Approved 9-16-03

December 17, 2002
Keyport, New Jersey

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

Mayor Graham called the meeting to order at 7:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #382-02, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Police Department
2. Borough Clerk's Office
3. Health and Construction Code Department

Litigation

1. Garbage Contract/Bonding Company/Marrone
2. PBA vs Borough of Keyport
3. Magic Touch vs Borough of Keyport

Labor Relations

1. IUOE Negotiations
2. Administrative/Non-Union Negotiations
3. PBA Grievance

Contract Negotiations

1. Water/Wastewater Utilities
2. Omni Point (Voicestream) Cellular Tower Lease (WFT)
3. New Municipal Complex
4. Municipal Pier and Walkway Repairs
5. Ferry Service

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted at the 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. Hyer, seconded by Mr. Stalter

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

Councilmember Stalter led the Pledge of Allegiance and Moment of Silence.

Council went into Closed Session at 7:11 P.M. and this meeting was convened at 8:10 P.M.

Mayor Graham called the meeting to order at 8:12 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Hyer, Stalter. Absent: Councilmembers Bergen, Ashmore Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer. Mr. Stalter led the Pledge of Allegiance and Moment of Silence.

APPEARANCE/DISCUSSION

1. Michael Beirne/Green Grove Apartments Parking (deleted).

2. Kathy Shaw/Keyport Business Alliance. Mrs. Shaw reported on the KBA's 2002 Accomplishments: Received Travel & Tourism grant of $5,000.00; Marketing program-wide; 10,000 X 7 months of mailings, covered all businesses and advised on events; Smart grant application has been filed; a Logo was adopted; There were seven events for the 2002 calendar year. 2003 Objectives: Take from direct mail to commercial; BID/Borough; Borough Dumpster Ordinance; Bed & Breakfast ordinance; Main and Broad street parking lot improvements; applying for grants, 1st floor commercial occupancy; convert multiple family to owner/occupied; firm in town put together video marketing. Jeff Fink, President, KBA: stated that the KBA 2002 goals were reached. Smart Growth Application applied for. Any questions let him know. As Mayor Graham is finishing his term, Mr. Fink thanked him for his support from the beginning. Mrs. Shaw said Video marketing firm in town put it together. Councilwoman Atkins stated that the BID work hard marketing ourselves is bringing in people and businesses and she thanked Mr. Graham for his work. Mr. Merla said the community is looking better. Monday, March 1, 2003 is the KBA Annual Reorganization Meeting. The budget will be reviewed, and everyone has helped.

The hearing was opened to the public for comments or questions at 8:40 P.M. the Hearing was closed at 8:41 P.M.

HEARING ON ORDINANCE

1. **Ordinance #33-02,** Amend Chapter III Police, Section 3-6.1-26 Include Provisions for Use of Borough Personnel and Equipment

The Clerk reported that the Ordinance was published, as introduced in the Courier, issue of December 5, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER III, SECTION 3-6.1-26

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of December 19, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library: Mr. Bergen was absent.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following: There were two bad fires in the Borough, the first at St. Joseph's, where Firemen Sortor and McCartin saved Father Jim, and the second at Osborn Street, which resulted in the loss of a house. She thanked the firemen and surrounding communities for their assistance. Mrs. Atkins stated there are two applications on agenda. Mrs. Atkins read the Fire Department reports for October and November 2002 and the Fire Department election results. Mrs. Atkins also noted Interfaith Neighbors Lease Renewal and advised on the program and meals served. She thanked the volunteers for serving the meals.

Councilman Merla; Finance: Mr. Merla reported on the following: Keyport High School is the State Championship Football Team. The girls, boys and coaches are the pride of the community and deserve credit and he noted that all games were played on the road. With regard to the two fires, Mr. Merla noted that at the 22 Osborn Street fire two adjacent houses were saved. Mr. Merla stated he is working with Mr. Fallon on the 2003 Budgets transfers, insurance of the next year and has issued a freeze on purchasing. Mr. Merla noted Landlord Registration Act software has been purchased, and legislation has been signed into law, if the landlord lies on the application they can be fined. Mr. Merla noted that Green Grove Apartments appearance was pulled off agenda. A nasty letter was written stating they did not come due to what would be discussed. There have been four different property managers over the past year and the Borough needs to know what direction they are taking. At the last meeting Mayor Graham chaired there was an article in the paper and I asked for comment. We agreed to disagree and he thanked Mayor Graham for serving the community as a council member and mayor and leading the community for the past eight years.

Councilwoman Ashmore; Police: Mrs. Ashmore was absent.

Councilman Hyer; Public Works/Recycling/Property Maintenance: Mr. Hyer submitted a report on the following: The Chandler Street Water Main break. Main and Washington Street fire hydrants, the backhoe rental and the Florence Avenue catch basins. He also noted the Monmouth County Health Department visit at which time they requested location for leaves be moved; The Public Works have started on the surface. Mr. Hyer noted that Recycling passed inspection with "flying colors." Emergency repairs should be made to Pier. The Charter Fishing boat lease will be put out for bid early. Mr. Hyer asked about the Tracey Dell catamaran status. The new sweeper is coming soon. Mr. Hyer also extended a thank you to Mayor Graham for his service.

Councilman Stalter; Health/Recreation/Parks: Mr. Stalter reported on the following: At the recreation Meeting of last month they discussed walking through the parks in October, which he stated are "looking good" due to Bert Morris, and his pride and that positive feedback was received. (Mr. Merla said Edwards had been asked and Stop & Shop could be asked.) Mr. Stalter suggested we put up a sign and "do" events. Regarding the skate park, Mr. Stalter said that in November the Board voted for Cedar Street by the school there is a water main under Street. Specifications were given to Borough Engineer

Administrator Poling: Mrs. Poling reported on the following: Mrs. Poling distributed the Schoor DePalma report. Mrs. Poling advised, with regard to Health and Safety, there were 12 incidents, no lost time and that the year 2002 had a good record.

Engineer Freda: Mr. Freda reported on the following: Mr. Freda submitted the November Report. With regard to Phase IV Washington Street the Department of Transportation authorized go ahead with bids. In the spring of 2003 Phases III and IV will be done. Mr. Freda said the Fire Pumper specifications are done for the new vehicle, 2003 Explorer. Chief Gajewski advised Warnock has a state contract. With regard to the New Municipal Building Front, Mr. Freda contacted the Monmouth County Planning Board and submitted two copies of improvement plans with applicable(fees waived)take out road opening permits. Mr. Merla said he had a sketch from Red Bank. There will be no parking in front and where he thought the county would be plowing the road. Mr. Freda will look at the sketch as County Planning is a concern. Mr. Merla asked about the Maple Place drainage; Mr. Freda said the City Engineer has not responded. Mr. Merla said the roadway is starting to be undermined.

Attorney Kain: Mr. Kain reported on the following: Mr. Kain received the Bids on dump trucks and they are in order. There is no change in the Magic Touch litigation. Depositions were adjourned until January. The PBA matter was adjourned, rescheduled for January 24, 2003. He has requested an adjournment to early March on the condemnation appeal.

Mayor Graham: The Mayor reported on the following: He said this is his Final Report. My journey is coming to an end - 19 years ago I decided to get involved and make time to serve the community and make this a place where most people would like to live in safety, whether they agree or disagree on certain issues. It has been an interesting journey. I wanted to do something interesting and beneficial to the community. Some people only come out on January 1st. I wanted to stand out in serving the people, run the show. Leaders react to the people those who come regularly. We should be involved and thank you. I don't want to offend anyone. All contributions are invaluable. Everyone should do a little. I have no regrets or animosity in leaving office. I love Keyport and thank everyone. We agree more than we disagree and if anyone were in trouble we would be there in a split second. Mayor Graham also thanked Mary Alan.

REPORTS OF DEPARTMENTS

September, 2002

1. Treasurers Report

Current Checking	$1,119,776.12
Assessment Trust	621.33
Federal and State Grants	588.11
Animal Control	4,345.21
Trust Checking	5,827.36
Trust Savings	134,264.48
Recreation Bayfront Improvement Trust	84,541.78
Unemployment Trust	61,240.38
Recreation Commission	15,495.81
General Capital	226,111.72
Escrow Trust	181,393.21
Law Enforcement	9,024.17
Self Health	2,149.14
Water/Sewer Checking	5,000.00
Water/Sewer Savings	31,708.48
Water/Sewer Investment	44,268.48
Water Capital Checking	2,553.37
Water Capital Investment	89,540.49
General Capital Investment	2,690,382.96

Interest earned on investments for September, 2002

Current	$4,977.85
Water	186.96

Submitted by Pauline Redmond, Treasurer

October, 2002

2. Treasurer's Report

Current Checking	$1,926,639.15
Assessment Trust	621.33
Federal and State Grants	588.11
Animal Control	3,434.13
Trust Checking	16,604.36
Trust Savings	134,435.53
Recreation Bayfront Improvement Trust	90,257.27
Unemployment Trust	54,699.33
Recreation Commission	9,900.81
General Capital	166,013.64
Escrow Trust	179,430.56
Law Enforcement	9,119.17
Self Health	2,149.14
Water/Sewer Checking	5,000.00
Water/Sewer Savings	161,419.07
Water/Sewer Investment	4,300.07
Water Capital Checking	2,553.37
Water Capital Investment	89,653.00
General Capital Investment	2,393,400.20

Interest Earned on Investments for October 31, 2002

Current	$5,363.72
Water	285.70

Submitted by Pauline Redmond, Treasurer

3. Fire Department

Copy of Report on file in the Clerk's office.

Submitted by Ken Marr, Jr., Department Chief

4. Board of Health Report

Total Collected in Board of Health Office	**$2,418.80**
Dog Licenses	178.40
Cat Licenses	139.40
Marriage Licenses	224.00
Burial Permits	22.00
Death Certificates	1,005.00
Marriage Certificates	80.00
Birth Certificates	10.00
Pool Permits	-0-
Plan Review	-0-
Food Handlers	60.00
Miscellaneous	700.00

Disbursements:

Check #2719 Borough of Keyport Misc. Acct.	$1,901.00
Check #2720 Borough of Keyport Trust Acct.	200.00
Check #2721 Borough of Keyport Dog Acct.	288.40
Check #2722 NJ State Department of Health	29.40

Submitted by Anne Biagianti, Treasurer

5. Police Department

Checks	$259.00
Cash	306.00
Total	$565.00

Submitted by Theodore Gajewski, Police Chief

November, 2002

6. Borough Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	$
WATER METER	
TURN ON CHARGE	
SEWER CONNECTION	
SEWER/POOL PERMIT	$100.00
WATER METER W/TO	
DEMOLITION	
TOTAL WATER/SEWER, CHECK #3536	**$100.00**

CURRENT ACCOUNT

BINGO LICENSE	$
GUN PERMITS & ID'S	10.00
LIMO LICENSE	
PHOTOCOPIES	22.75
POSTAGE	
RAFFLE LICENSE	20.00
TAXI LICENSE, DRIVER	
TAXI LICENSE, OWNER	
POLICE DEPT ACCIDENT REPORT	376.00
SEARCHES	
VENDING LICENSE	
PEDDLER LICENSE	
LIQUOR LICENSE	
STREET OPENING	150.00
FISH & GAME	2.00
NEWSPAPER VENDING MACHINES	
CFC (RECYCLING) PERMITS	140.00

PARKING PERMITS
AUCTION LICENSES
TOTAL CURRENT, CHECK #3537 $721.86

ESCROW ACCOUNT

CASH REPAIR, CHECK #3538	**$ 54.00**
TOTAL RECEIPTS	**$875.86**

Submitted by Judith L. Poling, Borough Clerk

7. Building Department

PERMIT TYPE	NO. ISSUED	AMOUNT
State DCA Fee	24	$ 110.00
Construction Certificates	0	-0-
Plumbing	12	672.00
Electrical	9	680.00
Building	12	1,338.00
Fire Sub Code	8	452.00
Code Enforcement		
Certificates of Occupancy	37	945.00
Transfer Title	8	280.00
Smoke Detectors	37	740.00
Zoning	7	70.00
200 Ft. Property List	1	10.00
Miscellaneous	1	25.00
Copies	15	11.25
Construction Debris Deposit	2	100.00
Construction Violations	0	-0-
Re-Inspection	0	-0-
Totals		$5,443.25

ACCOUNTS PAYABLE

Amount Paid to Borough	Check #2392	$5,223.25	
State Fee Due	Check #	110.00	(paid quarterly)

Submitted by Annette Kovacs, Senior Permit Clerk

8. Tax Collector's Report

2002 Taxes	$1,348,057.64
2001 Taxes	1,231.56
2003 Prepaid Taxes	1,555.65
Prior Years Taxes	-0-
Property Redeemed	-0-
Interest and costs	4,122.11
Tax Searches	-0-
Post Office Land Rent	137.50
Senior Citizen Housing in Lieu of Taxes	21,405.00
Returned Check Charges40.00	
All other Miscellaneous Revenue	46,118.12
Total Current Receipts	$1,422,667.58
Water/Sewer Rents	82,821.06
Interest and Costs	896.90
Turn on Charges	-0-
Returned Check Charges	24.00
Pool Permits	-0-
Water Meters/with Turn on	-0-
New Meters and Installation Charge	-0-
Water and Sewer Connections	-0-
Meter Test Charge	-0-
Fire Service	-0-
Meter Replacement, Parts, etc	-0-
Demolition Permits	-0-
All other Miscellaneous Revenue	-0-
Total Water/Sewer Receipts	$83,741.96

Submitted by Pauline Redmond, Tax Collector

9. Municipal Court Report for November, 2002

State Fines	$122.00
State Surcharges	573.00

State Uninsured	365.14
County Funds	$913.32
County Fines	$5,157.44
Municipal Fines	$5,157.42
Municipal Costs	2,696.50
Municipal Parking	570.00
Miscellaneous	1,523.68

Submitted by Kathy Coffey, Court Administrator

10. Board of Health Report

Total Collected in Board of Health Office $	**2,153.40**
Dog Licenses	270.00
Cat Licenses	221.40
Marriage Licenses	84.00
Burial Permits	22.00
Death Certificates	1,101.00
Marriage Certificates	110.00
Birth Certificates	10.00
Pool Permits	-0-
Plan Review	-0-
Food Handlers	335.00
Miscellaneous	-0-

Disbursements:

Check #2723 Borough of Keyport Misc. Acct.	$1,587.00
Check #2724 Borough of Keyport Trust Acct.	75.00
Check #2725 Borough of Keyport Dog Acct.	467.40
Check #2726 NJ State Department of Health	24.00

Submitted by Anne Biagianti, Treasurer

11. Librarian's Report for November, 2002

Copy of is on file in the Clerk's office.

Submitted by Jacqueline LaPolla, Librarian

12. Fire Department Report

Copy is on file in the Clerk's office.

Submitted by Ken Marr, Jr., Department Chief

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

COMMUNICATIONS/PETITIONS

1. Application for Towing Licenses:
   A. Tic Tac Towing
   B. John Roder, D/B/A Roder's Motors

   Motion to approve moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present

2. Application from Edward P. Champion for membership in the Keyport Fire Department/Fire Patrol (contingent upon State approval).

   Motion to approve moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present

3. Resignation from Patricia Corcoran, Deputy Registrar/PT Clerk Typist-CCO and Recreation Commission Secretary

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

4. Fire Department Election Results

   Motion to receive and file was moved to accept by Mrs. Atkins seconded by Mr. Merla, with Ayes by all present

5. Interfaith Neighbors report for year 2002 with respect for renewal for 2003 at $300.00 per month (see Resolutions)

Motion to receive and file was moved to accept by Mr. Merla, seconded by Mrs. Atkins, with Ayes by all present

6. Application for 2003 Bingo Licenses from:
   A. St. Joseph Parish Council
   B. St. Joseph PTA
   C. St. Joseph Church

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

7. Application for membership in the Keyport Fire Department/ Engine Co. No. 2 from Greg Maddox (contingent upon state approval)

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

8. Resignation of Timothy Regan, Part Time PSTO (dispatcher)

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

9. Resignation of Susan Ashmore-Montani, Councilmember

   Motion to accept with regret and gratitude moved by Mr. Merla, seconded by Mr. Hyer, with Ayes by all present

10. Letter from William Mills/regarding vocation of Division Street (portion between Atlantic and Broad streets, off Monroe Street)

    Motion to receive and file and refer to Engineer moved by Mr. Merla, seconded by Mrs. Atkins, with Ayes by all present

PUBLIC COMMENT PORTION

Opened for public comment at 9:19 P.M.

Fire Chief Kenneth Marr thanked the Mayor and Councilman Pedersen, the Police Chief and the Superintendent of Public Works for their support good and bad raps taken. He reported about two (2) severe fires A) St. Joseph Rectory, a three building which was suppressed and contained; and B) Osborn Street fire in which there was damage to one bedroom only, due to drills and mutual aid from other towns putting teams together to go in, and put fires out. He thanked Councilman Hyer and George Sappah, as Public Works employees noticed smoke and called it in. Mr. Marr asked if the Osborn Street home can be boarded up? The utilities have been turned off and the house needs to be boarded up.

Mike Lane, First Street, said (1) in the early 1990s KBI West Front Street lost our trees on Broad Street between West Front and First Streets and asked if there is any policy on replacement or remuneration? Mr. Merla said one tree got hit. Trees were lost elsewhere also; (2) Block 80, Lot 1.01 re-zoning? What are the process and rules for re-zoning? Mr. Kain, Borough Attorney, responded that the Mayor and Council have to decide to hold a hearing and have to satisfy certain criteria met, both positive and negative, or (2) present to Planning Board. Mr. Lane asked if an applicant requests a meeting is this the start of the process? Mr. Kain replied, yes but no opinions are given.

This portion of the Meeting was closed at 9:32 P.M.

RESOLUTIONS

2. **Resolution #383-02,** Authorize donation of 1988 Ford Bus to Mt. Gilead Volunteer Fire Department, Sparta, Tennessee

   WHEREAS, the Mayor and Council are aware that the Borough of Keyport accepted a donation consisting of a 1988 Ford Bus to the Keyport Fire Department during the year 2001; and,

   WHEREAS, the Mayor and Council have received a report from the Keyport Fire Department, Chief Kenneth Marr, Jr., indicating that the bus is presently not being used and in need of substantial mechanical renovations; and

   WHEREAS, based on the report by Chief Marr and the Board of

Chiefs of the Keyport Fire Department, a recommendation has been received to donate the within 1988 Ford Bus to the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee, which lost all of its fire fighting equipment as the result of a recent tornado; and

WHEREAS, the Mayor and Council have reviewed the report of the Board of Fire Chiefs and concur that the 1988 Ford Bus is not of present use to the Keyport Fire Companies and agree with the recommendation that said vehicle could be donated to the Mt. Gilead Volunteer Fire Department; and

WHEREAS, based upon the recommendation and the fact that the vehicle is of no use to the Borough of Keyport and has no residual or salvage value, the Mayor and Council are solved to provide for the donation of the within vehicle t the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee

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

1. The Mayor and Council of the Borough of Keyport hereby agree with the recommendation of the Board of Fire Chiefs and hereby authorize the donation of the 1988 Ford Bus to the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee

2. The Board of Chiefs is directed to contact the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee and advise the volunteer fire department of the decision to donate the within equipment.

3. Prior to the delivery of the 1988 Ford Bus to the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee, by delivering the bus to the Cliffwood Fire House, Cliffwood, New Jersey, the Board of Chiefs is hereby authorized to remove all Keyport Markings, personal property and fixtures belonging to the Borough of Keyport or the Keyport Fire Department and to deliver the within 1988 Ford Bus to the Cliffwood Fire Department.

4. Upon the Mt. Gilead Volunteer Fire Department, Sparta, Tennessee assuming control over the vehicle, the Borough Administrator is hereby directed to take the appropriate steps necessary to remove the within vehicle from the insurance policies of the Borough of Keyport.

5. A copy of the within Resolution, duly certified, shall be delivered to the Mt. Gilead Volunteer Fire Department in Sparta, Tennessee and a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

6. Copies of the within Resolution shall be delivered to Kenneth Marr, Jr., Chief, Keyport Fire Company, the Borough Attorney and the Chief Financial Officer.

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

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

3. **Resolution #384-02,** Authorize lease of Senior Center to Interfaith Neighbors for Nutrition Program, Year 2003

WHEREAS, the Borough of Keyport is the owner of the property located at 110 Second Street, Keyport, New Jersey, which is more commonly known as the Keyport Senior Center; and

WHEREAS, Interfaith Neighbors, Inc. is an entity with a principal location at 810 Fourth Avenue, Asbury Park, New Jersey, desiring to continue its location in Keyport from which to operate a Nutrition Program by either the County of Monmouth, State of New Jersey, or the United States of America, and

WHEREAS, Interfaith Neighbors, Inc., Mr. Joseph Marmora, Executive Director and Treasurer acting as its agent, desires to rent specific portions of the Keyport Senior Center, in Keyport, for the purposes of operating a Nutrition Program; and

WHEREAS, the Mayor and Council have reviewed and considered the renting of the Keyport Senior Center to Interfaith Neighbors, Inc. for the purpose as previously stated, and have determined this rental to be appropriate; and

WHEREAS, the Mayor and Council are satisfied with the terms and conditions as set forth in the Lease Agreement reviewed by the Borough Attorney for the time period from January 1, 2003 to December 31, 2003; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14 it has been determined that Interfaith Neighbors, Inc. as Lessee is a non-profit corporation for a public purpose and the following factors have been established.

1. The consideration for the lease shall be the payment of $300.00 per month rental and the performance of the obligations required of Lessee as set forth in the lease.

2. The Public purpose served by the Lessee will be furnishing a nutrition program to persons within the community.

3. Approximately 500 persons will benefit from the public purposes served by the Lessee.

4. The term of the lease shall be for one year commencing January 1, 2003 as aforesaid.

5. The Borough Administrator shall be responsible for the enforcement of the conditions of the lease in consultation with the Mayor and Council.

6. Interfaith Neighbors, Inc. shall as a condition of the lease submit by December 1, 2003, a report to the Borough Administrator setting out the use to which the leasehold was put during the term of the lease; the activities of Interfaith Neighbors, Inc., undertaken in furtherance of the public purpose for which the leasehold was granted; approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the non-profit corporation pursuant to both State and Federal Law.

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

1. That the Mayor and Borough Clerk are authorized to execute the lease for specific portions of the Keyport Senior Center to Interfaith Neighbors, Inc. for the purpose of operating a Nutritional Program as per the terms and conditions specified in the proposed Lease Agreement.

2. That upon adoption, the specific portions of the Senior Center will be leased to Interfaith Neighbors, Inc. as per the terms and conditions specified in the proposed Lease Agreement.

3. A copy of this resolution duly certified by the Borough Clerk shall be forwarded to Interfaith Neighbors, Inc. and Keyport Senior Center upon adoption.

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

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

4. **Resolution #385-02,** Salary Resolution-Park Maintenance Worker

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the salary for the position of Park Maintenance Worker is hereby set at $20.26 per hour effective December 17, 2002.

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

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

Absent: Councilman Bergen

5. **Resolution #386-02,** Appointment of Park Maintenance Worker

WHEREAS, the position of Park Maintenance Worker was created; and

WHEREAS, it is the desire of the Mayor and Council to make an appointment to said position.

NOW, THEREFORE, BER IT RESOLVED by the Mayor and Council of the Borough of Keyport that effective December 18, 2002, Bertram Morris is hereby promoted to the position of Park Maintenance Worker, at the salary of $20.26 per hour for said position in accordance with Salary Ordinance #31-02.

BE IT FURTHER RESOLVED that there is a three (3) month working test period which will expire on March 18, 2003.

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

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

6. **Resolution #387-02,** Award of Janitorial Services Contract for Borough Hall and 35 Broad Street/Unit #4 for year 2003

WHEREAS, the Borough of Keyport attempted to solicit multiple price quotations for janitorial services for the Borough Hall and 35 Broad Street, Unit #4; and

WHEREAS, only two (2) quotations were received by the Borough, both for amounts that do not require public bidding; and

WHEREAS, A. B. C. Janitorial and Maintenance Service, Inc., 610 Clark Avenue, Union Beach, New Jersey 07735 submitted a quotation that responded to the terms set forth by the Borough, and therefore is deemed to be the most advantageous response; and

WHEREAS, the lack of response to this solicitation of price quotations and time considerations render solicitation of additional price quotations impracticable; and

WHEREAS, the Mayor and Council have reviewed said matter, and

WHEREAS, funds are available for said award.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AS FOLLOWS:

1. The attached agreement for janitorial services for the Borough Hall and 35 Broad Street, Unit #4 is hereby awarded to A. B. C. Janitorial and Maintenance Service, Inc., 610 Clark Avenue, Union Beach, New Jersey 07735 at a cost not to exceed Eleven Thousand Seven Hundred Dollars ($11,700.00); and

2. The Borough Administrator is authorized to take such steps as may be required to implement said action.

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

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

7. **Resolution #388-02,** Award of Janitorial Services Contract for Senior Center for year 2003

WHEREAS, the Borough of Keyport attempted to solicit multiple price quotations for janitorial services for the Borough Hall and 35 Broad Street, Unit #4; and

WHEREAS, only two (2) quotations were received by the Borough, both for amounts that do not require public bidding; and

WHEREAS, MPB Building Services, Inc. 4000 Bordentown Avenue, Suite 17, Sayreville, New Jersey submitted a quotation that responded to the terms set forth by the Borough, and therefore is deemed to be the most advantageous response; and

WHEREAS, the lack of response to this solicitation of price quotations and time considerations render solicitation of additional price quotations impracticable; and

WHEREAS, the Mayor and Council have reviewed said matter, and

WHEREAS, funds are available for said award.

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

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

8. **Resolution #389-02,** Refund of Tax Deduction Allowed for 2002, Block 9, Lot 54

BE IT RESOLVED, by the Council of the Borough of Keyport, that a check is drawn to the individuals listed blow in the amounts indicated, representing refund of tax deductions allowed for 2002.

Name:	Block and Lot		Amount
Veteran's Deduction			
Richard Ely	9	54	$200.00

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

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

9. **Resolution #390-02,** Third and final payment, Release of Performance Bond, Accept Maintenance Bond, Cedar Street Park Lighting/Lucas Electric

WHEREAS, Schoor DePalma has recommended the Third and Final Full payment, release of the Performance Bond and acceptance of the Maintenance Bond for the Cedar Street Park Lighting project, as per attached letter dated December 11, 2002.

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

1. The Third and Final Payment in the amount of $6,044.30 is hereby approved.

2. The Performance/Payment Bond No. B183961 in the amount of $42,443.00 is hereby released contingent upon the approval by the Borough Attorney of the one (1) year Maintenance Bond No. B183961 in the amount of $46,693.00 and the one (1) year Maintenance Warranty which will commence upon the adoption of this Resolution.

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

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

10. **Resolution #391-02,** Cancellation of Unexpended and Dedicated Balances of General Capital Appropriations

WHEREAS, a certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, that the following unexpended and dedicated balances of General Capital Appropriations be cancelled:

ORDINANCE NO.	DATE AUTH.	PROJECT DESCRIPTION	AMOUNT CANCELLED

05-90/26-91/15-92	4/10/90	Acquisition of East Keyport School	$ 267.74
17-91	6/11/91	Various Capital	16,804.99
14-92	4/28/92	Purchase Property	32,919.51
04-94	2/22/94	Resurfacing Atlantic St.	8,447.08

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

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

11. **Resolution #392-02,** Transfer of 2002 Budget Appropriations

WHEREAS, N.J.S.A. 40a:4-58 permits transfer 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 $17,200.00 be made bet3ween the 2002 budget appropriations as follows:

Budget Appropriations	From	To
Municipal Clerk - S&W	$	$ 600.00
Assessment of Taxes S&W	200.00	
Group Insurance for Employees	14,000.00	
Liability Insurance	2,000.00	
Landfill Disposal Costs		16,000.00
Blood Borne Pathogen - Hepatitis B		600.00
Fuel for Motor Vehicles	1,000.00	
	$ 17,200.00	$ 17,200.00

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

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

12. **Resolution #393-02,** Resolution for Payment of Bills

See full copy of Resolution as pages 18A-18F of these minutes.

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

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

13. **Resolution #394-02,** Authorize advertisement for Receipt of Bids/2 Fire Department pumpers

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Clerk/Administrator is hereby authorized to advertise for Receipt of Bids for the following:

1. Rescue Pumper with Custom Chassis, 185" wheelbase
2. Pumper with Custom Chassis, 172" wheelbase

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

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

14. **Resolution #395-02,** Awarding Contract for Purchase of Six Yard Dump Truck to International Trucks of Central Jersey

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bds for a Six Yard Dump Truck for the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk of December 12, 2002 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, International Trucks of Central Jersey, Howell, New Jersey, did bid to provide and furnish a Six Yard Dump Truck in the gross amount of Ninety Nine Thousand, Six Hundred Thirteen Dollars ($99,613.00), which constituted the lowest bid received pursuant to the specifications proposed; and

WHEREAS, the Mayor and Council are resolved to award a contract to International Trucks of Central Jersey, Howell, New Jersey, based upon their low bid submitted subject to the Certification of the Municipal finance Officer as to the availability of funds for the within bond ordinance adopted by the Mayor and Borough Council;

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

1. The Mayor and Council hereby award the contact for the purchase of Six Yard Dump Truck for the Borough of Keyport, in the gross amount of Ninety Nine Thousand, Six Hundred Thirteen Dollars ($99,613.00), to International Trucks of Central Jersey, Howell, New Jersey, based upon their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer from the Bond Ordinance adopted by the Mayor and Council of the Borough of Keyport.

2. The Contract shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer, prior to execution, pursuant to the bond ordinance, duly adopted.

3. Copies of the within Resolution shall be forwarded to successful bidder, Municipal Finance Officer, and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

4. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under N.J. S.A. 40A: 11-1 et. seq by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within 10 days hereof.

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

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

15. **Resolution #396-02,** Authorizing Additional Payments to Decotiis, Fitzpatrick Gluck & Cole with Respect to Phase II of the Privatization of the Borough Water and Wastewater Systems

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the firm of DeCotiis, Fitzpatrick, Gluck & Cole to proceed with a Phase II study into the privatization of the operation, management, maintenance and repair of the water and wastewater systems within the Borough of Keyport; and

WHEREAS, the firm of DeCotiis, Fitzpatrick, Gluck & Cole, has begun to proceed with Phase II which has included the review of the proposals submitted, meeting with representatives of the Respondents for any clarifications required, consultation with borough professionals concerning financial and technical recommendations and the coordination with borough professionals in the preparation of an evaluation report containing an overall recommendation as to which, if any, of the Respondents should be selected by the Borough to commence contract negotiations; and

WHEREAS, based upon proposed changes and amendments with respect to the Requested Proposals, the firm of DeCotiis, Fitzpatrick, Gluck & Cole, have or will incur additional legal fees and costs with respect to Phase II of the privatization study; and

WHEREAS, the firm of DeCotiis, Fitzpatrick, Gluck & Cole, have requested an additional Ten Thousand Dollars ($10,000.00) in legal fees in order to complete Phase II, which the Mayor and Council have found to be acceptable; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the firm of DeCotiis, Fitzpatrick, Gluck & Cole with respect to the additional Phase II work and have determined to proceed based upon that proposal; and

WHEREAS, the Municipal Finance Officer has indicated that sufficient additional funds are available for payment for the balance of legal fees necessary to complete Phase II of the proposal submitted by the firm of DeCotiis, Fitzpatick, Gluck & Cole;

NOW, THEREFORE, BE IT the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. The firm of DeCotiis, Fitzpatrick, Gluck & Cole are authorized to continue to proceed with Phase II of the study with respect to privatization of the operation, management, maintenance and repair of the water and wastewater systems to include a review of all proposals received, meeting with Respondents for Proposed Clarification, consulting with borough professionals concerning financial and technical recommendations and such coordination with borough professionals to provide for a drafting of an evaluation report concerning an overall recommendation to which, if any, of the Respondents should be selected by the Borough to commence contract negotiations.

2. The Mayor and Council hereby authorize an additional sum of Ten Thousand Dollars ($10,000.00) be paid to the firm of DeCotiis, Fitzpatrick, Gluck & Cole as additional legal fees necessary to complete Phase II, which authorization hereby amends the previous resolution adopted by the Mayor and Council as to the payment of fees and costs associated with Phase II.

3. Said payments having been certified as available by Municipal Finance Officer of the Borough of Keyport as to Phase II of this project.

4. That copies of the within resolution be forwarded to DeCotiis, Fitzpatrick, Gluck & Cole and to the Municipal Finance Officer and that a copy of the within Resolution be maintained in the office of the Borough Clerk for public inspection.

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

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

16. **Resolution #397-03,** Approving Change Order to New Municipal Complex (Roof Drainage System)

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the construction of a New Municipal Complex, and

WHEREAS, the Mayor and Council have received a written request from the project architect for a change order for the Municipal Complex, and

WHEREAS, the Mayor and Council have reviewed the proposed change order which consists of improvements to the drainage system for the roof of the new Municipal Complex, as submitted by Jersey Mechanical Contractors, Inc., Farmingdale, New Jersey, and

WHEREAS, based upon the review of the Mayor and Council and the recommendation of the project architect, the Mayor and Council are inclined to authorize the change order to the roof for an additional sum of $9,317.00, and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution approving the change order and authorizing the project architect to proceed with the within change to the Municipal Complex roof,

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

1. The Mayor and Council of the Borough of Keyport hereby approve the change order request recommended by the project architect consisting in improvements to the new roof of the new Municipal Complex, including piping and drains based upon the proposal submitted.

2. The Mayor and Council hereby approve the change order in the amount of $9,317.00 and further authorize the project architect to proceed with the change order, based upon the written proposal submitted.

3. The Mayor and Council having been advised by the Municipal Finance Officer that certain funds are available in the within bond ordinance to cover the appropriate amount set forth in the change order.

4. That a copy of the within Resolution, duly certified, be forwarded to the project architect, clerk of the works, borough engineer, consulting engineer, and municipal finance officer.

5. Copy of the within resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

17. **Resolution #398-02,** Emergency repairs, Municipal Pier

WHEREAS, the Mayor and Council of the Borough of Keyport have previously received and reviewed a report prepared by the Borough Engineer relative to the condition of the municipal fishing pier including recommendations for certain emergency repairs which must be completed with respect to the within pier; and

WHEREAS, the Mayor and Council have reviewed the report of the Borough Engineer and his recommendations relative to certain emergency repairs to railings, stairs, cracked and split joints and other related conditions; and

WHEREAS, the Mayor and Council have determined that the within emergency repairs can be undertaken by personnel within the Department of Public Works, with an estimated cost of materials to be approximately Four Thousand Dollars ($4,000.00) for the necessary repairs to the municipal pier; and

WHEREAS, based upon the review of the Mayor and Council and the comments of the Borough Engineer, the Mayor and Council are inclined to authorize certain emergency repairs to the municipal pier to be performed by the Department of Public Works with an anticipated cost not to exceed Four Thousand Dollars ($4,000.00) for necessary material; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution authorizing certain emergency repairs with funds available in the BRIT account for materials required pursuant to this resolution.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize certain emergency repairs to the borough fishing pier, including, but not limited to, repairs to railings and steps. Repair of cracked or split joists and for such other conditions to be performed by the employees of the Department of Public Works, with materials and costs associated with the within repair in the sum not to exceed Four Thousand Dollars ($4,000.00) to be paid from the balance available in the BRIT account.

2. The Mayor and Council having been advised by the Municipal Finance Officer, that there are certain funds available in the within BRIT account to satisfy the appropriate costs for materials set forth in this resolution.

3. That a copy of the within Resolution, duly certified, be forwarded to the Superintendent, Borough Engineer, and Municipal Finance Officer.

4. Copy of the within resolution shall be retained in the office of the Borough Clerk for public inspection according to law.

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

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

ADJOURNMENT

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

Time of Adjournment: 9:35 P.M.

Respectfully submitted,

Judith L. Poling

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

Joanne Clemente

per Joanne Clemente
Deputy Borough Clerk