS,** since the original resolution was adopted by the Mayor and Council, there as been certain technical changes to the proposed lease agreement including the name of the "tenant," now identified as the Keyport Fire Museum Association, Inc., a corporation of the State of New Jersey, and several additional terms in the lease agreement which have been modified and negotiated by and between the Keyport Fire Museum Association, Inc. and the Borough of Keyport; and

**WHEREAS,** the Mayor and Council have reviewed the proposed lease agreement and area in accord with the revisions contained therein, are now resolved to authorize the Mayor and Borough Clerk to execute the within lease agreement for 86 Broad Street, Keyport, New Jersey, for use as a fire museum and educational facility within the Borough of Keyport.

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

1. The Mayor and Council hereby authorize the Mayor and Borough Clerk to enter into a lease agreement with the Keyport Fire Museum Association, Inc., a New Jersey corporation for the lease of the premises identified as Lot 2, Block 61 on the Tax Map of the Borough of Keyport, more commonly known as 86 Broad Street, Keyport, New Jersey, for use as a fire museum and educational facility within the Borough of Keyport.

2. The Mayor and Council hereby authorize the lease agreement for a term of five years with a renewal option for an additional five-year term. The effective date of the lease agreement is fixed as

January 1, 2003. The Mayor and Council shall further direct that the lease payment per year shall be one ($1.00) dollar due and payable yearly, at the commencement of the anniversary date of the lease agreement.

3. The within lease agreement shall be on the form prepared by the Borough Attorney which shall provide for the abatement of municipal taxes, and require the tenant to secure appropriate insurance for contents contained, used, displayed, or otherwise stored at the within site location identified as 86 Broad Street, Keyport, New Jersey. The Borough Clerk shall maintain, pursuant to the policy a general liability and fire protection insurance for the within named building, excluding contents coverage, which shall be the responsibility of the tenant. The lease shall also contain a provision terminating the lease agreement in the event that the premises is not used as a fire museum and educational facility.

4. A copy of the within resolution shall be forwarded to the Borough Attorney, Municipal Finance Officer, Robert E. McLeod, Esq., attorney for tenant, Borough Insurance Broker and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

**ADJOURNMENT**

Motion to Adjourn moved by Mr. Stalter, seconded by Mr. Green with Ayes by all present.

Time of Adjournment: 10:10 P.M.

Respectfully submitted,

Judith L. Poling

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

Joanne Clemente

As per Joanne Clemente
Deputy Borough Clerk