December 18, 2001 Approved 2/19/02
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 7:30 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Antonucci, Merla, Atkins, Bergen, Pedersen. Absent: Councilwoman Ashmore. Others present: Andrew Provence, Borough Attorney's Office.

RESOLUTION

1. Resolution #363-01, Closed Meeting - Personnel, Labor Relations and Contract Negotiations

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

Personnel
1. PBA (Shift Schedules)

Labor Relations
1. PBA Contract
2. Board of Health Grievance
3. IUOE Negotiations

Contract Negotiations
1. Sale of Property - Fire Museum

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, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, 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. Antonucci, seconded by Mr. Pedersen

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

Council went into Closed Session at 7:30 P.M. and this meeting was reconvened at 8:10 P.M.

Mayor Graham called the meeting to order at 8:16 P.M. and read the Sunshine Law Notice. Councilmember Pedersen led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Regular Meeting of November 20th and Closed Meeting of November 20, 2001 were approved as read on motion of Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore was absent.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr. Antonucci wished everyone a Happy Holiday and a Happy New Year.

Councilman Merla; Fire: Mr. Merla reported on the following. Everyone was given a copy of the Fire Department Election Results at the last meeting. He thanked the Fire Department and Board of Chiefs as well as all of the volunteers; everyone did a great job this year. He said that he was disturbed to see the vandalism that took place last week in the Mini Park; the BID, KPI, Public Works and many volunteers spent time decorating the area for the holidays and someone swung on Santa and broke it. The town works hard to make the Borough look pretty. Two people threw orange cones in the bay and took off. He said that whoever is responsible should know that it is very frustrating and disturbing to have to deal with these nuisances. People are trying to refurbish and are spending thousands of dollars. Mr. Merla commended Public Works for doing the last leaf pick up. There is a light out at Firemen's park and it should be fixed. He wished everyone a Merry Christmas and Happy New Year.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. The Annex Building (Board of Health, Assessor, Construction Code, Fire Department) moved to the Waterford Building. Public Works did a good job with the move and everything went smoothly. Over 200 people attended the house tour. It was very nice to see all of the decorations around town. The Borough received $1,500 grant from the County for Drug Alliance; we have not been advised about the $5,000 grant application being approved for Drug Alliance. She wished everyone a Happy and Healthy New Year.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen reported on the following. He wished everyone a Happy New Year and a Merry Christmas. A special meeting is being held on Friday, December 21st at 5:30 P.M. in the Borough Hall to discuss insurance and adopt Ordinances. Tom Fallon, Chief Financial Officer is working up the budget request forms.

It was requested that Mrs. Poling look into any monies in Buildings and Grounds to take down the awnings. Quotes should be sought. Mr. Merla will advise Administration of a company that handles this matter.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen reported on the following. He has been on Council for nine (9) years and has been reporting on Public Works matters. He was interviewed by TAG kids from the school regarding the parks system in Keyport; they also interviewed the Mayor, Mr. Antonucci and Bert Morris. He wished everyone a great holiday.

Mr. Bergen said that it has been a pleasure to serve on Council with Mr. Pedersen for the past 9 years.

Administrator Poling: Mrs. Cinquegrana reported on the following in Mrs. Poling's absence. A draft Construction Code Fee Schedule was submitted by Matawan. This was referred to the Finance Committee on a motion by Mr. Pedersen, seconded by Mr. Merla with Ayes by all present. With regard to the request from the Fire Department for a second phone line for their computer, Cablevision is not installing modems. The Optimum on-line connection, Borough Hall hook up is a courtesy (same for the schools and library). It was requested that 2002 Fire Chief Kenneth Marr, Jr. clarify what he needs the second line for. There will be no work meeting in January since the first Tuesday falls on Reorganization day. All items will be listed on the January 15, 2002 Agenda (only this time). There was a typo in the PBA Salary Ordinance and it would have to be amended by an Ordinance which would be introduced on January 15, 2002. The parent company for Garden State Paper is ENRON who declared bankruptcy and today Garden State Paper declared bankruptcy. ENRON is trying to sell Garden State and is putting something together and the Borough will be advised. Right now, economically, Garden State can only pay $20 per ton instead of $30 per ton. Mr. Provence said that ENRON filed Chapter 11 and he spoke with Mr.

McNellis. Garden State Paper is frozen into the contract price of $30 per ton. There could be some flexibility. Motion to refer this matter to the Finance Committee and Borough Attorney moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present. Mr. Pedersen said that if the Borough can stick with $20 per ton, we would be ahead of the game. Mr. Provence said that we should seek assurances that they will not change the price so that it becomes lower and lower (i.e. $5.00 per ton). It would be to the Borough advantage to accept $20 per ton.

Engineer Kriskowski: Mr. Kriskowski reported on the following. He prepared a proposal for Engineering Services for Block 22, Lot 29 (Beers Street) in the amount of $1,000.00 (it was distributed tonight). Motion to add a Resolution approving this at tonight's meeting moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present. With regard to the Cedar Street Lights, it was bid 6-8 weeks ago and had been held (not awarded) at the last meeting. Lucas Electric was the lowest bidder in the amount of $42,443. Mr. Kriskowski has worked with them and they have done a confident job. They put in the sport lighting at Cedar Street Park in the 1990's. It was recommended that Lucas Electric be awarded the bid. Mr. Fallon has assured that there is adequate money in the account for these lights. Some poles will not be replaced (Ballfield lights). Mr. Antonucci agreed. They are continuing to work on the Bulkhead plans and they can move forward if the Borough has plans set for moving American Legion Drive. If the plans for American Legion Drive are ready, they should be included in the documents being sent to the State. The State will put American Legion Drive as close to the Bulkhead as possible. Mayor Graham said that this matter had been listed under Unfinished Business, but could be discussed now. Mr. Kriskowski had a sketch from 1988 for the First Street Extension. Mr. Bergen said that the County would not participate in the project. The Borough will move ahead with the project now since the State will contribute money now. Mayor Graham said that when the Bulkhead project is underway, the road will be torn up; moving the road away from the water is best. Mr. Bergen asked that Mr. Kriskowski be authorized to get the permits for the First Street Extension. Mr. Kriskowski said that he spoke with the State and the First Street Extension has been stressed by the permit people in the DEP. Mr. Provence asked that Mr. Kriskowski keep everyone posted because of matters regarding the Tidelands. Mr. Kriskowski said that the detail of plans is more than expected and redesign is emphasized; all considerations have been made. Mr. Merla said that he would support the project if the Borough receives money from the State. There is no County support. It was asked if there would be a set back in timing if the road is relocated during the Bulkhead reconstruction; no, there would be no impact on the time line, now is the time to do it. Mr. Bergen asked if a permit would have to be obtained to take down the old sewer plant building; yes, in order to incorporate the road. There are many issues to address. Permits would be needed to demolish the old sewer plant building and extend on later if the job is not done. Mr. Kriskowski suggested that the Borough get approved what it can now and the project could be grandfathered. Mr. Merla said that the Borough should hear the Baykeeper before the building is demolished (they are coming before Council on January 15, 2002). Mayor Graham asked for a motion to authorize Mr. Kriskowski to proceed with the Permit plans and to connect a portion of the extension to Broad Street moved by Mr. Pedersen, seconded by Mr. Antonucci with Ayes by all present.

Attorney Litwin: Mr. Provence reported on the following in Mr. Litwin's absence. There is a resolution on tonight's agenda authorizing Bond Counsel to do exploratory work on the Water Plant. He wished everyone a Happy and Healthy Holiday.

Mayor Graham: The Mayor reported on the following. A letter was received from the Historic Preservation Commission regarding a resignation from Rebecca Schneider. He accepted the resignation and hoped to have a name by the January 1, 2002 meeting. On November 24^{th} the Holiday Lighting took place; he was impressed with the lighting and the turn out. There was an increase in attendance since the time changed for the lighting. On November 29^{th} he, Mr. Merla, and Mr. Bergen attended the launch of the Ferry Service and the new Borough logo; it was a great kick off. He spoke to Mr. Reilly regarding the Barrett Bill; discussions are ongoing (no formal mediation). He wished everyone a Happy Holiday.

REPORTS OF DEPARTMENTS

SEPTEMBER 2001

1. Police Department-Firearm/Fingerprint Fees

   Total amount collected $50.00

   Submitted by Theodore Gajewski, Police Chief

2. Treasurer's Report

CURRENT CHECKING	$2,175,716.12
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	475.97
TRUST CHECKING	35,153.06
TRUST SAVINGS	156,860.90
RECREATION BAYFRONT	54,914.16
UNEMPLOYMENT/DISABILITY	56,620.41
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	149,443.38
ESCROW TRUST	148,895.54
LAW ENFORCEMENT	9,464.26
SELF HEALTH INSURANCE FUND	3,616.04
WATER/SEWER OPERATING	5,000.00
WATER/SEWER SAVINGS	273,915.65
WATER/SEWER INVESTMENT	117,743.86
WATER CAPITAL CHECKING	1,301.73
WATER CAPITAL INVESTMENT	93,210.49
GENERAL CAPITAL INVESTMENT	3,181,234.67

   INTEREST EARNED ON INVESTMENTS FOR OCTOBER, 2001
   CURRENT - $10,998.09
   WATER - $ 705.11

   Submitted by Pauline Redmond, Treasurer

3. Police Department-Firearm/Fingerprint Report

   Total amount collected $149.00

   Submitted by Theodore Gajewski, Police Department

NOVEMBER 2001

4. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	15.00
WATER METER W/TO	-0-
DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #3461	**$ 15.00**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	-0-
LIMO LICENSE	40.00
PHOTOCOPIES	.75
POSTAGE	.80
RAFFLE LICENSE	140.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	291.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	150.00
FISH & GAME	1.00
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	920.00
PARKING PERMITS	-0-
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3462	**$ 1,543.55**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3463	$ 639.50

TOTAL RECEIPTS **$ 2,198.05**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

5. Tax Collector's Report

2001 TAXES	$1,145,749.84
2000 TAXES	172.03
2002 PREPAID TAXES	3,483.26
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	4,874.29
TAX SEARCHES	10.00
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	17,873.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	101,396.19
TOTAL CURRENT RECEIPTS	**$1,273,558.61**

WATER & SEWER RENTS	$ 76,745.55
INTEREST AND COSTS	1,572.49
TURN ON CHARGES	40.00
RETURNED CHECK CHARGES	24.00
POOL PERMITS	15.00
WATER METERS/WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 78,397.04**

Submitted by Pauline Redmond, Tax Collector

6. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	25	$ 225.00
CERTIFICATE OF OCCUPANCY	33	840.00
PLUMBING PERMITS	13	1,475.00
ELECTRICAL PERMITS	8	980.00
BUILDING PERMITS	18	2,196.00
FIRE SUB CODE	12	785.00
CONST CERT OF OCCUPANCY	6	225.00
ZONING PERMITS	6	60.00
200 FT PROPERTY LIST	0	-0-
TRANSFER OF TITLE		420.00
REINSPECTION FEES	12	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	4	100.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	34	680.00
CONST. DEPOSITS REFUNDABLE	6	300.00
TOTAL		**$ 8,301.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2358	$ 7,776.00
STATE FEE DUE - PAID QUARTERLY	225.00
ELEVATOR INSPECTION AGENCY, CHECK #	

Submitted by Annette Kovacs, Senior Permit Clerk

7. Police Department/Traffic Safety Report

Total Amount received $ 291.00

Submitted by Theodore Gajewski, Police Chief

8. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

9. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$1,866.20**
DOG LICENSES	$ 11.20
CAT LICENSES	-0-
MARRIAGE LICENSES	84.00
BURIAL PERMITS	16.00
DEATH CERTIFICATES	420.00
MARRIAGE CERTIFICATES	65.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	1,270.00
MISCELLANEOUS	-0-

<u>DISBURSEMENTS</u>

CHECK #2674 - BOROUGH OF KEYPORT MISC. ACCT	$1,780.00
CHECK #2675 - BOROUGH OF KEYPORT TRUST ACCT	75.00
CHECK #2676 - BOROUGH OF KEYPORT DOG ACCT	7.00
CHECK #2677 - NJ STATE DEPT OF HEALTH	4.20

Submitted by Anne R. Biagianti, Treasurer

10. Municipal Court Report

STATE FINES	$ 556.00
STATE SURCHARGE	200.00
STATE UNINSURED	202.00
COUNTY FUNDS	916.96
COUNTY FINES	4,396.25
MUNICIPAL FINES	4,396.25
MUNICIPAL COSTS	2,939.50
MUNICIPAL PARKING	848.00
MISCELLANEOUS	2,030.04

Submitted by Kathie Coffey, Court Administrator

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

COMMUNICATION AND PETITION

1. Tow Truck Operator Renewals for 2002:
   a. Bill Wright and Sons Towing
   b. Tic Tac Towing
   c. DJ's Towing
   d. D&D Towing
   e. Key Auto Body
   f. Bayshore Auto Service
   g. Roder's Motors

Motion to Approve moved by Mr. Antonucci, seconded by Mr. Pedersen with Ayes by all present except Mr. Merla who abstained on Bill Wright and Sons.

UNFINISHED BUSINESS

1. **Sale of Property-Second & Church Streets.** Mayor Graham said that this was discussed at the last meeting. Mr. Bergen asked that this be held over. Mr. Merla said that if this matter is held, the Planning Board should give their opinion. Someone who wanted to create apartments about 100 feet from this location was denied. Mrs. Atkins said that she is not changing her mind; Mayor and Council run the community. Mr. Merla said that he went up and down Church Street and spoke with residents who said that they would like to see something constructed on the lot. Motion to hold this matter until January 15, 2002.

   Mr. Bergen said that there is a 25X100 lot by the car wash that may be sold.

2. **Bulkhead/Relocation of American Legion Drive.** This matter was discussed under the Engineer's report.

3. **Canine School/Police Officer.** Chief Gajewski submitted a proposal. The Borough can acquire a Police Dog and training will be provided through the Port Authority. The only expense to the Borough would be the cage for the car (approximate cost $1,000). Mayor Graham felt that this would be a great opportunity. Chief Gajewski said

that Patrolman Ruth would cover Patrolman McCartin's shift. There will be dual training with the dog (drugs and tracking); dogs cannot be cross trained for drugs and explosives. Patrolman McCartin has been approved by the Port Authority to use his personal dog for the program. If Patrolman McCartin's dog cannot pass the final test, the Port Authority has a dog they will donate to the Borough. Mr. Antonucci asked if there are any legal issues and if the program is covered by insurance. Mr. Bergen said that Monmouth County has dogs if they are needed. Mr. Merla asked if the Bayshore Task Force uses dogs; no, but they could call us. Mr. Antonucci said that a canine has many benefits and it would be great to use in the schools. Mayor Graham said that this program would be good for public relations. Motion to approve the Canine and Police Officer Training moved by Mr. Antonucci, seconded by Mr. Merla with Ayes by all present.

4. **Parking Ordinances (Fulton, Eighth, Manchester).** Chief Gajewski included Ordinance suggestions and a map of the area. Mayor Graham read the Chief's memo and asked if everyone understood what was being proposed. Mr. Bergen asked that someone from Green Grove Apartments be appointed to meet with Mrs. Poling and Chief Gajewski. Chief Gajewski suggested sending a copy of the proposed Ordinance to all of the residents involved. Mr. Merla said that the Department of Transportation would probably deny the Ordinance. He felt that Mr. Kurtz should be held accountable since the problem was created by Green Grove Apartments, not the Borough. Mr. Merla suggested that the apartments go back to the way parking used to be (there were not 188 complaints then). The Zoning Officer must go over and look at it; a handicapped space was eliminated. Mr. Bergen said that this matter must not be delayed. An Ordinance is needed for leverage. Chief Gajewski said that Captain Dayback spoke with the Department of Transportation about this matter and they had no comment; it depends on the discretion of the inspector from the State. Mayor Graham said that pressure should be put on Mr. Kurtz and an Ordinance passed. The Mayor said that no laws have been broken, but a problem has been created. Mr. Merla said that cars are and have been ticketed and towed. Mr. Antonucci asked if there is legal recourse for monetary damages for Police hours; Mr. Provence said no, only if there is an Ordinance to back it up. The Police are paid no matter what the incident is. Mr. Bergen said that a letter should be sent to the residents involved in this matter with a copy of Chief Gajewski's memo and advising them of a limit to 2 parking permits per household. An Ordinance should be drafted and sent to Mr. Kurtz so he is aware of what it happening. Mike Cummins said that some towns have attractive nuisance Ordinances (i.e. fence around a pool). Mr. Provence said that he did not believe the Ordinance pertains to this situation. Motion to send a letter and proposed Ordinance to the residents and Mr. Kurtz moved by Mr. Bergen, seconded by Mr. Antonucci with Ayes by all present.

5. **Purchase of Property/Fire Museum.** Mr. Merla asked that this matter be referred to the Fire Committee. The matter was discussed in closed session and the Borough will go back to the seller's attorney. The Borough Attorney is the representative for the Fire Museum. Mr. Bergen said that if the Title to the building is coming to the Borough, the Borough Attorney would be involved.

6. **Ferry Service Parking.** Mr. Pedersen said that he missed the last two Council meetings and asked what the time line was for people to use the lots the Ferry purchased for parking. Mr. Cummins said that he is interested in getting the lots done; he has seen what has been happening in the Firemen's Parking lot when it rains. Earl Swift's lots are coming along. Mr. Cummins has received the first 100-200 bumpers for parking. The shuttle bus is out advertising for the Ferry Service. Mr. Pedersen asked if the lots will be finished by Spring; probably before Spring. Mr. Cummins said that he is aware of the use of the lot by Captain John's customers and that 39 spaces were issued in the beginning of the Ferry Lease. Mr. Pedersen said that the train station in Matawan charges for spaces being used; if the Borough charged Fast Ferry for spaces, it could bring in $23,000-$26,000 revenue per year. He said that he has not seen any movement. There are close to 400 spaces being used. Mr. Pedersen asked if the tickets sold include parking; yes. Mr. Cummins said that there are 300 riders that go out and he expects that the Swift lot will be ready in January 2002 (3-4 weeks from now). There is no ordinance on American Legion Drive and there are cars parking along the road. Cones have been

put out and people have been advised of the two hour parking regulation. Mr. Bergen said that the shuttle should be run in a month and a bus stop created; a parking space can be eliminated to allow the shuttle to pick up and drop off on American Legion Drive. Mr. Bergen asked if all of the permits are O.K. Mr. Cummins said that there was a problem with the Beers Street lot due to the filing of an old map; at the last minute a complaint was filed which has caused a problem. Mr. Provence asked that Mr. Cummins keep in mind the Borough's dealings with the State.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions pertaining to Agenda items at 9:48 P.M. Fire Chief Stonerock submitted a letter to Mayor and Council. Mayor Graham read the letter to Mayor and Council and the audience which thanked Mayor and Council for all of its support during 2001 with various matters. Mayor Graham said that he has been Mayor for seven years and faces change; he thanked Chief Stonerock for his letter. Monmouth County wants the Fire Department to purchase a decontamination unit ($1,500); Mr. Cummins said that he would like to donate the unit to the Fire department. Robert Hyer, Jackson Street, said that the water line on Washington Street was replaced. Mr. Pedersen said that the line was replaced near Endeavor House and he will speak with George Sappah regarding the size of the line. Mr. Kriskowski said that the size of the line was an issue. The Borough was granted money for Washington Street; Atlantic Street was not awarded any money. Mary Alan, Maple Place, wished everyone a Happy Holiday as well as luck and happiness in 2002. The Meeting was closed to the public at 9:55 P.M.

RESOLUTIONS

2. Resolution #364-01, Approve Corrective Action Plan

WHEREAS, the Chief Financial Officer has prepared and filed with the Borough Clerk a Corrective Action Plan as part of the annual audit process as required by the Single Audit Act, US Office of Management and Budget Circular Letter A-133, and NJ Office of Management and Budget Circular Letter 98-07 as referenced in New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Notice #92-15, dated July 8, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, that the attached Corrective Action Plan submitted by the Chief Financial Officer is hereby acknowledged and approved and a copy of same be filed with the Division of Local Government Services as required.

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

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

3. Resolution #365-01, Establish Recreation Secretary Annual Salary

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with Salary Ordinance #11-95 that:

SECTION I. The following salaries are hereby established for the indicated positions effective September 6, 2001, or date of hire or transfer, whichever is later.

Recreation Commission Secretary $ 1,000.00 annually

SECTION II. This Resolution will become effective upon publication of Ordinance #22-01.

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

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

4. Resolution #366-01, Authorize Legal Counsel for Borough Clerk/Administrator

WHEREAS, Magic Touch Construction Co. has filed an amended complaint in the matter entitled Magic Touch Construction Co. vs. Borough of Keyport etal., which amended complaint names Judith L. Poling, Borough Clerk/Administrator as a defendant and which include in part a claim for compensatory and punitive damages against Ms. Poling; and

WHEREAS, Peter Till, Esq. has been defending this matter on behalf of the insurance carrier for the Borough of Keyport and has advised Ms. Poling that he does not represent her interest with regard to this claim for punitive damages and has recommended that she consider obtaining independent counsel to represent her; and

WHEREAS, there exists a need for the service of an attorney to defend Borough Clerk/Administrator, Judith L. Poling, in this civil litigation arising from her performance of her official duties and in accordance with past practice; and

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available.

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

1. Judith L. Poling is authorized to retain an attorney at law to represent her in the matter of Magic Touch Construction Co. vs. Borough of Keyport et al. Docket No. MON-L-2755-00 with regard to the claim against her for punitive damages.

2. The Borough agrees to compensate an attorney so retained by Judith L. Poling at an hourly rate of $130 per hour and not to exceed $5,000.

3. This Contract is awarded without competitive bidding as a professional service pursuant to NJSA 40A:11-2(6) abd that a notice of this Contract shall be printed once in an official newspaper of the Borough.

Offered for adoption by Mr. Pedersen, seconded by Mr

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

5. Resolution #367-01, Authorize Legal Counsel for Councilman Robert Bergen

WHEREAS, Magic Touch Construction Co. has filed an amended complaint in the matter entitled Magic Touch Construction Co. vs. Borough of Keyport etal., which amended complaint names Robert J. Bergen, Councilman, as a defendant and which include in part a claim for compensatory and punitive damages against Councilman Bergen; and

WHEREAS, Peter Till, Esq. has been defending this matter on behalf of the insurance carrier for the Borough of Keyport and has advised Councilman Bergen that he does not represent his interest with regard to this claim for punitive damages and has recommended that he consider obtaining independent counsel to represent him; and

WHEREAS, there exists a need for the service of an attorney to defend Councilman Bergen in this civil litigation arising from her performance of his official duties and in accordance with past practice; and

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available.

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

1. Councilman Robert Bergen is authorized to retain an attorney at law to represent him in the matter of Magic Touch Construction Co. vs. Borough of Keyport et al. Docket No. MON-L-2755-00 with regard to the claim against him for punitive damages.

2. The Borough agrees to compensate an attorney so retained by Councilman Bergen at an hourly rate of $130 per hour and not to exceed $5,000.

3. This Contract is awarded without competitive bidding as a professional service pursuant to NJSA 40A:11-2(6) abd that a notice of this Contract shall be printed once in an official newspaper of the Borough.

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

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

6. Resolution #368-01, Authorize Legal Counsel for Mayor Kevin Graham

WHEREAS, Magic Touch Construction Co. has filed an amended complaint in the matter entitled Magic Touch Construction Co. vs. Borough of Keyport etal., which amended complaint names Kevin Graham, Mayor, as a defendant and which include in part a claim for compensatory and punitive damages against Mayor Graham; and

WHEREAS, Peter Till, Esq. has been defending this matter on behalf of the insurance carrier for the Borough of Keyport and has advised Mayor Graham that he does not represent his interest with regard to this claim for punitive damages and has recommended that he consider obtaining independent counsel to represent him; and

WHEREAS, there exists a need for the service of an attorney to defend Mayor Graham in this civil litigation arising from her performance of his official duties and in accordance with past practice; and

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available.

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

1. Mayor Graham is authorized to retain an attorney at law to represent him in the matter of Magic Touch Construction Co. vs. Borough of Keyport et al. Docket No. MON-L-2755-00 with regard to the claim against him for punitive damages.

2. The Borough agrees to compensate an attorney so retained by Mayor Kevin Graham at an hourly rate of $130 per hour and not to exceed $5,000.

3. This Contract is awarded without competitive bidding as a professional service pursuant to NJSA 40A:11-2(6) abd that a notice of this Contract shall be printed once in an official newspaper of the Borough.

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

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

7. Resolution #369-01, Requisitions - Fire Department Vehicle Maintenance and Repairs

WHEREAS, the Keyport Fire Department solicited and received quotes for the fixed cost of performing preventive maintenance on seven (7) Borough fire trucks and an hourly rate for other unknown repairs to be made on an emergent basis; and

WHEREAS, the anticipated cost of both the preventive maintenance and the repairs were less than the bid limits of $17,500 as provided by law; and

WHEREAS, said maintenance and repairs were performed by Brian Roehrich, a duly certified emergency vehicle technician, of Seagrave Sales and Service, 160 Durham Avenue, South Plainfield, New Jersey ("Seagrave") who submitted the most advantageous bid, price and other factors considered by the Keyport Fire Department; and

WHEREAS, the following requisitions for payment to Seagrave have been submitted to the Borough of Keyport by Lawrence C. Stonerock, Fire Chief:

Requisition #12559-Preventive Maintenance	$ 5,714.00
Requisition #12556-Emergency Repairs/Hook & Ladder	1,404.09
Requisition #12907-Emergency Repairs/Engine Co.	168.87
Requisition #12910-Emergency Repairs/Engine Co.	3,664.87
Requisition #12911-Emergency Repairs/Raritan	3,700.38
Requisition #12912-Emergency Repairs/Eagle	2,431.84
Total Payable to Seagrave Sales & Service	$18,819.46

WHEREAS, although the cost of such maintenance and repairs exceed the sum of $17,500, same were performed by a duly certified emergency vehicle technician (Master Level) and therefore constitute equipment repair service in the nature of an extraordinary, unspecifiable service not subject to the public advertising requirements of the Local Public Contracts Law; and

WHEREAS, the Mayor and Council are satisfied that the Fire Department sought to comply with the law in receiving quotes for said work to be done during the year 2001, that such work is not subject to the public advertising requirements of the Local Public Contracts Law, and that said work was actually performed, the Borough receiving the benefit of same.

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

1. The Borough Administrator and Chief Financial Officer are authorized to process for payment the above referenced bills submitted by Seagrave Sales & Service in the total amount of $18,819.46.

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

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

8. Resolution #370-01, Water Sewer Utility (Bond Counsel)

WHEREAS, the Borough of Keyport ("Borough") presently owns, operates and manages a water transmission and distribution system and a wastewater treatment plant and collection system (hereinafter, the "Systems"); and

WHEREAS, in 1995 the State Legislature adopted the "New Jersey Water Supply Public-Private Contracting Act," NJSA 58:26-19 et sdq and the "New Jersey Wastewater Treatment Public-Private Contract Act," NJSA 58:27-19 et seq (hereinafter the "Acts") to encourage and to facilitate the selection of private entities to operate, maintain and improve municipal water and wastewater systems on a long-term basis; and

WHEREAS, in 1997, the Internal Revenue Service enacted IRS Revenue Procedure 97-13 which permits long term contracts with private entities for the operation, management and maintenance of municipal water and wastewater systems without affecting the tax-exempt status of current and future system indebtedness; and

WHEREAS, a number of municipalities have successfully pursued or are pursuing such contract pursuant to and in furtherance of the Acts and Revenue Procedure 97-13; and

WHEREAS, the Borough would like to determine what benefits may exist with respect to the private management and operations of the Systems; and

WHEREAS, the benefits which may be realized from private operation include, but are not limited to, up-front and annual financial payments to the Borough which may be utilized by the Borough for Municipal purposes as determined by the Borough Council in accordance with the Acts and/or other applicable law; the stabilization of System rates; capital improvements to the Systems, improved maintenance to the Systems; enhanced Environmental and regulatory compliance and other benefits which may be derived from such an arrangement; and

WHEREAS, in furtherance of the aforesaid objectives, the Borough Council is desirous of authorizing a Project Team, consisting of legal, engineering and financial professionals, to prepare and issue a Request for Qualifications and Proposals for the future operation, maintenance and management of the Borough's Systems by a private operator, and as necessary, receive written questions from interested firms and respond with addenda ("Phase I"); and

WHEREAS, this Project Team shall consist of DeCotiis, Fitzpatrick, Gluck and Cole, LLP, and financial and technical advisors to be determined by the administration; and

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

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

1. The Project Team is hereby authorized to proceed with the tasks associated with Phase I of the potential public/private partnership for the operation, management, maintenance and repair of the Borough's Systems, as authorized in the attached letter proposal dated December 3, 2001 from DeCotiis, Fitzpatrick, Gluck and Cole;

2. The retention of the Project Team is authorized without advertisement pursuant to the "Local Public Contracts Law," NJSA 40A:11-1 et seq and more specifically NJSA 40A:11-2(6) and 5(1)(a)(i) (authorizing the retention of professional services without advertisement) at the following rates: the law firm of DeCotiis, Fitzpatrick, Gluck and Cole LLP shall be paid at a blended rate for partners and associates of $165 per hour plus disbursements, for a total cost not to exceed $15,000.00;

3. A notice of this award shall be advertised as required by law; and

4. The Borough Administrator/Clerk shall forward certified copies of the resolution to all appropriate officials.

Mr. Pedersen felt that this was a good idea.

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

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

9. Resolution #371-01, Part Time Employees Salaries

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with Salary Ordinance now in effect that:

SECTION I. The following salaries are hereby established for the indicated positions effective January 1, 2001 or date of hire or transfer, whichever is later.

Mayor	$ 2,543.00	annually
Councilmembers	1,896.00	annually
Fire Chief	1,200.00	annually
Assistant Fire Chief	1,000.00	annually
Tax Assessor	10,677.00	annually
Municipal Court Judge	16,640.00	annually
Municipal Prosecutor	10,920.00	annually
Municipal Public Defender	4,498.00	annually
Unified Planning Board Secretary	4,046.00	annually
Fire Sub Code Official	3,898.00	annually
Fire Official	5,800.00	annually
Electrical Sub Code Official	3,825.00	annually
Electrical Inspector	3,062.00	annually
Plumbing Sub Code Official	3,825.00	annually
Plumbing Inspector	3,062.00	annually

Water Plant Operator	5,260.00 annually
Property Maintenance Officer	7,332.00 annually
Recreation:	
Director	3,100.00 annually
Assistant Director	2,000.00 annually
Winter Director	600.00 annually
Supervisor	1,425.00 annually
Counselor	850.00 annually
Fire Alarm Repairman	1,000.00 annually
Fire Inspector	1,050.00 annually
Drug Alliance Coordinator	5,000.00 annually
Recycling Coordinator	2,808.00 annually
Assistant Recycling Coordinator	2,579.00 annually
Blood borne Pathogen Officer	3,120.00 annually
Chief Financial Officer	37,960.00 annually
Zoning Officer	2,886.00 annually
Code Enforcement Officer	7,930.00 annually

SECTION II. The following hourly salaries are hereby established for the indicated positions effective January 1, 2002, or date of hire or transfer, whichever is later:

Deputy Registrar of Vital Statistics	$	10.50 per hour
Account Clerk		11.00 per hour
Building Maintenance Worker	$	7.10 per hour
Clerk/Typist		7.00 per hour
Special Police Officer		9.50 per hour
Police Matron		7.25 per hour
Laborer - Public Works		7.00 per hour
Clerical Employees - Senior Center		5.15 per hour
Parking Enforcement Officer		8.50 per hour
Public Safety Telecommunications Operator - Trainee		6.50 per hour
Public Safety Telecommunications Operator		8.50 per hour
School Crossing Guard		9.50 per hour

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

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

10. Resolution #372-01, Payment of Bills

See full copy of Resolution as pages 17-21 of these minutes

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

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

11. Resolution #373-01, 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 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 $78,030.00 be made between the 2002 budget appropriations as follows:

Budget Appropriation	From	To
Administrative & Executive - S&W		$ 1,300.00
Municipal Clerk - S&W		700.00
Municipal Clerk - O/E-Rev & Cod of Ords		2,000.00
Collection of Taxes - S&W		1,200.00
Public Buildings & Grounds - O/E		5,000.00
Police Department - S&W	$31,000.00	
Police Department - O/E		15,000.00
Road Repairs and Maintenance - S&W	5,000.00	
Road Repairs and Maintenance - O/E		5,000.00
Garbage & Trash Removal - Contracted	10,000.00	
Garbage & Trash Removal - O/E		6,000.00
Landfill Disposal Costs		22,500.00
Board of Health - S&W	4,000.00	

Board of Health - O/E		4,000.00
Recreation - S&W		300.00
Recreation - O/E	300.00	
Senior Citizen Center - O/E		1,500.00
Fuel for Motor Vehicles		3,000.00
Social Security System		2,000.00
Natural Gas		2,000.00
Telephone		5,000.00
Municipal Court - O/E		1,530.00
Group Health Insurance	27,730.00	
	$78,030.00	**$78,030.00**

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Keyport that transfers of appropriations in the amount of $15,000.00 be made between the 2001 budget appropriations of the Municipal Water/Sewer Utility as follows:

Budget Appropriation	From	To
Other Expenses		$ 5,000.00
Salaries and Wages	$10,000.00	
Acquisition of Water		10,000.00
Bayshore Regional Sewerage Authority	5,000.00	
	$15,000.00	$15,000.00

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

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

12. Resolution #374-01, Police Chief 2001 Salary

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the foregoing annual salaries be and hereby are established for the indicated positions on the effective date stated or the date of hire or transfer, whichever is later, in accordance with Salary Ordinance #18-00.

SECTION I.

	Effective 1/1/2001	Effective 7/1/2001
Chief of Police	$78,030.00	$79,591.00

SECTION II. The above base salaries shall be increased for longevity for the following percentages of base salary:

	2001
After 5 years of service	1.0%
After 10 years of service	3.5%
After 15 years of service	5.0%
After 20 years of service	6.5%
After 25 years of service	7.0%

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

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

13. Resolution #375-01, Approve Engineer Proposal for Beers Street ($1,000)

WHEREAS, the Borough of Keyport desires to retain professional services for a Boundary survey, including a metes and bounds description and all corners marked for Block 22, Lot 29, Beers Street; and

WHEREAS, Schoor DePalma has submitted the attached proposal for the preparation of such a survey in the amount of $1,000; 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:

5. The proposal of Schoor DePalma for the preparation of a professional boundry survey in the amount of $1,000 is approved.

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

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

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

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

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

14. Resolution #376-01, Award Cedar Street Lights to Lucas Electric ($42,443)

WHEREAS, the Borough of Keyport has solicited bids for the replacement of sport and site lighting at Cedar Street Park in the Borough of Keyport; and

WHEREAS, the sole bidder, Lucas Electric, 1381 Rout 130, PO Box 329, Windsor, New Jersey 08561 has submitted a base bid of Thirty Eight Thousand Four Hundred Forty three Dollars ($38,443.00) to the Borough for the replacement of said lighting, pursuant to the terms and conditions of the bid specifications; and

WHEREAS, Lucas Electric has submitted alternative bids of Three Thousand Dollars ($3,000.00) for a concrete pole with baseplate and of Four Thousand Dollars ($4,000.00) for a direct imbedment concrete pole; and

WHEREAS, upon the recommendation of the Borough Engineer, Mayor and Council find the alternative for the <u>pole with baseplate/direct imbedment pole to be in the best interests of the Borough</u>; 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. Lucas Electric, 1381 Route 130, P.O. Box 329, Windsor, New Jersey 08561, is hereby awarded the contract for the replacement of sport and site lighting at Cedar Street Park in the Borough of Keyport for a base price of Thirty-eight Thousand Four Hundred Forty three Dollars ($38,443.00).

2. The Borough selects the alternative for a pole with baseplate/direct imbedment pole at the cost of Three Thousand Dollars ($3,000.00)/Four Thousand Dollars ($4,000.00) for a total contract cost of Forty one Thousand Four Hundred Forty three ($41,443.00).

3. Subject to the receipt of the required certificate of insurance, the Mayor and Borough Clerk are authorized to enter into a contract consistent with the bid specifications and the Borough Attorney is authorized to take such further steps as may be required by the Borough of Keyport in furtherance thereof.

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

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

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

15. Resolution #368-01, Authorize Legal Counsel for former Councilman George Walling

WHEREAS, Magic Touch Construction Co. has filed an amended complaint in the matter entitled Magic Touch Construction Co. vs. Borough of Keyport etal., which amended complaint names George Walling, former Councilman, as a defendant and which include in part a claim for compensatory and punitive damages against former Councilman George Walling; and

WHEREAS, Peter Till, Esq. has been defending this matter on behalf of the insurance carrier for the Borough of Keyport and has advised former Councilman Walling that he does not represent his interest with regard to this claim for punitive damages and has recommended that he consider obtaining independent counsel to represent him; and

WHEREAS, there exists a need for the service of an attorney to defend former Councilman Walling in this civil litigation arising from her performance of his official duties and in accordance with past practice; and

WHEREAS, the Chief Financial Officer of the Borough has certified that sufficient funds are available.

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

1. Former Councilman George Walling is authorized to retain an attorney at law to represent him in the matter of Magic Touch Construction Co. vs. Borough of Keyport et al. Docket No. MON-L-2755-00 with regard to the claim against him for punitive damages.

2. The Borough agrees to compensate an attorney so retained by George Walling at an hourly rate of $130 per hour and not to exceed $5,000.

3. This Contract is awarded without competitive bidding as a professional service pursuant to NJSA 40A:11-2(6) abd that a notice of this Contract shall be printed once in an official newspaper of the Borough.

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

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

ADJOURNMENT

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

Time of Adjournment: 10:00 PM

Respectfully submitted,
Allyson M Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk