

Keyport, New Jersey
October 21, 2003

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green.
Absent: Councilman Bergen (arrived 7:07 P.M.). Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution No. 358-03, Closed Meeting – Personnel, Litigation, Labor Relations, Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel

1. Tax Office

Litigation

1. Magic Touch vs. Borough of Keyport
2. Washington Street Phase II Contract
3. Calvary United Methodist Church Water/Sewer Bill
4. DePonti Litigation

Labor Relations

1. PBA Negotiations
2. Administrative and Non Union Agreement

Contract Negotiations

1. New Municipal Complex
2. Garbage Contract and Newspaper Contract
3. Reconstruction of Bridge R-2/Monmouth County

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 and 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. Stalter, second by Mr. Doyle

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

Nays: None

Abstain: None

Absent: Councilman Bergen

Council went into closed session at 7:02 P.M. and this meeting was reconvened at 7:55 P.M.

Mayor Merla called the meeting to order at 8:00 P.M. and read the Sunshine Law Notice. Councilman Stalter led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green. Absent: None. Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

APPROVAL OF MINUTES

Minutes of the Closed Meeting of January 7, 2003 were approved as read on motion of Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

HEARING ON ORDINANCES

1. Ordinance NO. 30-03, Amend Chapter VII, Traffic, Sec. 7-3.3, No Parking East Side of Broadway – Highway 35 South to Nappi Place

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

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

The Hearing was opened to the public at 8:01 P.M. for comments or questions. There being none, the Hearing was closed to the public at 8:01 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

- 1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 23, 2003 moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.
2. Ordinance No. 31-03, Amend Salary Ordinance, Motor Vehicle Operator 1

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

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

The Hearing was opened to the public at 8:02 P.M. for comments or questions. There being none, the Hearing was closed to the public at 8:03 P.M.

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

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

Nays: None
Abstain: None
Absent: None

- 2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 23, 2003 moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 32-03, Amend Chapter VII, Section 7-3.5a, Stopping or Standing Prohibited and Schedule I, No Stopping or Standing to include Beers Street between Highway 35 southbound and Clark Street

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC" OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

SECTION I. Chapter VII, "Traffic", Section 7-3.5a, Stopping or Standing Prohibited and Schedule I, No Stopping or Standing are hereby amended to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Beers Street	Both Sides	Between Highway No. 35 Southbound and Clark Street

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

SECTION III. 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 this Ordinance shall be deemed valid and effective.

SECTION IV. Effective Date. This Ordinance shall take effect upon its passage and publication according to law and approval by the Department of Transportation of the State of New Jersey, if required.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 23, 2003 for a Hearing to be held on November 3, 2003 moved by Mr. Green, second by Mr. Hyer with Ayes by all present.
2. Ordinance No. 33-03, Increase Handicapped Parking Fine

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 VIII, "PARKING LOTS AND HANDICAPPED PARKING" TO
ESTABLISH A GENERAL PENALTY FOR PARKING IN SPACES
RESERVED FOR HANDICAPPED PARKING WITHIN THE BOROUGH OF
KEYPORT**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Borough Ordinances, Chapter VIII, "Parking Lots and Handicapped Parking", is hereby amended and supplemented to provide a General Penalty as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport have reviewed an enactment from the New Jersey Legislature as contained in Chapter 161, Public Laws of 2003, which increases fines for parking in a restricted parking space reserved for handicapped individuals, and which further provides that the within fines may be established through local ordinance. The Mayor and Council declare that the fines should be increased for those who park in spaces reserved for the handicapped and that an ordinance be adopted to establish a general penalty for those who violate handicapped parking consistent with the penalties established statewide.

Section 2. Chapter VIII, "Parking Lots and Handicapped Parking" is hereby amended to provide a general penalty for those individuals convicted of illegally parking in spaces reserved for handicapped individuals within the Borough of Keyport as follows:

8-7.1 General Penalty. For the violation of any provision of this section which relates to parking in a restricted parking space reserved for handicapped individuals, either on a public street or roadway or in any parking lot located within the Borough of Keyport, an individual shall be subject to a fine of \$250.00 for a first offense. For a second or subsequent offense, a person shall be subject to a fine of \$250.00 and may be sentenced to perform a maximum of 90 days community service, or both, at the discretion of the Municipal Court Judge.

Section 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same 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 judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Offered for adoption by Mr. Stalter, second by Mr. Green

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

Nays: None

Abstain: None

Absent: None

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in Courier, issue of October 23, 2003 for a Hearing to be held on November 3, 2003 moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

3. Ordinance to hold DWI Suspect in Custody – This was deleted from the Agenda.

REPORTS OF COMMITTEES

Councilman Bergen; Police: The Borough Prosecutor has concerns regarding the DWI Ordinance. Parents have requested No Parking Any Time on Atlantic Street from the School to the Vocational School. It was asked if there was 15 minute parking there? There needs to be more parking (10-12 spaces). Title 59 allows for a resolution to be done on an emergency basis for 90 days to extend 15 minute parking. In the teacher's lot, when filled, signs should be put out. The Mayor said he supports this idea. Mr. Bergen made a motion to approve the extension of 15 minute parking, second by Mr. Hyer with Ayes by all present.

Councilwoman Atkins; Fire: The Fire Department's report for September was read. The Fire museum had its opening this past Sunday. The Department did a beautiful job with the artifacts, etc. Many people donated to the museum.

Mrs. Atkins thanked the Police Department, First Aid and BID for the Health Fair held at Stop and Shop this past Saturday. There were 60 bags given out to the children. The Lifeline and TIGS students helped out. There were new cars there and participants put on the vision goggles. The Senior Center will have their Halloween Party on October 30th.

Councilman Hyer; Public Works/Recycling/Property Maintenance: The Property Maintenance report was read. Recycling will hold its fall clean up. Public Works will be picking up metal. The recycling yard passed inspection. The door hangers are being finalized. OSHA said Public Works is in need of corrections. The dump truck should be taken. Salt is needed for the winter. There are trees in the parking lot. Hydrant Flushing has taken place. There was a sewer back up on the highway; the costs will be passed on to the State. The Public Works Committee has a meeting scheduled for October 22nd regarding the R2 Bridge and Open Space. The lines were painted in town. The Engineer is working on plans for the Public Works building. The condo hydrants were flushed.

Councilman Stalter; Health/Recreation/Parks: A recreation meeting will be held on Thursday. The Recreation Commission is still considering a skate park and they are looking for a location. The tennis courts at Cedar Street Park ice over in the winter; Mr. Stalter asked if insurance is needed? Mayor Merla said the skate park is a good idea, but he was concerned with debris. Mr. Bergen asked if the time would be regulated and monitored. Mayor Merla said the wall at Cedar Street was completed.

Councilman Doyle; Finance: A resolution will be listed for the Smart Growth Grant Planner on the November 3rd Agenda. A grant is being worked on for the fishing pier.

Councilman Green; Buildings & Grounds/Library: The furniture is being assembled for the new municipal building. Mrs. Poling is working on quotes for moving companies. There will be a Condo Meeting on October 22nd at McEwans. The Mayor requested a date be set up for the Library dye test (the Board of Health has the dyes). Mr. Green said the County has approved the bump out and the Borough will proceed. Engineer Freda will finish the plans.

Administrator Poling: Mrs. Poling reported on the September 30, 2003 Payment of Bills. **Current Account - \$208,058.80, Water and Sewer Account - \$209,315.27, Dog Account - \$1,017.11, Escrow Account - \$18,221.22, General Capital Account - \$175,660.90 and RBIT Account - \$3,020.82.**

Engineer Freda: Receipt of Bids for the Road Program will be taken on October 22, 2003; there is a base bid and an alternate. On Therese Street there is a water line and New Jersey Natural Gas line; the gas line is over the water line and it need to be resolved. Engineer Freda said that the Atlantic Street project is behind the Theresa Street project. The Mayor asked if the Borough should request NJ Natural Gas relocate their line? Engineer Freda said the Borough is replacing the water line and he will work out the details.

Mr. Bergen asked Engineer Freda to give the Council a report on the status of the bulkhead. He asked how far out the birm would be. Engineer Freda said the section by the Post Office will be designed by the Army Corps of Engineers. Mr. Bergen asked if Firemen's Park would be raised; it is on the board, but the Army Corps of Engineers may take exception. The birm would be costly. Engineer Freda said the Army Corps of Engineers is in the planning stages. He said if the Borough backs off, the DEP may not have the money (with the Army Corps of Engineers). The Army Corps recommendation was to lower the bulkhead and put a railing down. Engineer Freda said he would build the road slightly above grade when the Army Corps is finished with their study. Keyport should rebuild the road or wall. Green Acres said we may need fill; they agreed that it would not be an infringement as long as grass is put down. Mr. Bergen asked how high and wide the wall would be. He said he was concerned that the Army Corps of Engineers was doing the design on part of the bulkhead and raise Firemen's Park. Engineer Freda said Keyport is not making any changes, we will build the bulkhead that we want and the road will be done at a certain elevation. The mayor said on December 1st the Army Corps of Engineers is holding its Public Hearing and the plan includes less parking. Engineer Freda said there is only a conceptual plan on the height. It was asked what the costs on file are? It is less costly than paving 18"-2'.

Attorney Kain: There is no change in the Magic Touch case; there will be summary judgment in November. He, Engineer Freda, Mr. Hyer and the Mayor met with Green Acres and two resolutions are needed: one for a Special Meeting on November 14th at 7:00 P.M. regarding American Legion Drive and the other resolution would be authorization to submit applications on October 30th and December 17th (there are 39 parking spaces at Firemen's Park and Green Acres approved 125 spaces for a total of 164 parking spaces). The bids for the Ferry Service were completed (the relocation of the bulkhead would need to be addressed); the minimum bid will be \$50,000 for a two year lease; last year the lease was \$40,000 per year. The Charter Fishing Boat lease was put out for bid and it would be \$6500 for the first two years and a 5% increase for the next three years.

Mayor Merla: He attended the Fire Museum dedication. He thanked all of the donors (\$100,000); they deserve the credit. There were 5-6 people steadily working. Mr. Kain sent a letter to the Coast Guard

regarding the day marker. Next Friday is the Bayshore Conference of Mayor's Meeting and Robert Fischer will be the speaker. Attorney Kain and Engineer Freda will review the Boat US Foundation Grant requirement; we may qualify; the deadline is November 1st.

Cablevision will have new packages to offer beginning November 1st; Keyport is grandfathered on the rates. A Luppataong Avenue resident has a tree on Borough Property; this was referred to Mr. Hyer and George Sappah, Public Works Superintendent.

The Transit Village application was not accepted. The Mayor has a meeting on Thursday with Senator Corzine and his staff regarding redredging. In 1988 the channel was deemed a Federal channel and we need Federal funds.

There is a Smart Growth grant resolution authorizing the execution for three payments. There is a resolution for the Park Grant Application for engineering. There is a Brownfields Grant (the County is looking for the municipalities to form a group for a pilot program grant - \$400,000); the Mayor will attend a seminar regarding this matter on November 6th.

There was a three hour meeting in Trenton yesterday between Mr. Hyer and Green Acres regarding the American Legion Drive realignment; Green Acres was receptive. We were notified and it is confirmed that we will be receiving \$681,000 to replace the fishing pier.

We received a Garden State Trust Grant; it is a \$350,000 grant and a \$250,000 loan (20 years at 2%). We can reapply the \$250,000 loan for another grant. We also received a \$150,000 DOT grant for Atlantic Street, Phase II.

Mayor Merla said there are benches in the downtown area that have broken slats. He saw a kid jump his bike on the bench and broke a slat. We need a Police presence; it is a disgrace that Borough property is being vandalized. During the Holiday season, the Specials should come out. The radar program on Broad and Atlantic Streets made a difference. Chief Gajewski said he has two Specials that are in school until May 2004 and the other two Specials are working (they work in pairs).

On Saturday, Kenny Catuse broke the rushing record in Keyport High School Football; November should be proclaimed his month.

There was a Highland Park meeting; the Mayor thanked Mayor Frank and Council and their CFO. They had their water pipes recleaned and sleeved. Highland Park buys water from Middlesex Water. Highland Park recommended changing meters (\$115-120 per meter). They first did leak detection (by sound) for water (\$12 million) and the rates were raised a little in the beginning of the process. They will have to raise rates dramatically now; the pipe is 64 years old. Their loss was 23-28% on their program and now it is less than 2% in five years. There is a 50 year guarantee on the relining. Highland Park applied for grants and loans; their CFO looked at the loans and stayed with the County. They are now working on their sewer. The main from the curb to the house is the homeowner's responsibility. The larger meters are tested yearly.

Engineer Freda said the water service cannot be done the same way; to replace, the main must be dug up. Mayor Merla said Highland Park provided information on the companies they used.

A motion was made by Councilwoman Atkins for this matter to be referred to Attorney Kain and Borough Clerk Poling, second by Mr. Green with Ayes by all present. Mr. Kain will send a letter back.

REPORTS OF DEPARTMENTS

June 2003

1. Traffic Safety Bureau Report

Total amount collected: \$398.00

Submitted by Theodore Gajewski, Police Chief

2. Detective Bureau Report

Total amount collected: \$-0-

Submitted by Theodore Gajewski, Police Chief

August 2003

3. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$2,480.20
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DOG LICENSES	419.80
CAT LICENSES	31.40
MARRIAGE LICENSES	140.00
BURIAL PERMITS	29.00
DEATH CERTIFICATES	1,230.00
MARRIAGE CERTIFICATES	95.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	100.00
FOOD HANDLERS	185.00
MISCELLANEOUS	250.00

DISBURSEMENTS

Check #2762 – Borough of Keyport Misc. Account	\$1,904.00
Check #2763 – Borough of Keyport Trust Account	125.00
Check #2764 – Borough of Keyport Dog Account	404.50
Check #2765 – NJ State Dept. of Health	46.80

Submitted by Anne R. Biagianti, Treasurer

4. Tax Collector's Report

2002 TAXES	\$ 19,433.98
2003 TAXES	2,708,259.22
2004 PREPAID TAXES	7,877.01
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	7,824.31
TAX SEARCHES	10.00
POST OFFICE LAND RENT	37.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	25,487.00
RETURNED CHECK CHARGES	32.00
ALL OTHER MISCELLANEOUS REVENUE	73,153.57
TOTAL CURRENT RECEIPTS	\$2,842,214.59

WATER/SEWER RENTS	67,601.52
INTEREST AND COSTS	1,265.89
TURN ON CHARGES	400.00
RETURNED CHECK CHARGES	-0-
POOL PERMITS	90.00
WATER METERS WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER AND SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS, ETC	-0-
DEMOLITION PERMITS	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	\$ 71,157.41

Submitted by Pauline Redmond Tax Collector

September 2003

5. Borough Clerk's Report

WATER/SEWER ACCOUNT

Water Connection	\$ -0-
Water Meter	-0-

Turn on Charge	-0-
Sewer Connection	-0-
Sewer/Pool Permit	-0-
Water Meter w/TO	-0-
Total Water/Sewer	-0-

CURRENT ACCOUNT

Bingo License	-0-
Firearm & Fingerprinting	-0-
Limo License	-0-
Photocopies	68.50
Postage	.37
Raffle License	150.00
Taxi License, Driver	-0-
Taxi License, Owner	-0-
Police Dept Accident Report	370.00
Searches	-0-
Vending Licenses	-0-
Peddler License	-0-
Liquor License	-0-
Street Opening	450.00
Fish and Game	-0-
Recycling Permits	140.00
Parking Permits	-0-
Auction	-0-
Total Current, Check #3577	\$ 1,178.87

ESCROW ACCOUNT

CASH REPAIR, CHECK #3578	\$ 1,007.00
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RECREATIONAL BAYFRONT IMPROVEMENT TRUST

Boat Launching Passes	\$ 1,680.00
Bait	175.00
Ice	85.75
Ice Cream	2.00
Soda	-0-
Total RBIT, Check #3579	\$ 1,942.75

TOTAL RECEIPTS \$4,128.62

Submitted by Judith L. Poling, Borough Clerk

6. Building Department Report

<u>PERMIT TYPE</u>	<u>NO. ISSUED</u>	<u>AMOUNT</u>
State DCA Fee	52	\$ 464.00
Construction Certificates	1	209.00
Plumbing	23	2,193.00
Electrical	19	1,979.00
Building	32	5,037.00
Fire Sub Code	8	514.00
Code Enf. Certificates of Occupancy	66	1,700.00
Transfer Title	13	470.00
Smoke Detectors	66	1,320.00
Zoning	13	130.00
200 Ft. Property List	2	20.00
Miscellaneous	5	110.00
Copies	0	-0-
Const. Debris Deposit	7	350.00
Const. Violations	0	-0-
Reinspection	0	-0-

TOTALS \$ 14,496.00

Submitted by Annette Kovacs, Sr. Permit Clerk

7. Tax Collector's Report

2002 TAXES	\$ 17,945.13
2003 TAXES	135,312.64
2004 PREPAID TAXES	375.93
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	8,067.70
TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	16,487.00
RETURNED CHECK CHARGES	20.00
ALL OTHER MISCELLANEOUS REVENUE	63,488.27
TOTAL CURRENT RECEIPTS	\$ 241,834.22
WATER/SEWER RENTS	39,909.68
INTEREST AND COSTS	895.38
TURN ON CHARGES	100.00
RETURNED CHECK CHARGES	-0-
POOL PERMITS	-0-
WATER METERS WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER AND SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS, ETC	-0-
DEMOLITION PERMITS	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	\$ 42,705.06

Submitted by Pauline Redmond, Tax Collector

8. Librarian's Report

See full copy on file in Borough Clerk's Office.

Submitted by Jacqueline LaPolla, Librarian

9. Fire Department Report

See full copy on file in Borough Clerk's Office.

Submitted by Harry M. Aumack, Fire Chief

10. Property Maintenance Report (July, August, September 2003)

See full copy on file in Borough Clerk's Office

Submitted by William R. Cerase, Property Maintenance Officer

Motion to Accept the reports as read moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Cablevision regarding renewal procedures.

Motion to Receive and file moved by Mrs. Atkins, second by Mr. Green with Ayes by all present.

2. Request from Nextel for release of escrow funds.

Motion to refer this matter to the Borough Engineer moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

- 3 Application for membership in the Keyport Fire Department/Liberty Hose Company from Roman V. Dolgykh (contingent upon State approval)

Motion to Approve moved by Mrs. Atkins, second by Mr. Bergen with Ayes by all present.

- 4 Application for membership in the Keyport Fire Department/Fire Patrol from James G. Burke (contingent upon State approval).

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

5. Letter from Keyport High School regarding Ad in the High School Yearbook.

Motion to refer to the Finance Committee moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

6. Monmouth County Brownfields Initiative and Pilot Grant

Motion to refer to Mayor Merla moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:03 P.M. Chief Gajewski said the Police Department's canine, Sarge, was injured and received 9 staples in his front leg; he fell through a grate. The judge was petitioned for restitution (the hospital bill was \$360.00). Chief Gajewski said if there are any complaints, he is the one to be advised; the complaints should be referred to him. Mayor Merla said there is a box truck that picks up Mexicans and a Councilman reported that they sat out from 6-8AM for 9 days and nothing happened. There was an incident with drop offs and pick ups of the Mexicans to do work; the landscapers pick them up. The Mexican workers arrive on their bikes around 6:30 A.M. and by 8:30 A.M. most of the workers are still standing there. It was asked if there could be a no parking zone created? This was not recommended. The Mayor said women who walk by feel threatened. Detective Mitchell was supposed to have a meeting. Mr. Bergen recommended INS be contacted. Mr. Wedick said there should be another place they could congregate like a church and the landscapers can pick them up there.

Chief Gajewski said there was a newspaper article regarding Pop Warner and Joe Vecchio was quoted as saying "there were always Police Officers at the games". The Chief said until 1999, the Police never worked a Pop Warner game, they worked the High School game. In 1998 there was a meeting regarding parking permits and it was agreed that the police would control the traffic for 3 years and then Pop Warner would take over. Captain Dayback called for a meeting before the season started and it was scheduled after the first game. On August 28th there was a meeting with John Aumack who felt if people were breaking the law, they should be ticketed. Signs meet DOT standards. Mayor Merla said signs have been added on Jackson Street. Chief Gajewski said there are two on each side. He said that his Officers are not waiting for anyone to ticket. The Mayor asked why Sergeant Gallo was parked in the driveway. Chief Gajewski said the tickets do not cost \$173.00. He said on October 15, 2003 the fine was changed. The fine was \$22.00. The Chief said if the Department had Specials, they would work the games, but the Regular officers will not. Mrs. Atkins said people do not pay attention to a "lay person", a Police Officer is needed. Chief Gajewski said he stopped directing traffic because people are not respectful. Mrs. Atkins said Council will address Police overtime in next year's budget. Mayor Merla said the Police could work out a deal with Pop Warner similar to what is done with the High School games. Mr. Hyer said his neighbor got a ticket; he was having work done on his house.

Mike Lane, 51 First Street, asked what a Brownfields site is. Mayor Merla said it is a contaminated or abandoned site i.e. SS White site in Holmdel or the rug mill in Freehold; Keyport has the Aeromarine property. Mr. Lane said at the Harbor Commission meeting there were bulkhead drawings and he asked if they were the latest? Engineer Freda said they should be the most updated set. Mr. Lane asked if the scope for the Planner is a public document? Yes.

Andy Willner, 85 Osborn Street, said the Clean Ocean Action beach sweep is this Saturday. He said he would like to look at Green Acres Plan. If the Borough is looking to make the Brownfields into Greenfields, Megan Callos would work with the town. Mr. Willner said he is going on vacation to a town similar to Keyport and said he could put a slide show together to work with the Planner on the Public dock drop off. Mayor Merla said the Planner has his work cut out for him; an Ad-hoc Committee to work with the Planner would be helpful. There was discussion on the width of American Legion Drive.

Terry Parker, 135 First Street, said there was a meeting in August between the Army Corps of Engineers and Union Beach and asked if there would be another meeting. Mayor Merla said the Chingarora Creek has not been checked. There is sunset over the water in Keyport.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 9:40 P.M.

RESOLUTIONS

2 Resolution No. 359-03, Payment of Bills

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

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

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

Nays: None

Abstain: None

Absent: None

3. Resolution No. 360-03, Payment of Claim/Sewer Backup 285 Main Street

WHEREAS, the owners of 285 Main Street called in a plumber because the sanitary sewer backed up into their basement; and

WHEREAS, the Superintendent of Public Works has verified that there was in fact a sewer back up on 8/27/03 and also on 8/30/03; and

WHEREAS, the owners of 285 Main Street have submitted the plumber's bill in the amount of \$290.00 and request reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the reimbursement of \$290.00 to Julie E. Nastasu, 285 Main Street, Keyport, NJ to reimburse her for the plumber's bill in the amount of \$290.00.

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

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

Nays: None

Abstain: None

Absent: None

4. Resolution No. 361-03, Authorize Advertisement for Charter Fishing Boat Lease

WHEREAS, the Mayor and Council have previously authorized the lease of a portion of Block 21, Lot 49R (also known as Lot 49.01) as located on American Legion Drive for use in connection with the operation of a charter fishing boat from the Borough of Keyport which promotes recreational activity consistent with the mission of the Green Acres Program, which lease agreement will expire on February 28, 2004; and

WHEREAS, the Mayor and Council have considered the recommendation of the Harbor Commission and have determined to offer the within property for lease through competitive bidding for the purpose of operating a charter fishing boat, which the Mayor and Council believe would be advantageous to the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council desire to authorize the receipt of bids for a lease term of five (5) years commencing March 1, 2004 through February 28, 2009 for the operation of

a charter fishing boat on property owned by the Borough of Keyport located on American Legion Drive and identified as Block 21 Lot 49R (also known as Lot 49.01) on the Tax Map of the Borough of Keyport and further to direct the preparation of bid specifications by the Borough Attorney and further to establish a minimum bid for the initial year of the lease agreement; and

WHEREAS, the Mayor and Council desire to finalize this Resolution and authorize the receipt of the bid and further authorize the Borough Attorney to prepare appropriate bid documents inclusive of a lease agreement which shall comport with requirements established by the Green Acres Program and the Borough Ordinance established by the Borough of Keyport to be received and opened at the Keyport Borough Hall at a date to be fixed upon public advertisement.

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

1. The Mayor and Council further authorize the Borough Attorney to prepare the appropriate documents relative to bid specifications, inclusive of a proposed lease agreement for the lease of Borough owned property located on American Legion Drive and identified as Block 21, Lot 49R (also known as Lot 49.01) on the Tax Map of the Borough of Keyport, for use as a recreation charter fishing boat service open to the public.
2. The Borough Clerk is directed, upon receipt of the appropriate bid documents, to advertise for receipt of bids for a five (5) year lease agreement for the lease of the aforesaid Borough owned property for use in connection with a charter fishing boat operation for recreational purposes.
3. The Mayor and Council authorize the receipt of bids with an effective term for five (5) years, commencing on or about March 1, 2004 and expiring on February 28, 2009.
4. The Mayor and Council further direct that a minimum bid be established in the sum of Six Thousand, Five Hundred Dollars (\$6,500.00) for the first and second years of the five (5) year lease term, with an increase of five (5%) percent for each year for the third, fourth and fifth years of the lease agreement.
5. A copy of the within Resolution shall be forwarded to the Harbor Commission, Borough Attorney, Municipal Finance Officer and a copy shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

Nays: None

Abstain: None

Absent: None

5. Resolution No. 362-03, 2002 Audit Certification

WHEREAS, NJSA 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 2002 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Keyport as per the requirements of NJSA 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, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the Governing Body have personally reviewed as 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 the 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 Borough Council 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, 2968 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 Mrs. Atkins, second by Mr. Stalter

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

Nays: None

Abstain: None

Absent: None

6. Resolution No. 363-03, Waive application for a bulk variance fee Raritan Hose Company

WHEREAS, the Mayor and Council have received a request from Raritan Hose Company No. 2 to waive certain fees payable to the Unified Planning Board relative to a bulk variance application necessary to accommodate the Fire Department Rescue unit at the within firehouse; and

WHEREAS, the Mayor and Council have considered the request of the Raritan Hose Company No. 2 to waive the application fees relative to the within application based upon the nature and benefit to the residents of the Borough of Keyport and have determined to approve said request.

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

1. The Mayor and Council hereby waive any application fees due in connection with the application of Raritan Hose Company No. 2 for bulk variances in connection with the modifications necessary to accommodate the Fire Department Rescue Unit pending

before the Keyport Unified Planning Board.

2. Copies of the within Resolution shall be forwarded to the Chairman and Secretary, Keyport Unified Planning Board, Raritan Hose Company No. 2 and Robert McLeod, Esq., attorney for the applicant and a copy of said Resolution shall be maintained in the office of the Borough Clerk for public inspection.

The Mayor said Raritan needs a better plan.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

7. Resolution No. 364-03, Authorize Mayor to execute Smart Future Grant Agreement

WHEREAS, the Borough is a recipient of a Smart Future Grant #03-7085-00 from the New Jersey Department of Community Affairs, Division of Housing and Community Resources, in the amount of \$82,000.00 for the period of April 1, 2003 through September 30, 2004; and

WHEREAS, a resolution must be adopted authorizing the execution of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor, John J. Merla, is hereby authorized to execute this agreement on behalf of the Borough of Keyport and that the Borough Clerk, Judith L. Poling, is hereby authorized to attest the Mayor's signature.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

8. Resolution No. 365-03, Special Meeting – Relocation of American Legion Drive

WHEREAS, the Mayor and Council of the Borough of Keyport have submitted an application to the State House Commission for the relocation of American Legion Drive in conjunction with the replacement of bulkhead and the installation of a waterfront promenade which the Mayor and Council strongly believe will promote increased public access to the waterfront and passive recreational development consistent with the mandates of the Green Acres Program; and

WHEREAS, pursuant to the mandates of the Green Acres Program, a public hearing to invite public comment to the requested application must be held and timely advertised to insure public notification and participation; and

WHEREAS, the Mayor and Council desire to fix a date for public hearing and direct the Borough Clerk to advertise the within hearing in accordance to the established statutory guidelines.

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

1. The Borough of Keyport will hold a special meeting on Friday, November 14, 2003 at 7:00 P.M. at the Keyport Senior Center, 110 Second Street, Keyport, NJ by which to solicit public questions or comments to the proposed relocation of American Legion Drive which diversion is the subject of a State House Application filed by the Borough of Keyport.
2. The Borough Clerk is hereby directed to public a legal notice in an official newspaper of the Borough of Keyport on or before October 30, 2003 and to

obtain an appropriate affidavit of publication for said notice.

3. The Borough Clerk shall further cause a box notice to be published in an official newspaper of the Borough of Keyport on or before November 6, 2003 for the aforesaid public hearing scheduled November 14, 2003 and to obtain an affidavit of publication.
4. Copies of the within Resolution shall be forwarded to the Borough Attorney and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

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

Nays: None

Abstain: None

Absent: None

9. Resolution No. 366-03, Support State House Commission Application to NJDEP Green Acres (relocation of American Legion Drive and establish parking)

WHEREAS, Block 21.01, Lots 49 and 50 are part of the Borough of Keyport's waterfront parkland which is encumbered with restrictions against disposal or diversion from recreation and conservation uses under the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, in conjunction with the proposed waterfront development of recreational areas located within the Borough of Keyport, it is necessary to submit a resolution affirming the Borough of Keyport's support of the application to the State House Commission for the diversion of a portion of Block 21.01, Lots 49 and 50; and

WHEREAS, the area to be diverted/disposed of comprises approximately .70 acres and which has not been valued due to the nature of the location and the relief requested under this application; and

WHEREAS, the proposed application seeks to relocate American Legion Drive, a roadway in the Borough of Keyport, in conjunction with the replacement of bulkhead along the waterfront in accordance with a grant secured from the State of New Jersey, Department of Environmental Protection, which will replace the existing bulkhead and provide for the construction of a waterfront promenade for public use and enjoyment which will further promote passive recreational use of the waterfront consistent with the mandate of the Green Acres Program; and

WHEREAS, in order for the Borough to complete the bulkhead replacement and construction of the promenade, American Legion Drive must be relocated to provide access to the planned construction; and

WHEREAS, the Borough of Keyport proposes to relocate American Legion Drive to a location within Block 21.01, Lots 49 & 50, near the rear of buildings situate on West Front Street which will maintain access to the waterfront park and which will be accomplished by an equal exchange of land in the same parcel in order to accomplish this stated purpose; and

WHEREAS, the Borough of Keyport will further propose the installation of certain parking areas necessary to permit parking in conjunction with existing recreational activities such as Charter Fishing, Municipal Fishing Pier and Boat Ramp in the approximate amount of 60 parking spaces, which will constitute a long term reduction from the current 300 unpaved parking spaces existing at the within site; and

WHEREAS, based upon the long term goals and objectives of the Borough of Keyport to promote waterfront development consistent with the objectives of the Borough of Keyport to include bulkhead replacement and the construction of a promenade, the Borough of Keyport seeks approval for the within relocation involving an equal exchange of land.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of

Keyport in the County of Monmouth and State of New Jersey as follows:

The Borough of Keyport supports the application for the waterfront park application to relocate American Legion Drive consistent with an equal exchange of land which will further promote recreational activities which application is submitted to the State House Commission.

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

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

Nays: None

Abstain: None

Absent: None

10. Resolution No. 367-03, NIA Risk Control Agreement

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, PO 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, 2003 through August 31, 2004; 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 \$14,400.00 for the period September 1, 2003 through August 31, 2004 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 of September 1, 2003 to August 31, 2004 at a fee of \$14,400.00 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 \$14,400.00 for the period September 1, 2003 to August 31, 2004 payable as per contract.
2. This contract is awarded without advertisement because it is for extraordinary unspecifiable services in accordance with NJSA 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 Mrs. Atkins, second by Mr. Stalter

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

Nays: None

Abstain: None

Absent: None

11. Resolution No. 368-03, Authorize Schoor Engineering to prepare Park Grant/Tidelands Application at a cost not to exceed \$1,000.00

WHEREAS, the Borough must submit amended surveys and legal descriptions to reflect

the new dimensions of the bulkhead (24"v. 18") and the additional 15' area outshore of the existing bulkhead to be licensed during construction; and

WHEREAS, the square footage of the grant and license area also have to be recalculated; and

WHEREAS, Schoor DePalma conducted the original surveys and should be able to generate same at less time and expense.

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

Gordon N. Litwin, Esq., Special Counsel is hereby authorized to obtain the following documents from Schoor DePalma at a cost not to exceed \$1,000.00.

1. A revised survey properly depicting the four grant areas and stating the recalculated acreage of each area as recalculated;
2. Revised metes and bounds descriptions of the grant areas;
3. A survey properly depicting the four areas to be licensed and stating the recalculated acreage of each areas as recalculated; and
4. Meets and bounds descriptions of the areas to be licensed.

BE IT FURTHER RESOLVED that if the cost of obtaining these documents exceed \$1,000.00, Gordon N. Litwin, Esq., Special Counsel will seek further authorization from the Borough Council.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

12. Resolution No. 369-03, Waive Sewer Connection Fee for 104 Maple Place

WHEREAS, the Mayor and Council of the Borough of Keyport are aware of certain litigation pending in the Superior Court of New Jersey, Special Civil Part, Monmouth County, relative to a sewer line serving the residence located at 104 Maple Place, Keyport, New Jersey, in which the Borough of Keyport is named defendant; and

WHEREAS, the parties in the within litigation have reached a tentative settlement which will result in the installation of an additional new sewer line or the reconstruction, repair or replacement of the existing sewer line; and

WHEREAS, in order to reach an amicable settlement of all claims against all parties in the matter of Viera-DaPonte v. Hoff, Docket No. DC-005840-03, the Borough has been requested to waive a sewer connection fee, if any, due to the Borough of Keyport or any permit fees relative to the repair, reconstruction or replacement of the existing sewer line; and

WHEREAS, the Mayor and Council have considered the recommendation of the Borough Attorney to settle the within matter and consent to waiving the appropriate sewer connection or permit fees due to the Borough of Keyport in exchange for an appropriate release in favor of the Borough.

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

1. The Mayor and Council hereby authorize the settlement of the within litigation and agree to waive any sewer connection fees due to the Borough of Keyport or any permit fees in connection with the repair, renovation or replacement of the current sewer line for the within property.

2. The Mayor and Council hereby waive the within fees contingent upon the entry of an appropriate stipulation and release acceptable to the Borough Attorney.
3. A copy of the within Resolution shall be forwarded to the Borough Attorney, Construction Code Official and a copy retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

13. Resolution No. 370-03, Authorize the Sale of Borough Property

WHEREAS, there are various items i.e. vehicles, equipment and bicycles which are no longer needed by the Borough of Keyport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Clerk is hereby authorized to conduct a sale of these items.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

14. Resolution No. 371-03, Authorize temporary 15 minute parking on the Westerly side of Atlantic Street

WHEREAS, NJSA 39: 4-197.3 permits a municipality to enact a resolution declaring that an emergent or temporary condition dictates the adoption of special traffic regulations cognizable under NJSA 39:4-197, including the regulation of parking on local Borough streets for a period not to exceed 3 months from the date of adoption; and

WHEREAS, the Mayor and Council have received and considered numerous complaints from citizens concerning the difficulties involved in dropping off and picking up school children from school due to the current parking restrictions on a portion of Atlantic Street, which further poses a safety consideration which the Mayor and Council have reviewed and considered; and

WHEREAS, based upon review and consideration of this condition, the Mayor and Council have resolved to permit 15 minute parking on the Westerly Side of Atlantic Street from the southerly curb line of Union Street for a distance of 464 feet south along Atlantic Street, which the Mayor and Council believe will provide temporary relief to parents dropping off or picking up their children from school, for a period of three months, as provided under the aforesaid statute; and

WHEREAS, the Mayor and Council have further determined to request the Police Department to review the current parking situation and to make further recommendations to address parking along that portion of Atlantic Street; and

WHEREAS, the Mayor and Council have determined to exercise their power under NJSA 30:4-197.3 and enact temporary 15 minute parking on that portion of Atlantic Street designated herein and further direct appropriate notification to the residents and the Department of Transportation for the period set forth in the Statute.

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

1. The Mayor and Council hereby establish 15 minute parking along the Westerly Side of Atlantic Street from the southerly curb line of Union Street running a distance of Four Hundred and Sixty Four (464) feet, for a period of three (3)

months in accordance with the provisions of NJSA 39:4-197.3 et seq. based upon the current conditions at the within location in which a public school is situated.

2. The Mayor and Council further direct the Keyport Police Department to conduct an evaluation of the parking along Atlantic Street and to make specific recommendations for long term parking in the within area.
3. The Mayor and Council further direct the Department of Public Works in conjunction with the Police Department to post appropriate signage in the effect area to notify the public of the temporary 15 minute parking along Atlantic Street and to further comply with notification as required under NJSA 39:4-198.
4. That a certified copy of this resolution be forwarded to the New Jersey Department of Transportation, Chief of Police, Keyport, Police Department, Superintendent of Public Works, Secretary, Keyport Board of Education and that a copy of the within Resolution be retained in the office of the Borough Clerk for public inspection

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

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

Nays: None

Abstain: None

Absent: None

With regard to the following Resolution, Mayor Merla said \$50,000.00 is very cheap. Mr. Doyle said he would like to keep what the Borough had. The Mayor said there are three issues: mooring overnight, parking spaces and dredging. We would be going from a non-recreational to a recreational lease. The amount of money should be increased vs. the number of parking spaces. Mayor Merla said the adjacent streets lose parking spaces. There is a charter of 40-50 fishermen. Mr. Green said a lease of two years for \$100,000 total is too low. Mr. Hyer said the bid specifications, \$25,000 a year is too low. Mayor Merla recommended \$80,000 for two years. Mr. Doyle agreed with the figure of \$100,000.

Mike Lane recommended a charge of \$5.00 per day to park. Mr. Bergen said the spaces have to be regulated. Mayor Merla said there are Ordinances in place to regulate the spaces. A motion was made authorizing the lease to be \$100,000 for two years by Mr. Doyle, second by Mr. Stalter with Ayes by all present except Mr. Bergen who was opposed.

Mr. Green said the lease should be revisited in 2 years.

15. Resolution No. 372-03, Authorize Advertisement for Receipt of Bids for Commuter Ferry Lease

WHEREAS, the Mayor and Council have previously authorized the operation of a commuter ferry service from the Borough of Keyport to New York City by means of a lease agreement approved by the State of New Jersey, Green Acres Program and executed by the Borough of Keyport, for a term ending October 15, 2003; and

WHEREAS, the Mayor and Council have previously directed the Borough Attorney to prepare bid specifications to bid a two (2) year non-exclusive lease for the use of the municipal dock in connection with the re-establishment of the commuter ferry service between the Borough of Keyport and the Borough of Manhattan; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to authorize and direct the receipt of bids for the commuter ferry service for the two (2) year period and to provide for the inclusion of a lease agreement encompassing parking, recreational activities and related matters relative to the re-establishment of the commuter ferry service; and

WHEREAS, the Mayor and Council desire to finalize this resolution and authorize the receipt of bids and further to fix a minimum bid for the two (2) year lease term and further to direct the public advertisement of bids to be received and opened at the Keyport Borough Hall at a date to be fixed upon public advertisement.

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

1. The Mayor and Council authorize the advertisement of a two (2) year lease agreement relative to the re-establishment of a commuter ferry service from the Borough of Keyport to New York City, which shall further include a requirement that the successful bidder provide for recreational activities consistent with the use of the waterfront, including but not limited to charters, trips, sightseeing tours and related excursions as part of any lease agreement.
2. The Borough Clerk is directed, upon receipt of the appropriate bid documents, to advertise for receipt of bids for a two (2) year lease agreement for the operation of a commuter ferry services from the municipal dock to New York City.
3. The Mayor and Council authorize the receipt of bids with an effective term for two (2) years, commencing on or about January 1, 2004 and expiring on December 31, 2005.
4. The Mayor and Council hereby fix a minimum bid in the sum of Fifty Thousand Dollars (\$50,000.00) payable in equal monthly installments, over the course of the two (2) year lease agreement.
5. A copy of the within Resolution shall be forwarded to the Borough Attorney, Municipal Finance Officer and a copy shall be maintained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Doyle, second by Mr. Green

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Nays: Councilman Bergen
Abstain: None
Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Green, second by Mr. Doyle with Ayes by all present.

Time of Adjournment: 9:59 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk


per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk