November 5, 2001 Approved 11/20/01
Keyport, New Jersey

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

Mayor Graham called the meeting to order at 7:08 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #328-01, 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. Construction Code Office
2. Public Works Department
3. Code Enforcement/Zoning Officer

Litigation
1. RCG vs. Borough of Keyport

Labor Relations
1. PBA
2. IUOE

Contract Negotiations
1. Bulkhead

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

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

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

Council went into closed session at 7:08 P.M. and this meeting was reconvened at 8:08 P.M. On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Pedersen. Absent: Councilman Bergen

Mayor Graham called the meeting to order at 8:18 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:18 P.M. Residents of Seventh Street asked about the status of parking for Green Grove Apartment tenants. Mrs. Leighterman said that the Mayor had not called her back. Mr. Kurtz, Green Grove Apartments, is looking into purchasing property from Mr. Weber for additional parking. The Mayor said that he asked Mr. Kurtz if the Apartment Complex could go back to the prior parking situation and he was told that they would consider it. Mrs. Leighterman said that the property was offered a year ago and it was declined. Mr. Weber and the owner of Green Grove Apartments are conferring. If the parking situation is not changed, the Borough would implement the changes suggested by the residents. No Parking on Eighth Street, etc. Mr. Merla about the problems on Williamson Street. A resident said cars are parked illegal or over 48 hours. One car has outside State plates and the Police have done nothing about it stating that it is not a Police matter. A resident asked about commercial plates; they are issued based on the weight of the truck. Mr. Merla said that an Ordinance could be adopted and sent to the Department of Transportation and they could deny the ordinance. Mrs. Poling recommended sending the Ordinance to the DOT up front before adopting. Mr. Merla suggested that Mr. Kurtz be made aware of the problem that has been created by the complex. Mr. Litwin said that the Borough could adopt a permit parking ordinance and it would limit parking to residents. A resident complained about speeding and suggested that Green Grove Apartments have a STOP sign coming out of their parking lot onto Eighth Street. Another resident said that there is abuse of parking and asked if it was legal to block a driveway. Mayor Graham said that the Borough will start preparing a parking ordinance. Mr. Merla suggested that Mr. Litwin write a letter to Mr. Kurtz to make him aware of tickets, towing, etc. Chief Gajewski was asked to give Mrs. Poling statistics and specifications from July 2001 to present. Mr. Antonucci said that these parking problems are costing the Borough money. The Meeting was closed to the public at 8:55 P.M.

HEARING ON ORDINANCE

1. Ordinance #17-01, Designate Older and Walking Impaired Persons Crossing/South Main and Raritan Streets (pending DOT approval)

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 18, 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:

ORDINANCE AMENDING CHAPTER VII TRAFFIC OF THE REVISED ORDINANCES OF THE BOROUGH OF KEYPORT TO DESIGNATE AN "OLDER AND WALKING IMPAIRED PERSONS CROSSING" AREA

The Hearing was opened to the public for comments or questions at 8:58 P.M. There being none, the Hearing was closed to the public at 8:58 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of November 8, 2001 moved by Mr. Antonucci, seconded by Mrs. Atkins with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Resolution #18-01, Change the location of Parking Permits for Unlimited Parking on the East Side of Broad 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. On Schedule VII, Parking Permits for Unlimited Parking on Certain Streets, of Chapter VII, "Traffic", the reference to the East side of Broad Street is hereby amended and changed as follows:

Name of Street	Sides	Location
Broad Street	East	Beginning 50 feet south of the southerly curbline of West Front Street to a point 327 feet south thereof

SECTION II. Inconsistent Ordinances. All Ordinances 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 upon passage of a Resolution of Consent from the Monmouth County Board of Chosen Freeholders and final approval by the Department of Transportation of the State of New Jersey.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of November 8, 2001 for a Hearing to be held on November 20, 2001 moved by Mr. Antonucci, seconded by Mrs. Atkins with Ayes by all present.

2. Ordinance #19-01, Bond Ordinance to amend Bond Ordinance #5-01: Acquisition of Property Block 1, Lot 40

The Clerk reported that the Supplemental Debt Statement is on file in her office.

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:

Section 1. 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.

Mr. Litwin said that $110,000 is needed and was not available. More money is needed in the Ordinance; Mr. Fallon, Chief Financial Officer, recommended $50,000. The Condemnation could be filed without the check, but the Borough would pay interest. The Borough cannot take property submitting the monies.

Offered for adoption by Mr. Pedersen, seconded by Mrs. Ashmore

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

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of November 8, 2001 for a Hearing to be held on November 20, 2001 moved by Mr. Pedersen, seconded by Mrs. Atkins with Ayes by all present.

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

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AN ORDINANCE FIXING THE SALARIES OF VARIOUS EMPLOYEES OF THE POLICE DEPARTMENT OF THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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

SECTION 1. The following salaries are hereby fixed and determined for the following officers and employees as follows:

1A. The salary schedule for 2001, 2002, and 2003 for all officers employed prior to January 1, 1998 shall be as follows:

Classification	Effective 1/1/01	Effective 7/1/01	Effective 1/1/02	Effective 7/1/02	Effective 1/1/03	Effective 7/1/03
Captain of Police	$74,276	$75,762	77,277	78,823	84,419	86,107
Lieutenant	70,624	72,036	73,477	74,947	80,268	81,873
Sergeant	66,964	68,303	69,669	71,062	76,108	77,630
Detective Sergeant	66,964	68,303	69,669	71,062	76,108	77,630
Detective	61,343	62,570	63,821	65,097	69,719	71,114
Patrolman 1st Class	60,449	61,658	62,891	64,149	68,704	70,078
Patrolman 2nd Class	49,932	50,931	51,949	52,988	56,750	57,885
Patrolman 3rd Class	40,248	41,053	41,874	42,712	45,744	46,659
Patrolman 4th Class	30,100	30,702	31,316	31,943	34,210	34,895
In Academy	29,474	30,063	30,665	31,278	33,499	34,169

1B. The salary schedule for 2001, 2002 and 2003 for all officers employed after January 1, 1998 shall be as follows:

Classification	Effective 1/1/01	Effective 7/1/01	Effective 1/1/02	Effective 7/1/02	Effective 1/1/03	Effective 7/1/03
Captain of Police	$ 74,276	75,762	77,277	78,823	84,419	86,107
Lieutenant	70,624	72,036	73,477	74,947	80,268	81,873
Sergeant	66,964	68,303	69,669	71,062	76,108	77,630
Detective Sergeant	66,964	68,303	69,669	71,062	76,108	77,630
Detective	61,343	62,570	63,821	65,097	69,719	71,114
Patrolman 1st Class	60,449	61,658	62,891	64,149	68,704	70,078
Patrolman 2nd Class	53,692	54,766	55,861	56,978	61,024	62,244
Patrolman 3rd Class	47,565	48,610	49,582	50,573	54,164	55,247
Patrolman 4th Class	42,046	42,886	43,744	44,619	47,787	48,743
Patrolman 5th Class	36,434	37,163	37,906	38,664	41,410	42,238
Patrolman 6th Class	30,100	30,702	31,316	31,943	34,210	34,895
In Academy	29,474	30,063	30,665	31,278	33,949	34,169

SECTION 2. Longevity. Retroactive to January 1, 1997, the above base salaries shall be increased for longevity by set percentages of base salary to based upon date of hire and years of service.

a. For all officers and employees hired before January 1, 1995, the above base salaries shall be increased for longevity by the following percentages of base salary:

	2001	2002	2003
After 5 years of service	1%	1%	1%
After 10 years of service	3.5%	3.5%	3.5%
After 15 years of service	5%	5%	5%
After 20 years of service	6.5%	6.5%	6.5%
After 25 years of service	7%	7%	7%

b. For all officers and employees hired on or after January 1, 1995, the above base salaries shall be increased for longevity by the following percentages of base salary:

	2001	2002	2003
After 5 years of service	1%	1%	1%
After 10 years of service	3.5%	3.5%	3.5%

After 15 years of service	5%	5%	5%
After 20 years of service	6.5%	6.5%	6.5%
After 25 years of service	7%	7%	7%

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

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

SECTION 5. Effective Date. This Ordinance shall take effect upon its passage and publication according to law.

Mr. Litwin said that the signed contract has not been received from the PBA as of this date, but in good faith, the Borough is proceeding. The Ordinance will not be adopted until the contract has been received.

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

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

3a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of November 8, 2001 for a hearing to be held on November 20, 2001 moved by Mr. Pedersen, seconded by Mr. Merla with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Richard Heffron regarding purchase of a 30X60' lot on Willow Street

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

2. Letter from Keyport Fire Department regarding 32nd Annual Firemen's Ball and requesting a donation (see Resolutions).

   Motion to Approve a full page ad ($100) moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

3. On Premise Cash Raffle License Application/St. Joseph Church (May 29th-June 2, 2002).

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

4. Off Premise Cash Raffle License Application/St. Joseph Church (May 29th-June 2, 2002).

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

5. Table of Equalized Valuations and Tax Assessor Response.

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

6. November/December 2001 KBA Events with requests.

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

7. 2001 Tax Sale Results

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

8. Letter from David Reilly regarding Barrett Planning Board Fees

   Motion to refer to the Borough Attorney moved by Mr. Pedersen, seconded by Mr. Antonucci with Ayes by all present.

9. Monmouth County Planning Board Trail and Trail Facility Grant.

Mrs. Atkins said that she would like to file an application to make certain bathrooms handicap accessible.

Motion to refer to Mr. Antonucci and Mrs. Atkins moved by Mr. Pedersen, seconded by Mr. Ashmore with Ayes by all present.

10. St. Joseph PTA Raffle License Applications
    a. Off Premise Draw Raffle
    b. On Premise Cash Raffle.

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

11. Resignation of Jennifer Troisi as a member of the Recreation Commission.

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

UNFINISHED BUSINESS

1. **Signs.** Motion to ask Tony Vecchio for specific information moved by Mr. Pedersen, seconded by Mr. Merla with Ayes by all present.

2. **Bill S1099/A336 (Time of Decision Rule).** Motion to prepare a resolution moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

3. **Fire Hydrant Fees.** This will be considered in the 2002 Budget.

4. **Seventh Street Parking.** This matter was addressed at the beginning of this meeting.

5. **Fire Inspectors.** Mr. Merla said Kenneth Marr, Assistant Fire Chief has asked about the request that the number of Fire Inspectors be increased. Funding is necessary and is being looked into.

6. **5 Oyster Creek.** Mr. Merla asked who authorized the leak to be fixed by Public Works. Mr. Litwin said that he recommended it; he could not get an agreement from the Condo Association and it was costing the Borough money. Mr. Litwin sent a self serving letter to Oyster Creek's attorney.

7. **Beers Street Lot.** Mr. Pedersen asked that a survey be done on the Beers Street Lot. The Administrator has contacted a company for a proposal.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. October 30th Payment of Bills: **CURRENT - $104,147.52; WATER AND SEWER - $51,018.33; ESCROW - $1,006.65; RBIT - $5,545.64; TRUST - $1,214.44; UNEMPLOYMENT TRUST - $3,723.82.**

ENGINEER'S REPORT

Mr. Kriskowski reported on the following. Bids for the Cedar Street Lighting were received on October 18th. There was only one bidder. He asked that the award of contract be held for two weeks so he may do additional research work. He attended a DEP Permitting Meeting; they met at the Bulkhead and the DEP had recommendations to move the process along.

ATTORNEY'S REPORT

Mr. Litwin reported on the following. Arguments were given today before the Appellate Court in the RCG Litigation; a ruling is expected in about a month.

NEW BUSINESS

1. **Ferry Service.** Mr. Litwin said that he spoke with Mike Heenahan, Green Acres, regarding docking and he asked if it will interfere with fishing and the size of the boat (90'). Green Acres wants a proposal endorsed by Council. A new schedule was introduced by the Ferry Company which is inconsistent with the Lease (number of arrivals and departures). The Lease states one to two departures and the new schedule does not conform and is not within the time frame. If Council agrees with the new schedule, it should be endorsed to Green Acres along with the docking issues. The ferry service has implemented the schedule. Green Acres has to balance

recreational needs with commuter needs; the Ferry service could be allowed to dock overnight and conduct extra runs pending Green Acres approval. It was asked if there were any objections. Mr. Merla did not have any objection. Mr. Pedersen did not have a problem with the extra runs, but objected to the use of the pier. Mr. Litwin will prepare a letter stating that winter fishing is minimal, but picks up at the end of March. It was asked if overnight docking interferes with fishing. Mr. Litwin will seek overnight approval as a demo for winter regarding the 90' boat to April 1st. The boat holds 180-200 passengers. Michael Cummins, Fast Ferry, said that with the expanded schedule, they will not exceed the number of passengers; they will be spread out over the number of boats. Mr. Litwin asked if Fast Ferry has monitored the parking; yes. Mayor Graham asked about the parking in Firemen's lot. Mr. Cummins said that he spoke with Mikes Sub Shop and parking will be kept open. He will speak with the Ye Cottage Inn. Mr. Cummins said that regarding the parking lots, he has received a letter regarding posting additional funds. He ordered the lights and concrete bumpers for the Swift property. There is a Cafra Permit question regarding the Beers Street Lot. Mr. Kriskowski said that the permits have to be addressed. The DEP is requesting additional data. Mr. Pedersen said that the cars are spilling over and asked about the status of the Apollo lot. Mr. Cummins said that the Swift lot is almost ready. It was asked what the time frame was for the Swift lot. With regard to the lighting on the Fishing Pier, something in writing is needed; Mr. Litwin will prepare an agreement.

2. **Broad Street Parking Survey**. There is a resolution listed on the Agenda.

3. **Parks**. Mr. Antonucci said that the annual walk through of the parks was done. The stage is dilapidated and has been vandalized. Motion to tear down and dispose of the stage moved by Mr. Merla, seconded by Mr. Pedersen with Ayes by all present. The Recreation Commission will explore a replacement.

4. **Civic League**. Mr. Merla said that the Civic League is questioning their water meter bill; the inside meter was not working, but the inside one was. The bill has increased from $150 to $300. Mrs. Poling will ask Pauline Redmond and George Sappah for information regarding this account.

Mayor Graham said that notice was received that the DOT approved funding in the amount of $170,000 for Washington Street.

RESOLUTIONS

2. Resolution #329-01, Authorize Donation for 32nd Annual Firemen's Ball

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

WHEREAS, the Keyport Fire Department has requested that the Borough of Keyport contribute the sum of $100.00 for the purpose of the 32nd Annual Firemen's Ball Ad Book.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the sum of $100.00 is hereby approved as a contribution to the Keyport Fire Department and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

3. Resolution #330-01, Authorize Execution of Developers Agreement/Chester Jackiewicz and Robert T. Devino (Atlantic and Hurley Streets

WHEREAS, Chester Jackiewicz and Robert T. Devino, hereinafter referred to as the "Developer" are now the owners of property identified as Block 103, Lots 1, 2, 7, 8 10 and 11 situated on Atlantic and Hurley Streets in the Borough of Keyport, County of Monmouth and State of New Jersey (the "Premises") upon which

Premises the Developer is about to commence construction; and

WHEREAS, on or about October 5, 2001, the Developer purchased the Premises from L.A.D. Properties, L.L.C.; and

WHEREAS, prior to commencement of construction, the Developer and the Borough of Keyport are required to enter into a Developer's Agreement outlining the terms and conditions and other requirements of the Borough of Keyport, which the Developer must meet prior to and during the construction process; and

WHEREAS, pursuant to the Resolution #183-01 of the Planning Board of the Borough of Keyport adopted May 15, 2001, the prior owner of the premises was granted major subdivision approval for the premises together with variances for eight (8) residential units on eight (8) lots; and

WHEREAS, on or about October 5, 2001, L.A.D. Properties, L.L. C., executed an assignment of all governmental approvals to Developer; and

WHEREAS, the Municipal Land Use Law, as contained in NJSA 40:55D et seq., provides for the entry of such agreements where performance guarantees or public improvements are to be required or performed pursuant to an approval; and

WHEREAS, The Mayor and Council of the Borough of Keyport, pursuant to Resolution 99-12 had previously authorized entry into a Developers Agreement with L.A.D. Properties, L.L.C., with reference to Block 103, Lots 1, 2, 7, 8, 10 and 11 in the Borough of Keyport, which agreement was never executed by L.A.D. Properties, L.L.C.; and

WHEREAS, on or about October 5, 2001, L.A.D. Properties, L.L.C. sold said property to Chester Jackiewicz and Robert T. Devino of 15 Washington Street, Aberdeen, New Jersey, to whom L.A.D. Properties, L.L.C. assigned all governmental approvals related to the site; and

WHEREAS, Developer and the Borough of Keyport desire to enter into a Developer's Agreement with the present owner of the Premises replacing the previously authorized Developer's Agreement pertaining to the premises.

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

1. The Borough of Keyport shall enter into the Developers Agreement in the form annexed hereto.
2. The appropriate Borough officials are authorized to execute and implement said revised Agreement.

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

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

4. Resolution #331-01, Accept Donation of Piano and Bench (Senior Center)

WHEREAS, the Borough of Keyport ("Borough") was established in 1908; and

WHEREAS, Ms. Elaine Rodman has donated to the Borough of Keyport Senior Center ("Borough") a piano and bench for use by the Borough of Keyport Senior Center; and

WHEREAS, the Borough has a need for said item to enhance and expand the Borough of Keyport's Senior Center Activities; and

WHEREAS, the Borough greatly appreciates the generosity of Ms. Rodman.

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

Jersey:

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

2. The Borough Clerk is authorized and directed to acknowledge receipt of this donation and express the Borough's appreciation to Ms. Rodman.

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

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

5. Resolution #332-01, Authorize Moss-Gilday Group to do survey work/Broad Street Parking Lot

WHEREAS, the Borough of Keyport desires to retain professional surveying services for the preparation of a location and topographic survey of the Broad Street Municipal Parking Lot in anticipation of having the parking lot professionally landscaped; and

WHEREAS, the Moss Gilday Group has submitted the attached proposal for the preparation of such a survey in the amount of $800; and

WHEREAS, the Chief Financial Officer has certified that funds for same are available.

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

1. The proposal of the Moss Gilday Group for the preparation of a location and topographic survey in the amount of $800 is approved.

2. The Mayor and appropriate Borough officials are authorized to execute any necessary documents pertaining to same.

3. This action is approved without competitive bids, nor the solicitation of competitive price quotes, in accordance with state law.

4. A notice of this award shall be advertised as required by law.

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

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

6. Resolution #333-01, Transfer of Appropriations

WHEREAS NJSA 40A:4-58 permits transfers of appropriations to be made during the last two months of the fiscal year from appropriations which are in excess of the amount deemed to be necessary to fulfill the purpose of such appropriation and to those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keyport that the transfers in the amount of $22,000.00 be made between the 2001 budget appropriations as follows:

Budget Appropriation	From	To
Municipal Clerk - S&W		$ 7,000.00
Municipal Clerk - O/E - Misc.	$ 3,000.00	
Municipal Clerk - O/E - Rev & Cod of Ord	4,000.00	
Financial Administration - O/E		1,500.00
Collection of Taxes - S&W	3,000.00	
Collection of Taxes - O/E		3,000.00
Planning/Zoning Board-O/E-Rev of Master Plan	1,000.00	
Planning/Zoning Board-O/E Misc		1,000.00
Garbage and Trash Removal - O/E		1,000.00

Board of Health - O/E		1,000.00
Employee Group Insurance	11,000.00	
Fuel for Motor Vehicles		3,000.00
Natural Gas		2,500.00
Telephone		2,000.00
	$ 22,000.00	$22,000.00

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

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

7. Resolution #334-01, Risk Control Consulting Agreement (2001-2002)

WHEREAS, the Borough of Keyport has received the attached proposal from the NIA Group, LLC ("NIA"), a risk control consultant with offices at One Executive Drive, P.O. Box 6728, Somerset, New Jersey 08875-6728 with regard to the provision of risk control services and insurance company liaison, to the Borough of Keyport for the period from September 1, 2001 through August 31, 2002; 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 $9340.00 for the period September 1, 2001 through August 31, 2002 payable as specified in the proposal; and

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

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

WHEREAS, the Mayor and Council deem it advisable to enter into an agreement with NIA to provide risk control services to the Borough of Keyport for the period September 1, 2001 to August 31, 2002 at a fee of $9,340.00 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 $9,340.00 for the period September 1, 2001 through August 31, 2002 payable as per Contract.

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

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

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

8. Emergency Sewer Main Repair - JOMAC (Monroe Street) - This was deleted from the Agenda

9. Award Contract-Replacement of Sport and Site Lighting/Cedar Street Park/Lucas Electric - $38,443.00 - This Resolution was held.

10. Resolution #335-01, Authorize Borough Clerk/Administrator to solicit quotes for 2002 Janitorial Services

BE IT RESOLVED by the Mayor and Council that the Borough Clerk/Administrator is hereby authorized to solicit quotes for the following:

Year 2002 Janitorial Services

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

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

11. Resolution #336-01, Payment of Bills

See full copy of Resolution as pages 15-17 of these minutes.

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

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

12. Resolution #337-01, Award Contract for Repair of the Porch and Handicap Ramp/Senior Center

WHEREAS, it is necessary to repair the porch and handicap ramp at the Senior Center; and

WHEREAS, quotes have been obtained; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council that the proposal submitted by Arek's Siding, 7 Washington Street, Howell, N.J. 07731 in the amount of $9,600.00 is hereby accepted.

BE IT FURTHER RESOLVED that the Borough Clerk/Administrator is hereby authorized to sign the Acceptance of Proposal.

Mrs. Atkins said that everything has been satisfied.

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

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

13. Resolution #338-01, Amend Capital Budget

WHEREAS, the Borough of Keyport, New Jersey desires to amend the 2001 Capital Budget by inserting thereon or correcting the items therein as shown in the budget for the following reason:

Additional costs not originally anticipated in the Capital Budget

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

Section 1. The 2001 Capital Budget of the Borough of Keyport is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 01-2
CAPITAL BUDGET OF THE
BOROUGH OF KEYPORT, NEW JERSEY
Projects Schedules for 2001
Method of Financing

Project	Est. Cost	Capital Imp. Fund	Bonds & Notes
Supplemental Appropriation Acquisition of Property Designated as Block 1 Lot 40	$50,000	$2,500	$47,500

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

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

Absent: Councilman Bergen

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:50 P.M. Mary Allen, Maple Place, asked about the Civic League; she was advised that the water meter inside was replaced. Mrs. Allen said that she was concerned about the Ferry patrons parking along the front row. The meeting was closed to the public at 9:52 P.M.

ADJOURNMENT

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

Time of Adjournment: 9:52 P.M.

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