Approved 12/6/05

Keyport, New Jersey
December 2, 2003

Minutes of the Work 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 Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:02 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Hyer, Doyle, Green. Absent: Councilmembers Bergen, Atkins (arrived at 7:08 P.M.), Stalter arrived at 7:04 P.M.). Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution No. 403-03, 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. Tax Office
2. Borough Clerk's Office

Litigation
1. Health Insurance
2. PBA vs. Borough of Keyport
3. Grandon vs. Borough of Keyport

Labor Relations
1. PBA Negotiations
2. Administrative and Non Union Agreements
3. Grievance/Barbara Hassmiller
4. Grievance/Barbara Hassmiller, Donna Purcell and Casey Andrews

Contract Negotiations
1. New Municipal Complex
2. Property and Casualty Insurance
3. Shorelands Water Company/Keyport Borough Base Allocation Lease
4. Charter Fishing Boat Lease

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 Center Meeting Room, 110 Second Street for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations and Contract Negotiations

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

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

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

Council went into closed session at 7:02 P.M. and this meeting was reconvened at 8:00 P.M.

Mayor Merla called the meeting to order at 8:04 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen. Other present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer and Mr. Fallon, Chief Financial Officer.

Mayor Merla invited Joseph Wedick, Councilman-Elect to sit at the dais.

APPEARANCE AND DISCUSSION

Thomas Gallo, Jr., Recycling Coordinator, said he and Frank Currier, Deputy Recycling Coordinator, report to Councilman Hyer. The goals and objectives of the Recycling Committee are to comply with the State and County. Keyport has received an A+ on its Recycling Center. Tonnage is up slightly in Keyport. The Recycling Program is simple and easy. In 2004, The Borough will not accept propane tanks. There will be consolidation of cardboard, newspaper and junk mail and commingled bottles and cans will be accepted on Saturdays. In April, July and October there will be a bulk Wednesday where three items will be picked up. We could accept computers and TV's (the Borough does not pay for the container, just per pull).

Mr. Currier said there is a small dollar amount on recyclables. Mr. Gallo said paper is defined and junk mail is 30-40%; it is $70 per ton if it is not recyclable. Shredded paper, magazines and catalogs are all considered junk mail. Mr. Green said Harborview separates it recycling and the truck dumps everything into the truck. Mr. Gallo said he would look into this. It was asked if the hauler makes the determination of what is picked up at multi family homes; it should be picked up. Mr. Currier said the drivers should be educated. Mr. Gallo said the Board of Health should be contacted with the concerns so they can be addressed. Mr. Hyer said the Recycling Committee will do presentations at different locations in town. Mayor Merla said the program is a success and everyone involved deserves credit. The recycling problem will not be solved 100%, but the tipping fees are down and recycling is up. There are absentee landlords that are not cooperating and there is illegal dumping; citizens need to get involved. The group agrees where the focus will be for 2004. The fall bulk pick up was not as successful as other pick ups; education is key. The County and State mandate the laws and the municipalities have to comply. Mayor Merla thanked Tom Gallo and Frank Currier. The new brochures will be passed on to the tenants and should be distributed when Certificates of Occupancy are issued. Information can also be provided through the Borough's website and Channel 22.

APPROVAL OF MINUTES

Minutes of the Special Meeting of November 14, 2003 and Closed Meeting of November 14, 2003 were approved as read moved by Mr. Stalter, second by Mr. Hyer with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance No. 35-03, Bond Ordinance amending Bond Ordinance No. 28-02

The Clerk reported that the ordinance was published, as introduced in the Courier, issue of November 20, 2003 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

BOND ORDINANCE AMENDING BOND ORDINANCE NO. 28-02 (WHICH PROVIDES FOR THE ACQUISITION OF FIRE TRUCKS, EQUIPMENT AND NON PASSENGER VEHICLES) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON OCTOBER 1, 2002, AS AMENDED BY BOND ORDINANCE NO. 14-03 HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL ON MAY 20, 2003 TO REALLOCATE

APPROPRIATIONS AND AUTHORIZATIONS THEREIN

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey (not less than two thirds of all members affirmatively concurring), as follows:

SECTION 1. The Bond Ordinance of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough") heretofore finally adopted by the Borough Council on October 1, 2002, numbered 28-02 and entitled, "Bond Ordinance Providing for Acquisition of Fire Trucks, Equipment and Non Passenger Vehicles by and for the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"); Appropriating $837,000 therefor and authorizing the issuance of $792,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof" as amended by Bond Ordinance No. 14-03 heretofore finally adopted by the Borough Council on May 20, 2003 (collectively the "Original Ordinance") is hereby amended to reallocate appropriations and authorizations contained therein.

SECTION 2. Section 3 of the Original Ordinance is hereby amended with the effect and to the extent as follows:

"Section 3 (a) The improvements hereby authorized and purposes for the financial of which said obligations are to be issued are as follows:

Description	Appropriation	Authorization	Down Payment	Useful Life
(i) the acquisition of two (2) trucks for the Keyport Fire Patrol, a volunteer organization and one (1) pumper fire truck for the Raritan Hose Company No. 1, a volunteer organization, the title to which fire truck shall remain with the Borough and which appropriation for such fire trucks shall be controlled and disbursed by the Borough	$514,000	$489,500	$24,500	10 years fire
(ii) the acquisition of equipment and non passenger vehicles for the Borough's Department of Public Works, including but not limited to a street sweeper, dump truck and a lift truck; and	$280,000 (including $5,000 from the reserve for a public works vehicle in the general capital fund)	$261,600	$13,400	10 years
(iii) the acquisition of a backhoe for the Borough's Department of Public Works	$ 43,000	$ 40,900	$ 2,100	7 years
TOTALS	**$837,000**	**$792,000**	**$40,000**	

(b) The above improvements and purposes set forth in section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefore or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $792,000.

(d) The aggregate estimated cost of said improvements or purposes is $837,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the aggregate amount of $792,000 is the Reserve Monies in the amount of $5,000 and the aggregate down payments for said improvements or purposes in the amount of $40,000."

SECTION 3. In the event the United State of America and/or the State of New Jersey make a contribution or grant in aid to the Borough for any of the general capital improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended hereby, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United State of America and/or the State of New Jersey. In the event, however, that any amount so contributed or granted by the United State of America and/or the State of New Jersey shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended hereby, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 4. The purpose of this amendment is to modify and expand the purposes for Capital projects provided for in the Original Ordinance and to reallocate appropriations for such modified or expanded purposes. No additional appropriation, down payment or issuance of bonds or notes, over and above the respective appropriation, down payment or issuance of bonds or notes authorized by the Original Ordinance as adopted, is hereby made or authorized. The supplemental debt statement required by the Local Bond law was duly made and filed at the time of introduction of the Original Ordinance. No additional or amended supplemental debt statement is required to be filed at this time.

SECTION 5. The Capital Budget of the borough is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be filed in the Office of the Clerk of the Borough and shall be available for public inspection.

SECTION 6. The average period of usefulness of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended hereby, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by the Original Ordinance, as amended hereby, is 9.84 years.

SECTION 7. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Hearing was opened to the public for comments or questions at 8:25 P.M. There being none, the Hearing was closed to the public at 8:25 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of December 4, 2003 moved by Mr. Stalter, second by Mr. Doyle with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance to Amend and Supplement Chapter XIV Water and Sewer

This Ordinance was not introduced. Mayor Merla said this was discussed at the last meeting; fee increase based on the referendum and it was said there would be an approximate 40% increase. The Borough went back and "tweeked" the numbers. The Mayor said he, CFO Fallon and Councilman Doyle met and discussed this matter, looked at salaries and decided to put them into the Current Account. The accounts are basically charged fairly and so are health benefits. One area of concern is water tower leases; fees are going into the Current Account and could be put into the Water/Sewer Account as revenue for next year. There was $50,000 split in salaries to generate $250,000 and lower the percentage from 40 to a 25% increase. The last rate increase was done in 1994; Hazlet has been raising their rates for the past two years.

In August 2003, Financial Consultants were hired and reviewed the finance for 2004; they projected a 40% increase with no increase in personnel, as well as, a 3% operating increase. The BRSA implemented an increase and there was a shortfall last year. Keyport needs to raise its rates. CFO Fallon is satisfied the Borough can make it at 25%. If this Ordinance is introduced on December 16th, a Special Meeting will be needed. CFO Fallon is looking at the commercial rates also. Mayor Merla said they represent 10% of the total billing. The Borough has raised

$2.6 million from residential billing and $260,000 from commercial billing (some do not pay sewer). CFO Fallon said the Borough was looking at 34% vs. 40% and it was decided that we could operate with a 25% increase; the Borough can reallocate from current to water/sewer. Any expenses that go into the Current Account effect the tax rate. CFO Fallon said he wants a fair allocation.

Mayor Merla said a portion of the increase will enable the Borough to perform leak detection, etc.

Mrs. Atkins asked about the impact if the monies are moved from Water/Sewer to the Current Account. There would be $100,000 less in surplus in the Current Fund for 2003 (3 cents on the tax rate). Mr. Doyle did not have any questions; he said the Finance Committee has sat on this matter. A Special Meeting should be called; there is no rush. Mr. Hyer asked what the off set would be if the commercial establishment's bills were increased; CFO Fallon said commercial only represents 10%. Mr. Hyer said the meters are not running accurately.

Mayor Merla said the Borough has to first find the leaks and repair them for a significant savings and the second step is to change the meters. Mr. Stalter did not have any questions. Mrs. Atkins asked the Finance Committee to review this matter. Mr. Green did not have any questions and agreed with what was said.

This matter will be listed on the December 16th agenda.

2. Ordinance No. 37-03, Salary Ordinance, Deputy Treasurer/Deputy Tax Collector

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport must be within the ranges given in the Ordinance and the purpose is to save money in preparation and publication costs by making the ranges sufficiently wide to last for several years and also to give greater flexibility, should a position be vacated and it is desired to start a new employee with less experience at a lower salary, since the new salary may simply be set by a Resolution of the Mayor and Council.

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

PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT INCREASES IN EXISTING SALARIES, BUT ARE RANGES WITHIN WHICH SALARIES MUST FALL

SECTION 1. The following salary ranges are hereby fixed and determined for the following part time officers and employees effective December 18, 2003:

	MINIMUM SALARY	MAXIMUM SALARY
Deputy Treasurer	$5,000 annually	$15,000 annually

SECTION 2. The following salary ranges are hereby fixed and determined for the following full time officers and employees effective December 18, 2003:

	MINIMUM SALARY	MAXIMUM SALARY
Deputy Tax Collector	$20,000 annually	$40,000 annually

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

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

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

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

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

2a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of December 4, 2003 for a Hearing to be held on December 16, 2003 moved by Mr. Green, second by Mr. Doyle with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from NJ Transit regarding the fiscal year 2004 (FTA) Section 5310 application process.

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

2. 2003 Report from Interfaith Neighbors, Inc. and requesting lease amount for 2004 renewal.

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

3. Retirement letter from Pauline Redmond, Tax Collector.

   Motion to Accept with regret moved by Mr. Stalter, second by Mr. Doyle with Ayes by all present.

4. Request from Keyport High School for an Ad Donation for their Yearbook

   Motion to Approve the same amount as last year moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

5. Bingo License Application for 2004 from Raritan Post #23 (50 games)

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

6. Bingo License Applications for 2004:
   St. Joseph Parish Council (13 games)
   St. Joseph PTA (45 games)
   St. Joseph Church (50 games)

   Motion to Approve moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

7. Memo from Harbor Commission regarding floats and walkway at Boat Launch Ramp

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

8. Memo from Harbor Commission regarding bulkhead.

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

9. Letter from Board of Fire Chiefs regarding Borough accepting 1989 Ford/Saulsbury vehicle (insurance)

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

10. Resolution from Freeholders regarding support of fair assessments.

    Motion to list a supporting resolution moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

11. Letter from owner of 25 St. George Place requesting Street Opening to convert from oil to gas.

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

UNFINISHED BUSINESS

1. **Bulkhead/Benjamin Terry Park.** Mayor Merla said the Borough Engineer has looked at the Bulkhead and it is not in good condition. Council needs to authorize the Borough Engineer to obtain quotes to remove the old area and secure the pumping station (level and let erode naturally). Time is of the essence. The Mayor requested Attorney Kain provide a Resolution to cover this emergency situation. The Borough Engineer must determine this an emergency.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the Payment of Bills of October 29, 2003 – Current Account $125,193.86; Water and Sewer - $17,193.02; General Capital - $45,273.69. Payment of Bills of November 13, 2003 – Current Account - $124,947.98; Water and Sewer - $17,275.22; General Capital - $1,614.75. Payment of Bills of November 25, 2003 – Current - $119,553.78; Water and Sewer - $17,727.60; General Capital - $710.49. Attorney Kain discussed the Receipt of Bids for the Charter Fishing Boat Lease and no action will be taken tonight; there will be further review of the bids to determine further action.

ENGINEER'S REPORT

Engineer Freda said the Theresa Street Project received Monmouth County Community Development approval; a bid date needs to be set. The Borough is waiting on the Department of Transportation regarding the Atlantic Street, Phase I.

ATTORNEY'S REPORT

Attorney Kain said a motion date in the Magic Touch case has been set for December 19th. Alternatives will be pursued for Manchester Avenue. The Borough is not the proper party to be named in the Grandon Litigation.

NEW BUSINESS

There was no new business brought before the Governing Body.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:54 P.M. Sid Becnel, Myrtle Avenue, asked if Green Acres has any say on Benjamin Terry Park. To abandon this property is to abandon real estate. Mayor Merla said he advised Green Acres of the situation. There is no funding from Green Acres for the park; the Borough is on a waiting list and we are not going to get money overnight (there is no outright grant). The Borough has tried to fix this park up; the Borough can explore Mr. Becnel's idea in the future. Mayor Merla said Veteran's Park Bulkhead rarely sees water that high. The Board of Chosen Freeholders have $2 million for recreational purposes, but the Borough does not know the full cost to replace the bulkhead; the Borough will have to deal with this as an emergency.

Mrs. Abramowitz said the water fee increase will be a major impact and asked if there could be any alleviation. There are separate meters for watering.

Mike Lane, 51 First Street, asked about redevelopment dialogue that was discussed with Councilman Doyle. If redevelopment is planned for the area of town between Broad Street to Walnut Street, there are many properties subject to all aspects. The Borough never discussed, evaluated or probed residential homes being subject to the plan. A survey would be conducted by a Planner. Mr. Lane said he asked about the criteria and Councilman Bergen sent him the legal documents. Councilman Doyle said he would contact the appropriate people to fix the scope of work. Mr. Lane asked Councilman Stalter if he agreed; yes, he lives in the area that would be affected. Mrs. Atkins said Mr. Lane can pick the plan apart, but Council has the last say and no one is looking to take homes from residents. Mrs. Atkins said if a home on First Street is run down, it should be taken care of.

Mr. Doyle told Mr. Lane that Ken Bowers correspondence was received today which clarified Mr. Lane's questions. The gray study on the map is for under study, not redevelopment. It was asked why the residential area is being looked at; to enhance and strengthen the area. There will be planning workshops. Mr. Lane said the areas under consideration are not listed in the scope of work (Aeromarine, Waterfront, etc); he wants a change in the scope of work and for the homeowners to be taken off the list. Mr. Doyle said residential homes will not be ignored.

Joe Donnell said Smart Growth needs to advise him how to take the residential homes out of the scope. There is no redevelopment plan, residential homes are in the study area, unless designated as a redevelopment area.

Councilman-Elect Wedick recommended putting in a stipulation with a dollar amount of work that needs to be done (use as a measuring tool). Mr. Doyle said he was assured by Mr. Bowers that the residences will be eliminated. The Mayor agreed with Mr. Wedick and said the revaluation is coming and the study could be helpful.

Rowland Seckinger said he lives adjacent to the Aeromarine and asked if they are a part of the redevelopment idea. Mr. Seckinger asked who will attend the meeting with Century Land Group, will residents be able to attend and will the meetings be opened to the public. He requested Council put the best interest of Keyport first and that his property be excluded. Mayor Merla said for the initial meeting with Century Land Group, Keyport retains a Planner for the Aeromarine property. The Developer must notice homeowners within 200 feet of their meetings. The meetings will be public. The public is welcome to attend the Planning Board Meetings and make comments. The Developer hired the best consultants as Environmental Specialists. A Brownsfield Application has been filed.

Mr. Seckinger asked who overlooks the wells and test results? The developer is doing work on the site. The Mayor said the property owner capped the wells. Borough Engineer Freda said the DEP oversees this matter. Attorney Kain said there would be two opportunities to hear comments from the public. Mayor Merla said the current property owner was convinced to file under redevelopment. The property owner posted money and the Borough hired Special Counsel.

Mitchell Meyerson, Church Street, said at the corner of his street there is a hole that needs to be filled soon; there is a permit. The Mayor said the street opening needs to settle. Mr. Hyer said hot patch is needed; the plant was closed. It was asked where parking is going to be when occupied by the grocery store; it will be determined when the Certificate of Occupancy is issued. With regard to the West Furniture property, there is a First Street homeowners agreement, but Mr. Dubleski has not agreed to it yet. Mr. Dubleski is coming before the Planning Board on December 18th. Mr. Meyerson asked who the low bidder was for the Charter Fishing Boat bids; Attorney Kain said it would be awarded to the highest bidder; it was corrected.

Ron Kimentz, Second Street, said he was concerned about the loitering by 7-11 and asked if there were any Ordinances to help with the situation. The Mayor said the situation has been discussed and reported to the Police Department. People have rights. This was brought to the authorities attention and INS has guidelines to follow. Chief Gajewski said the Police Department will respond to this in private. Mr. Kimentz said there are a lot of speeders in town (40-50 mph) and the indicator vehicle is not working. The Mayor said radar has been put out in various areas and has been a deterrent; there have been tickets issued.

A resident asked Chief Gajewski how he has responded to the 7-11 matter. The Chief said surveillance has been done between 6:30 – 8:00 A.M. People urinating in the bushes and large trucks were not observed during surveillance. Most of the people walk or ride their bicycles to the location. Moving the people is a problem. Mayor Merla said in 15 minutes he watched as

34 people were waiting and a van from Tennessee pulled into 7-11 and dropped off more people and another van came and picked others up and drove them to Holmdel. The Mayor said he did not observe anyone urinating. Many women have changed their walking route because of the situation. A way to "crack down" is through the Landlord Registration Act. Mrs. Abramowitz said there are illegal residences and rooming houses. Mayor Merla said the Zoning Officer has gone to court and proved there were 4 apartments when there should have been 2; the maximum penalty was requested and the Judge said no. There is a law regarding changing the registration of a vehicle from out of state plates.

Claude Salomon asked if the Landlord Registration Act has a schedule of fines? Yes. Additional personnel needs to be added to enforce the law. Mayor Merla said Mr. Vecchio works with the Police on these types of matters.

It was said that information is needed because 93 First Street is a two family dwelling and only one Certificate of Occupancy was received.

George Walling, Second Street, asked if there could be a Police car in the area of Cumberland Farms; Mayor Merla said they are on County Property, but the Borough enforces the law for it.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:02 P.M.

RESOLUTIONS

2. Reorganization Meeting, January 1, 2004 – this was held

3. Resolution No. 404-03, Hire Part Time Motor Vehicle Operator I

WHEREAS, the Mayor and Council hereby establish the position of Part Time Motor Vehicle Operator I; and

WHEREAS, the Mayor and Council have established the salary range for this position by the adoption of Ordinance No. 31-03; and

WHEREAS, the position was advertised in the newspaper and applications received; and

WHEREAS, funds are available in the 2003 budget for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the borough of Keyport that Kevin J. Tonks is hereby hired as Part Time Motor Vehicle Operator I, effective December 3, 2003 at the hourly rate of $10.00 per hour.

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

BE IT FURTHER RESOLVED that Mr. Tonks will work up to a maximum of 20 hours per week.

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

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

4. Resolution No. 405-03, Disposal of 1972 Hahn Fire Truck

WHEREAS, the Mayor and Council are aware that the Borough of Keyport is the owner of a certain fire truck, Hahn Model C-7, Vehicle Identification Number HC512757218 which is no longer of any use to the Borough of Keyport; and

WHEREAS, the Mayor and Council have received a report from the Keyport Fire Department, indicating that the Fire Truck is presently not being used, is not operational and not able to be repaired and of no current or future use to the Fire Department; and

WHEREAS, based on the report, the Fire Department has no objection to the disposal of the within fire apparatus which is deemed to be of no current or future use to the Borough of Keyport; and

WHEREAS, the Mayor and council have previously attempted to dispose of the fire truck through public auction and received no offers with respect to the within apparatus; 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 resolved to provide for the transfer of title of said vehicle to Bill Wright and Sons Towing for the purpose of disposing of the within vehicle.

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 the Borough Clerk to execute the appropriate documents necessary to transfer and convey title to the Hahn Model C-7 fire truck, Vehicle Identification Number HC512757218 to Bill Wright and Sons Towing for the purpose of effectuating the disposal of the within vehicle. The Mayor and Council having concluded that the within fire truck, in inoperable condition, is no longer of any current or future use to the Borough of Keyport and further having no resale or salvage value.

2. Prior to the disposal of the aforesaid fire truck, 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.

3. Upon the execution of the title or other documents of conveyance, 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.

4. A copy of the within Resolution, duly certified, shall be delivered to the Board of Fire Chiefs, Chief Financial Officer, Borough Attorney and a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

5. Resolution No. 406-03, Permanent Appointment of Senior Account Clerk/Barbara Hassmiller

WHEREAS, Barbara Hassmiller was appointed Senior Account Clerk on March 24, 2003, provisionally pending Department of Personnel testing and certification; and

WHEREAS, the Borough has been notified by the New Jersey Department of Personnel that Barbara Hassmiller is to be appointed to the title as of the effective date shown on the notice, that being November 6, 2003; and

WHEREAS, the appointment is a result of an NJAC 4A:4-2.7 action, since the announcement for this examination did not produce a competitive situation.

NOW, THEREFORE, BE IT RESOLVED that Barbara Hassmiller is hereby permanently appointed to the title of Senior Account Clerk, effective November 6, 2003.

BE IT FURTHER RESOLVED that Barbara Hassmiller's appointment is subject to a working test period (a period of three months from November 6, 2003) as provided by Civil Service Law and Regulations.

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

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

Nays: None
Abstain: None
Absent: Councilman Bergen

6. Resolution No. 407-03, Payment of Bills

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

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

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

7. Resolution No. 408-03, Salary Resolution – Deputy Tax Collector/Deputy Treasurer

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the following annual salaries be and hereby are established for the indicated positions effective December 18, 2003 or the date of hire or transfer, whichever is later, in accordance with the salary ordinances for these positions.

	Effective 12/18/03
Deputy Tax Collector	$30,000 annually
Deputy Treasurer	$10,000 annually

BE IT FURTHER RESOLVED effective December 18, 2003 the above salaries listed herein do not include longevity, which is as follows:

Years of Service	Percentage
5-10 years of service	1% increase above base pay
10-15 years of service	2% increase above base pay
15-20 years of service	4% increase above base pay
20-25 years of service	5% increase above base pay
25 years of service	6% increase above base pay

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

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

8. Resolution No. 409-03, Authorize Execution of Redevelopment Planner Services Contract/Smart Growth

WHEREAS, the Mayor and Council of the Borough of Keyport have previously been notified of the award of approximately Eight Five Thousand Dollars ($85,000.00) from the State of New Jersey under the Office of Smart Growth by which to create a redevelopment plan for the Borough of Keyport; and

WHEREAS, the Mayor and Council have designated the firm of Phillips Preiss Shapiro Associates, Inc., Red Bank, New Jersey as Redevelopment Planner in conjunction with the Smart Growth Grant approval which will permit the Borough of Keyport to proceed with a comprehensive redevelopment plan inclusive of a land use plan, urban design plan and waterfront open space plan, which will provide Keyport with a long term plan deemed beneficial to the residents; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed a proposed Professional Services Contract which will authorize the Planner to commence work on the redevelopment study and provide for the payment of said Planner based upon payments received as part of the Smart Growth Grant; and

WHEREAS, the mayor and Council are resolved to authorize the execution of the Professional Services Contract and the commencement of the redevelopment study as contained in the proposal previously authorized.

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

1. The mayor and Borough Council hereby authorize the Mayor to execute a Professional Services Contract with the firm of Phillips Preiss Shapiro Associates, Inc., Red Bank, New Jersey, Planning Consultant for the Borough of Keyport under a grant received from the State of New jersey, Office of Smart Growth, subject to the terms and conditions of the within grant.

2. The within Professional Services Contract is contingent upon the receipt of approximately $85,000.00 in funding from the Office of Smart Growth and approximately $15,00.00 from the BRIT Account or general revenues of the Borough of Keyport as stated in the within contract.

3. Copies of the within Resolution and executed copies of the Professional Services Contract shall be forwarded to Phillips Preiss Shapiro Associates, Inc., Red Bank, New Jersey, Municipal Finance Officer and Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

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

9. Resolution No. 410-03, Authorize Borough Clerk to Advertise for Receipt of Bids – Fuel Oil

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

1. #2 Fuel Oil

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

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

10. Resolution No. 411-03, Special Meeting – Tuesday, December 30, 2003, 6:30 P.M./Senior Center

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

Tuesday, December 30, 2003 at 6:30 P.M.

in the Keyport Senior Center, 110 Second Street, Keyport, NJ for the purpose of discussing the following matters:

Hearing and Adoption of Ordinance #36-03, Increase Quarterly Minimum Water Rates and any other business which may come before the Governing Body; and

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

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

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

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

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

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

11. Resolution No. 412-03, Extend Lease Agreement – 35 Broad Street (1 month)

WHEREAS, the Mayor and Council have previously authorized the construction of a new municipal complex where all departments within the Borough of Keyport would be located to better serve the residents of the Borough; and

WHEREAS, due to delays in the construction of the municipal complex, it has become apparent that the municipal complex will not be ready for occupancy prior to January 1, 2004; and

WHEREAS, certain offices of the Borough of Keyport, including the Construction Department and Board of Health are located at 35 Broad Street, Unit 4, pursuant to a lease agreement by and between the Borough of Keyport and the landlord, ETS Property, Inc., which lease was extended for three (3) months pursuant to Resolution 342-03 through December 31, 2003; and

WHEREAS, due to the delays in the construction of the municipal complex it has become necessary for the Borough of Keyport to seek an additional month extension of the lease agreement for 35 Broad Street, Unit 4, through January 31, 2004 until such time as the within offices may be relocated to the new municipal complex; and

WHEREAS, the Mayor and Council desire to authorize the extension of the within lease agreement with ETS Property Inc., for an additional month commencing on January 1, 2004 through January 31, 2004 at the monthly rental of $981.66 per month, payable to the landlord, ETS Property, Inc. and to further direct the Borough Clerk to request such extension and execute the appropriate documents to facilitate the additional one (1) month extension.

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

1. The Mayor and Council authorize an additional one (1) month extension of the lease agreement with ETS Property, Inc., for the premises designated as 35 Broad Street, Unit 4 commencing January 1, 2004 through January 31, 2004 at the continued monthly rental of $981.66.

2. The Borough Clerk is authorized to request such extension and to execute any such lease extension or letter addendum consistent with the terms herein to effectuate the within lease extension.

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Attorney and a copy of the within Resolution shall be maintained in the office of the borough Clerk for public inspection.

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

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

12. Resolution No. 413-03, Accept 1989 Ford/Salsbury Fire Rescue Vehicle from Keyport Fire Department

WHEREAS, the Mayor and Council are aware that the Keyport Fire Department has secured a grant from the Federal Emergency Management Agency for the purchase of a 1989 Ford/Salsbury Fire Rescue Vehicle for use within the Borough of Keyport; and

WHEREAS, the Mayor and Council have received a letter from the Board of Chiefs, Keyport Fire Department, indicating that the Keyport Fire Department has taken delivery of the within fire rescue truck upon payment of the grant proceeds; and

WHEREAS, based upon the request of the Board of Chiefs, Keyport Fire Department, the Mayor and Council are prepared to accept the within vehicle on behalf of the Borough of Keyport for use by the Keyport Fire Department to continue to serve the needs of the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council having determined to accept the within fire rescue truck, authorize the execution of the appropriate documents to facilitate the title, registration and insurance of the within vehicle for the purpose of having the fire rescue apparatus available to the Borough of Keyport.

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 accept the 1989 Ford/Salsbury fire rescue vehicle secured by the Keyport Fire Department through a grant from the Federal Emergency Management Agency..

2. The Mayor and Council authorize the appropriate Borough Officials to execute all appropriate documents necessary to title, register and insure the within fire rescue truck to the Borough of Keyport and to list said vehicle of the inventor of fire apparatus owned and maintained by the Borough of Keyport.

3. Upon the transfer of title and registration of the within rescue vehicle, the Borough Administrator is hereby directed to take the appropriate steps necessary to include the within vehicle on the insurance policies of the Borough of Keyport.

4. A copy of the within Resolution, duly certified, shall be delivered to the Board of Fire Chiefs, Chief Financial Officer, Borough Attorney and a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

ADJOURNMENT

Motion to adjourn the meeting moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

Time of Adjournment: 10:10 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk