

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen (arrived 7:15 P.M.), Atkins, Merla, Ashmore, Hyer, Stalter. Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #82-02, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Engineering Matters
2. Public Works
3. Borough Attorney Matters
4. Police Department

Litigation

1. Borough vs. Andrew Kutschman, Sr.
2. Municipal Complex

Labor Relations

1. PBA Contract
2. IUOE Negotiations (Clerical & Public Works/PSTO)

Contract Negotiations

1. St. Joseph Cemetery Expansion
2. Water/Wastewater Utilities
3. Fire Museum
4. Purchase of Property

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

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

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

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

Council went into Closed Session at 7:11 P.M. and this meeting was reconvened at 8:35 P.M.

Mayor Graham called the meeting to order at 8:42 P.M. and read the Sunshine Law Notice. Councilmember Atkins led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer, Stalter. Others present: Mr.

Kain, Borough Attorney and Mr. Freda, Borough Engineer.

APPEARANCE AND DISCUSSION

1. Adopt-a-Park (Mr. Medlin's Class). This was rescheduled for the March 5th meeting.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of December 18, 2001, Special Meeting of December 21, 2001, Closed Meetings of February 18 and 21, 2001 and Reorganization Meeting of January 1, 2002 were approved as read on motion of Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

PROCLAMATIONS

Mayor Graham read a Proclamation for NEA's Read Across America Day - March 2, 2002.

HEARING ON ORDINANCE

1. Ordinance #4-02, Handicapped Parking Space - Williamson Street

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of February 7, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**AN ORDINANCE TO ESTABLISH A HANDICAPPED
PARKING SPACE ON A MUNICIPAL ROAD**

The Hearing was opened to the public for comments or questions at 8:45 P.M. There being none, the Hearing was closed at 8:45 P.M.

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

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

- 1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of February 21, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.
2. Ordinance #5-02, Older and Walking Impaired Persons Crossing, Beers and West Front Streets

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of February 7, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

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

The Hearing was opened to the public for comments or questions at 8:48 P.M. Joanne Staeger, Main Street, asked what the Ordinance will do. There will be signage and a crossing guard to help people cross the street. The Hearing was closed at 8:49 P.M.

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

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

- 2a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of February 21, 2002 moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Adopt Matawan Interlocal Fee Schedule - this was deleted from the agenda.

2. Amend Business Improvement District Ordinance

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED REVISED GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND
AMENDED FROM TIME TO TIME THEREAFTER**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Borough Ordinance #25-99 which created a Business Improvement District and designated a District Management Corporation is hereby amended and supplemented as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport established a Business Improvement District pursuant to NJSA 40:56-65 et seq., by Ordinance adopted December 7, 1999 as Borough Ordinance #25-99. The Mayor and Council declare that since the adoption of the Ordinance creating a Business Improvement District, the business community has benefitted as a result of the actions of the District Management Corporation. Based upon this success, the Mayor and Council declare that it is in the best interest of the Borough of Keyport to expand the Business Improvement District to include all qualified commercial establishments within the Borough of Keyport.

Section 2. Section 1. Definitions, as contained in Ordinance #25-99 creating a Business Improvement District is hereby amended as follows:

- a. "Business Improvement District" (sometimes also referred to as "District" or "Special Improvement District") means an area within the entire Borough of Keyport, in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

Section 3. Findings, as contained in Ordinance #25-99, creating the Business Improvement District is hereby amended and supplemented as follows:

- a. That the entire area within the Borough of Keyport, so designated on the map attached hereto as "Schedule A", inclusive of all properties contained within said boundary, will benefit from being designated as a Business Improvement District.

Section 4. Section 9. Assessment Rate, as contained in Ordinance #25-99, creating a Business Improvement District is hereby amended and supplemented as follows:

- a. Each business property in the Business Improvement District shall be assessed by the Borough Tax Assessor at the rate of \$0.25 per \$100.00 of assessed valuation.

Section 5. Schedule A of Ordinance #25-99 is hereby amended and replaced with the attached "Schedule A" map, which conforms in all material, with respect to said Ordinance as amended.

Section 6. Schedule B of Ordinance #25-99 as last amended by ordinance #24-00 is hereby amended and replaced by the attached "Schedule B" which conforms in all material with respect to said Ordinance as amended.

Section 7. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

Section 8. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 9. This Ordinance shall take effect immediately upon

final passage and publication as required by law.

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

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

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of February 21, 2002 for a Hearing to be held on March 5, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library. Mr. Bergen reported on the following. The preconstruction meeting on the New Municipal Complex went well. The Borough will hold up on proceeding pending the appeal that was filed.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following. She attended the Fire Museum meeting. Meetings were held with the Police and Fire Departments. The 125th Anniversary to be celebrated October 5, 2002. The Historical Society will have an open house on May 19th. The Drug and Alcohol Alliance has a meeting on February 25th at the High School. The First Aid had a meeting and reported the following in December 2001; 55 calls, 25 out of town calls, 831 duty calls, 487 runs to Bayshore, 130 runs to Riverview, 21 runs to Monmouth Medical and 6 runs to Jersey Shore. The First Aid will celebrate their 75th anniversary; a dinner will be held on April 6th. There were 40 Cadets at the meeting who are in training (27 are certified in CPR and run calls); the Cadets are very committed. Six computers will be installed at the First Aid and used as a homework area. The Cadets hold meetings the first and third Thursday of every month; they are holding fundraisers to purchase uniforms. There was a Fire Department meeting on January 25th. She attended the Firemen's Ball. The Senior Center will be celebrating its 10 year anniversary and Mrs. Atkins asked that a Proclamation be prepared for June 6th. Mr. Bergen asked if the insurance company is billed on First Aid runs.

Councilman Merla; Finance: Mr. Merla reported on the following. There have been complaints that there are more eateries without grease traps than not. This should be an automatic requirement prior to a Certificate of Occupancy being issued. Some places have been in business 50-60 years. Alan Hopper, Health Inspector, reported that there are environmental problems due to massive back ups. Businesses have 160 days to comply from when the Ordinance is adopted. The Board of Health reported that summonses were issued and some businesses have complied. The cost for grease traps is \$1,000 or more. Budget meetings will be held on February 20th. In 2001, the Borough was in good shape with a \$175,000 water surplus and \$950,000 Current surplus. The Budget will be introduced at the March 5th Meeting. Revenues will be looked at. A liaison should be appointed for the Condo Associations. They are looking to form one Association for all of the condos. Councilwoman Ashmore conducted meetings with the condos; the agreements expired in 1998. The attorney should review the agreements. There is a draft Landlord Registration Ordinance; a form is needed from Anthony Vecchio, Code Enforcement/Zoning Officer so it can be attached to the Ordinance. There was a consensus that the Recycling brochure be changed to address construction debris and bulk items. The Recycling Coordinator, Property Maintenance Officer and Tony Vecchio reviewed the changes; they will be submitted to Mayor and Council. Mr. Gallo, Recycling Coordinator will also be advised. A dumpster should be brought in for computers (free), there is a charge for items that contain CFC. There were 27 homes in the first district that had cardboard out and shouldn't have. Sandpiper Condos does not have a dumpster for cardboard. Motion to appoint Susan Ashmore as liaison to the Condo Associations and Robert Hyer as liaison to the Board of Education moved by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. She thanked Mayor and Council for the flowers and cards and well wishes. Mr. Merla advised that Patrolman Steve Dixon's name was submitted to the Monmouth County Sheriff Office for the

Leadership Counsel (he is a role model). Mr. Merla said that he submitted Patrolman Dixon's name; only 40 people were accepted to this Counsel. Mrs. Ashmore would like to create revenue by increasing the towing fees. The current fee is \$25.00 per truck; a new Ordinance will be adopted with regard to the fee schedule. Matawan charges a \$50 application fee and \$100 fee to be on the list and there is a \$7 administration fee each time a wrecker is called out. Mr. Bergen asked if the Borough should go out to bid. Mr. Merla asked about a radius in miles. Mrs. Ashmore asked if towing employees should wear reflective vests. The PBA submitted a schedule change on December 27th. Sergeant Casaletto distributed copies. Motion to move forward (the contract will have to be amended). Mayor Graham said that a thorough discussion is needed on details (sick and vacation). Mr. Kain should review Mr. Litwin's comments and the Chief's comments. Mrs. Ashmore said that she has the December letter from Mr. Litwin. Mrs. Ashmore said that she will distribute Mr. Litwin's letter, the new schedule, the Chief's letter, as well as the Chief Financial Officer's letter. This matter will be listed on the March 5th Agenda. Chief Gajewski was concerned about the actual change of shifts. Mrs. Ashmore asked Mr. Kain about composing an Ordinance for weapons discharge; duck hunters hit the ferry three times. Chief Gajewski said that he has been working on this matter with Aberdeen and the Prosecutor's office is checking on statutes. Mr. Merla said that the hunters are shooting duck from the ramp, not the water.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. A letter was received from the Fire Chief commending the two Public Works employees that called in a fire. A report was submitted regarding calls that Public Works answered. George Sappah was asked to contact David Winter regarding photo ID badges for Public Works employees. An equipment list will be provided (those in need of repair). The street sweeper is 14 years old. A jet vac company has specs on a sweeper (demo) that costs \$150,000, but will sell it to the Borough for \$140,000 (new blades and brooms). Mr. Merla said that the Monmouth County Mosquito Commission is negotiating with other municipalities to use their jet vac. Street sign surveys were done regarding replacement of the signs. A street paving report will be forwarded to Mayor and Council. The school has fluorescent signs. Mr. Merla said that 3M will do promotions on 20 signs. At the Harbor Commission meeting, there was discussion on leasing the building for bait and tackle. Mr. Vecchio said that the building is not fit for leasing; he recommended the building be torn down.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following. Al Smith resigned as Director of Recreation; a replacement is being sought. A skate park subcommittee meeting regarding insurance and ramps will be held. The Board of Health met tonight. The garbage pick up has been good since the repeal of the sticker ordinance; enforcers did a good job.

Administrator Poling: Mrs. Poling reported on the following. The redistricting of polling places will be put on hold.

Engineer Freda: Mr. Freda reported on the following. Specs are being prepared for HVAC and a gas water heater for the Senior Center. The storage tank is an unrestricted size that should be looked at after the unit is replaced.

Attorney Kain: Mr. Kain reported on the following. Litigation for the New Municipal Building will should end shortly; the Borough is waiting on stay of appeal.

Mayor Graham: The Mayor reported on the following. He, Mrs. Poling and the County met on the Feeder Bus Route (shuttle to Hazlet Rail Station). The County is working on a survey. George Sappah was appointed provisionally as Superintendent of Public Works one year ago and will be appointed permanently tonight. Mr. Sappah took over Art Rooke's position and has done a good job.

REPORTS OF DEPARTMENTS

DECEMBER 2001

1. Treasurer's Report

CURRENT CHECKING	\$1,740,324.74
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	637.53
TRUST CHECKING	68,285.53
TRUST SAVINGS	157,602.05
RECREATION BAYFRONT	60,047.79
UNEMPLOYMENT/DISABILITY	63,072.70
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	11,486.14
ESCROW TRUST	161,321.00
LAW ENFORCEMENT	9,294.26
SELF HEALTH INSURANCE FUND	3,616.04
WATER/SEWER OPERATING	2,368.26
WATER/SEWER SAVINGS	204,339.54
WATER/SEWER INVESTMENT	118,127.08
WATER CAPITAL CHECKING	2,701.73
WATER CAPITAL INVESTMENT	88,511.03
GENERAL CAPITAL INVESTMENT	2,981,490.62

INTEREST EARNED ON INVESTMENTS FOR DECEMBER, 2002

CURRENT - \$10,269.70

WATER - \$ 675.09

Submitted by Pauline Redmond, Treasurer

2. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
CONSTRUCTION STATE FEE	21	\$ 85.00
CERTIFICATE OF OCCUPANCY	43 (no charge)	1,060.00
PLUMBING PERMITS	12	610.00
ELECTRICAL PERMITS	8	685.00
BUILDING PERMITS	14	1,013.00
FIRE SUB CODE	10	380.00
CONST CERT OF OCCUPANCY	2	80.00
ZONING PERMITS	6	60.00
200 FT PROPERTY LIST	5	50.00
TRANSFER OF TITLE	15	540.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	2	50.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	43 (1 no charge)	840.00
CONST. DEPOSITS REFUNDABLE	3	150.00
TOTAL		\$ 5,603.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2359 \$ 5,368.00

STATE FEE DUE - CHECK #2360 431.00 (Oct-Dec 2001)

ELEVATOR INSPECTION AGENCY, CHECK #

Submitted by Annette Kovacs, Senior Permit Clerk

3. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

4. Municipal Court Report

STATE FINES	\$ 1,082.00
STATE SURCHARGE	252.00
STATE UNINSURED	15.00
COUNTY FUNDS	1,096.72
COUNTY FINES	4,529.50
MUNICIPAL FINES	4,529.50
MUNICIPAL COSTS	3,691.50
MUNICIPAL PARKING	798.00

Submitted by Kathie Coffey, Court Administrator

5. Police Department/Firearm and Fingerprint Report

Total Amount collected \$184.00

Submitted by Theodore Gajewski, Police Chief

2001 YEAR END REPORT

6. Tax Collector's Report

See full copy of report on file in the Clerk's Office

Submitted by Pauline Redmond, Tax Collector

7. Municipal Court Report

See full copy of report on file in the Clerk's Office

Submitted by Kathie Coffey, Court Administrator

JANUARY 2002

8. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	\$	4,000.00
WATER METER		-0-
TURN ON CHARGE		-0-
SEWER CONNECTION		5,000.00
SEWER/POOL PERMIT		-0-
WATER METER W/TO		500.00
DEMOLITION		-0-
TOTAL WATER/SEWER, CHECK #3475	\$	9,500.00

CURRENT ACCOUNT

BINGO LICENSE	\$	-0-
GUN PERMITS & ID'S		184.00
LIMO LICENSE		-0-
PHOTOCOPIES		16.00
POSTAGE		.34
RAFFLE LICENSE		50.00
TAXI LICENSE, DRIVER		-0-
TAXI LICENSE, OWNER		-0-
POLICE DEPT ACCIDENT REPORT		594.50
SEARCHES		-0-
VENDING LICENSE		-0-
PEDDLER LICENSE		-0-
LIQUOR LICENSE		-0-
STREET OPENING		75.00
FISH & GAME		1.00
NEWSPAPER VENDING MACHINES		25.00
RECYCLING PERMITS		303.00
PARKING PERMITS		140.00
AUCTION LICENSES		-0-
TOTAL CURRENT, CHECK #3476	\$	1,388.84

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3477	\$	27.00
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TOTAL RECEIPTS \$ 10,915.84

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

9. Tax Collector's Report

2002 TAXES	\$1,178,015.83
2001 TAXES	93,477.50
2003 PREPAID TAXES	-0-
PRIOR YEARS TAXES	172.03
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	8,673.34
TAX SEARCHES	10.00
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	18,380.95
RETURNED CHECK CHARGES	-0-

ALL OTHER MISCELLANEOUS REVENUE	62,587.34
TOTAL CURRENT RECEIPTS	\$ 1,361,316.99
WATER & SEWER RENTS	\$ 541,896.08
INTEREST AND COSTS	2,710.76
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	24.00
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	500.00
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	9,000.00
METER TEST CHARGE	35.00
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	300.00
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	\$ 554,465.84

Submitted by Pauline Redmond, Tax Collector

10. Police Department/Traffic Safety Report

Total Amount received \$ 594.50

Submitted by Theodore Gajewski, Police Chief

11. Fire Department Report

Copy of report on file in the Clerk's Office

Submitted by Kenneth Marr, Jr., Fire Chief

12. Municipal Court Report

STATE FINES	\$ 498.00
STATE SURCHARGE	200.00
STATE UNINSURED	238.00
COUNTY FUNDS	1,273.12
COUNTY FINES	5,835.00
MUNICIPAL FINES	5,835.00
MUNICIPAL COSTS	4,459.00
MUNICIPAL PARKING	1,661.00
MISCELLANEOUS	1,874.22

Submitted by Kathie Coffey, Court Administrator

13. Code Enforcement Officer Report

See full copy on file in the Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

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

COMMUNICATIONS AND PETITIONS

1. Shorelands Water letter regarding their petition with the NJ Board of Public Utilities (requesting response by March 1, 2002)

Motion to approve a prorated contract and advise the legislators moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

2. Super 50/50 Raffle License Application from Eagle Hose, July 13, 2002.

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

3. Monmouth County Mosquito Commission letter regarding Aerial Spray Program (see Resolutions)

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

4. Request from ExxonMobil for release of their Performance Guarantees.

Motion to refer to Mr. Freda, Borough Engineer moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

5. On Premise Non-Draw Raffle Application from St. Joseph Church (5/29-6/2/02)

Motion to Approve moved by Mr. Hyer, seconded by Mr. Bergen with Ayes by all present.

UNFINISHED BUSINESS

1. New Municipal Complex/Demolition of Annex. A resolution is listed on tonight's agenda.
2. Condo Connection Fees. Mrs. Ashmore will report back.
3. Taxi License/Georgine Soriano. Mr. Litwin submitted a letter and Mr. Vecchio submitted a report. Ms. Soriano will have to go before the Planning Board. Mr. Merla said that this is a home based business and as such triggers the process.
4. BID sign and Letterhead. The sign will be placed on private property. With regard to the letterhead, there are various departments. Mr. Bergen said that the letterhead should be recognized as a Borough document. Mrs. Shaw said money was invested in marketing. The BID opted for a design; the information is down the left hand side. There is a cost savings. The seal sends mixed messages. Information can be placed across the top. Collingswood had no problem. Mr. Merla said he did not like the logo, but a majority voted for the logo. T-shirts, mugs, etc will be made and sold. Mr. Stalter agreed with Mr. Merla. Mrs. Shaw said the BID is working on a website with the logo. Mrs. Atkins said everything should be consistent since time and effort were put into the logo. Mrs. Ashmore said a meeting was held last year, time and money was spent on the logo; the Borough does not want to send the wrong signal. Mr. Bergen said the Borough needs to project that this is an official letterhead. Mrs. Shaw and Mrs. Poling will work on a compromise.
5. Green Grove Apartments. Mr. Bergen said they are not doing anything. The Borough should write a letter requesting information on any further action. The situation has not been rectified and they need to find additional parking. Signs should be put back up. Mr. Merla said the apartments should be given 30 days for a plan and then the signs should go back up and ticketing begin. Mr. Bergen made a motion for a letter to be written that the Borough is not agreeable to the last letter, that a plan should be made within 30 days or if nothing is going to be done the Borough be advised, seconded by Mr. Merla with Ayes by all present.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions 10:25 P.M. Joanne Staeger, Main Street, asked about Raritan Avenue sidewalks being repaired. This is Stop & Shop's property. There is a Handicap ramp, the sidewalk ends in a dirt section, a curb has been destroyed by trucks; these items have created a hazard. Mr. Bergen made a motion that the Borough Engineer look at the site plan and then the Administrator write a letter, seconded by Mr. Merla with Ayes by all present. Mrs. Staeger said she is disappointed in the garbage company who said they were not aware of the changes and took construction material and other items were not picked up. The garbage company took garbage and cardboard from 62 Highway 36. Mr. Merla said that 214 Maple Place did not get a recycling schedule from the Code Enforcement Office; the Code Enforcement Office should be advised they are not following procedure (schedules should be handed out with the Certificates of Occupancy). Mr. Bergen said the Borough should be advised if the garbage contractor is violating the contract. Mr. Merla said Public Works could follow the truck; they have to tag the items. Mrs. Staeger said the Borough should stop giving Marrone chances. Mr. Merla said that there have been 7300 trips to Tarrytown, PA from the Monmouth County landfill. Mr. Messler is to be notified to adhere to the garbage contract and pick up only items scheduled

to be picked up. The Meeting was closed to the public at 10:50 P.M.

RESOLUTIONS

2. Resolution #83-02, Permanent Appointment - Public Works Superintendent

WHEREAS, on February 20, 2001, the Mayor and Council appointed George Sappah as Superintendent of Public Works, provisionally, pending Department of Personnel testing and certification; and

WHEREAS, the Borough of Keyport has received the Certification of Eligibles from the Department of Personnel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that George Sappah is hereby permanently appointed Superintendent of Public Works, effective February 20, 2002.

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

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

3. Resolution #84-02, Request NJ Legislature provide Urgent relief to Citizens arising from Financial Burden from NJ Property Tax

WHEREAS, the New Jersey Constitution, Article 8, Section 4, Paragraph 1, requires the New Jersey Legislature to provide for the maintenance and support of a thorough and efficient system of free public schools; and

WHEREAS, the New Jersey Legislature has placed the largest burden of financing the free public school system on the local property taxpayers by enacting laws under NJSA Title 18A, Education; and

WHEREAS, the New Jersey Legislature has mainly relied upon local property taxes for funding education; and

WHEREAS, such a tax is regressive and is not based on the ability to pay.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Municipal Council of the Borough of Keyport, County of Monmouth and State of New Jersey that the New Jersey Legislature is hereby urged to seek other avenues of raising funds for the free public school system other than the New Jersey property tax.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Monmouth County Legislative Delegation and the Monmouth County Board of Chosen Freeholders and to the Partnership c/o Bergen County Office of Legislative Affairs/Ombudsman, 327 Ridgewood Avenue, Paramus, New Jersey 07652.

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

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

4. Resolution #85-02, Payment of Bills

See full copy of Resolution as pages 13-19 of these minutes.

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

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

5. Resolution #86-02, Approve Monmouth County Mosquito Commission Aerial Spray Program

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

The Borough of Keyport, County of Monmouth, State of New Jersey, a Municipal Corporation, does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control Mosquitoes over portions of the Borough of Keyport.

BE IT FURTHER RESOLVED it is the Borough of Keyport's understanding that all pesticides used are registered with the NJDEP for aerial application by the State and USEPA.

BE IT FURTHER RESOLVED that the areas to be treated are only those which have significantly high mosquito populations and may present either a public nuisance or disease factor.

BE IT FURTHER RESOLVED prior to each and every application, the Monmouth County Mosquito Extermination Commission further agrees to notify the Keyport Police Department.

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

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

6. Resolution #87-02, Award Contract - Demolition of Annex Building, 24 Main Street

WHEREAS, it is necessary to demolish the Borough owned building at 24 Main Street, Block 39, Lot 41; and

WHEREAS, funds are available in the Budget for this work; and

WHEREAS, quotes have been solicited as follows:

	<u>Total</u>
Red Bank Recycling Demolition, Inc. 64 Central Avenue P.O. Box 2126 Red Bank, New Jersey 07701 (Includes Backfill/clean dirt)	\$24,100
A&K Excavating P.O. Box 739 Holmdel, New Jersey 07733 (Plus Backfill/clean dirt)	\$13,500 +
Lertch Wrecking Company P.O. Box 1362 Wall, New Jersey 07719-1362 (Includes Backfill/clean dirt)	\$11,250

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the demolition of 24 Main Street is hereby awarded to Lertch Wrecking Company in the amount of \$11,250.

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

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

7. Resolution #88-02, Amend February 5, 2002 Payment of Bills

WHEREAS, on February 5, 2002, the Mayor and Council of the Borough of Keyport passed Resolution #74-02 for the Payment of Bills; and

WHEREAS, a payment to Seagrave Sales and SUC, LLC in the amount of \$22,835.80 was added to the Current Section of the Payment of Bills.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the Current Account Section of the February 5, 2002 Payment of Bills balance be amended to read \$529,903.39.

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

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

8. Resolution #89-02, Appoint Gordon N. Litwin, Esq., as Special Counsel

WHEREAS, the Mayor and Council of the Borough of Keyport have determined the need for the appointment of Special Legal Counsel to handle certain matters as may be designated by the Borough Attorney or the Mayor and Council based upon circumstances arising, including conflict, as the case may be; and

WHEREAS, the Mayor and Council of the Borough of Keyport have considered the qualifications of Gordon N. Litwin, and have determined that this attorney is admitted to the practice of law in the State of New Jersey and are otherwise qualified to handle any legal work requested by the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport are mindful of the requirements of NJSA 48:11-5 of the Local Public Contracts Law and deem it necessary and appropriate to act in accordance therewith.

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

1. Gordon N. Litwin, is hereby appointed Special Legal Counsel for the Borough of Keyport.
2. Special Legal Counsel shall be paid at the rate and shall bill at the rate established for the Borough Attorney.
3. Special Legal Counsel is hereby directed to continue his representation of the Borough of Keyport with respect to the litigation captioned R.C.G Construction Company v. Borough of Keyport which is presently pending certification to the Supreme Court of New Jersey, until otherwise directed. Special Legal Counsel shall provide periodic updates to the Mayor and Council and to the Borough Attorney.
4. Special Legal Counsel is further hereby directed to continue his representation on behalf of the Borough of Keyport in matters related to the Tidelands Claim related to the Bulkhead area, until otherwise directed. Special Legal Counsel shall provide periodic reports to the Mayor and Council and to the Borough Attorney.
5. Public notice of this resolution shall forthwith be published in the Courier.
6. Copy of the Resolution between the Borough of Keyport and Special Counsel shall be kept on file with the Borough Clerk and shall be available for inspection upon request.

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

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

ADJOURNMENT

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

Time of Adjournment: 10:52 PM

Respectfully submitted,

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

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