Approved 10-7-03

January 7, 2003
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to 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 Boards in accordance with the Open Public Meetings 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 Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. **Resolution #52-03,** 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 Heath/CCO Office
4. Tax Office
5. Code Enforcement Office

Litigation

1. PBA vs Borough of Keyport
2. RCG vs Borough of Keyport

Labor Relations

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

Contract Negotiations

1. Ferry Service Lease
2. Omnipoint (Voicestream) Cellular Tower Lease
3. Garbage Contract Assignment
4. Janitorial Contract (Borough Hall and 35 Broad St./Unit #4)
5. New Municipal Complex

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

NOW, 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 Mrs. Atkins, seconded by Mr. Green

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

Council went into closed session at 7:00 P.M. and this meeting was reconvened at 7:59 P.M.

Mayor Merla called the meeting to order at 8:00 P.M. and read the Sunshine Law Notice.

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.

APPEARANCE

1. Keyport Fire Museum. Timothy Regan representing the Museum said that the Museum Committee had questions regarding the lease. There is no signed lease yet. The building is covered by the Borough Insurance; there is nothing of value and they asked that contents insurance be deleted until they were ready; they asked how they would be billed for liability insurance, would it be on an annual basis. Mr. Kain said at the end of the first year of the lease (calendar year). Snow removal: Mr. Regan said the Museum would take care of the grass and maintenance and asked if the Public Works would snowblow the sidewalk. Mayor Merla said the roads are the primary concern, then the parking lots, but something could be worked out. They requested a copy of the survey. They asked who would be their liaison; the Fire Commissioner. Will the Museum receive a stipend from the Borough the same as the Steamboat Dock Museum. Mayor Merla said all questions would be answered and outlined in the lease; in lieu of a payment the Borough will pick up the insurance. At budget time, the Museum should put in a request; Mr. Fallon, CFO will send the Museum a budget request form. Mayor Merla said that Siracusa should be asked what part of the insurance payment is for contents. Mr. Kain said the lease needs corrections. Mr. Regan said their speaker on 1/22/03 is from the Twin Lights and the meeting is at the Senior Center.

PRESENTATION
TO
DR. MARK SOBEL

Mayor Merla began by saying on January 1,2003 he stated that there would be recognition of dedicated service. It is an honor to recognize examples of good quality of life. Mr. Doyle took a building which was falling apart and turned it into an up-scale business. It is a pleasure to present the Business Person of The Year Award to Mark & Mary Grace Sobel of Fiegenson Shoe Store. They donated 1,000 pair of shoes, and have made a major investment in the store. Any improvements that stand out should be recognized. Dr. Sobel said they were here as a family, that he took on the store to understand from a customer point of view and he getting back more and is grateful to the Borough. He recently bought the next door property. He practices medicine in Manhattan and Holmdel. He will take the building and make exam rooms, MRI, x-ray, re-hab, prostheses and office space and move his practice over from Holmdel. Mayor Merla said Councilmembers as individuals have spoken to Dr. Sobel and that Dr. Sobel made a lot of people happy during Christmas. Dr. Sobel said if there is any need to bring it to his attention.

INTRODUCTION OF ORDINANCES

1. **Ordinance #2-03,** Establish Handicapped Parking Space on Municipal Road/205 Atlantic Street

The Clerk read the Ordinance by Title:

BE IT ORDAINED by the Borough of Keyport in the County of Monmouth and State of New Jersey that:

SECTION I. In accordance with Section 7-12, Handicapped Parking and Schedule XXI Parking Area for Handicapped Persons and pursuant to the authority granted to this Municipality by N.J.S.A. 39:4-197, the following locations are hereby designated as restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in these spaces.

NAME OF STREET	SIDES	LOCATION
Atlantic Street	East	Beginning at a point 88 feet south of the southerly curbline of Maple Place and continuing 25 feet south therefrom

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

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 9, 2003 for a Hearing to be held on January 21, 2003 moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Frank Mongiello, 313 Main Street, regarding on-going parking problems on Jackson Street.

   Motion to refer to Traffic & Safety, moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

2. Letter from Tracey Panfile, 30 Kearney Street, regarding sump

pump problems.

Motion to refer to the Public Works Committee, moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present. A letter is to be sent to Mrs. Panfile advising of the referral.

3. Letter from the New Jersey Department of Labor regarding Community Work Experience Program (CWEP).

   Motion to Receive and File moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

4. Letter from Shorelands Water Company regarding the Manasquan User's Group.

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

5. Resolution adopted by The Board of Chosen Freeholders regarding the increase in County Open Space Trust Fund as approved by voter referendum on November 5, 2002 enacted on January 1, 2002.

   Motion to Receive and File moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

6. Resolution adopted by Township of Wall regarding Re-Supporting the Lakehurst to Monmouth Junction Passenger Rail Service Line.

   Motion to Receive and File moved by Mr. Stalter, seconded by Mr. Hyer, with Ayes by all present.

7. Resignation from Catherine McLane, Harbor Commission Member.

   Motion accept with regret, moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all Present.

UNFINISHED BUSINESS

1. "Keep Kids Alive-Drive Twenty-Five" Program/Zoning Matter. Mr. Kain and Anthony Vecchio, Zoning Officer have been conferring on an Ordinance which is not completed. This matter will be relisted on the January 21, 2003 agenda.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following: 1. Payment of Bills of December 31, 2002:Current Account-$105,813.87, Water/Sewer Account-$17,029.65, General Capital-$41,169.19, Board of Recreation Commissioners Trust Account-$799.68. 2. Bulkhead Report from Schoor DePalma. This matter will be relisted on the January 21, 2003 agenda. Mr. Freda is concerned if design is altered later and he needs information on modifications. Mayor Merla said Mr. Freda is to set up a meeting with Messrs. Kriskowski, Foley, Green & Hyer.

ENGINEER'S REPORT

Mr. Freda reported on the following: The date for receipt of Bids for the Fire Trucks will be January 22, 2003. The proposal for the skateboard park was faxed. The engineering proposal for Therese Street (MCCD) was submitted and the time frame should be hustled. The engineering proposal for Atlantic Street (NJDOT) was submitted. Mr. Doyle is to check with Mr. Fallon, CFO regarding funding for the Senior Center boiler. The bump-out for the new Municipal Complex: there is a rendering by Red Bank; the County needs the plan and there is no fee ($3,000.00). Mr. Freda is to contact Captain Dayback. Mayor Merla asked about Maple Place and Mr. Freda said he waiting on a return call.

ATTORNEY'S REPORT

Mr. Kain reported on the following: The RCG litigation is concluded, on January 6, 2003 the Supreme Court confirmed the Appellate decision and he commended Gordon Litwin, Special Counsel. PBA; there is a Hearing before Judge Lehrer on January 24, 2003 and there will be an informal meeting before. Mayor Merla also commended Gordon Litwin.

NEW BUSINESS

Mayor Merla reported that the tax collection rate was 96.77%, and asked that Mrs. Redmond, Tax Collector and her staff be asked to come to the next meeting to be commended.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 8:30 P.M. Kathaleen Shaw of the KBA asked Mr. Freda about the Amboy Bridge being marked out and also the bridge on First Street going into Union Beach. Ms. Shaw said the KBA would like to be advised so they can publish information on the WEB site and advertise. Mr. Freda said the Borough met with the County months ago. Mayor Merla asked that Mr. Freda call and Mrs. Poling write a letter to the County asking them to document the estimated time. Ms. Shaw said that in 2003 the Engineer and the Borough will work on grant funding in the amount of approximately $300,000 for the Main and Broad Street Parking Lot. The public comment portion was closed at 8:35 P.M.

RESOLUTIONS

2. **Resolution #53-03,** Payment of Bills

   See full copy of Resolution as pages 11-12 of these minutes.

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

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

3. **Resolution #54-03,** Bank Resolution/First Union

   See full copy of Resolution as pages 13-17 of these minutes.

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

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

4. **Resolution #55-03,** Bank Resolution/Fleet Bank

   See full copy of Resolution as pages 18-34 of these minutes.

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

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

5. **Resolution #56-03,** IUOE Clerical/Memorandum of Agreement

WHEREAS, the Borough of Keyport has been engaged in negotiations with officials of the International Union of Operating Engineers, Local 68, who represent various union clerical workers, employed by the Borough of Keyport, with regard to a new collective bargaining agreement; and

WHEREAS, based upon the within negotiations, a tentative agreement has been reached between the Borough of Keyport and the International Union of Operating Engineers, Local 68, on a three (3) year collective bargaining agreement effective January 1, 2002 through December 31, 2004; and

WHEREAS, the revised changes to the existing contact between the parties has been memorialized in a Memorandum of Agreement between the respective parties, which was the product of negotiations between the respective parties, which changes shall be incorporated in a contract to be executed; and

WHEREAS, based upon the recommendations submitted and a review of the proposed within Memorandum of Agreement, the Mayor and Council are resolved to authorize the Mayor to execute the Memorandum of Agreement between the Borough of Keyport and the International Union of Operating Engineers, Local 68, on behalf of the clerical employees.

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

1. The Mayor of the Borough of Keyport is hereby authorized to execute a Memorandum of Agreement between the Borough of Keyport and the International Union of Operating Engineers, Local 68, as it pertains to the agreed terms of a three (3) year collective bargaining agreement between the Borough and the Union representing the clerical employees.

2. A duly certified copy of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Attorney.

3. Pursuant to law, a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

6. **Resolution #57-03,** IUOE Public Works/PSTO/Memorandum of Agreement

WHEREAS, the Borough of Keyport has been engaged in negotiations with offices of the International Union of Operating Engineers, Local 68, who represent various union public works employees employed by the Borough of Keyport, with regard to a new collective bargaining agreement; and

WHEREAS, based upon the within negotiations, a tentative agreement has been reached between the Borough of Keyport and the International Union of Operating Engineers, Local 68, on a three (3)year collective bargaining agreement effective January 1, 2002 through December 31, 2004.

WHEREAS, the revised changes to the existing contract between the parties has been memorialized in a Memorandum of Agreement between the respective parties, which was the product of negotiations between the respective parties, which changes shall be incorporated in a contract to be executed; and

WHEREAS, based upon the recommendations submitted and a review of the proposed within Memorandum of Agreement, the Mayor and Council are resolved to authorize Councilman Robert Hyer, Chairman, Public Works Committee, to execute the Memorandum of Agreement between the Borough of Keyport and the International Union of Operating Engineers, Local 68, on behalf of the public works employees.

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

1. Councilman Robert Hyer, Chairman, Public Works Committee, of the Borough of Keyport is hereby authorized to execute a Memorandum of Agreement between the Borough of Keyport and the International Union of Operating Engineers, Local 68, as it pertains to the agreed terms of a three (3) year collective bargaining agreement between the Borough and the Union representing public works employees.

2. A duly certified copy of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Attorney.

3. Pursuant to law, a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

7. **Resolution #58-03,** Salary Resolution/IUOE

<u>**SECTION 1**</u>:

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 1, 2002 or the date of hire or transfer, whichever is later, in accordance with salary ordinances now in effect.

	Effective	Effective	Effective

	1/1/2002	1/1/2003	1/1/2004
Senior Account Clerk	$31,501.17	$32,761.22	$34,071.67
Administrative Secretary	$38,229.70	$39,758.89	$41,349.25
Police Records Clerk	$30,354.57	$31,568.75	$32,831.50
Senior Permit Clerk/Typist	$23,516.77	$24,457.44	$25,435.73
Registrar of Vital Statistics/ Secretary-Board of Commission	$25,599.38	$26,623.36	$27,688.29

BE IT FURTHER RESOLVED effective January 1, 2002 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	3% increase above base pay
20-25 years of service	4% increase above base pay
25-30 years of service	5% increase above base pay
25 years of service	6% increase above base pay

SECTION 2:

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.

