Approved 12/6/05

February 1, 2005
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger 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 7:04 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Bergen, Wedick, Walling, Hassmiller. Absent: Councilman Doyle. Others present were Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Palamara, Administrator.

RESOLUTION

1. Resolution #76-05, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel

1. Business Administrator Position

Litigation

1. Verizon Cellular Tower Lease
2. Sgt. Robert Dillon request for Legal Representation

Contract Negotiations

1. Borough Insurance

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 Council Chambers, Borough Hall for the purpose of discussing the following subjects:

Personnel, Litigation and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation and Contract Negotiations conducted at said Closed Session shall be disclosed when the matters discussed are resolved and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Walling, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

Council went into closed session at 7:05 P.M. and this meeting was reconvened at 8:12 P.M.

Mayor Merla called the meeting to order at 8:19 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Bergen, Wedick, Walling, Hassmiller. Absent: Councilman Doyle. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Borough Administrator Palamara.

PRESENTATION

1. **Employee of the Month Award.** Mayor Merla said a month ago (the day before Christmas Eve) there was a bomb scare at the High School; a Police Officer was dispatched to the scene; the Detective Bureau was called. Detective Kevin "Butch" Cassidy's Performance and dedication went above and beyond the "call of duty". He recognized the telephone number from calls made. Police Chief Gajewski said Detective Cassidy got the phone number (he is a bulldog). The Mayor said this was a serious matter and the kids were scared.

APPROVAL OF MINUTES

Motion to approve the amended minutes of the December 14, 2004 Special Meeting moved by Mrs. Atkins, second by Mr. Wedick with Ayes by all present except Councilmembers Walling and Hassmiller who abstained.

INTRODUCTION OF ORDINANCE

1. Open Space Tax - This matter was held

COMMUNICATIONS AND PETITIONS

1. NJ Intergovernmental Insurance Fund letter enclosing sample resolution opposing NJLM A-3529

   Attorney Wisniewski said there is legislation pending. The League is urging a Resolution be adopted opposing it.

   Motion to add an opposing Resolution moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

2. Copy of Neptune Resolution #05-79 urging Jersey Central Power and Light and the IBEW Locals to the Bargaining Table to negotiate a prompt and reasonable end to the strike.

   Motion to list a Resolution in support moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

3. St. Joseph Girls Softball request for Raffle License

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

4. KPD request for Annual Department Inspection in front of Borough Hall on Saturday, may 14, 2005.

   Motion to Approve and refer to the Events Committee moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

5. Resignation of Tom Gallo as Recycling Coordinator.

   Motion to Accept with regret and referred to the Public Works Committee moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

UNFINISHED BUSINESS

1. **77A Beers Street-Water/Sewer Billing.** This matter will be listed on the February 15th Agenda.

2. **NJ Natural Gas Street Opening Permit #1919 for Fulton Street.** The Engineer said there is a revised permit application coming from NJ Natural Gas.

3. **Letter from James Carton regarding Block 131, Lot 5.01.** Mr. Bergen said he will inspect the property. This matter will be relisted on the February 15th Agenda.

4. **Memo from Judith Cannon, Tax Assessor regarding Block 131, Lot 5.01.**

Mr. Bergen said he will inspect the property. This matter will be relisted on the February 15th Agenda.

5. **Memo from Captain Dayback regarding Handicapped Parking request.** Attorney Wisniewski recommended this matter be referred to the Borough Engineer for certification.

6. **Letter from DOT regarding application for Municipal Aid for Warren Street.** Discretionary Aid was requested from the State. This matter should be referred to the Finance Committee. Engineer Norbut said support letters are needed. The deadline for 2006 Aid is April 15, 2005 (Smart Growth & DOT Funds).

7. **Letter from Boat US confirming receipt of payment for Salvage Vessel.** The Fire and Finance Committees should review this. An official letter would be required from the Fire Department.

8. **Green Grove Avenue.** Mr. Walling said he has some concerns about Green Grove Avenue during the snow. Mayor Merla said they are coming before the Planning Board in February. The Mayor said he asked the Chief to go out and have the cars get off of the street during snow. There was a memo that some signs were missing; these signs need to be replaced. This matter was referred to Councilman Walling. Mr. Bergen asked how the Police Department determines when to ticket or not. Chief Gajewski said the individual Officer determines when to ticket. Captain Dayback said cars were removed via warnings and one was towed. Councilman Hassmiller said some of the sidewalks were not cleared. Mayor Merla said he contacted the Property Maintenance Officer to list summonses issued and he has not received anything. Administrator Palamara said the Property Maintenance Officer was not in last week. Mr. Bergen said if the list is not received by Thursday, disciplinary action should be taken. Mayor Merla said last October a memo was given; there are no sidewalks at Second Street and Green Grove Avenue.

9. Councilman Wedick thanked everyone for their support.

10. Sergeant George Casaletto attends the Drug Alliance Meetings. There is new input and the program is moving along

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the following. The January 19th Payment of Bills were as follows: CURRENT - $112,974.74, WATER AND SEWER - $16,209.48. Birdsall Engineering asked about Phase II of the Atlantic Street Contract continuance (Mr. Bergen said he should send a letter to Council). Manzo's check was cut, but held; Mr. Bergen said he wants a letter from the Borough Engineer regarding the ponding problem. There is a check for Dave Palamara for a telephone bill and Fire Department chainsaw; it was asked if this should be released.

Mayor Merla said there should be a list of all Engineering Projects and who will do what (Birdsall or T&M). Mr. Bergen said the current Engineer should do Phase II/Atlantic Street; there should be a total reconstruction on the streets and drainage issues should be looked at for Third and Atlantic Streets.

Administrator Palamara said the security camera for the Police Department was replaced. With regard to Borough Hall wiring, the Police Department needs to be connected with the Finance Department; a memo will be sent to Council. There is a format for Emergency Relocation (i.e. where to go). With regard to roof repairs, the snow needs to be removed (there are no leaks); it is frozen. To date there has been $17,000 in snow removal costs.

NEW BUSINESS

1. **Letter from Clerk, Board of Chosen Freeholders, regarding Block 36, Lot 36.** Motion to Receive and File moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

2. **Recycling.** Mrs. Atkins suggested taking Recycling out of the Board of

Health. It is garbage. Mayor Merla said the duties are being picked apart for the Board of Health Position. The job was taken with certain duties. Mr. Wedick said the letter does not say why Recycling does not belong with the Board of Health; it should stay in the Board of Health. Mr. Bergen said Mrs. Purcell should be advised that there will be no changes to the duties for her position. The Borough should simplify instructions to the residents. It was asked if there was pick up on Christmas Day 2004. The Mayor said the letter should have come from the Union to have the duties changed.

3. **Snowstorm.** Mr. Hassmiller said 22 men from the Fire Department worked during the snow storm and submitted a bill for food in the amount of $110.00.

4. **Emergency Response.** Mr. Hassmiller asked if a First Aid member or Fire Department member responds to an accident, does the Insurance Company reimburse them. Attorney Wisniewski asked if the reimbursement would be for supplies? He would have to research the matter. Mr. Bergen said First Aid can bill, but they need non profit status. Mrs. Atkins advised Mr. Bergen she has information on the First Aid and will forward it.

5. It was asked why a Department Chaplain was not appointed. A resolution will be done appointing Reverend Shahid.

6. **Emergency Management Officer.** Attorney Wisniewski said there was a question regarding the Emergency Management Officer appointment and there being a conflict. The Chief of Police has authorization over the Department, but under the Emergency Management Statutes, the head "trumps" the Chief's authority. This creates a conflict. The League advises caution.

   Chief Gajewski was asked if the Patrolman who was appointed to the Emergency Management position would leave his duty to take over the Emergency Management situation; yes. The time spent on Emergency Management would not be paid for; he would be volunteering. There is a Memorandum of Agreement between the Police Chief and Emergency Management Officer.

   Mayor Merla said he spoke with Mr. Blair of the County EMO and was told that half of the municipalities appointed Police Officers to the Emergency Management position. The Borough does not offer a salary. Mrs. Atkins said all Departments are involved and work hand in hand. Mr. Bergen said the line of communication need to be clarified. Chief Gajewski said when Ken Marr, Jr. was Fire Chief there wasn't any problem and he did not think there would be a problem with this scenario. Mr. Hassmiller said Patrolman Marr had an Emergency Management meeting with him while he was on duty as a Police Officer. Mr. Bergen said he wants it clarified. Mr. Wedick said the residents may want answers about EMO/Police Officer status on a one on one basis.

7. **Borough Property.** Attorney Wisniewski said the sale of Borough property must be advertised or sold to the contiguous land owners.

8. **Public Works Equipment.** Mr. Walling said the chipper is no longer in operation and the Parkway has old ones going on sale. He requested Mayor Merla look into it and ask Holmdel also.

9. The Board of Education sent a letter regarding Keyport Pride Day in April.

10. A letter was received from the IBW.

11. An Emergency Management meeting was held and went great.

12. The 2% Franchise Fee check in the amount of $21,710.00 was received from Cablevision and deposited.

13. Deputy Borough Clerk, Joanne Clemente, sent a letter asking if the Special Events and Sidewalk Committee will continue.

14. A list of bulkhead items is being worked on.

15. The plaques for the anchors cost $45.00 each.

16. The Library had its opening.

17. Information was received from the NJ Historic Trust on the Loan Fund for 2005.

18. The Planning Board will hold a Special Meeting on Thursday for Redevelopment; it is not a joint meeting with Council. A notice was published.

19. Mrs. Atkins said there is a Cable TV meeting on February 10th.

20. The Borough Engineer said the Borough should regrade the swale on Main Street between St. Peters and St. George. He contacted the builder (sent a letter) and spoke with Robert Burlew to get grading plans; there could be a flooding problem. The sidewalk should be addressed also (the Ordinance will be checked to see if there is a requirement for grading plans). The Borough could do an Ordinance similar to Marlboro restricting development when there is a high water table. The Mayor asked if the problem was found after the Certificate of Occupancy was issued and Mr. Wisniewski said a fine could be imposed.

    Mr. Bergen requested the paperwork for the vacation of Willow Street be pulled.

21. Engineer Norbut said Oswald Sewer is delayed one week before they can clean and TV the sewer lines. Mayor Merla said a progress report is needed. Engineer Norbut said he has 1/3 done; the videos and reports go to Engineering and the Engineer prepares the report.

22. The DEP has sent a letter that they want a response in 30 days regarding the Water Plant.

    Engineer Norbut said a full time licensed Water Plant Operator is needed on board. The Mayor said this was not required before.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 9:40 P.M. for comments or questions. Robert Ludwig, 50 Beers Street, said he was at the Art Gallery this past weekend they received a great response. He asked if there was a process for the sale of Borough property (undersized lot). Attorney Wisniewski said it would be offered to contiguous property owners and if there are no offers, the Tax Assessor would do a valuation. Mr. Ludwig asked if there was a height restriction on a building; Keyport's ordinance allows 10% more (premptory use of % - matter of intent). Mr. Ludwig complimented Public Works on a job well done during the snowstorm.

Kathy Shaw said the downtown area is grateful for the snow removal Public Works did.

Mike Lane, 51 First Street, asked about an Open Space Tax issue. Mr. Bergen said he can see a copy of the draft Ordinance, but there needs to be a Public Hearing on it first. He asked if the ordinance pertained to the Tax Rate of 2003 or 2004; it is for the County Open Space. Mr. Lane said he could pay $150 per year in Open Space Tax. He asked about Resolution No. 65-05 that was adopted. The Mayor said Mr. Litwin advised the Resolution should be rescinded.

Eleanor Cosgrove, First Street, asked the Borough to revisit the Garbage Ordinance. The dumpster for West Furniture has been moved away from her property; it is now an eyesore. There is a vehicle being stored. Mr. Bergen said the idea is to do it right, not quick. She requested the Property Maintenance Officer prepare a list and issue summonses to those who did not clear their sidewalks of snow. She asked that the storage of a Truck on the Dubleski property be looked into. Mayor Merla said Mr. Dubleski is suppose to come before the Planning

Board in February and said the summons is on hold until he appears before the Board. Mr. Alfano has no Certificate of Occupancy and they are parking a truck on the site.

Mike Lane said there are three pages of drawings submitted by Mr. Dubleski (he was supposed to meet with the residents first and this did not happen). There are 20 items on the check list. He had to re-notice everyone. The Judge will carry the case until after the Planning Board Meeting. Engineer Freda reviewed all of the paperwork.

Kathy Shaw, KBA, said at the Recycling Meeting she has a request regarding where the trash is stored in the downtown area. A task force is needed. The Mayor said the Borough will be rebidding its Garbage Contract.

Mr. Ludwig said the Board of Health and Borough Ordinances have a potential conflict.

Mayor Merla thanked George Sappah and his Department for doing a terrific job during the snow storm. He coordinated the efforts with the County and the other Borough Departments. He advised the public that a local resident cut a CD "My Hometown".

There being no one further who wished to be heard, the meeting was closed to the public at 10:23 P.M.

RESOLUTIONS

2. Resolution #77-05, Authorize Execution of Borough Engineering Services Agreement

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport have the need for a municipal engineer and pursuant to NJSA 40A:9-140 shall appoint a municipal engineer; and

WHEREAS, the Local Public Contracts Law, NJSA 40A: 11-5(a)1 permits the Borough of Keyport to award a contract for engineering services without public advertising for bids and bidding; and

WHEREAS, Donald J. Norbut, P.E. has submitted a proposal and contract to perform engineering services for the Borough of Keyport for a period beginning January 1, 2005 and concluding December 31, 2007 at the fees set forth in the 2005 Schedule of Hourly Billing Rates attached to and made a part of the proposal and contract; and

WHEREAS, sufficient funds are available and have been or will be appropriated for this specific purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Donald J. Norbut, P.E., as Borough Engineer.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

3. Resolution #78-05, Payment of Bills

See full copy of Resolution as pages 14-24 of these minutes

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None

Absent: Councilman Doyle

4. Resolution No. 79-05, Support Striking Jersey Central Power & Light and IBEW Union Workers

WHEREAS, at midnight, December 8, 2004, approximately 1,350 Jersey Central Power & Light employees, represented by five IBEW Local Unions went on strike; and

WHEREAS, there are hundreds of Jersey Central Power & Light employees who reside in the Borough of Keyport whose families are directly impacted by the strike; and

WHEREAS, Jersey Central Power & Light provides heat, light and electric service to the residents of the Borough of Keyport and over 1 million residential and commercial customers within the State of New Jersey; and

WHEREAS, it is clearly in the best interest of the New Jersey public, their health, safety and welfare, to have the strike end as quickly as possible.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, that negotiations between JCP&L and the five IBEW locals continue in good faith affecting a prompt and reasonable solution to the ongoing strike; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Business Administrator, the Chief Financial Officer, Chief of Police, Board of Health, Jersey Central Power & Light President, Board of Public Utilities, the New Jersey League of Municipalities, Acting Governor Richard Codey, Senator Joseph Kyrillos, Assemblymen Joseph Azzolina and Sam Thompson, Monmouth County Board of Chosen Freeholders and to all the municipalities within the County of Monmouth.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

5. Resolution No. 80-05, Accept Letter of Representation, Constantine V. Bass

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport have been served a Summons and Complaint in the matter of **Constantine V. Bass River**, BUR-I-237804, naming the Borough of Keyport as a defendant and said claim has been submitted to the insurance carrier, Diamond State Insurance to provide a defense under a policy of insurance; and

WHEREAS, Diamond State Insurance, issued to the Borough of Keyport for claims made, Public Officials Professional and Employment Practices Liability bearing Policy No. LPO0003853 with effective dates of February 8, 2004 to February 8, 2005. Under said policy, the carrier has a duty to defend for appropriate claims; and

WHEREAS, Diamond State Insurance has agreed under a Reservation of Rights to defend the Borough of Keyport in the matter of **Constantine v. Bass River** Matter and to permit the Borough of Keyport to obtain a defense pending the resolution of the disputed coverage issues.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to enter into the Non-Waiver Agreement with Diamond State Insurance permitting Diamond State to provide a defense in the **Constantine v. Bass River** matter under the

Reservation of Rights and pursuant to the agreement appointing Thomas Baron, Esq., defense counsel for the class action and Richard L. Goldstein, Esq. as general insurance counsel for defendant, Keyport.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick
Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

6. Resolution No. 81-05, Extend coverage for Errol Lambertson until March 1, 2005 temporarily appointing Harry Aumack, Fire Inspector

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised of the retirement of Errol Lambertson as the Fire Inspector for the Borough of Keyport effective Decemger 31, 2004; and

WHEREAS, the Mayor and Council have determined to appoint a temporary Fire Inspector for the Borough of Keyport to perform such inspections as may be required for a period as fixed between January 1, 2005 through March 1, 2005; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed the qualifications of Harry Aumack to act as the temporary Fire Inspector for the borough of Keyport for the period specified herein; and

WHEREAS, the Mayor and Council are resolved to appoint Harry Aumack as the temporary Fire Inspector for the borough of Keyport with a salary to be pro-rated as fixed by the Borough Council for this temporary part time position for the period specified herein.

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 appoint Harry Aumack to act as the temporary Fire Inspector for the Borough of Keyport for the period of January 1, 2005 through March 1, 2005.

2. The Mayor and Council further state that the temporary employee shall receive a pro-rated share of the salary fixed for each

3. The Mayor and Council further state that the within appointment is a temporary appointment to various time positions within the Borough of Keyport and shall continue through March 1, 2005 or until such time as the positions are filled by appointment by the Borough Council.

4. Copies of the within Resolution shall be forwarded to Harry Aumack, Robert Burlew, Construction Code Official and to the Municipal Finance Officer 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. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick
Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

7. Resolution No. 82-05, Extend Coverage for Errol Lambertson until March 1, 2005 temporarily appointing George Lacey, Plumbing Inspector and Sub Code Official

WHEREAS, the Mayor and Council of the borough of Keyport have been advised of the retirement of Errol Lambertson as the Plumbing Inspector and Plumbing Sub-Code Official for the Borough of Keyport effective December 31, 2004; and

WHEREAS, the Mayor and Council have determined to appoint a temporary Plumbing Inspector and Plumbing Sub-Code Official for the Borough of Keyport to perform such inspections as may be required for a period as fixed between January 1, 2005 through March 1, 2005; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed the qualifications of George Lacey to act as the temporary Plumbing Inspector and Plumbing Sub-Code Official for the Borough of Keyport for the period specified herein; and

WHEREAS, the Mayor and Council are resolved to appoint George Lacey as the temporary Plumbing Inspector and Plumbing Sub-Code Official for the Borough of Keyport with a salary to be pro-rated as fixed by the Borough Council for this temporary part time position for the period specified herein.

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 appoint George Lacey to act as the temporary Plumbing Inspector and Plumbing Sub-Code Official for the Borough of Keyport for the period of January 1, 2005 through March 1, 2005

2. The Mayor and Council further state that the temporary employees shall receive a pro-rated share of the salary fixed for each part time position as shall be fixed by the Borough Council on January 1, 2005.

3. The Mayor and Council further state that the within appointment is a temporary appointment to various time positions within the Borough of Keyport and shall continue through March 1, 2005 or until such time as the positions are filled by appointment by the Borough Council.

4. Copies of the within Resolution shall be forwarded to George Lacey, Robert Burlew, Construction Code Official and to the Municipal Finance Officer 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. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

8. Resolution No. 83-05, Extend hire for Errol Lambertson until March 1, 2005

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the positions of Plumbing Inspector, Pluming Sub-Code Official and Fire Inspector are without appointment on or after march 1, 2005; and

WHEREAS, the Mayor and Council have determined to make an appointment to fill the positions of Plumbing Inspector, Plumbing Sub-Code Official and Fire Inspector for the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed the qualifications of Errol Lambertson to act as Plumbing Inspector, Plumbing Sub-Code Official and Fire Inspector for the Borough of Keyport; and

WHEREAS, the Mayor and Council are resolved to appoint Errol Lambertson as Plumbing Inspector, Plumbing Sub-Code Official and Fire Inspector for the Borough of Keyport with a salary to be pro-rated as fixed by the Borough Council for these part-time positions effective as of the date of appointment.

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 appoint Errol Lambertson to act as the Plumbing Inspector for the Borough of Keyport effective on or about March 1, 2005.

2. The Mayor and Council further state that the appointee shall receive a pro-rated share of the salary fixed for each part-time position as shall be fixed by the Borough Council on January 1, 2005.

3. Copies of the within Resolution shall be forwarded to Errol Lambertson, Robert Burlew, Construction Code Official and to the Municipal Finance Officer 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. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

9. Resolution No. 84-05, Terminate Employment of Borough Administrator, David Palamara effective May 1, 2005

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Business Administrator pursuant to NJSA 40A:9-136; and

WHEREAS, the position of Borough Business Administrator is set forth in Keyport Borough Ordinance 2-3.2 (Ord. No. 4-9-62, subsection 1 and 2, 406; Ord No. 551, Subsection 1 and 2; 1972 Code Section 2-4) and provides that the Business Administrator shall serve at the pleasure of the Mayor and Council; and

WHEREAS, the Borough Clerk has provided notice to David G. Palamara pursuant to the provisions of the Open Public Meeting Act, NJSA 10: 4-6 and the principles set forth in Rice vs. Union County Regional High School Board of Education, 155 NJ Super. 64 (App. Div. 1977); and

WHEREAS, the mayor and Borough Council have determined to terminate David G. Palamara in his capacity as Borough Business Administrator in accordance with the provisions of NJSA 40A:9-136.

NOW, THEREFORE, BE IT RESOLVED that on February 1, 2005 David G. Palamara is hereby given three (3) months notice that his employment by the Borough of Keyport as Business Administrator is terminated effective May 1, 2005.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

10. Resolution No. 85-05, Authorize Placement of Commercial Automobile, Commercial General Liability, Public Officials, Police Professional, Umbrella and Commercial Property Insurance With New Jersey Intergovernmental Insurance Fund

WHEREAS, the Borough of Keyport must maintain automobile, property, public official, police professional, umbrella and general liability insurance for the Borough of Keyport in order to properly protect the real and personal property owned by the Borough of Keyport to protect its employees and to protect the taxpayers of the Borough; and

WHEREAS, the Mayor and Borough Council have reviewed a series of quotes for the aforesaid insurance coverage to be effective January 1, 2005; and

WHEREAS, the Mayor and the Borough Council adopted Resolution 405-04 at a Special Meeting of the Borough Council on December 30, 2004 placing the Borough's Insurance coverage with Selective Insurance; and

WHEREAS, certain facts have come to light since the adoption of Resolution 405-04 that indicate that selection of Selective Insurance was not in the best interests of the Borough of Keyport on the basis of cost; and

WHEREAS, the total cost of coverage through Selective Insurance for all of the policies of insurance necessary is $220,016 per annum versus the proposal from O'Gorman & Young for the New Jersey Intergovernmental Insurance Fund is $185,895 per annum.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Keyport that the Borough Administrator is directed and authorized to:

1. Place the Borough's insurance with New Jersey Intergovernmental Insurance Fund subject to formal proposal dated February 1, 2005 from O'Gorman & Young representing a cost savings over the cost of the insurance policies procured from Selective Insurance; and

2. The Mayor and/or appropriate Borough officials are authorized to execute any document or contract of insurance with the New Jersey Intergovernmental Insurance Fund in accordance with the requirements of paragraph 1; and

3. The Mayor and/or appropriate Borough Officials are authorized to cancel the insurance coverage with Selective Insurance; and

4. Copies of the instant resolution shall be forwarded to O'Gorman & Young, Selective Insurance, the Municipal Finance Officer, the Borough Attorney and a copy shall be retained in the Office of the Boreough Clerk for public inspection.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

11. Resolution No. 86-05, Urge Opposition to A-3529

WHEREAS, on November 8, 2004, the New Jersey Superior Court, Appellate Division reaffirmed that government workers cannot receive both a full ordinary disability pension and workers compensation benefits at the same time for the same injury; and

WHEREAS, on November 22, 2004, A-3529 was introduced in response to this Court's decision to permit such a double payment retroactive to August 1997, and this bill later has its second reading and is now awaiting a full Assembly vote; and

WHEREAS, if A-3529 is adopted, government workers will receive substantially more income while out on workers compensation than they would receive if still on the job and the language of this bill purports to "restore" a benefit which ever existed in the law; and

WHEREAS, if A-3529 is adopted, it will have a significant negative financial impact on New Jersey's already fiscally stressed municipalities.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Municipality of Keyport joins with the New Jersey League of Municipalities and the Municipal Excess Liability Fund in urging you to oppose A-3529 and to support the referral of A-3529 to the Pension and Health Benefits Review Commission for further fiscal analysis; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Acting Governor Codey, to our representatives in the General Assembly, as well as to the New Jersey League of Municipalities.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick
Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

12. Resolution No. 87-05, Appoint Reverend Michael Shahid as Chaplain to the Keyport Police Department

WHEREAS, the mayor and Council of the Borough of Keyport wish to provide for the spiritual well being and morale of the Officers of the Keyport Police Department; and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the appointment of a Chaplain for the Keyport Police Department would be beneficial to the spiritual well being and morale thereof; and

WHEREAS, the Chaplain for the Police Department would receive no salary, rank or title in the Police Department and said Chaplain has no law enforcement powers; and

WHEREAS, the Reverend Michael Shahid of the Bayshore Christian Fellowship would be well suited for such an appointment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Reverend Michael Shahid of the Bayshore Christian Fellowship is hereby appointed Chaplain of the Police Department for the Borough of Keyport for a term of one (1) year concluding on December 31, 2005 with no salary, rank or title.

Offered for adoption by Mr. Wedick, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick
Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Doyle

ADJOURNMENT

Motion to Adjourn moved by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

Time of Adjournment: 10:28 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC
Borough Clerk/Administrator

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk