October 15, 2002
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 Graham called the meeting to order at 7:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #331-02, 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. Comp Time Policy
2. Tax Office
3. Recreation Counselors
4. Borough Employee & Equipment Use Policy
5. Code Enforcement Office/PT Employee
6. Environmental Commission

Litigation
1. PBA vs. Borough of Keyport
2. RCG vs. Borough of Keyport
3. Kutschman vs. Borough of Keyport
4. Riparian Park Grant
5. Magic Touch vs. Borough of Keyport
6. Sjoblom vs. Borough of Keyport

Labor Relations
1. IUOE Negotiations
2. Administrative and Non Union Employees

Contract Negotiations
1. Garbage Company
2. Health Insurance
3. Omnipoint/WFI
4. Water/Wastewater Utilities
5. Ferry Service
6. Utility Services
7. Block 1, Lot 40
8. Washington Street Phase III
9. Cedar Street Lights
10. Shift Change/PBA

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
Ashmore, Hyer, Stalter

Council went into Closed Session at 7:11 P.M. and this meeting was reconvened at 8:05 P.M. until after the Resolution portion of this meeting.

Mayor Graham called the meeting to order at 8:15 P.M. and read the Sunshine Law Notice. Councilmember Ashmore led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer, Stalter. Others present: Mr. Kain, Borough Attorney and Mr. Gardella, Borough Engineer's Office.

PERSONNEL MATTER

1. **Donna Purcell.** Mr. Kain acknowledged Michael Gann from Local 68 and Donna Purcell. Mrs. Purcell had the option to have this discussion held in closed session and she requested it be held in open session. Mrs. Purcell was advised that a letter was received and it was a complaint regarding the way she handles responses on the job. Mayor and Council will investigate the matter and decide if disciplinary action should be taken (Mrs. Purcell will be notified). Mr. Gann said he did not have any questions, but requested everything be made available. Mrs. Purcell requested to see the letter that was received. Mr. Kain said once the investigation is completed then the letter will be made available.

PUBLIC COMMENT PORTION

This will be held later in the Agenda.

APPEARANCE AND DISCUSSION

1. **Baykeeper/Waterfront Pump Station.** Andrew Willner, Baykeeper, Osborn Street, said he would like use of the pump station building on American Legion Drive. In 1989, he founded a private steward for the Hudson estuary (Raritan Bay). The Baykeeper would like to use the building for offices; Phase I they would renovate and repair the outside of the building. The 2nd phase would be a larger structure adjacent to the pump station for offices and future needs, as well as, use by other organizations. Mr. Willner said that this project would be done in lieu of taxes. An Aquarium and auditorium would be made for school children with public areas (exhibits) available to other organizations. This is a multi year proposal. At the end of the lease, the building would come back to the Borough. This would be the best use of space and optimum use of the waterfront (the idea has been discussed at Smart Growth meetings). Mr. Bergen asked what the square footage would be; 1400 per floor for a total of 7,000 square feet (4 stories). There would be an atrium, elevator and stairways, as well as bathrooms. The Historical Society may add a second floor to their building and add to the front of the existing building. Mr. Bergen asked if the Baykeeper would build at his own expense in lieu of taxes as a non profit. A lease would be needed long enough to complete the project. Mr. Bergen asked if this would work if the Borough does the First Street extension? Mr. Stalter asked what the current space is; 900 square feet with 9 employees (it is shared with the Littoral Society and Clean Ocean Action). Mr. Hyer asked what the length of the lease would be; it is not known. Mr. Hyer asked if there are additions to the building what the time frame would be; it depends on the development on the waterfront; the area would be taking away the Boat Launching Ramp trailer overflow parking (this would have to be relocated). It was asked what the assurances were that the Baykeeper will do the second phase. Mr. Willner said if there is a lease on the building and it is renovated and they did not proceed then the matter would have to be renegotiated and they would decide to do the second phase or not do it. Mr. Willner was confident they would be able to raise the money. If the Baykeeper could use the Historical Society's parking area, then their project could be accommodated regarding parking. Mr. Hyer asked if Green Acres approval was needed; yes, and they would have to look into CAFRA permits being needed. Mr. Bergen said more parking could not be accommodated; we need more park and less parking. Mr. Willner said Green Acres has to understand the Borough's needs. He said the Baykeeper's plan will not require diversion. Mr. Merla said First Street is a County road and the County applies. The road project should be identified first.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of September 17th, Special Meeting of September 23rd, Work Meeting of October 1st, Closed

Meeting of September 17th and October 1, 2002 were approved as submitted by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #29-02, Increase Water Turn on Charges

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 3, 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 AND SUPPLEMENTING CHAPTER XIV, WATER AND SEWER SECTION 14-1.9, GENERAL REGULATIONS

The Hearing was opened to the public for comments or questions at 8:50 P.M. There being none, the hearing was closed to the public at 8:50 P.M.

