Approved 12/18/01
November 20, 2001
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 Ashmore, Antonucci, Merla, Atkins. Absent: Councilmen Bergen and Pedersen. Others present: Mr. Litwin, Borough Attorney.

RESOLUTION

1. Resolution #339-01, 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. Public Works Department
2. Registrar/Secretary-Board of Health
3. Bloodborne Pathogen Officer

Litigation
1. Barrett Bill
2. Tidelands Council

Labor Relations
1. PBA Contract

Contract Negotiations
1. Insurance
2. Water Utility

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 15 minutes.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

Council went into Closed Session at 7:13 P.M. and this meeting was reconvened at 7:39 P.M.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins. Absent: Councilmembers Bergen and Pedersen. Others present: Mr. Litwin, Borough Attorney and Mr. Kriskowski, Borough Engineer.

Councilmen-Elect Robert Hyer and Brian Stalter were invited to join Mayor and Council at the dais.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of October 16th, Work Meeting of November 5th, Closed Meetings of October 16th (2) and November 5, 2001 were approved as read on motion of Mr. Antonucci, seconded by Mr. Merla with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #18-01, Amend Chapter VII Unlimited Parking on the East Side of Broad Street

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of November 8, 2001, 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 CHAPTER VII, "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

The Hearing was opened to the public for comments or questions at 8:04 P.M. There being none, the Hearing was closed to the public at 8:04 P.M.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of November 29, 2001 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

2. Ordinance #19-01, Supplemental Bond Ordinance/$50,000 - Block 1, Lot 40

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of November 8, 2001, 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 reported that the Supplemental Debt Statement was approved by the Division of Local Government Services.

The Clerk read the Ordinance by Title:

AN ORDINANCE OF THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF $50,000 FOR THE ACQUISITION OF PROPERTY DESIGNATED AS BLOCK 1, LOT 40 AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF KEYPORT, AND PROVIDING FOR THE ISSUANCE OF $47,500 IN BONDS AND NOTES OF THE BOROUGH OF KEYPORT TO FINANCE THE SAME

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

<u>Section 1.</u> The improvement or purpose described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the supplement amount of $50,000 such sum being in addition to the $100,000 appropriated therefore by bond ordinance #5-01 of the Borough finally adopted on March 20, 2001 (the "Prior Ordinance"), and including the sum of $2,500 as the additional down payment for the improvement or purpose required by the Local Bond Law. The additional down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of additional down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of property designated as Block 1, Lot 40 on the tax maps of the Borough, including all rights and interests therein and all work and services necessary therefor or incidental thereto, as described in the plans and specifications therefor on file with the Borough Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is $142,500, including the $95,000 of bonds or notes authorized by the Prior Ordinance, and the $47,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is $150,000 including the $100,000 appropriated by the Prior Ordinance, and the $50,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no notes shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report, in writing, to the Governing Body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government

Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $47,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $30,000 for items of expense listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose. Of this amount, $20,000 was estimated for these items of expense in the Prior Ordinance, and an additional $10,000 is estimated therefor herein.

(e) The Borough reasonably expects to commence the purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

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

Section 9. After passage upon first reading of this bond ordinance, the borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections) at least once in a newspaper qualified under NJSA 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of NJSA 40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Borough Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19.

Section 11. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The Hearing was opened to the public for comments or questions at 8:06 P.M. There being none, the Hearing was closed to the public at 8:06 P.M.

Mr. Litwin said that this Ordinance was introduced with regard to the Kutschman property (Public Works Facility); a question was raised with the Title Company. The property is out of foreclosure; he will advise. Mr. Merla asked if he should abstain since Mr. McLeod was involved with this matter.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins

Absent: Councilmembers Bergen and Pedersen

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of November 29, 2001 moved by Mrs. Atkins, seconded by Mrs. Ashmore with Ayes by all present.

3. Ordinance #20-01, PBA Salaries: 2001-2003

Motion to table the Ordinance to the December 4, 2001 Council Meeting moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. The Parking Survey will be updated. She has had numerous meetings with the Chief; he has surveyed several residents on Green Grove, First & Third and Division & Osborn Streets. There are streets that require signs (No Parking Here to Corner). Mr. Litwin sent a two page letter to Green Grove Apartments and Mr. Kurtz has replied to the Mayor that they would like to convert the swimming pool into a parking lot. Between January and November 16th, the Police have responded 188 times to parking issues. Mr. Merla asked if Mr. Kurtz is considering changing parking back to the way it was. Mayor Graham said that he wrote to Mr. Kurtz and he replied about converting the swimming pool into a parking lot. Mr. Kurtz's purchase of Mr. Weber's property fell through (excessive amount of money). The Police Sergeant test results will be out in February or March 2002. If someone is acting as Sergeant, they are paid as needed. Mrs. Ashmore recommended that 2 hour parking be suspended on West Front Street and Broad Street; Captain Dayback agreed. Mayor Graham said that BID and the Chamber of Commerce should be asked. Mrs. Ashmore said that the Ferry Company is working on their lots; she will contact Mrs. Shaw, BID. The Main Street lot could be used; there are no restrictions. This is putting a crimp in shopping. Mrs. Ashmore said that there is no where to park. Mr. Merla said that bumpers are to be put in Mr. Swifts lot. Mayor Graham said that the lots should be read shortly. Mr. Merla requested that Mr. Cummins be pushed to complete the two lots. Mr. Antonucci said that Mrs. Shaw can contact the business owners. Chief Gajewski will speak to Mr. Cummins. Mrs. Ashmore mentioned that the Parking Enforcement Officer tickets the cars. Mrs. Ashmore said that she would let the matter go about implementing a crossing guard to cross the senior citizens. She asked if flowers were sent to Tony Vecchio; Mrs. Poling said yes. The House Tour will be held on Saturday, December 15, 2001 from 4-10 P.M. Tree lighting will be held at 7 P.M.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr. Antonucci reported on the following. The Main Street Ballfield has a new fence and trees were cut. Other parks are being investigated to see if fencing is needed. The Annual walk through of the parks was held and George Sappah addressed many items; the parks are looking good.

Councilman Merla; Fire: Mr. Merla reported on the following. He asked if the Main Street Ballfield rear fence stayed at 4 feet high; Mr. Antonucci said that it did. Mrs. Ashmore said that netting was discussed. Mr. Merla would like a fence to extend higher; Mr. Antonucci will bring up at the next Recreation Commission Meeting. The Fire Department Election will be held on Wednesday, December 5th at Engine Company from 8-9 P.M. Fire Patrol and Raritan Hose submitted specs; he spoke with Mr. Litwin. Both specs are the same manufacturer. Mr. Merla spoke with Tom Fallon about negotiating with the manufacturer for savings. Mr. Litwin said that it would be efficient to do both together. After December 31st, 4% for Fire Patrol and March,4% for Raritan Hose. He spoke with Mrs. Ashmore regarding radar on lower Broad Street near the Boat Ramp. The ramp should be closed. Chief Gajewski said that notice is already out and will cover Broadway also. On Sunday, there were 15 duck hunters around the Boat Ramp. A chain should be put up so that the ramp is not used. He advised Mr. Litwin that there are residents concerned about streets not being registered with the County (Oyster Creek Condos) after a project is approved by the Planning Board and a new street is created. Mr. Litwin said that they are private roads. Mr. Merla asked that if there is a fire at "Pasquale Drive" the fire department may not know where it is. Mr. Litwin said they are not public streets and the Fire Department should know the streets in the Borough; it is their obligation. Chief Gajewski said that they are on computer.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. The Annex offices are moving on December 1, 2001 to 35 Broad Street; the offices will be closed ½ day on Friday, November 30th. Motion to close the Annex offices for a full day on November 30th moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present. With regard to the Trails Facility Grant, several years ago Kathleen Shaw prepared an ISTEA grant; the Borough Clerk/Administrator is looking for the paperwork. The Christmas decorations are up and the tree lighting was held. Veterans and Memorial services were held. The Historical Society is closed for the winter. The "If Teacups Could Talk" Fashion Show was held and reflected the 1900-1960's.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen was absent.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen was absent.

Administrator Poling: Mrs. Poling reported on the following. Payment of Bills of November 13th: **Current Account - $105,271.07; Water/Sewer Account - $69,309.21.** Kenneth Marr, 1st Assistant Chief submitted a request letter to include a flyer in the January water bill and each water bill that goes out advising residents of Safety information. Motion to approve inserts in the Borough water bills moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present. She reported that the November 10th Borough property sale brought in $11,440.00 and permission is needed to discard any unsold items. She would like to request a waiver of the Supervisor of Public Works test. Motion to add a resolution to sign a waiver for the Public Works Supervisor test moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present. The installation of a new streetlight on Center Street was completed on November 19th. Per Mr. Shoup of the DOT, on November 19th the Route 35 u-turn would be graded and it would complete the project. The only remaining items are seeding and landscaping.

Engineer Kriskowski: Mr. Kriskowski reported on the following. He requested that the resolution awarding the Cedar Street Lighting contract be held until the December 4th meeting. The DEP submitted comments on the Bulkhead and revisions were made and sent back to the DEP.

Attorney Litwin: Mr. Litwin reported on the following. Green Grove Apartments submitted a letter in response to his letter. There was a complaint submitted regarding the Borough Engineer's Bill from Mr. and Mrs. Barrett's attorney (Mr. Reilly). Formal action is needed by Mayor and Council to mediate; Mayor and Council should designate someone to sit down and work this matter out. A resolution should be adopted designating someone to mediate the matter; if this is not done, it would go to the Construction Code of Appeals. Mayor Graham, John Merla, Schoor DePalma and Mr. Wolf will discuss the matter. The Borough Administrator should advise Mr. Reilly that a Committee will respond to Mr. and Mrs. Barrett's concerns.

Councilmen-Elect Robert Hyer and Brian Stalter had no comments.

Mayor Graham: The Mayor reported on the following. Keyport was selected to participate in the County Rail Station Feeder Bus Service Plan. The Administrator prepared and submitted an application and a committee will be formed; the County will be advise that this will be done as soon as possible. Mayor Graham requested that Thomas Antonucci also serve on the Committee. The Master Plan was on hold until the BID Smart Growth Grant was submitted to the State; this would involve revision and would take some time. The County would like revisions to the Master Plan. The Planning Board met on November 19th and they have another meeting on December 3rd. The Master Plan will be introduced by Ordinance at the December 4th Council Meeting and there will be a joint meeting between Mayor and Council and the Planning Board on December 10th. The Ordinance can be adopted on December 18th. Motion to add a Special Meeting Resolution on to the agenda moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present. The Keyport Hall of Fame Parade/Dinner was held on October 20th. The tour of Fragrance Resources was held on October 27th. The Superintendent of Elections was the guest speaker at the Bayshore Conference of Mayors Meeting (Mr. Pedersen attended the meeting). Cablevision met with the Borough and Dr. Dumford, Supt. of Schools regarding the Franchise Agreement; they are accommodating the Borough. There will be cable hook up in the Fire Departments and First Aid as well as discounts for Senior Citizens. There was a dinner held for the closure of Bayshore Hospitals Thrift Shop which began operation in 1967; they benefitted many families. The Staub family was also honored (they owned the building that the Thrift Shop was in). There was a Keyport Business Alliance Board of Director's meeting last night (11/19).

REPORTS OF DEPARTMENTS

JULY 2001

1. Police Department-Firearm/Fingerprint Fees

   Total Amount Collected $180.00

   Submitted by Chief Theodore Gajewski

AUGUST 2001

2. Police Department-Firearm/Fingerprint Fees

   Total Amount Collected $ 85.00

   Submitted by Chief Theodore Gajewski

3. Fire Department Report

   Total Company runs: 159
   Mileage on Chief's car: 2,996

   Submitted by Larry Stonerock, Fire Chief

SEPTEMBER 2001

4. Treasurer's Report

CURRENT CHECKING	$ 930,507.52
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	1,427.69
TRUST CHECKING	40,106.06
TRUST SAVINGS	124,960.90
RECREATION BAYFRONT	64,645.08
UNEMPLOYMENT/DISABILITY	59,500.19
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	192,158.92
ESCROW TRUST	152,474.88
LAW ENFORCEMENT	9,299.26
SELF HEALTH INSURANCE FUND	3,616.04
WATER/SEWER OPERATING	4,406.89
WATER/SEWER SAVINGS	131,445.64
WATER/SEWER INVESTMENT	117,481.41
WATER CAPITAL CHECKING	1,301.73
WATER CAPITAL INVESTMENT	93,002.69
GENERAL CAPITAL INVESTMENT	3,174,143.44

INTEREST EARNED ON INVESTMENTS FOR SEPTEMBER, 2001
CURRENT - $12,136.63
WATER - $ 776.47

Submitted by Pauline Redmond, Treasurer

5. Municipal Court Report

STATE FINES	$ 733.00
STATE SURCHARGE	-0-
STATE UNINSURED	35.00
COUNTY FUNDS	933.12
COUNTY FINES	2,687.25
MUNICIPAL FINES	2,687.25
MUNICIPAL COSTS	3,291.00
MUNICIPAL PARKING	1,320.00
MISCELLANEOUS	1,379.38

Submitted by Kathie Coffey, Court Administrator

6. Code Enforcement Officer Report

See full copy of Report on file in the Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

7. Fire Department Report

Total Company runs: 154
Mileage on Chief's car: 4,085

Submitted by Larry Stonerock, Fire Chief

<u>OCTOBER 2001</u>

8. 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		700.00
DEMOLITION		-0-
TOTAL WATER/SEWER, CHECK #3458	**$**	**700.00**

CURRENT ACCOUNT

BINGO LICENSE	$	-0-
GUN PERMITS & ID'S		149.00
LIMO LICENSE		-0-
PHOTOCOPIES		20.50
POSTAGE		.34
RAFFLE LICENSE		-0-
TAXI LICENSE, DRIVER		-0-
TAXI LICENSE, OWNER		-0-
POLICE DEPT ACCIDENT REPORT		433.50
SEARCHES		10.00
VENDING LICENSE		-0-
PEDDLAR LICENSE		-0-
LIQUOR LICENSE		-0-
STREET OPENING		450.00
FISH & GAME		-0-
NEWSPAPER VENDING MACHINES		-0-
RECYCLING PERMITS		1,084.00
PARKING PERMITS		-0-
AUCTION LICENSES		-0-
TOTAL CURRENT, CHECK #3459	**$**	**2,147.34**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$	-0-
BAIT		-0-
ICE		-0-
ICE CREAM		-0-
SODA		-0-
TOTAL RBIT, CHECK #	**$**	**-0-**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3460	$	162.00
TOTAL RECEIPTS	$	3,009.34

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

9. Tax Collector's Report

2001 TAXES	$1,478.575.63
2000 TAXES	114,722.60
2002 PREPAID TAXES	1,034.94
PRIOR YEARS TAXES	3,540.00
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	24,008.19
TAX SEARCHES	10.00
POST OFFICE LAND RENT	275.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	22,873.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	57,818.00
TOTAL CURRENT RECEIPTS	**$1,702,857.45**

WATER & SEWER RENTS	$ 568,538.13
INTEREST AND COSTS	2,787.11
TURN ON CHARGES	40.00
RETURNED CHECK CHARGES	24.00
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	700.00
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	850.21
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	32,120.00
MARINE PUMP OUT FACILITY	180.00
TOTAL WATER/SEWER RECEIPTS	**$ 605,239.45**

Submitted by Pauline Redmond, Tax Collector

10. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	31	$ 121.00
CERTIFICATE OF OCCUPANCY	60	1,550.00
PLUMBING PERMITS	14	825.00
ELECTRICAL PERMITS	11	935.00
BUILDING PERMITS	21	2,082.00
FIRE SUB CODE	11	575.00
CONST CERT OF OCCUPANCY	0	-0-
ZONING PERMITS	15	150.00
200 FT PROPERTY LIST	7	70.00
TRANSFER OF TITLE	20	730.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	5	125.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	59	1,180.00
CONST. DEPOSITS REFUNDABLE	9	450.00
TOTAL		**$ 8,793.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2357	$ 8,222.00
STATE FEE DUE - PAID QUARTERLY	121.00
ELEVATOR INSPECTION AGENCY, CHECK #	

Submitted by Annette Kovacs, Senior Permit Clerk

11. Police Department/Traffic Safety Report

Total Amount received $ 433.50

Submitted by Theodore Gajewski, Police Chief

12. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$2,215.20**
DOG LICENSES	$ 88.20
CAT LICENSES	-0-
MARRIAGE LICENSES	280.00
BURIAL PERMITS	27.00
DEATH CERTIFICATES	1,370.00
MARRIAGE CERTIFICATES	105.00
BIRTH CERTIFICATES	5.00
POOL PERMITS	-0-

PLAN REVIEW	100.00
FOOD HANDLERS	150.00
MISCELLANEOUS	-0-

DISBURSEMENTS

CHECK #2670 - BOROUGH OF KEYPORT MISC. ACCT	$1,787.00
CHECK #2671 - BOROUGH OF KEYPORT TRUST ACCT	250.00
CHECK #2672 - BOROUGH OF KEYPORT DOG ACCT	72.00
CHECK #2673 - NJ STATE DEPT OF HEALTH	16.20

Submitted by Anne R. Biagianti, Treasurer

13. Fire Department Report

Total Company runs: 127
Mileage on Chief's car: 4851

Submitted by Larry Stonerock, Fire Chief

14. Municipal Court Report

STATE FINES	$ 1,277.00
STATE SURCHARGE	77.00
STATE UNINSURED	35.00
COUNTY FUNDS	939.96
COUNTY FINES	4,856.50
MUNICIPAL FINES	4,856.50
MUNICIPAL COSTS	3,808.00
MUNICIPAL PARKING	936.00
MISCELLANEOUS	902.04

Submitted by Kathie Coffey, Court Administrator

15. Code Enforcement Officer Report

See full copy of report on file in the Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

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

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 9:08 P.M. Mary Allen, Maple Place, said that the Civic League received a water bill for $300; this was referred to Mrs. Redmond and George Sappah. Mrs. Allen said that the Christmas Decorations look lovely. Steven Reed said that he is a coach for Pop Warner and an employee of the Ferry Company and advised he is handling the parking, tickets, shuttle; he should be contacted. It was asked if there is a target date to open the off site lot; he was not sure (Apollo's property is being cleaned). Mayor Graham said that the Ferry Service began early because of the September 11th tragedy. There is an urgency to move cars off of the Borough lot; there have been complaints by business owners and residents. Mr. Reed said that he has not seen all of the slots filled. Mayor Graham said that there will be Ordinance changes on parking. The Meeting was closed to the public at 9:13 P.M.

RESOLUTIONS

2. Resolution #340-01, Authorize Emergency/JOMAC/Sanitary Sewer Lateral Repair - 7 Monroe Street

WHEREAS, an emergency existed on October 31, 2001 arising out of the break in a sanitary sewer lateral located at 7 Monroe Street in the Borough of Keyport; and

WHEREAS, this emergency affected the public health, safety and welfare and required immediate action; and

WHEREAS, the immediate need to repair the broken sanitary sewer lateral on an emergency basis could not have been reasonably foreseen and exceeded the amount set forth in N.J.S.A. 40A:11-6.1; and

WHEREAS, the Superintendent of Public Works, in furtherance of his duties and responsibilities, authorized acceptance of a proposal from JOMAC Construction, Inc. of Belford, New Jersey to repair the broken sanitary sewer lateral on a time and materials basis which work was performed at a total cost of up to $4,802.49; and

WHEREAS, the Borough Engineer has reviewed the matter and the scope of the work performed and is satisfied that there was an emergent condition.

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

1. The prior authorization to JOMAC Construction, Inc. of Belford, New Jersey to perform emergent work to repair a broken sanitary sewer lateral at 7 Monroe Street in the Borough of Keyport on and about October 31, 2001 in the total amount of up to $4,802.49 is approved.

2. The appropriate Borough Officials are authorized to sign such documents as may be required to effectuate the foregoing.

3. A certificate of availability of funds is annexed hereto.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins
Absent: Councilmembers Bergen, Pedersen

3. Award Cedar Street Replacement Lighting/Lucas Electric - This resolution was held.

4. Resolution #341-01, Payment of Bills

See full copy of Resolution as pages 16-21 of these minutes.

Mr. Merla questioned a bill in the amount of $3,000 for the testing of street sweepings; he asked if this fell under State Mandate/State Pay. A copy of the bill will be forwarded to DEP and the legislators. He asked about payments to interpreters and stated that the bills are excessive. He asked if the Police Officers could be used. Municipal Courts must used certified interpreters. Mrs. Poling will clarify this matter with Mrs. Coffey, Court Administrator.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla**
Atkins
Absent: Councilmembers Bergen and Pedersen

**Mr. Merla abstained on the following bills. Current Account: Payment to Keyport Greenhouse - $71.95, Payment to the Courier (Merla Application Denial)- $8.46. General Capital Account: Payment to Gordon Litwin (Washington Street) - $91.00

Mrs. Ashmore asked Mr. Kriskowski about the plans for the park on Beers Street. Mr. Kriskowski said that this was not done by Schoor. Mayor Graham said Ken Young sketched out the concept.

5. Resolution #342-01, Oppose Passage of Senate Bill 1099/Assembly Bill 3366 "Time of Decision" Rule

WHEREAS, Senate Bill 1099/Assembly Bill 3366 is intended to modify the "time of decision" rule which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, under the Bills, the Ordinances in effect at the time an application is deemed complete, shall govern the review of that application, and any decision made following upon that review; and

WHEREAS, the "time of decision" rule provides local governing body members the mechanism to correct errors or previously unanticipated defect in statutory or ordinance language; and

WHEREAS, courts have applied the "time of decision" rule to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy decisions that had been found to be imperfectly expressed; and

WHEREAS, the "time of decision" rule has permitted a municipality to give additional legislative considerations to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the Ordinance; and

WHEREAS, Senate Bill 1099/Assembly Bill 3366 would drastically change the Municipality's protection that it currently enjoys; and

WHEREAS, development applications and zoning changes require public discussions and hearings and a formal multi-month approval process, Senate Bill 1099/Assembly Bill 3366 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act. This legislation would enable a developer to thwart the will of the public expressed through their votes by permitting the filing of a development application between an election and a new year to bar new officials from making zoning changes; and

WHEREAS, Senate Bill 1099/Assembly Bill 3366 would undermine the ability of government at various levels to protect the public interest; and

WHEREAS, Senate Bill 1099/Assembly Bill 3366 has now been favorably released from the Assembly's Local Government Committee.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport strongly disapproves of Senate Bill 1099/Assembly Bill 3366; and

BE IT FURTHER RESOLVED that our State Legislators be urged to vote "NO" on Senate Bill 1099/Assembly Bill 3366; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the parties stated on the attached service list, urging that they take similar action to defeat Senate Bill 1099/Assembly Bill 3366.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

6. Resolution #343-01, Amend Fast Ferry Lease Agreement/Electric Service/Line

WHEREAS, on or about June 28, 2001, the Borough of Keyport entered into a Lease Agreement related to ferry operations at the municipal pier with Keyport Fast Ferry, LLC, ("Fast Ferry"); and

WHEREAS, Fast Ferry has proposed to transfer the present electric meter servicing the pier into its own account in consideration of the Borough permitting it to make certain improvements to the electric line and utilize same in connection with its operations at the pier; and

WHEREAS, this proposal has been incorporated into a proposed amendment to the Lease Agreement which has been submitted by the Borough Attorney for approval.

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

1. The annexed amendment to Lease Agreement between the Borough of Keyport and Keyport Fast Ferry, LLC, whereby the Lease Agreement entered into on or about June 28, 2001 with Fast Ferry, LLC, will be amended is approved.

2. The Mayor and appropriate Borough officials are authorized to execute said Amendment to Lease Agreement.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

7. Resolution #344-01, Hire Substitute School Crossing Guard - Harry Kneute

WHEREAS, there is a need to fill the position of Substitute School Crossing Guard; and

WHEREAS, funds are available in the 2001 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Harry Kneute is hereby hired as a Substitute School Crossing Guard, effective November 21, 2001 at the salary in effect as per the current Salary Ordinance and Salary Resolution.

BE IT FURTHER RESOLVED, that this appointment will expire on December 31, 2001.

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

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

8. Resolution #345-01, Support Development of a Shuttle Bus Route to Aberdeen/Matawan from Keyport as part of the County's Rail Station Feeder Bus Service Plan

WHEREAS, the County of Monmouth is performing a study entitled *The Monmouth County Rail Station Feeder Bus Service Plan* as one of the tasks of the North Jersey Transportation Planning Association's Unified Planning Work Program for FY 2002; and

WHEREAS, the purpose of this study is to examine potential rail ridership markets, and, working cooperatively with the local municipality, develop shuttle bus operating and financial plans that will provide the most effective access and service to the Aberdeen/Matawan Rail Station on NJ TRANSIT's North Jersey Coast Line; and

WHEREAS, the Borough of Keyport has completed and submitted a nomination package to the County in response to the County's solicitation for candidate ridership markets and shuttle bus routes to be included in the study; and

WHEREAS, Monmouth County Planning Board staff has reviewed the supporting information and proposed service region submitted by the Borough of Keyport and selected a shuttle bus route from the Borough of Keyport to the Aberdeen/Matawan Rail Station for inclusion in the study.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Keyport supports inclusion of a shuttle bus route from the Borough of Keyport to the Aberdeen/Matawan Rail Station in the *Rail Station Feeder Bus Service Plan* for the development of conceptual routes and operating plans for this municipality.

BE IT FURTHER RESOLVED that the Borough of Keyport will provide where possible, information necessary for the advancement of the *Rail Station Feeder Bus Service Plan.*

BE IT FURTHER RESOLVED that the Borough of Keyport will form a Community Stakeholder Group, which may include local residents and/or business owners, community group representatives, public works officials and elected officials, to provide input and assist in the process of developing appropriate locally preferred operating and service plans.

BE IT FURTHER RESOLVED that the number of Community Stakeholder Group members shall be limited to ten (10) persons, who shall attend and participate in all Community Stakeholder Group meetings.

BE IT FURTHER RESOLVED that Monmouth County has indicated that at least two (2) Community Stakeholder Group meetings will be conducted.

BE IT FURTHER RESOLVED that the Borough of Keyport understands that this study does not provide funding for acquisition of equipment or any other startup or operating costs to implement these shuttle bus route plans, nor is the county in any way committed to providing funding toward this end.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Robert W. Clark, Planning Director, Monmouth County Planning Board, Hall of Records Annex, One East Main Street, Freeholder, New Jersey 07728.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

9. Resolution #346-01, Authorize Tax Collector to issue Duplicate Tax Sale Certificate

WHEREAS, P.L. 1997, Chapter 99, requires the authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third party lien holder which has been destroyed or lost.

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, hereby authorizes the Tax Collector, upon receipt of the appropriate affidavit from the owner of the certificate, to the original lien holder, known as: John Fahey whose address is 117 First Street, Keyport, New Jersey, 07735.

BE IT FURTHER RESOLVED that this replacement certificate, duplicated in original form, shall be marked as "duplicate", and that the $100.00 fee per duplicate certificate be waived as the original certificate, mailed on October 26, 2001 and sent certified mail was lost by the Post Office and through no fault of Mr. Fahey.

BE IT FINALLY RESOLVED that a copy of said duplicate shall be attached herewith, and a certified copy be forwarded to the Tax Collector and lien holder.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

10. Resolution #347-01, Extend Karen Walling's Leave of Absence

WHEREAS, Karen Walling, Bloodborne Pathogen Officer was granted a Leave of Absence from October 1, 2001 through November 26, 2001, without pay; and

WHEREAS, Mrs. Walling notified the Borough that her Doctor has approved her to return to work on December 1, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Karen Walling's Leave of Absence is hereby extended to December 2001, without pay.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

11. Resolution #348-01, Waiver of Supervisor of Public Works Exam

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT that the Borough Clerk/Administrator is hereby authorized to sign the Promotional Upon Waiver of Examination (NJAC 4A:4-2.7) section of the Notice of Promotional Examination for the position of Supervisor of Public Works.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

12. Resolution #349-01, Appoint a Committee to mediate Barrett Bill matter

WHEREAS, a notification and appeal has been filed by Bernard M. Reilly, Esq., pursuant to NJSA 40:55D-53.2a on behalf of Eugene and Genevieve Barrett seeking the Governing Body to remediate a disputed escrow fee demand of $1,159.13 outstanding on a development application for Planning Board Case 00-22.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT that a Committee consisting of Mayor Kevin Graham and Councilman John Merla shall seek to remediate this matter with Schoor DePalma and Eugene and Genevieve Barrett directly or through their agents.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

13. Resolution #350-01, Special Meeting - December 10, 2001, 7 PM with the Planning Board/Master Plan

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the Governing Body on the following dates and times:

Monday, December 10, 2001 at 7:00 P.M. in the Keyport Senior Center, 110 Second Street, Keyport, New Jersey for the purpose of a joint meeting with the Unified Planning Board regarding the Master Plan and any other business which may come before the Governing Body; and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Keyport Senior Center, 110 Second Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be mailed forthwith to the Asbury Park Press, the Courier, and the Two River Times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the bulletin board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings scheduled or revisions thereof, and any advanced written notice of any regular, special or rescheduled meetings of the Governing Body as required by law.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins
Absent: Councilmembers Bergen and Pedersen

ADJOURNMENT

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

Time of Adjournment: 9:22 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