	Effective 1/1/2002	Effective 1/1/2003	Effective 1/1/2004	
Supervisor, Public Works	$49,450.76	$51,428.79	$53.485/95	annually
Assistant Water Treatment Plant Operator	$49,517/31	$51,498.00	$53.557/92	annually
Public Safety Telecommunications-				
Operator A	$22,534.78	$23,436.17	$24,373.62	annually
Operator B	$31,289.07	$32,540.63	$33,842.26	annually
Senior Public Safety Telecommunications Operator	$34,300.55	$35,672.57	$37,099.47	annually
Equipment Operator	$ 21.07	$ 21.91	$ 22.79	per hour
Mechanic	$ 22.51	$ 23.41	$ 24.35	per hour
Public Works Laborer	$ 21.07	$ 21.91	$ 22.79	per hour
Laborer, third year	$ 19.65	$ 20.44	$ 21.26	per hour
Laborer, second year	$ 18.82	$ 19.57	$ 20.35	per hour
Laborer, first year	$ 15.87	$ 16.50	$ 17.16	per hour
Assistant Water Plant Treatment Operator/Laborer	$ 16.18	$ 16.83	$ 17.50	per hour
Water Meter Reader/ Repairer	$ 21.07	$ 21.91	$ 22.79	per hour

BE IT FURTHER RESOLVED effective January 1, 2002, the above salaries 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	3% increase above base pay
20-25 years of service	4% increase above base pay
25-30 years of service	5% increase above base pay
25 years of service	6% increase above base pay

BE IT FURTHER RESOLVED that this Resolution will not take effect until November 7, 2002.

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

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

8. **Resolution #59-03,** Hire of Building Maintenance Worker

WHEREAS, the Mayor and Council have determined it is necessary to hire a Building Maintenance Worker; and

WHEREAS, funds are available in the 2003 Budget for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Oscar Acuna is hereby hired as a Building Maintenance Worker, effective January 8, 2003 at the salary of $8.00 per hour for five (5) hours per day, five (5) days per week for a total of twenty-five (25) hours per week.

NOW, THEREFORE, BE IT FURTHER RESOLVED that since this a part time position, there are no benefits.

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

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

9. **Resolution #60-03,** Hire of Building Maintenance Worker

WHEREAS, the Mayor and Council have determined it is necessary to hire a Building Maintenance Worker; and

WHEREAS, funds are available in the 2003 Budget for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Yaneth Acuna is hereby hired as a Building Maintenance Worker, effective January 8, 2003 at the salary of $8.00 per hour for two (2) hours per day, five (5) days per week for a total of ten (10) hours per week.

NOW, THEREFORE, BE IT FURTHER RESOLVED that since this a part time position, there are no benefits.

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

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

10. **Resolution #61-03,** Authorize Borough Engineer/Services Relative to the New Municipal Complex "Bump Out" on West Front Street

WHEREAS, the Mayor and Council of the Borough of Keyport have authorized the construction of a new municipal complex, which complex is presently under construction; and

WHEREAS, the proposed site plan and location of the within new municipal complex will result in an alteration of "bump out" onto West Front Street, directly in front of the new municipal complex, which will affect the present sidewalk and street configuration in the within area; and

WHEREAS, the Mayor and Council have requested a proposal from the Borough Engineer for engineering plans relative to the within alteration or "bump out" of West Front Street at the location of the new municipal complex; and

WHEREAS, the Borough Engineer has submitted a proposal for engineering services necessary to complete plans for the within alteration of West Front Street necessitate by the construction of the new municipal complex; and

WHEREAS, the Borough Engineer has proposed to complete the plans or specifications required, including, the preparation of same, development of the scope of work, required site visits and estimates for a fee not to exceed the sum of Three Thousand Dollars ($3,000.00)and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer and are inclined to authorize the Borough Engineer to undertake this proposal in conjunction with the construction of the new municipal complex, as expeditiously as practicable,

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

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

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

ADJOURNMENT

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

Time of Adjournment: 8:36 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk

As per Joanne Clemente
Deputy Borough Clerk

Joanne Clemente