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 17, 2002 moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #30-02, Salary Ordinance for Clerical, Public Works, Public Safety Telecommunications Operators, Administrative and Non Union Employees

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport must be within the ranges given in the Ordinance, and the purpose is to save money in preparation and publication costs by making the ranges sufficiently wide to last for several years, and also to give greater flexibility, should a position be vacated and it is desired to start a new employee with less experience at a lower salary, since the new salary may simply be sent by a Resolution of the Mayor and Council.

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

PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT INCREASES IN EXISTING SALARIES, BUT ARE RANGES WITHIN WHICH SALARIES MUST FALL

SECTION 1. The following salary ranges are hereby fixed and determined for the following officers and employees effective January 1, 2002:

	MINIMUM SALARY	MAXIMUM SALARY
Senior Account Clerk	$18,000	$40,000 annually

Administrative Secretary	$20,000	$45,000 annually
Police Records Clerk	$15,000	$40,000 annually
Senior Permit Clerk/Typing	$15,000	$35,000 annually
Registrar of Vital Statistics/ Secretary-Board or Commission	$15,000	$40,000 annually
Supervisor, Public Works	$25,000	$60,000 annually
Assistant Water Treatment Plant Operator	$25,000	$60,000 annually
Public Safety Telecommunications Operator	$15,000	$40,000 annually
Senior Public Safety Telecommunications Operator	$20,000	$45,000 annually
Equipment Operator	$12.00	$30.00 per hour
Mechanic	$14.00	$35.00 per hour
Public Works Repairer	$12.00	$30.00 per hour
Laborer, Third Year	$12.00	$30.00 per hour
Laborer, Second Year	$12.00	$30.00 per hour
Laborer, First Year	$12.00	$30.00 per hour
Assistant Water Plant Treatment Operator/Laborer	$12.00	$30.00 per hour
Water Meter Reader/Repairer	$12.00	$35.00 per hour

SECTION 2. The following salary ranges are hereby fixed and determined for the following officers and employees effective January 1, 2002:

Tax Collector	$30,000	$70,000 annually
Borough/Election Clerk	$30,000	$70,000 annually
Deputy Borough Clerk	$20,000	$40,000 annually
Borough Administrator	$10,000	$30,000 annually
Court Administrator	$25,000	$45,000 annually
Superintendent of Public Works	$35,000	$80,000 annually
Administrative Clerk	$20,000	$50,000 annually
Treasurer	$ 8,000	$20,000 annually
Supervisor of Senior Center Activities	$20,000	$45,000 annually
Deputy Court Administrator	$20,000	$35,000 annually

SECTION 3. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. Effective Date. This Ordinance shall take effect upon its passage and publication according to law except that portion as it pertains to managerial, executive or confidential employees which shall become operative in 20 days after the publication thereof, after final passage, unless within said 20 days a petition signed by the voters equal in number to at least 5% of the registered voters protesting against the passage of such ordinance be presented to the governing body.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of October 17, 2002 for a Hearing to be held November 4, 2002 moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library. Mr. Bergen reported on the following. The Municipal Building is proceeding; a meeting should be set up with the Architect. The mason was changed and there will be a dispute. There was a question of the building being located where it was designed to be. There are subcontractor issues. An appointment needs to be made for the Library Board of Trustees; a resignation letter was received. Mayor Graham said Joe Sheridan is his alternate on the Library Board. The Library Board recommends Mr. Sheridan be given a full appointment. Mr. Merla asked about the Library's roof. Mr. Bergen said quotes have been obtained and work will proceed.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following. The 125th Fire Department Anniversary parade was held October 5th; there were over 5000 people in attendance, as well as, apparatus from the County and State. There were bands, floats, pipers, good food and trophies. The Country Jamboree was held this past weekend even though it rained; it was a good event. The Annual Halloween Parade will be held on Sunday, October 27th at 2 P.M.

Councilman Merla; Finance: Mr. Merla reported on the following. There is a supportive Resolution listed for the Livable Communities Grant (Kathleen Shaw, Tracy Bohlin and Birdsall Engineering prepared the application to get it in on time). The draft is ready for the Multi-family conversion; Mr. Vecchio has made recommendation to the Planning Board. Local banks can be party to the Programs (the Borough and Banks could be partners). This matter should be listed on the November 4th Agenda. The Ferry left Alabama to come to New Jersey.

Councilwoman Ashmore;Police: Mrs. Ashmore reported on the following. The PBA's schedule changes have been submitted; Mr. Kain is reviewing the change and it should become effective in January.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. Public Works has painted the lines in the Municipal Lot. Signs have been ordered for the parks (children's age). KBA purchased new cans for the downtown. The new lift has arrived. The playground fence and basketball courts have been started. The floats have been removed from the Boat Ramp today. A motion was made by Mrs. Ashmore for Main Street and Cedar Street field to be reseeded ($1,250.00) and the school be asked for half of the cost since they are using the fields, seconded by Mr. Hyer with Ayes by all present. George Sappah has received the Joshua Mayer award which will be presented at the League convention. Mr. Hyer said he is proud that George is receiving this award.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following. Recreation has been working over the past year to create a skatepark in town. He has been working with the Insurance Company and other companies to create a skatepark on Jackson Street by the High School. This matter has not been addressed with the Board of Education. There are two concerns: vandalism and children bringing skateboards to school. Parent cooperation is needed. The park would be open from 3:30 P.M. to dusk. The skatepark would be covered under the Borough's insurance (they will not insure ramps over certain heights). He said he will meet with George Sappah tomorrow regarding the dug out area. There will be areas for more skilled users. Mr. Stalter will check with the school and neighbors to get their input. The ramps are heavy, but they are not permanent (the road would have to be overlayed). Mr. Merla asked if the overlay could be subcontracted out. Mr. Stalter said 4000 square feet would cost $40,000-$50,000 with a warranty for 15 years. Maintenance of the park would be $100. Mr. Bergen said the Borough would have to make sure kids could not get inside the ramps. Mr. Merla asked for a formal recommendation from the Recreation Commission. Mr. Stalter said he would like to bring the matter before the school and residents first. The project will be bonded. Twenty signs (Curb Your Dog) have been ordered.

Administrator Poling: Mrs. Poling reported on the following. With regard to the Catamaran Lease, she spoke with Mr. Dell on certain matters. Mr. Kain advised the lease could be amended. This matter will be listed for November 4th. The Catamaran is 20-34 feet long. With regard to correspondence received for Anticipated Sea Level Rise, a motion was made by Mr. Merla to refer to the Borough Engineer, seconded by Mr. Hyer with Ayes by all present. Mr. Bergen asked about a traffic study for Green Grove Apartments; Mrs. Poling advised the status on the pool area being demolished. Mr. Merla said the Owner should be contacted for the traffic safety, not the Agent.

Engineer Freda: Mr. Gardella in Mr. Freda's absence reported on the following. Status of items from the October 1st meeting are as follows: the Resolution regarding Phase III of Washington Street was submitted to the Department of Transportation, he met with George Sappah regarding Phase IV of Washington Street (they are wrapping up the design), a report is being finished regarding the pier and bulkhead and he is coordinating with Mr. Kain a plan regarding the Main Street Municipal Lot; Mr. Merla said Chief Gajewski felt the lot was O.K. the way it is and he asked why the Borough should spend money on this? Mr. Merla said backs of properties are open. He requested reports be received from the Public Works, Police and Fire Departments first. The KBA will fund what needs to be done. Richard Gardella asked if the Moss Gilday plan was O.K. so KBA can apply for Grant monies. Wait on reports.

Attorney Kain: Mr. Kain reported on the following. A letter was received from Gordon Litwin, Esq. regarding the RCG litigation; a 40 page document was filed in Supreme Court and a decision by the Court is pending. There was a meeting on October 8th before three Commissioners regarding the Kutschman property (Block 1, Lot 40). Mr. Rubenstein, Appraiser, gave testimony on the Borough's behalf. They appraised the property at $150,000, the Borough offered $110,000; it was decided by the Commissioners that the cost be $125,000. The PBA filed an Order to Show Cause regarding Health Benefits; Judge Leher requested the matter be discussed between the two parties and report back to court on October 24th. The matter of Sjoblom will go before Judge Hughes on October 24th; the Insurance Carrier will take over. No progress has been reached in the matter of Magic Touch (discovery). Lelani Hersey, Green Acres, reviewed the Ferry Lease and agreed the lease period is October 15, 2002-October 15, 2003; there is a resolution listed tonight. As per Mrs. Ashmore, the PBA has requested their shift schedule change from 8 hours to 12 hours beginning January for a six month trial period; this will be further negotiated. Mr. Merla asked if Mr. Kain spoke with Green Acres regarding the millings that were put down; they are O.K. because they were used for maintenance of the parking area. Mr. Bergen asked how the millings were put down; Mr. Sappah said with the paving machine.

Mayor Graham: The Mayor reported on the following. He congratulated the Fire Department on their 125th Anniversary; he complimented the community (the event was planned for several years. Marie Granata who resides at the corner of St. Peters Place and Main Street celebrated her 100th birthday on September 28th; she was presented with a Proclamation from the Borough. At the October 4th Bayshore Conference of Mayors meeting held at the Arts Center, the new Director spoke. A few meetings ago, Dr. John Dumford was listed to appear before Council regarding School Vouchers and he did not show. When asked, he said he was not told to attend. Mr. Hyer said it was preferred that the matter be discussed in closed session; Mayor Graham will speak with Dr. Dumford again.

COMMUNICATIONS AND PETITIONS

1. Resignation from Bonnie Ashmore, Library Board of Trustees Member.

Mr. Bergen said the Library Board is an unpolitical group.

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

REPORTS OF DEPARTMENTS

MAY 2002

1. Police Department-Firearm/Fingerprint Fees

Total amount collected: $ 20.00

Submitted by Theodore Gajewski, Police Chief

JUNE 2002

2. Police Department-Firearm/Fingerprint Fees

Total amount collected: $90.00

Submitted by Theodore Gajewski, Police Chief

JULY 2002

3. Police Department-Firearm/Fingerprint Fees

Total amount collected: $70.00

Submitted by Theodore Gajewski, Police Chief

AUGUST 2002

4. Municipal Court Report

STATE FINES	$ 600.00
STATE SURCHARGE	304.00
STATE UNINSURED	166.00
COUNTY FUNDS	1,010.72
COUNTY FINES	5,635.75
MUNICIPAL FINES	5,635.75
MUNICIPAL COSTS	3,566.50
MUNICIPAL PARKING	1,085.00
MISCELLANEOUS	2,334.78

Submitted by Kathie Coffey, Court Administrator

SEPTEMBER 2002

5. Borough Clerk's Report

<u>**WATER/SEWER ACCOUNT**</u>

WATER CONNECTION	$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	15.00
WATER METER W/TO	-0-
DEMOLITION	600.00
TOTAL WATER/SEWER, CHECK #3529	**$ 615.00**

<u>**CURRENT ACCOUNT**</u>

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	54.00
LIMO LICENSE	-0-
PHOTOCOPIES	24.25
POSTAGE	.37
RAFFLE LICENSE	10.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	451.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLER LICENSE	-0-
LIQUOR LICENSE	163.42
STREET OPENING	75.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	320.00
PARKING PERMITS	-0-
AUCTION LICENSES	500.00
TOTAL CURRENT, CHECK #3530	**$ 1,598.04**

<u>**ESCROW ACCOUNT**</u>

CASH REPAIR DEPOSIT, CHECK #3531	$ 27.00

<u>**RECREATIONAL BAYFRONT IMPROVEMENT TRUST**</u>

BOAT LAUNCHING RAMP PASSES	$ 2,600.00
BAIT	186.75
ICE	82.00
ICE CREAM	24.00
SODA	5.50
TOTAL RBIT, CHECK #3532	**$ 2,898.25**
TOTAL RECEIPTS	**$ 5,138.29**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

6. Tax Collector's Report

2002 TAXES	$117,390.23
2001 TAXES	47,158.93
2003 PREPAID TAXES	1,260.63

PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	14,818.03
TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	23,405.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	133,079.00
TOTAL CURRENT RECEIPTS	**$337,249.32**

WATER & SEWER RENTS	$ 26,628.33
INTEREST AND COSTS	426.33
TURN ON CHARGES	120.00
RETURNED CHECK CHARGES	-0-
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	100.00
NEW METERS AND INSTALLATION CHARGE	165.51
WATER & SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 29,240.17**

Submitted by Pauline Redmond, Tax Collector

7. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	35	$ 186.00
CERTIFICATE OF OCCUPANCY	51	1,265.00
PLUMBING PERMITS	12	752.00
ELECTRICAL PERMITS	14	855.00
BUILDING PERMITS	27	2,830.00
FIRE SUB CODE	6	370.00
CONST CERT OF OCCUPANCY	1	149.00
ZONING PERMITS	8	80.00
200 FT PROPERTY LIST	0	-0-
TRANSFER OF TITLE	19	730.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	3	75.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	49	980.00
CONST. DEPOSITS REFUNDABLE	12	600.00
TOTAL		**$ 8,872.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2383	$8,086.00
STATE FEE DUE - CHECK #2384	591.00
ELEVATOR INSPECTION AGENCY, CHECK #	

Submitted by Annette Kovacs, Senior Permit Clerk

8. Police Department/Traffic Safety Report

Total Amount received $ 548.00

Submitted by Theodore Gajewski, Police Chief

9. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$1,828.60**
DOG LICENSES	$ 49.20
CAT LICENSES	34.40
MARRIAGE LICENSES	84.00
BURIAL PERMITS	21.00
DEATH CERTIFICATES	900.00
MARRIAGE CERTIFICATES	110.00
BIRTH CERTIFICATES	10.00
POOL PERMITS	-0-

PLAN REVIEW	200.00
FOOD HANDLERS	195.00
MISCELLANEOUS	225.00

DISBURSEMENTS

CHECK #2715 - BOROUGH OF KEYPORT MISC. ACCT	$1,670.00
CHECK #2716 - BOROUGH OF KEYPORT TRUST ACCT	75.00
CHECK #2717 - BOROUGH OF KEYPORT DOG ACCT	76.40
CHECK #2718 - NJ STATE DEPT OF HEALTH	7.20

Submitted by Anne R. Biagianti, Treasurer

10. Property Maintenance Officer Report

See full copy on file in the Clerk's Office

Submitted by William Cerase, Property Maintenance Officer

11. Municipal Court Report

STATE FINES	$ 594.00
STATE SURCHARGE	439.00
STATE UNINSURED	283.34
COUNTY FUNDS	1,064.72
COUNTY FINES	4,990.87
MUNICIPAL FINES	4,990.87
MUNICIPAL COSTS	3,646.00
MUNICIPAL PARKING	961.00
MISCELLANEOUS	1,431.28

Submitted by Kathie Coffey, Court Administrator

12. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

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

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:45 P.M. Terry Musson, Third Street, asked about the Bond Ordinance and for Utility Vehicles for the Fire Department. Mrs. Atkins said not all of the specifications were received; it is not true regarding the pumper. Ms. Salomon said there is a grant from NJ Resources (NJ Gas Company) which has been in the works for months for computers and furniture; she extended invitations to Mayor and Council (November 14th at 10:00 AM). This has been a long time coming. There will also be technical assistance. The Library Board was not asked about Jerry Green; Mr. Merla said he resides in Harborview, he owns property in town and was a former Councilman in Union Beach. Mitchell Meyerson, Church Street, said he was in attendance again regarding the old West Furniture building; they have no building permits and they are doing work. Unsafe conditions still exist; the Property Maintenance Officer is not doing his job. Illegal construction has been going on. Mr. Merla said there was a report from the Property Maintenance Officer and he read the report. Mr. Meyerson said there is a hazardous situation and it must be addressed immediately. Mayor Graham said the property owner has not come back to the Planning Board regarding the sign. Mr. Vecchio's report on this matter has not been received. Mr. Meyerson said the sign is hanging by a nail. Mayor Graham said the Planning Board has no enforcement leverage. Once the case is approved, it is turned over to the Construction Code Official, Code Enforcement Officer and Property Maintenance Officer. Mr. Meyerson asked if the Engineer has to report on his findings. Mayor Graham said the owner has dodged his responsibility. Mr. Meyerson asked if the Property Maintenance Officer will act on the unsafe conditions? Mr. Merla said Mr. Vecchio and William Cerase will submit a report. Mr. Meyerson asked if the building has been inspected. Mr. Kain will advise their current attorney and the Planning Board files will be pulled.

The escrow account should be looked at. There was a question regarding landlord registration and if fees have been collected. Mr. Vecchio will submit forms at the end of the month. Ms. Solomon said the West Furniture inspection should be conducted after the NorEaster. Terry Musson said two women have voiced concern regarding a Main Street Property; this matter was referred to the Property Maintenance Officer for a report; Mr. Musson heard that no one has been to the site yet. There is an awning laying on the roof. It was asked why no report has been submitted. Mary Allen, Maple Place, said Public Works put up a 15 mile per hour sign, as well as reflecting stop signs; she thanked them. Mr. Hyer asked that Mr. Vecchio and Mr. Cerase be spoken to regarding various concerns.

RESOLUTIONS

2. Resolution #322-02, Authorize Application to Local Finance Board to approve Non Conforming Maturity Schedule (General Obligation Bonds)

WHEREAS, the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"), duly adopted various bond ordinances to authorize the issuance of bonds or bond anticipation notes to undertake various capital improvements by and in the Borough; and

WHEREAS, the Borough desires to issue General Obligation Bonds ("General Obligation Bonds") to (i) provide for the current refunding of the Borough's previously issued Bond Anticipation Notes, which notes were issued to temporarily finance the cost of various capital improvements by and in the Borough, and (ii), permanently finance the cost of various capital improvements by and in the Borough, which costs, to date, have not been financed through the issuance of bonds or bond anticipation notes; and

WHEREAS, NJSA 40A:2-26 requires the Borough to utilize a "conforming" debt service repayment schedule for its General Obligation Bonds, absent approval of a "non conforming" schedule by the Local Finance Board (the "Local Finance Board"), in the Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, NJSA 40A:2-26(e) provides that if the Borough determines that a "conforming" maturity schedule for its General Obligation Bonds would adversely affect the financial position of the Borough, the Borough may make written application to the Local Finance Board to request its approval of the issuance of such General Obligation Bonds with a "non-conforming" annual principal maturity schedule; and

WHEREAS, THE Borough desires to make application to the Local Finance Board, pursuant to NJSA 40A:2-26(e), for the approval of a "non conforming" annual principal maturity schedule for its General Obligation Bonds; and

WHEREAS, the Borough believes:

(A) a "conforming" maturity schedule, pursuant to NJSA 40A:2-26, would adversely affect the financial position of the Borough;

(B) it is in the public interest to structure a "non conforming" maturity schedule for the General Obligation Bonds;

(C) said various capital improvements and the issuance of the General Obligation Bonds are for the health, welfare, convenience or betterment of the inhabitants of the Borough;

(D) the amounts to be expended for the various capital improvements and the issuance of the General Obligation Bonds are not unreasonable or exorbitant;

(E) the various capital improvements and the issuance of the General Obligation Bonds are an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

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

SECTION 1. The Borough's Bond Counsel, Wilentz, Goldman & Spitzer, P.A. Woodbridge, New Jersey (the "Bond Counsel") is hereby authorized to make and prepare an application (the "Application") to the Local Finance Board for the General Obligation Bonds, along with the Borough Chief Financial Officer and other officials, officers and professionals of the Borough, including, but not limited to, the Mayor, the Borough Business Administrator, the Borough Clerk and the Borough Attorney (collectively, the "Borough Officials") and each such Borough officials are hereby authorized and directed to submit such Application and to represent the Borough in matters pertaining thereto.

SECTION 2. The Local Finance Board is hereby respectively requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

SECTION 3. The Borough Clerk is hereby directed to file a certified copy of this resolution with the Local Finance Board and to forward a certified copy of this resolution to Bond Counsel to supplement the Applications therewith.

SECTION 4. The Borough Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Borough's issuance of the General Obligation Bonds not determined by this or a subsequent resolution, all in consultation with Bond Counsel, and the manual or facsimile signature of the Borough Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Borough Officials any other Borough representatives, including but not limited to, Bond Counsel, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transactions contemplated by the Borough's issuance of the General Obligation Bonds and any all such actions or inactions taken by the aforesaid Borough Officials and Bond Counsel heretofore are hereby ratified and confirmed.

SECTION 5. This resolution shall take effect immediately.

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

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

3. Resolution #323-02, Extend Lease Agreement between the Borough and Keyport Fast Ferry (10/15/02-10/15/03)

WHEREAS, the Borough of Keyport entered into a Ferry Service and Lease Agreement with Keyport Fast Ferry, LLC on June 28, 2001, to operate a commuter and special events Ferry Service between the Borough of Keyport and the Borough of Manhatten; and

WHEREAS, pursuant to the terms of the within Ferry Service and Lease Agreement, the effective date of the Lease Agreement was determined to be the date upon which the Keyport Fast Ferry Service received all necessary permits and approval from governmental authorities, but not later than four (4) months from the date of execution of the Lease; and

WHEREAS, following the events of September 11, 2001, the Governor of the State of New Jersey, did issue certain orders permitting the Keyport Fast Ferry LLC to commence operation of a Ferry Service from the Borough of Keyport to the Borough of Manhatten in accordance with the terms of the Lease Agreement entered into between the parties; and

WHEREAS, the initial Agreement provides for an initial one (1) year term together with a renewal option at the mutual consent of both parties for additional one (1) year term; and

WHEREAS, it appears to the Mayor and Council that the Keyport Fast Ferry, LLC commenced operation following the entry of the Order by the Governor of the State of New Jersey on or about October 15, 2001, which the Mayor and Council regard as the effective date for the purpose of the within Lease Agreement; and

WHEREAS, the Mayor and Council have received a written request from the Keyport Fast Ferry, LLC, to interrupt the commencement date to be October 15, 2002 and a request to renew the Lease for the additional one (1) year term as provided pursuant to the terms of the within Ferry Service and Lease Agreement executed by and between the parties hereto; and

WHEREAS, the Mayor and Council having reviewed the operation and entertain comments including that of the Harbor Commission at a joint public session, and being satisfied that the Keyport Fast Ferry should be renewed for an additional one (1) year term pursuant to the terms of the within Ferry Service and Lease Agreement.

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 determined that the effective date of the Lease Agreement by and between the Borough of Keyport and Keyport Fast Ferry, LLC is October 15, 2001, the date following the entry of the Order by the Governor of the State of New Jersey, that the Keyport Fast Ferry commenced service to the Borough of Manhatten.

2. The Mayor and Council further authorize the renewal of the Lease Agreement for an additional one (1) year period as called for in the Ferry Service and Lease Agreement by and between the Borough of Keyport and Keyport Fast Ferry, LLC.

3. Copies of the within Resolution shall be forwarded to Keyport Fast Ferry, LLC and to the State of New Jersey, Department of Environmental Protection, Green Acres Program, Borough Engineer, Borough Attorney, and a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

4. Resolution #324-02, Payment of Bills

See full copy of Resolution as pages 17-22 of these minutes.

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

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

*Mr. Stalter abstained from voting on payments to Wesley Kain, Esq.

5. Salary Resolution - IUOE Employees, 2002/2004 - This was deleted from the Agenda

6. Salary Resolution - Administrative and Non Union Employees 2001-2003 - This was deleted from the Agenda.

7. Resolution #335-02, Authorize Refund - CFC Permit

WHEREAS, application has been made for a refund and said application has been approved by the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the following refund is hereby approved.

TO	**FOR**	**REFUND AMOUNT**
Julia Juarez 140 Second Street Keyport, New Jersey	CFC Permit 1148	$20.00

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

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

8. Resolution #336-02, Appoint Library Board of Trustees Member - Joseph Sheridan

Mr. Merla was agreeable to placing Mr. Sheridan's name for appointment.

WHEREAS, a vacancy exists on the Library Board of Trustees and it is the desire of the Mayor and Council to fill said vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Joseph Sheridan is hereby appointed a member of the Library Board of Trustees to fill a 5 year unexpired term which will expire on December 31, 2006.

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

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

Mayor Graham appointed Jerry Green as Mayor's Alternate.

9. Resolution #337-02, Tax Sale Certificate #90/35 Redemption

WHEREAS, the Borough has heretofore conducted a sale for unpaid taxes of premises known as Block 99, Lot 19, premises listed in the name of Monmouth Rehabs, Inc; and

WHEREAS, the Borough of Keyport has issued Tax Sale Certificate #90-35 with regard to said sale; and

WHEREAS, the Tax Collector has advised the Mayor and Council that payment has been made in full for all taxes due in conjunction with said Tax Sale Certificate and for the redemption thereof.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to cancel said tax sale certificate of record and to take such steps as may be required to officially record said cancellation.

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

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

10. Resolution #338-02, Hire Temporary Part Time Account Clerk

WHEREAS, it is the desire of the Mayor and Council to hire a temporary part time Account Clerk; and

WHEREAS, funds are available in the 2002 Budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Donna F. McCue is hereby hired as a temporary part time Account Clerk effective October 16, 2002 at the salary of $11.00 per hour as per current salary resolution in accordance with the current salary ordinance.

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

BE IT FURTHER RESOLVED as this is a temporary part time position, the maximum amount of hours permitted within one week is not to exceed 28 hours.

BE IT FURTHER RESOLVED as this is a temporary position, the period of employment is not to exceed four (4) months.

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

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

11. Resolution #339-02, Authorize Application for the Livable Communities Grant

WHEREAS, the Borough of Keyport desires to apply for and obtain a New Jersey Department of Transportation Livable Communities Pilot Program for $200,000.00; and

WHEREAS, the application was prepared in collaboration with Birdsall Engineering, Muller Bohlin Associates, Inc. and Keyport Business Alliance at no charge to the Borough; and

WHEREAS, the Department of Transportation Livable Communities Pilot Program application for Parking and Circulation Management Planning Study and Implementation will incorporate key elements vital to revitalization:

- Smart Growth planning concepts to include maximizing the use of existing transportation infrastructure-ferry, rail, bus, bike, auto using exiting regional planning tools including Bayshore Economic Development Implementation Strategy (BEDIS)
- Planning for municipal parking authority to manage and expand parking facilities as Keyport expands destination marketing and business recruitment strategies
- Analysis and planning of way finding system from State Highway 35 and 36 and the Garden State Parkway to provide visitors directions to Keyport's waterfront, ferry landing, business areas, cultural and recreational offerings (two museums, four marina and bike trail)
- Analyze, plan and enhance circulation from highway entrance to Keyport's waterfront, ferry landing, business areas, cultural and recreational offerings
- Assessment and inventory of underutilized public and private parking areas

WHEREAS, the Borough of Keyport appointed members of a Smart Growth Planning Ad Hoc Committee by Resolution #282-02, August 20, 2002, to facilitate current decision making until a formal planning process begins with a hired professional planner; and the Ad Hoc Committee continues to meet and provide the Borough with written summaries of issues and options used for facilitating the planning and development process for Keyport.

BE IT THEREFORE RESOLVED that the Mayor and Council of the Borough of Keyport does hereby authorize the application for a Livable Communities Pilot Program Grant; and upon receipt of the Grant agreement from the New Jersey Department of Transportation; does further authorize the execution of the Livable Communities Grant agreement; and also, upon receipt of the fully executed agreement from the Department does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Keyport and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

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

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

12. Resolution #340-02, Close out Escrow Accounts

BE IT RESOLVED by the Mayor and Council as follows:

1. After review by the Borough Administrator and Chief Financial Officer, the Chief Financial Officer is hereby authorized to close out all escrow accounts (with certain exceptions) which have an initial deposit of at least 5 years or older and have a balance of $500.00 or less.

2. All other escrow accounts which are less than 5 years old and have a balance of more than $500.00 will be reviewed for compliance.

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

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

13. Resolution #341-02, Authorize Unpaid Leave of Absence for Diana Hoffman

WHEREAS, Senior Account Clerk Diana Hoffman has requested an unpaid Leave of Absence; and

WHEREAS, Ms. Hoffman has used all of her accumulated sick days and has applied to the State for temporary disability leave; and

WHEREAS, Ms. Hoffman is entitled to twelve (12) weeks of additional unpaid leave under the Federal and State Family Medical Leave Act ("FMLA leave").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Ms. Hoffman is hereby approved for an unpaid Leave of Absence as follows:

1. Said Leave of Absence is granted without pay as of August 27, 2002 and shall continue for the duration of (1) any temporary disability leave awarded to Ms. Hoffman by the State and (2) any FMLA leave, which shall not extend beyond November 8, 2002.

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

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

14. Resolution #342-02, Authorize the Summer Recreation Program Employee be paid for July 5, 2002.

WHEREAS, there has been a request from the Board of Recreation Commissioners that the Summer Recreation Program Employees, who were docked for July 5, 2002, be paid for that date.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport do hereby authorize that the Summer Recreation Program Employees are to be paid for July 5, 2002.

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

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

Council reconvened the Closed Session at 10:30 P.M. and this meeting was reconvened at 11:40 P.M.

Motion to deny Sidney Becnel's request for Engineering services moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

Motion to deny Lucas Electric's request moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

ADJOURNMENT

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

Time of Adjournment: 11:45 PM

Respectfully submitted,

Judith L. Poling/amc

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

Allyson M Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk