

January 31, 2004
Keyport, New Jersey

Minutes of a Special Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey, in accordance with the provisions of the Open Public Meeting Act. Mayor Merla called the Special Meeting and notices were duly faxed to the Courier, Asbury Park Press, Independent and Two River Times and duly posted on the Bulletin Board.

Mayor Merla called the Special Meeting to order at 12:05 P.M. and read the Sunshine Law Notice.

ROLL CALL

ON Roll Call the following were present: Councilmembers Weddick, Bergen, Atkins and Hyer. Absent: Councilmembers Stalter and Doyle. Others present: Wesley M. Kain, Borough Attorney and Larry Kasica, Matawan Regional Board of Health.

Mayor Merla announced that the Borough Clerk, Mrs. Poling was ill and would not attend the meeting.

Mayor Merla thanked the Council for attending the meeting on Saturday morning. He addressed the need for the Special Meeting relating to the issue of garbage and recycling collection in the Borough of Keyport. Specifically, the meeting was called following a dispute between Tom Gallo and Bridge Disposal. Tom Gallo made a spot check of a garbage vehicle on Friday, January 30, 2004. The spot check revealed the presence of commingled garbage and recyclable materials. The driver indicated to Mr. Gallo that he was instructed to pick up both trash and recycling. Mr. Gallo contacted Mr. Drost at Bridge Disposal. During their conversation, Mr. Drost indicated that he wished to pull out of Keyport in advance of the contract termination date.

Mayor Merla indicated the collections on Friday were not completed. Public Works picked up some cardboard. Thereafter, there was a conversation between Mayor Merla and Mr. Drost. The result of that conversation was that Bridge Disposal did not intend to pull out of Keyport. Bridge will continue to provide service to Keyport and will further agree to extend service while the bidding process continues if required.

Mayor Merla indicated that during their conversation, Mr. Drost indicated that mistakes had been made over the past several days. Initially, Mr. Drost conceded that no trash pick-up occurred on Wednesday, January 28, 2004 due to the snowstorm. Mr. Drost indicated that he never contacted the Borough. On Thursday, January 29, 2004, Bridge attempted to collect both trash and recycling in the Borough. However, Mr. Drost conceded that there was some confusion and materials were commingled. On Friday, January 30, 2004, Bridge was attempting to complete the collection at the time the truck was stopped by Mr. Gallo. At that time, it was discovered that trash and recyclables had also been commingled.

Mr. Drost believed that Mr. Gallo had called the Reclamation Center to have the truck inspected prior to disposal. However, there was no indication that the truck was inspected at the landfill and charged a higher rate for contamination. Mayor Merla demanded that Bridge send in two (2) trucks on Saturday Morning to complete any additional trash or recycling pick-ups required in the Borough. Mayor Merla indicated that two trucks were dispatched to the Borough today and all work was completed prior to the meeting.

Mayor Merla did note that Bridge Disposal did complete private collections within the Borough on January 28, 2004. Mayor Merla further noted that the current contract has no provision for suspension of collections for inclement weather.

Mr. Kain indicated that the Borough could impose a fine or sanction based upon the terms of the contract. A maximum fine of \$2,500.00 could be imposed for a date where no collection occurs. A maximum fine of \$1,000.00 could be imposed where there is substantial collection by the contractor. In addition, the Borough may assess charges of \$100.00 per day for each public works employee used to collect trash or recycling.

Councilman Bergen favored the imposition of a significant monetary sanction against Bridge. Councilman Weddick suggested that Bridge be compelled to provide an additional pick-up day in late Spring at no cost to the Borough or at a reduced cost.

Councilman Hyer indicated that he contacted Bridge Disposal on Thursday to express his concerns. He spoke to Mr. Drost's Secretary, Rita, and advised that the Borough was not happy with the situation and that the residents were upset at the service. Councilman Hyer indicated that the Bridge driver stated that he was told to pick up both trash and recycling in the same truck.

Mayor Merla indicated that there were three issues as a result of these events:

1. Loss of revenue to the Borough of Keyport as the result of the increase tipping fees to be paid relative to the disposal of commingled recycling.
2. Time lost from public works relative to their collection of recyclable materials not picked-up.
3. Loss or Revenue to the Borough of Keyport as the result of the disposal of recyclables for which revenue would be obtained.

Larry Kasica, Matawan Regional Board of Health, reported that a visual inspection of the borough indicated that all trash and recyclables were removed by the contractor by this morning.

Councilman Bergen requested a copy of the garbage contract. Council concluded that a sanction would be appropriate under the circumstances. The matter will be referred to the Attorney and Borough Clerk. Specific recommendation will be made to Council on Tuesday Evening.

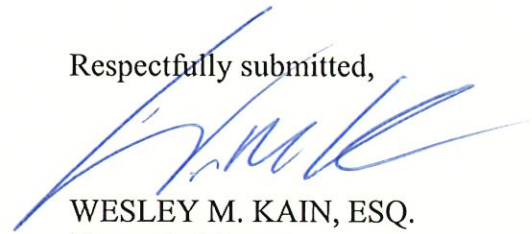
Councilmembers indicated that they will tour building following the conclusion of this meeting.

ADJOURNMENT

Motion to Adjourn offered by Councilman Weddick, seconded by Councilman Hyer, with Ayes by all present.

Time of Adjournment: 12:25 p.m.

Respectfully submitted,



WESLEY M. KAIN, ESQ.
Borough Attorney