Approved 10/15 (?)
October 1, 2002
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 Graham called the meeting to order at 7:05 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Hyer, Stalter. Absent: Councilman Bergen (arrived 7:08 P.M.) and Councilwoman Ashmore (Grandmother was taken to the hospital). Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #318-02, 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. Compensatory Time Policy
2. Use of Borough Employees and Equipment Policy
3. Code Enforcement Office/Part Time Employee
4. Municipal Court Personnel
5. Tax Office
6. Environmental Commission
7. Library Board of Trustees

Litigation
1. Magic Touch vs. Borough of Keyport
2. Sjoblom vs. Borough of Keyport
3. PBA vs. Borough of Keyport

Labor Relations
1. IUOE Negotiations - Public Works/PSTO
2. IUOE Negotiations - Clerical

Contract Negotiations
1. Garbage Contract
2. Health Insurance
3. Omnipoint Cellular Tower Lease
4. Water/Wastewater Utilities
5. Groundwater Diversion Rights
6. Ferry Service

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. Hyer

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

Council went into closed session at 7:08 P.M. and this meeting was reconvened at 8:20 P.M.

Mayor Graham called the meeting to order at 8:25 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Hyer, Stalter. Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 8:25 P.M. There being no comments, the Meeting was closed to the public at 8:25 P.M.

PROCLAMATIONS

Mayor Graham read a Proclamation for Domestic Violence Awareness Month (October) and a Proclamation for the Halloween Curfew for 2002.

HEARING ON ORDINANCES

1. Ordinance #26-02, Amend Chapter V, Section 5-12, Games of Chance on Sunday

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of September 19, 2002, 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 BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER V, SECTION 5-12 ENTITLED "GAMES OF CHANCE ON SUNDAY"

The Hearing was opened to the public for comments and questions at 8:29 P.M. There being none, the hearing was closed at 8:29 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla Hyer, Stalter
Absent: Councilwoman Ashmore

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 3, 2002 moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

2. Ordinance #27-02, Amend Chapter XVI, Streets, Sidewalks and Sanitation (Mark Outs)

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of September 19, 2002, 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 BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER XVI, STREETS, SIDEWALKS AND SANITATION

The Hearing was opened to the public for comments and questions at 8:32 P.M. There being none, the hearing was closed to the public at 8:32 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla Hyer, Stalter
Absent: Councilwoman Ashmore

2a. Motion authorizing the clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 3, 2002 moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

3. Ordinance #28-02, Bond Ordinance - Various Equipment

The Clerk reported the Supplemental Debt Statement was approved by the Director, Division of Local Government services.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of September 19, 2002, 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:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF FIRE TRUCKS EQUIPMENT AND NON PASSENGER VEHICLES, BY AND FOR THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING $837,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $792,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements of purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of $837,000 said sum being inclusive of the sum of $5,000 from the reserve for a public works vehicle in the general capital fund (the "Reserve Monies") and the sum of $40,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, NJSA 40A:2-1 et seq (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said $837,000 appropriation not provided for by application hereunder of said down payment and said Reserve Monies, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of $792,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes negotiable notes of the Borough in an aggregate principal amount not exceeding $792,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

Description	Appropriation	Authorization	Down Payment	Useful Life
(i) The acquisition of two (2) fire trucks, including one (1) utility fire truck for Keyport Fire Patrol a volunteer organization and one (1) pumper fire truck for Raritan Hose Company #1, a volunteer organization, the title to which fire trucks shall remain with the Borough and which appropriation for such fire trucks shall be controlled and disbursed by the Borough;	$550,000	$523,600	$26,400	10 yrs
(ii) the acquisition of equipment and non passenger vehicles for the Borough's Department of Public Works including, but not limited to a street sweeper, dump truck and a lift truck; and	$260,000 (including $5,000 from the reserve for a public works vehicle in the general capital fund)	$242,700	$12,300	10 yrs

(iii) the overhauling and renovation of a backhoe for the Borough's Department of Public Works;	$ 27,000	$ 25,700	$ 1,300	7 yrs
TOTALS	**$837,000**	**$792,000**	**$40,000**	

(b) The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $792,000.

(d) the aggregate estimated cost of said improvements or purposes is $837,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of $792,000 is the Reserve Monies in the amount of $5,000 and the aggregate down payments for said improvements or purposes in the amount of $40,000.

SECTION 4. In the event the United State of America, the State of New Jersey and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event however, that any amount so contributed or granted by the United State of America, the State of New Jersey and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to see part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report, in writing, to the Governing Body at the meeting next succeeding the date when any sale or deliver of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance is 9.90 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $792,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $70,000 for items of expense listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1:150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1:150-2 and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1 e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $792,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this Ordinance.

SECTION 11. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

The Hearing was opened to the public for comments and questions at 8:34 P.M. There being none, the hearing was closed at 8:34 P.M.

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

Roll Call Vote: Ayes Councilmembers Atkins, Merla, Hyer, Stalter
Nays: Councilman Bergen
Absent: Councilwoman Ashmore

3a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 3, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present except Mr. Bergen who voted against it.

INTRODUCTION OF ORDINANCES

1. Ordinance #29-02, Increase Water Turn On Fees

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 BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER, AMENDING CHAPTER XIV, WATER AND SEWER SECTION 14-1.9, GENERAL REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Chapter XIV, Water and Sewer, Section 14-1.9, General Regulations, is hereby amended and supplemented as follows:

Section 1. Declaration. The Mayor and Council have reviewed the recommendation of the Tax Collector, Borough of Keyport, to increase the fees charged for the turn on of water where water has been turned off to any premises because of a violation of the Borough rules or for non payment of a bill. The intent is to increase the fees to correspond with the cost associated for the Borough of Keyport to send a crew to turn on the water during business hours and non business hours.

Section 2. Title. The Borough Ordinance Chapter XIV, Section 14-1.9, General Regulations is hereby amended as follows:

a. Turn On Charge. When water has been turned off from any premises because of violation of the Borough's rules or for non payment of a bill, a charge of fifty ($50.00) dollars payable in advance shall be made for turning on the water during normal business hours. A charge of one hundred ($100.00) dollars, payable in advance shall be made for turning on the water during non business hours, weekends and holidays. A forty ($40.00) dollar charge shall be made for turning on the water for an original connection, except to domestic house meters (sizes 5/8" x 3/4") for which this charge is included in the fee established in subsection 14-1.12a.

Section 3: 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 4. 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 5. All other provisions of the within Chapter not specifically effected by the within Ordinance are hereby confirmed.

Section 6. This Ordinance shall take effect immediately upon final passage and publication as required by law.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of October 3, 2002 for a Hearing to be held on October 15, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from KBA to amend various upcoming events:
   a. Close West Front Street (10/12-13) for Country Jamboree
   b. Holiday Tree Lighting on November 30th not the 23rd.
   c. Candlelight House Tour, December 14th (4-9PM)

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

2. Request from First Presbyterian Church to hold the 6th Annual Crop Walk, October 20, 2002, 12:30 P.M.

   Motion to Approve moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

3. Request from Kiwanis Club of Keyport to extend the Flea Market into November.

   Motion to Approve pending insurance moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

4. Letter from Lincoln Hose Company #1 advising Timothy Regan will be the candidate for Third Assistant Fire Chief.

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

5. Request from Keyport Recreation for an Audit of the Parks for Safety and Insurance Purposes to be conducted.

   An inspection was done by the Borough's insurance carrier and some of the matters are redundant. The matters should be cross checked and discussed with Bill Ortman of NIA Group. Some equipment was removed from the parks and sand was put in some parks as well. Mr. Bergen said the park equipment guidelines change constantly. Mr. Hyer requested Mayor and Council be given a copy of the insurance company's letter on their inspection. It was asked what would be involved in speaking with Mr. Ortman.

   Motion to refer to the Deputy Borough Clerk moved by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

6. Request from Keyport Recreation for Counselors to be paid for July 5, 2002.

   Motion to hold until the October 15th meeting moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

7. Memo from Chief Gajewski regarding resignation from William Siegle, Special Law Enforcement Officer Recruit.

   Motion to Accept moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

8. Fire Department Membership Application from Joseph Belanger/Board of Fire Wardens

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

9. Request from Keyport Library Board of Trustees to use the Senior Center for meetings the second Tuesday of each month at 7:00 P.M.

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

10. Letter from Keyport High School Hall of Fame advising there will be no parade or half time festivities this year.

   Motion to Receive and File moved by Mr. Hyer, seconded by Mr.

Stalter with Ayes by all present.

11. Raffle License Applications from St. Joseph PTA:
    a. On Premise Draw Raffle - November 9, 2002
    b. On Premise Cash Raffle - November 19, 2002
    c. Off Premise Draw Raffle - January 28, 2003
    d. Off Premise Cash Raffle - Various Dates for 2003

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

12. Raffle License Application from St. Joseph Church for an On Premise Cash Raffle - December 17, 2002

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

13. Letter from Ken Marr, Jr. advising the PBA will oversee the 2002 Halloween Parade to be held on October 27, 2002 beginning 2 PM with the Fire Department and various organizations assisting.

    Motion to Approve a $500.00 donation moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

14. Request from St. Joseph Church to exempt property taxes paid since July 12, 2002 and for the 4th quarter taxes due November 1st.

    Motion to accept Pauline Redmond's, Tax Collector, recommendation that taxes remain in effect for 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

15. Request from Fire Chief for Public Works assistance with the 125th Anniversary Parade, October 5, 2002.

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

UNFINISHED BUSINESS

1. **Part Time Construction Code/Fire Prevention Clerk.** This matter should be carried over to Closed session on October 15, 2002.

2. **Improvements to Block 127, Lot 25.** Sidney Becnel owns a house on First Street between Cedar Street and Myrtle Avenue and would like to make improvements to the property. Mayor Graham said he had a concern with Mr. Becnel grading the west side to match the elevation with the east side; there is a significant difference in the elevation and there could be erosion where the foundation could be undermined. If Mr. Becnel does this, there could be liability issues. Mr. Merla asked if there was a swale there; yes. Mr. Merla asked Borough Engineer Freda if it would be normal if Mayor and Council suggested Mr. Becnel go before the Planning Board informally. Mr. Freda suggested this matter be referred to the Zoning/Code Enforcement Officer first. Tony Vecchio should review the matter and may possibly suggest Mr. Becnel go before the Planning Board. Mr. Bergen made a motion to refer this matter to Tony Vecchio, Zoning/Code Enforcement Officer, seconded by Mr. Merla with Ayes by all present.

3. **Clean Ocean Action/Fall Beach Sweeps.** The Baykeeper said they would handle this event. Motion to refer this matter to the Baykeeper moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

4. **Borough Property: Second and Church Streets.** Mr. Merla said on a few different occasions this matter was discussed. A decision has to be made. The adjacent property owner would like to purchase this piece of property and there have been a few offers by others to rent the property. Mr. Merla requested that Mayor and Council look at the property again and come back to discuss what to do. This matter will be relisted on the November 4, 2002 Agenda.

5. **Catamaran Lease.** Mr. Kain said Mr. Dell has been contacted so that he can answer a few questions and this matter should be carried until Mr. Dell responds back.

6. **Proposed Municipal Lot.** A letter was received from Rich Gardella, Birdsall Engineering, regarding this matter. The letter was addressed to Kathy Shaw stating that there are no easements. This

matter should be thoroughly researched. Mr. Hyer requested that Mrs. Poling add her comments and the responses she received from the property owners regarding this matter. Mr. Hyer requested that Mayor and Council drive through the Municipal Lot to see what Public Works has done in the lot.

7. **Ferry Service and Parking.** A letter was received from Andrew Willner regarding the Ferry Service. Mayor Graham touched on items of the letter. Mr. Merla asked if the Harbor Commission was given a copy of the letter; no. The Engineer has been on site and the matter has been referred to the Code Enforcement Officer. Green Acres would have to approve fishing off of the barge to the Ferry; Mr. Stalter said Mr. Cummins was looking into this matter with his insurance company (liability). Mr. Hyer said the pier closes at 11:00 P.M. due to vandalism per the Police Chief. Mr. Merla felt the Harbor Commission should address this letter. Mr. Bergen requested Mrs. Poling contact Wetlands Mitigation regarding the violations of the parking lot. Fast Ferry should meet the Planning Board's requirements and time table for the parking lots. Mr. Bergen asked Mr. Kain to contact John Kriskowski, Planning Board Engineer, to advise on matters so that Council can address the lease renewal. Mr. Hyer suggested the Borough check on its own liability for the public to go on the barge to fish. Mayor Graham requested this matter be referred to the Harbor Commission. Mr. Bergen said items should be addressed when lease renewal is discussed. Motion requesting a letter be written to Mike Cummins regarding the barge moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

8. **Donation/Keyport Fire Department.** Mrs. Atkins advised Mayor and Council that the American Legion donated 10 Streamlite Rescue lights to the Keyport Fire Department. The lights will be used by the F.A.S.T. team. A motion was made by Mr. Merla to add a resolution accepting the donation on the Agenda, seconded by Mrs. Atkins with Ayes by all present.

9. **Spruce Tree.** Mr. Merla said a Washington Street resident would like to donate a 35 foot spruce tree. Some representatives from Rockefeller Center are going to come and look at the tree. This would be good press for the Borough if the tree is accepted.

10. **Steel.** Mr. Merla said that Mrs. Poling wrote a letter to New York City requesting a two foot piece of steel from the World Trade Center. John Kirby from the High School is working in the city and has offered to bring our piece of steel to Keyport. Mr. Merla requested Mr. Kain review the form that New York has requested be signed off on so we can move forward. The steel would be welded into the New Municipal Complex. Mr. Merla said the Borough should accept the steel and dedicate it. He will work with Mr. Kain and Mrs. Poling to obtain the steel.

11. **Apollo Sewer.** Mayor Graham requested Bill Cerase, Property Maintenance Officer, inspect the Borough piece of property on Beers Street and request that Apollo Sewer remove their equipment.

12. **Millings.** The Mayor questioned the millings that were put on American Legion Drive and at the Boat Launching Ramp and said he thought they could not be used on property. Mr. Freda said millings are recyclable material and there are regulations on how they can be put down. If millings were already there and fresh millings were put down, it is acceptable to the DOT. Mr. Bergen asked where the millings came from; the New Jersey Highway Authority.

13. **Sump Pump.** Mr. Hyer said Hazlet contacted George Sappah about Keyport homes discharging on Florence Avenue near St. John's Church. Hazlet may back charge the sand and time spent to the Keyport residents on Florence Avenue. This matter needs to be addressed with an elbow pipe or some other remedy. Mr. Sappah said the matter should be addressed before Hazlet's Attorney and Engineer get involved.

14. **Public Works Lift.** Mr. Hyer said the lift at Public Works is stuck in the up position. A car was stuck on the lift. The lift is 14 years old and was manufactured in Denmark. George Sappah pinpointed someone to come and look at it. A lift is needed for the vehicles; Mr. Sappah received some quotes for lifts. The quotes will be presented at the next meeting. Mr. Bergen asked if

the lift is an odd ball or standard. Mr. Sappah said the present lift has a four post motor and each side goes up at different stages. Pieces in the motor are breaking down which has caused the lift not to work. Mr. Hyer asked if there are parts to replace the old; Mr. Sappah said possibly there are parts in Toronto, Canada.

15. **Bulkhead.** Mr. Bergen said the parking lots and realignment of the road is being addressed by Smart Growth. John Kriskowski has been asked by the Committee to attend their October 8th meeting at the Keyport Yacht Club. Mr. Merla said he will have information by October 15th. Mr. Freda said the deadline is the diversion. Kathleen Shaw is researching through Green Acres what is and what is not Green Acres property. It was asked if there was any follow up on the Bulkhead; no.

ADMINISTRATOR'S REPORT

Mrs. Cinquegrana in Mrs. Poling's absence reported on the following. A meeting was held regarding County Bridge R-4. Mr. Freda, Borough Engineer, said he, the Chief, George Sappah, and Mrs. Poling met with the County. The County has a problem with the DEP and they must redesign their plans for the bridge. The County must provide Wetlands Mitigation (two for one at the bridge). Several options were presented. The first option was to make Second Street a cul-de-sac, the second option aligns traffic (the sanitary sewer line would be relocated). The only matter pending for this matter is Traffic Safety must submit their report regarding truck traffic, stop signs, etc. Mr. Bergen asked how long the bridge would be down; not much was discussed on scheduling. Work was pushed off due to the redesign. Construction should be started next year (pushed off six months). Chief Gajewski said the bridge may be closed down for nine months. Another meeting with the County will be held to rediscuss this matter. Mrs. Cinquegrana reported an invoice was received from Trident Abstract to increase the coverage for the New Municipal Building. Mr. Litwin had suggested insurance be increased on the building. Approval is needed to increase the amount from $125,000 to $1 million. Mr. Merla made a motion to approve the insurance increase for the New Municipal Building, seconded by Mr. Hyer with Ayes by all present. Mayor and Council will review John Kriskowski's project update report.

ENGINEER'S REPORT

Mr. Freda reported on the following. There has been no extension given for the Livable Communities Grant. The deadline for this grant is October 18th. Mr. Fallon, Chief Financial Officer, said monies will not be available until November 1st. Mayor and Council suggested addressing the matter after November 1st. The grant could address the new municipal lot. Mr. Bergen asked Mr. Freda how this grant would accrue $4,500 in Engineering fees. Mr. Freda said this is a new grant and his office has never dealt with this type of grant and $4,500 is a starting point; other organizations may do the leg work. Mr. Merla said this could be discussed at the Smart Growth Meeting on October 8th. Mrs. Poling asked if the KBA could get involved, could they fund the project and the Borough reimburse them. Mr. Freda said we are running out of time.

ATTORNEY'S REPORT

Mr. Kain reported on the following. The matters he had were discussed in closed session. Mr. Bergen requested Mr. Kain report on litigation filed against the Borough. Mr. Kain said a lawsuit was brought on regarding health insurance by the PBA; it will be heard in court on October 4th. The Borough filed an answer to a suit filed by Mr. Sjoblom which dates back to 1991. The Magic Touch suit is ongoing and is being monitored by separate Counsel and the Borough Insurance company.

NEW BUSINESS

1. **Risk Control Consulting Agreement.** A renewal was submitted by the NIA Group for Risk Control Services for 2002/2003. There would be a slight price increase if the renewal is accepted. A resolution should be listed on the October 15th Agenda to accept the renewal at the new cost. Worker Compensation has been lowered to 1%. Mr. Bergen said the Borough has saved money in Worker Compensation matters since the Risk Control took effect. The Insurance company does an inspection. Motion authorizing Mrs. Poling to make renewal arrangements with NIA moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present. Mrs. Poling requested the Resolution be listed tonight.

2. **Open Space.** Mr. Merla had a sample Resolution regarding the County's open space referendum and requested a supportive resolution be listed on the October 15th Agenda. A resolution will be added to tonight's agenda.

3. **Statewide Cultural Grant.** There is a Statewide Cultural Grant for the Arts available ($2 million is available). The Historical Society and Fire Museum have been advised of said grant. The Fire Museum has submitted an application.

   Adam Zellner and Joe Donald from the Office of State Planning (Smart Growth)did an on site tour and are very excited about the application. The Borough should be funded for this. Smart Growth will report back to Mayor and Council. Schoor DePalma is handling the amendments. Mr. Merla made a motion to add a supportive Resolution, seconded by Mr. Hyer with Ayes by all present.

PUBLIC COMMENT PORTION

The meeting was opened to the public at 9:45 P.M. Mrs. Poling, Borough Clerk/Administrator, advised Mayor and Council that she would be attending a Green Acres Roundtable on October 2nd from 8:00-10:00 A.M. in Tinton Falls. George Sappah, Supt of Public Works, advised Mayor and Council the Water Plant shut down today; it was a good season and the quality of water will now change. A request has been submitted to the DEP to allow the Borough to flush the system. Terry Parker, asked about the Henry Hudson Trail and cars parking on the trail between Atlantic and Church streets and how they can be stopped. Mrs. Atkins said people were given permission to park there; it is parking for the Fire Department. Chief Gajewski said permission by right of way was given to the Fire Department. Mr. Parker asked if the Borough is named in the Ferry's Insurance Certificate; yes. Mitchell Meyerson said no improvements have been made to the old West Furniture property. There is wood hanging from the building (this has been reported at the last three meetings); some debris has been swept. They have been working inside the building around 7 P.M. and are preparing to rent it again. No Certificate of Occupancy has been issued. There is a business working in the back of the building. There is no public protection. Mayor Graham said there was a memo from the Property Maintenance Officer to the Planning Board stating that windows are on order. Mr. Meyerson said the second floor has not be repaired. Mrs. Cinquegrana was asked to send a memo to Bill Cerase, Property Maintenance Officer, to respond back to Mayor and Council with the status of the DCH project. Mr. Meyerson said the DCH property is an eyesore and asked that the KBA get involved. Mr. Hyer said Public Works will put a barricade at the property. Mrs. Poling said Mr. Cerase was going to speak with Mr. Kriskowski regarding the status of the property. Mr. Cerase contacted her about the memo. Mayor Graham said the Property Maintenance Officer should go and investigate. Margo Weigand said a home on Main Street (two houses from St. Peter's Place) has not made repairs and asked what the status is. The house has been vacant for 4 years. Mr. Stalter said the Board of Health has been out to this property; there was a concern regarding water in the basement. It was requested that the Property Maintenance Officer should go out to the property and decide if there is an unsafe condition. The Borough could clean the property up and place a lien on it. Mr. Hyer suggested Bill Cerase look at the property and make a recommendation, as well as, verify who is responsible for it. Chief Theodore Gajewski said there has been a problem with bikes being chained to poles and trees on Broad Street and asked Mr. Kain if he was aware of any Ordinances in other towns regarding this matter. Mr. Kain said some shore areas have them and he will look into it. Mr. Hyer said the same problem occurs near 7-11. Chief Gajewski said bikes are being chained up overnight. Joanne Staeger asked what the loss of revenue would be if the Borough exempted St. Joseph Church paying taxes from July to December 2002; approximately $20,000. John Fahey, First Street, asked if there was anything on the books for the amount of apartments that have bicycles (there are a lot of people living in small quarters). Mr. Vecchio has addressed this issue. Mr. Fahey said Manasquan addresses this matter daily. Mr. Merla said Mr. Vecchio has been working with the school regarding Certificates of Occupancy and has been successful. Mr. Vecchio has gone to court on many occasions. Mrs. Staeger said she is unhappy with certain situations in the Borough. The Code Enforcement Officer is not working with the Book of Laws (BOCA). Her neighbor was not heard at the Planning Board Meeting last Thursday after putting out money. Her neighbor was told she would not be heard. Mrs. Staeger asked why they did not get denied when the application was put in. They were told to go appeal at the County since it was not heard by the Planning Board. Mayor Graham said the Engineer submitted a review letter and Keyport's Ordinances allow the pool to be within three feet of the property line; the BOCA codes state 6 feet. Terry Parker said they should apply for a variation at the local level, file and pay a fee. Mayor Graham said the pool conforms to the Borough Ordinances, not BOCA. The Meeting was closed to the Public at 10:10 P.M.

RESOLUTIONS

2. Resolution #319-02, Accept 2001 Audit/Authorize Execution of Affidavit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2001 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the section of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla Hyer, Stalter
Absent: Councilwoman Ashmore

3. Resolution #320-02, Payment of Bills

See full copy of Resolution as pages 19-20 of these minutes

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla Hyer, Stalter
Absent: Councilwoman Ashmore

4. Resolution #321-02, Amend September 17th Payment of Bills

WHEREAS, on September 17, 2002, the Mayor and Council of the Borough of Keyport passed Resolution #316-02 for the Payment of Bills; and

WHEREAS, a payment was listed to Chief Theodore Gajewski in the amount of $1,350.00 in the Current Section of the Payment of Bills; and

WHEREAS, the Chief Financial Officer has determined that this payment of $1,350.00 which is for a Clothing Allowance should go through payroll, not the payment of bills.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that this check #014899 in the amount of $1,350.00 is hereby voided and the Current Section of the September 17, 2002 Payment of Bills balance be amended to read $937,230.36.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla Hyer, Stalter
Absent: Councilwoman Ashmore

5. Amend Fire Inspector Salary Resolution - This was deleted from the Agenda

6. Resolution #322-02, Amend Municipal Court Credit Card Resolution

WHEREAS, the New Jersey Supreme Court has adopted R.7:14-4(c), which authorizes Municipal Courts to accept electronic payments for fees, costs, penalties and other judicially imposed obligations, pursuant to procedures established by the Administrative Director of the Courts, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules for Government Electronic Receipt Acceptance with N.J.A.C. 5:30-9.1 et seq., and

WHEREAS, the Municipal Court of the Borough of Keyport has determined it would be beneficial for the Municipal Court of the Borough of Keyport to accept electronic payments, and

WHEREAS, the Borough of Keyport will lease the necessary electronic equipment, including maintenance agreement, through Nova Information Systems for Ladco Leasing.

WHEREAS, Nova Information Systems will provide the necessary training and processing of the transactions as per their agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport, County of Monmouth, does hereby approve the entering into an agreement with Nova Information Systems for the acceptance of credit cards in the Municipal Court of the Borough of Keyport.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Keyport authorize the Borough Administrator to enter into a lease agreement for the electronic equipment and maintenance through Nova Information Services for Ladco Leasing.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth that the Municipal Court of the Borough of Keyport is hereby authorized to accept electronic payments, effective October 15, 2002 for court imposed obligations permitted under R.7:14-4 (c).

BE IT FURTHER RESOLVED that a copy of the within resolution be forwarded to the following:

1. Municipal Court Administrator
2. Nova Information Systems
3. Chief Financial Officer
4. Borough Auditor

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

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Hyer, Stalter
Nays: Councilman Bergen
Absent: Councilwoman Ashmore

7. Support Legislation on Developer's Impact Fees - This was deleted from the Agenda

8. Resolution #323-02, Amend Resolution awarding DeFino/Washington Street/Phase III Contract

WHEREAS, by Resolution #240-02, the Mayor and Council of the Borough of Keyport awarded a contract to Defino Contracting Company, Inc., Cliffwood Beach, New Jersey, for reconstruction of Washington Street, Phase III; and

WHEREAS, the decision to award the bid to Defino Contracting Co., Inc., was based upon the lowest bid submitted by the within contractor; and

WHEREAS, it has come to the attention of the Mayor and Council of the Borough of Keyport that the bid was awarded through the New Jersey Department of Transportation, Division of Local Government Services and Economic Development, and requires the municipality execute a recommendation of Award State Aid Project; and

WHEREAS, it is the intention of the Mayor and Council to amend the previous Resolution to include the authority for the Borough of Keyport to execute the recommendation of Award, State Aid Project to the New Jersey Department of Transportation in favor of the contract awarded to Defino Contracting, Co., Inc.

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

1. Resolution #240-02, is hereby amended to provide that the Mayor and Borough Clerk are authorized to execute a document by the New Jersey Department of Transportation, Division of Local Government Services and Economic Development, recommendation of Award, State Aid Project recommending an award in favor of Defino Contracting Company, Inc., in the bid amount of One Hundred and Seventy Eight Thousand Four Hundred Dollars ($174,400.00).

2. The Mayor and Borough Clerk are authorized to execute the recommendation of award, State Aid Project, in favor of Defino Contracting, Co., Inc. in the amount of foresaid.

3. A copy of the amended Resolution as well as the recommendation of award, State Aid Project, shall be transported to the New Jersey Department of Transportation together with a copy of the within Resolution and a copy of the Resolution retained in the office of the Borough Clerk for public inspection.

This is a State contract and the Resolution needed to be added regarding DOT funds being accepted. Mr. Freda said the bid price should be extended by the lowest bidder.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

9. Resolution #324-02, Approve Revised Bylaws of NJIIF

WHEREAS, the Borough of Keyport is a member of the North Jersey Intergovernmental Insurance Fund, hereinafter "JIF"; and

WHEREAS, recent changes in the state regulations require the JIF's bylaws to be revised; and

WHEREAS, after a public hearing conducted on November 23, 1999, the Executive Committee of the North Jersey Intergovernmental Insurance Fund recommend revised bylaws to the membership; and

WHEREAS, these revised bylaws must be ratified by at least three fourths of the members before they can become effective.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keyport that the revised bylaws are hereby ratified.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

10. Resolution #324-02, Rescind Resolution #269-02 Accepting a sign donation from Landmark Signs

WHEREAS, on August 6, 2002, Mayor and Council adopted Resolution #269-02 accepting a donation of a sign from Mr. John DeVoto; and

WHEREAS, due to certain circumstances this donation has been canceled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Resolution #269-02 is hereby rescinded.

Mr. Hyer said he had a conversation with Mr. DeVoto who did not have time to make the sign and felt he should get other work in the Borough. Mr. Hyer advised that there was no clause when the Borough accepted the donation.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

11. Resolution #325-02, Resolution of Mayor and Council declining to apply for Health Benefits under the State Health Benefits Program

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized a change in health benefits provided to the Borough employees and will enter the State Health Benefits Program on October 1, 2002; and

WHEREAS, the Mayor and Council of the Borough of Keyport have the opportunity to participate and obtain health insurance benefits under the State Health Benefits Program as employees of the Borough of Keyport; and

WHEREAS, it is the present intention of the Mayor and Councilmembers to decline to participate in any health benefits under the State Health Benefits Program.

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

1. The Mayor and Council hereby decline to accept or participate at the present time in any health benefits offered through the State Health Benefits Program.

2. A copy of the within Resolution shall be forwarded to the Plan Administrator, State Health Benefits Plan and a copy retained in the Office of the Borough of Keyport for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

12. Resolution #327-02, Approve Donation for Halloween Parade ($500)

WHEREAS, Keyport PBA #223 is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, Keyport PBA #223 has requested that the Borough of Keyport contribute the sum of $500.00 for the purpose of assisting them with funds for the annual Halloween Parade.

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 Keyport PBA #223 and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

13. Resolution #328-02, Accept Donation of Streamlite Lights for the Keyport Fire Department

WHEREAS, the Borough of Keyport ("Borough") has established the Keyport Fire Department; and

WHEREAS, Raritan Post 23, American Legion, has donated to the Borough of Keyport Fire Department ("Borough") tent (10) Streamlite rescue lights to be used by the F.A.S.T. team of the Borough of Keyport Fire Department; and

WHEREAS, the Borough has a need for said items to enhance and expand the Borough of Keyport's Fire Department; and

WHEREAS, the Borough greatly appreciates the generosity of Raritan Post #23, American Legion.

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

1. A list containing this donation accepted by the Borough is hereto attached.

2. The Borough Clerk is authorized and directed to acknowledge receipt of this donation and express the Borough's appreciation to Raritan Post #23, American Legion.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

14. Resolution #329-02, Renew Contract for Risk Control Services with NIA Group (2002-2003)

WHEREAS, the Borough of Keyport has received the attached proposal from the NIA Group, LLC ("NIA"), a risk control consultant with offices at One Executive Drive, P.O. Box 6728, Somerset, New Jersey 08875-6728 with regard to the provision of risk control services and insurance company liaison, to the Borough of Keyport for the period from September 1, 2002 through August 31, 2003; and

WHEREAS, the Mayor and Council have examined said proposal and approve of same; and

WHEREAS, the annual charge for said services by NIA will be $12,600.00 for the period September 1, 2002 through August 31, 2003 payable as specified in the proposal; and

WHEREAS, the Local Public Contracts Law requires the Resolution authorizing the award of contracts for extraordinary unspecifiable services without solicitation of bids and the contract itself must be available for public inspection; and

WHEREAS, the Borough has attempted to solicit price quotations for risk control services from other vendors, but has only received the aforementioned quotations from NIA; and

WHEREAS, the Mayor and Council deem it advisable to enter into an agreement with NIA to provide risk control services to the Borough of Keyport for the period September 1, 2002 to August 31, 2003 at a fee of $12,600.00 pursuant to the proposal annexed hereto.

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

1. The Mayor and appropriate Borough officials are hereby authorized and directed to accept the attached proposal of NIA to provide risk control services to the Borough of Keyport for a fee of $12,600.00 for the period September 1, 2002 through August 31, 2003 payable as per Contract.

2. This contract is awarded without advertisement because it is for extraordinary unspecifiable services in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law, because the nature of the services require extensive experience in the field of Risk Loss Control Consulting, extensive training in same and a proven reputation in the field of Risk Loss Control. A notice of this award shall be advertised as required by law.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

15. Resolution #330-03, Support County Open Space Referendum

WHEREAS, the maintenance of high quality of life through a desirable system of open space, parks and recreation is important to the municipality represented by the Borough of Keyport; and

WHEREAS, the population of Monmouth County grew by 11% between 1990 and 2000 and is projected to increase by 13% between 2000 and 2020; and

WHEREAS, the passing of each year require the development of more land to accommodate the growing population resulting in less opportunity to preserve open space and farm land; and

WHEREAS, Monmouth County voters supported 1987 and 1996 referendum votes of more than three to one enabling the County of Monmouth to establish funding in order to aggressively pursue open space preservation in accordance with the approved County Open Space Plan; and

WHEREAS, the funds authorized by the 1987 and 1996 referendums have made it possible for the County to acquire and permanently preserve 3,302 acres in eleven park areas resulting in the increase of total County park acreage to over 12,400 acres, which is almost two-thirds of the way to the long term goal of preserving 19,000 acres of County park land; and

WHEREAS, the Monmouth County Board of Chosen Freeholders announced in August that they have authorized a non-binding referendum to be placed on the November ballot to gauge public opinion on an expanded program of County Open Space Preservation; and

WHEREAS, the increase in annual funding will permit the Board of Chosen Freeholders to continue their efforts to preserve open space park land and farm land and to provide funding for cooperative open space and recreation projects with Monmouth County's municipalities; and

WHEREAS, the referendum would result in an Open Space Tax Bill of approximately $54 for a County resident with property assessed at $200,000, which would, therefore total only about $1.04 per week.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport on October 1, 2002 that they do declare their support for the important quality of life in Monmouth County through the continuation of the well acclaimed program of acquisition of open space by the Monmouth County Board of Chosen Freeholders and do hereby endorse the passage of the 2002 Monmouth County open space referendum and encourage all County residents to support this most important referendum; and

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded on to the Monmouth County Board of Chosen Freeholders.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Hyer, Stalter
Absent: Councilwoman Ashmore

ADJOURNMENT

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

Time of Adjournment: 10:15 P.M.

Respectfully submitted,
Allyson M. Cinquegrana
Allyson M. Cinquegrana, RMC
Deputy Borough Clerk