

Approved
12/20/05

February 3, 2004
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, 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 7:00 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #82-04, 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. Deputy Tax Collector/Deputy Treasurer

Litigation

1. Water Plant
2. Magic Touch vs. Borough of Keyport
3. PBA vs. Borough of Keyport

Labor Relations

1. Grievance - Various Employees

Contract Negotiations

1. New Municipal Complex
2. Health Services
3. Garbage Contract

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, 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. Doyle, second by Mr. Wedick

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

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

Mayor Merla called the meeting to order at 8:00 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Doyle, Atkins, Stalter, Hyer. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

Mayor Merla said this evening is a Historical Moment because it is the first Official Meeting in the new Borough Hall. Everyone can look back and remember being part of it. The building is not 100% complete; there are minor details and tasks to be completed. The Mayor said he is proud of the Borough Hall. Last Thursday there was a meeting with the employees. The official groundbreaking will take place in April. A portion of West Front Street will be closed. Mayor Merla welcomed everyone to the new Borough Hall and home.

INTRODUCTION OF ORDINANCE

1. Ordinance 1-04, An Ordinance Amending and Supplementing an Ordinance Fixing the Salaries of the Employees

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
FIXING THE SALARIES OF VARIOUS OFFICERS, CLERKS AND
EMPLOYEES OF THE BOROUGH OF KEYPORT, 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 properly fix the salaries of the officers, clerks and employees of the Borough of Keyport in accordance with the direction of the governing body to properly meet the needs of the Borough of Keyport and

WHEREAS, the Mayor and Council have previously adopted ordinance 30-02 which fixed and established the salary ranges for the officers, clerks and employees of the Borough of Keyport; and

WHEREAS, the Mayor and Council have determined to amend the within salary ordinance to amend and fix the salary range of the position of business administrator of the Borough of Keyport and for the position of Building and Grounds Maintenance Worker in order to address the additional maintenance created with the new municipal complex, to prove the minimum salary to be paid to each employee fixed by and determined by resolution of the Mayor and Council of the Borough of Keyport as within the ranges established within the ordinance, and further the purpose of the within sufficiently wide to last for several years, and to provide greater flexibility should a position be vacated and it is desired to start a new employee with less experience at a lower salary, which salary to be set by Resolution of the Mayor and Council in accordance with the salary ordinance adopted.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Keyport the previous ordinance establishing and fixing the salaries of the officers, clerks and employees of the Borough of Keyport is hereby amended and supplemented as follows:

Section 1: The following salary range is hereby fixed and determined for the following officers, clerks, and employees of the Borough of Keyport effective January 1, 2004:

POSITION	MINIMUM SALARY	MAXIMUM SALARY
Borough Administrator	\$17,500.00	\$75,000.00

Building & Grounds	\$14,560.00	\$25,480.00
Maintenance Worker		
(full time)		

Section 2: 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 3: If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment 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 4: This Ordinance shall take effect immediately upon final passage and publication as required by law, except that portion as it relates to managerial, executive or confidential employees which shall become operative in 20 days after the publication thereof, unless within said 20 days a petition signed by the voters equal in number to at least 5% of the total registered voters protests against said adoption of such ordinance be presented to the governing body.

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

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

Nays: None

Abstain: None

Absent: Councilman Bergen

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of February 5, 2004 for a Hearing to be held February 7, 2004 moved by Mr. Stalter, seconded by Mrs. Atkins with Ayes by all present.
2. Ordinance No. 2-04, An Ordinance Amending Chapter II, Administration, Section 2-2.3, Business Administrator

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED
"REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT"
ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM
TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER
11, ADMINISTRATION, SECTION 2-2.3 BUSINESS ADMINISTRATOR**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Chapter 11, Administration, Section 2-2.3, Business Administrator, is hereby amended and supplemented as follows:

Section 1: Declaration. Mayor and Council have determined to review and revise the duties and responsibilities of the position of Borough Administrator in order to expend the duties and responsibilities to further emphasize the duty to secure grants and other funding sources for the Borough of Keyport.

Section 2: Title. Borough Ordinance Chapter 11, Section 2-2.3, Business Administrator is hereby amended as follows:

2.2-3 BUSINESS ADMINISTRATOR

A. Appointment: There shall be a Business Administrator for the Borough of Keyport appointed by Mayor and Council who shall be a person qualified by education, training and experience to perform the duties of his or her office. The appointee need not be a resident of the

Borough of Keyport and the positions shall be unclassified. He or she shall be under the direct supervision of the Mayor and Council and shall serve at the pleasure of the Mayor and Council.

B. Duties and Responsibilities: The Business Administrator shall be the Chief Administrative Officer of the Borough of Keyport and shall be responsible to the Mayor and Council for the proper and efficient administration of the of the business affairs of the Borough. The Business Administrator's responsibilities and duties shall relate to all of the management of the Borough's business except those responsibilities and duties conferred upon other Borough Officials by State Statute, Borough Ordinance or other applicable laws, rules and regulations promulgated by State, County or Municipal Ordinances or such duties as the Mayor and Council and all State and Federal laws requiring Municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative personnel and purchasing practices for all departments, offices, boards, commissions and agencies of the Borough all for the purpose of increasing the effectiveness and efficiency of Borough government. Business Administrator shall be responsible for the following enumerated duties:

- 1) Daily Operation. Implement all policies of the Borough necessary to carry out the daily operations and activities of the Borough by correspondence, review of minutes and personal contact with employees and the public.
- 2) Information and Complaints. Inform Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.
- 3) Public Information. Edit and compile public information for distribution to Mayor and Council and at the discretion of the Mayor and Council to disseminate such information to the public.
- 4) Recommendations. Continuously study all activities and operations of Municipal Government and recommend changes for the purpose of increasing efficiency, economy and effectiveness, recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.
- 5) Advice. Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.
- 6) Reports. Prepare and present to Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Business Administrator's work for the benefit of Mayor and Council and the public.
- 7) Attendance. Attend all regular and special meetings of the Mayor and Council with the right to speak, but not vote on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator for the Borough of Keyport. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the borough. When requested by Mayor and Council, attend any negotiations, collective bargaining or hearing relating to any employee(s) of the Borough of Keyport.

- 8) Liaison. Serve as liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough and with respect to designated agencies of County or State government.
- 9) Borough Engineer. Consult with and act as a liaison between the Mayor and Council and the Borough Engineer regarding all operations and policy matters.
- 10) Budgets. In cooperation with the Municipal Finance Officer be responsible for the preparation of the operating and capital improvement budgets for presentation to the Mayor and Council and for administration of the budget approval process by the governing body. In preparing the proposed budget, the Business Administrator shall assist members of the governing body and department heads in preparing their input to the municipal budget. The Business Administrator shall thoroughly review all budget requests and Submit recommendations with respect thereto to the Mayor and Council in a timely fashion.
- 11) Purchasing. Be in charge of reviewing all requisitions from all departments for materials, equipment and supplied and certifying the receipt of the same. He or she shall require the various departments to furnish an adequate inventory of all materials, equipment and supplies in stock and to recommend the sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.
- 12) Examine and Inquire. Have the power to investigate, examine or inquire into the affairs of operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law. Address any complaints addressed by employees pursuant to any collective bargaining agreement.
- 13) Public Information. Implement and enforce the policies of the Mayor and Council with respect to the compiling of and release of public information.
- 14) Coordination of Information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the Board of Education of the local school system. The Business Administrator Shall be responsible for continuously improving communications among the various town personnel, departments, commissions, agencies, boards and governing bodies.
- 15) Recommendation of Experts and Consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.
- 16) Supervision of Personnel. Subject to law, supervise all personnel of the Borough through the respective Department Heads and direct the business activities of all borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police, but shall periodically review schedules, records of personnel relative to employee benefits.
- 17) Enforcement of Law and Contracts. In concert with the Borough Attorney determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public franchise or Ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.

- 18) Public Improvements. Recommend the need for, the nature of and the location of all public improvements and coordinate and expedite the execution of those public improvements authorized by the Mayor and Council.
- 19) Public Works. Together with the Superintendent of Public Works assume general administrative responsibilities for the Borough sewer and water systems, the cutting of brush, mowing of grass and removal of snow, the cleaning of ditches, the maintenance of parks and the care of the Public Works in the borough, subject to the orders and directions of the Council, when duly authorized. In addition, he or she may be required to:
 - a) Set up and maintain adequate inventory and control of all materials and supplies needed for the maintenance and repair of all Public Works under his or her supervision.
 - b) Submit to the Mayor and Council a monthly report of all work performed, services furnished and inspections made during the previous month.
 - c) Submit to the Mayor and Council and the Borough Engineer his or her recommendations for budget appropriations for the ensuing year.
 - d) Recommend for approval the expenditure of all funds by voucher chargeable against the Public Works budget.
 - e) Receive and investigate all complaints from residents and taxpayers of the borough relating to the operations under his or her jurisdiction take appropriate action and report results to the Mayor and Council.
 - f) Attend all meetings of the Public Works Committees, including those relating to road, Sewer, water and Parks and Playgrounds.
 - g) Set up, keep and maintain all the necessary books, records, field notes, maps, surveys and similar records necessary to perform the duties of his or her office and turn over all such reports to his or her successor or the Borough Council upon the termination of his or her employment by the town.
 - h) Recommend to the appropriate committee chairperson the need for repairs and replacements to municipally owned equipment, structures, buildings and grounds.
- 20) Safety Responsibilities. Develop and implement all necessary safety instructions and training for all employees, Borough personnel, and Borough officials.
- 21) Grants. Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from Federal, State and private sources and apply for and administer such grants as authorized by the Mayor and Council, submit applications for grants, including completing all grant applications.
- 22) Other Duties. The Business Administrator shall perform such additional Administrative duties and functions as may be from time to time assigned by the Mayor and Council.
- 23) Grant application, submissions of required materials meet and coordinate grant activities and such other work as may be requested by the Mayor and Council.

- 24) Security. Implement plans and recommendations made by Law Enforcement authorities necessary to safeguard the residents of the Borough of Keyport from any threats of terrorism, assist in the coordination of emergency management plans or activities necessary to safeguard the Borough of Keyport, perform such duties as delegated by the Mayor and Council.
- 25) Be designated as appointing authority to the Department of Personnel.
- 26) Perform such other duties and responsibilities as may be periodically delegated by the Mayor and Council with respect to the administration of the Borough of Keyport.

Section 3: All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

Section 4: If any section, subsection, part, clause or phrase of this ordinance shall be declared invalid by any Court of incompetent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the this Ordinance.

Section 5: All other provisions of the within Chapter not specifically effected by the within Ordinance are hereby confirmed.

Section 6: This Ordinance shall take effect immediately upon final passage and publication as required by law.

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

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

Nays: None

Abstain: None

Absent: Councilman Bergen

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of February 5, 2004 for a Hearing to be held on February 17, 2004 moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Eagle Fire Protection (sent by A&K) for reimbursement for extra work.

Motion to refer this matter to the Borough Attorney moved by Mr. Doyle, second by Mrs. Atkins with Ayes by all present.

Councilman Bergen arrived at 8:05 P.M.

2. Police Department's report on Person-to-Person, Place-to-Place Transfer of Liquor License

Mayor Merla said there are residents that are concerned and if a Hearing is held, the residents within 200 feet should be notified. The applicant rents the building. Mr. Stalter said there have been fights and brawls from the location. Mr. Wedick said he would like to hear first about the investigation done by the Police Department. The Mayor said Mr. Garibaldi is the owner and not a citizen. Mr. Bergen said this matter should be discussed in closed session and a hearing should be listed on February 17th. The residents will be notified within 200'. Lieutenant Mitchell will address the concerns the residents have.

Motion to hold to February 17, 2004 moved by Mr. Hyer, second by Mr. Doyle, with Ayes by all present.

3. Letter regarding Revised Plans for American Legion Drive Bulkhead from Birdsall Engineering

There are additional engineering costs in the amount of \$18,000.00 and the permits should be received in a week. Engineer Freda said the Borough can purchase lights or use JCP&L. Mr. Bergen asked that Engineer Freda check with CFO Fallon on Bond funds.

Motion to refer to Councilman Bergen, Finance Committee, moved by Mr. Hyer, second by Mrs. Akins, with Ayes by all present.

4. Letter regarding New Municipal Complex, Handicapped (Wheelchair Entrance) Accessibility from Kaplan, Gaunt, DeSantis

Attorney Kain said there are concerns about the front steps and the installation of a horizontal railing. Someone wrote a letter to Ned Gaunt, Architect. Mr. Bergen requested the Borough Attorney write a letter back to the individual.

Motion to receive, file and respond moved by Mr. Doyle, second by Mr. Hyer, with Ayes by all present.

5. Proposal for Professional Engineering Services for 2004 Road and Drainage Improvements Program from Birdsall

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

6. Letter from Roy Jimenez, Fire Chief, regarding Fire Patrol's new truck.

Motion to add a resolution moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

7. Resolution from Township of Lawrence, County of Mercer, State of New Jersey opposing State's Action concerning the "Property Tax Redemption Program."

Motion to receive and file offered by Mr. Wedick, second by Mr. Hyer, with Ayes by all present.

8. Resignation from Judith L. Poling, Borough Administrator, effective 3/1/04.

Motion to Accept moved by Mr. Stalter, second by Mrs. Atkins with Ayes by all present except Mr. Bergen who was opposed.

UNFINISHED BUSINESS

1. **Borough Letterhead.** Brian Stalter said he is researching new letterhead for the Borough with a logo and the Borough Seal and he will report progress.
2. **Clock/Municipal Complex.** Mrs. Atkins spoke of the new two faced clock to be placed in front of the new Borough Hall complex and about drafting a letter to Borough businesses and residents seeking donations. The cost would be \$25,000. KBA consultant donated time.
3. **Recycling.** Robert Hyer, Recycling presentation. Council authorized a dumpster for removal of computers at a cost of \$350.00. There is an agreement with the company. The 2003 Recycling figures.
4. **Police Department.** Fourth Tuesday of the month Police Community

Meetings will be held.

5. **Gazebo/West Front Street.** Mayor Merla advised the accident at the Gazebo caused \$4,987.00 in damages and reimbursement was received.
6. **Insurance.** Mayor Merla discussed the property and casualty insurance company proposal for 2004 versus 2003 costs. Mr. Kain said to ask the prior insurance carrier for a refund.
7. **Dredging.** Mayor Merla reported on Army Corp survey on dredging and will follow up.
8. **Redevelopment.** Mayor Merla has list of residents for Redevelopment Committees with two Council members (John Doyle/Joe Wedick), they will break into 3 groups: Residential, Waterfront and Commercial. It was asked if they had to adhere to the Sunshine Law? Mr. Doyle inquired if they asked what areas they wanted. Mayor Merla said we can ask. Tomorrow there is a meeting with the Aeromarine developer and Brian Mullen.
9. **William A. Ralph Fishing Pier.** Green Acres application for a Grant/loan was referred to the Borough Engineer and Attorney.
10. **Historical Society Lease.** The lease is due for renewal this year. Mr. Wedick suggested we look at conflict of interest and who signed up for redevelopment committees.
11. **Redevelopment.** Governor McGreevy sent a thank you letter regarding Redevelopment meeting attendance.
12. **Atlantic Street Contract.** Extension to June 9, 2004.

ADMINISTRATOR'S REPORT

Mrs. Poling did not have a report.

ENGINEER'S REPORT

Mr. Freda reported on the following. Therese Street Project was awarded tonight/base bid. Need contacts, need to amend Bond Ordinance and engineering fees. Mr. Bergen asked about an extension and amendment to include alternates (\$67,000). Atlantic Street Phase II will be submitted to DOT. The Bulkhead Project received Corp section, 350' area, 5' thick at \$3,000.00 per foot. Mr. Freda asked if we should stick with our section or build across. There is no commitment from the Army Corps of Engineers. Motion to send a letter to the DEP moved by Mr. Stalter, second by Mr. Hyer with Ayes by all present. Mayor Merla said "let the Corps. do it." Mr. Freda said the Corps. gave a window, go to elevation of 9' or 16'. The design was changed and substituted railing. Mr. Bergen stated we cannot afford it. Mr. Wedick asked about parking diagrams for the ferry service. Mr. Freda said he would drop them off.

ATTORNEY'S REPORT

Mr. Kain reported on the following. Per Mr. Hyer, the Garbage Ordinance would be referred to the Board of Health, in time. With regard to the Garbage Specs, the Borough will go to bid on April 30, 2004 and it will be decided on a three or five year contract. There is a 90 day period between receipt of bids and the award of contract. Council can probably award a contract on June 15th. First Occupational did not make a viable offer. There is no news regarding Magic Touch. The PBA case regarding Medical Benefits is close to resolve; Local 68's O.K. is needed.

NEW BUSINESS

1. **Redevelopment Committee.** Mr. Bergen said there should be a lottery on the overflow. The Boards and Commissions should participate also.

Mr. Bergen asked Mr. Mullen should make sure there are no conflicts with being the Planning Board Attorney and the Redevelopment Attorney. Mayor Merla said Attorney Kain advised there are no conflicts. The Mayor said the Borough should ask for an opinion from the District. Mr. Bergen said he prefers to look for someone else.

2. **Borough Administrator Ordinance.** The Ordinance costs money to advertise.
3. **Sidewalk/Curb Project.** Mr. Hyer said there has been a response from District #2 regarding this project. A meeting should be called between and the Borough Engineer and the Borough Attorney should attend. Mr. Bergen asked if there would be an assessment and what if the residents want the sidewalk and whether the sidewalk meets the code. Mr. Hyer said a form was distributed for return.
4. **Soap Box Derby.** Mr. Hyer said this event is coming along.
5. **Resignation.** Mr. Wedick said the Governing Body received a letter of Resignation from Judith Poling as Borough Administrator; he said he was sorry she resigned.
6. **Garbage/Recycling.** Mayor Merla said the Garbage/Recycling service has not been the best. A lot of telephone calls have been received. He thanked Public Works for picking up what collections had been missed. The Mayor apologized to the public. A Special Meeting was held this past Saturday and a new contract is coming up. The Borough has not been successful the past 5 years with contractors and has been doing its best.
7. **Sidewalks.** Mayor Merla said there have been sidewalks that are not shoveled; the public needs to be educated and the regulations enforced. Mr. Bergen asked if the Deputy Recycling Coordinator is working in house or if the calls are going to Pennsylvania. Mayor Merla said the Deputy answers the calls.
8. There is a wake for Reverend Weinrich of the Fire Department on Friday and Saturday. Mr. Stalter will work with Chief Gajewski on having Broad Street (County Road) closed and half of the Municipal parking lot closed for the Fire trucks.
9. **Cablevision.** The 2% gross receipts for the 2003 Cablevision Contract totaled \$20,828.00. Mrs. Atkins said the contract is coming due. Mr. Bergen said the cable franchise renewal schedule has to be followed. Mrs. Atkins will obtain the prior list of Committee members. Union Beach should be included as a member.
10. **Borough Administrator Position.** The Borough should advertise for the Administrator position in the Star Ledger and Asbury Park Press.
11. Mr. Bergen said there is a budget crisis for 2004. He can not foresee the Borough hiring a Borough Administrator full time. The Mayor said in 2003, the Borough paid \$20,000 for a part time Administrator. A full time Administrator is needed; the Borough will advertise.

Mr. Hyer will be the liaison to the Special Events Committee.

PUBLIC COMMENT

The Meeting was opened to the public for comments or questions at 9:22 P.M. Chief Gajewski apologized to the public for not having the doors opened. He thanked the Public Works for snow plowing. He thanked Bert Morris, Public Works, for making adjustments in the Police Department. He thanked Mayor and Council for the minor adjustments they approved for the Police Department. Public tours of

the Department will be given after the ribbon cutting ceremony in the summer. Mayor Merla said Council is grateful for the job the Police Department does.

Jeff Fink, 14 West Front Street, said with the new Borough Hall, Keyport has a sense of place and community. The Broad Street Parking lot should be avoided since the Fire Department will be occupying most of it on Saturday. Mr. Fink requested the Public Hearing notice be expanded beyond the 200 feet on the Liquor License matter.

John DiSilvestri, West Front Street, asked what criteria was used for the marina. The Planner should be contacted.

George Walling, Second Street, said he came to this meeting to speak about the Borough's garbage company. He put out his garbage and took both garbage and recycling. The Mayor said the Borough will lose revenue and pay at the dump. Mr. Walling said the Borough will have a big loss without Judy Poling as Administrator. Mr. Walling asked about no parking behind the stores on American Legion Drive. There has been a vehicle and boat there 24 hours per day, 7 days per week. Mr. Walling said the Officials need to take their blinders off. The Fire Chief was parked in a yellow zone. Mayor Merla said the Borough needs enforcement and it should not be selective. There have been many violations with the garbage contract. Mr. Walling said Beach Park has not been cleared of snow.

John Zemian, First Street, asked about the dumpster for computers. He asked about the fee; there is none and he was advised to contact Mr. Hyer. Mr. Zemian said there are no Borough meetings posted on the website. The Mayor said the Borough needs a website master to post Resolutions and Ordinances. Mr. Hyer said the meeting notices were prepared and the Committee members should go on the website.

Terry Parker said there is a municipality that has their Municipal Code and Ordinances on their website.

Mike Lane, 51 First Street, said a website is vital and the minutes should be on there. He said there should be snow removal for the sidewalks near Beach Park and Mr. Stitch's property. Mr. Lane asked if the Borough has a snow blower; yes. Mayor Merla said the Public Works Department is down two men and another on disability. The men did an excellent job on snow removal, handling water main breaks and the garbage situation. Mr. Bergen said the Property Maintenance Officer could issue the commercial properties summonses. Mr. Lane asked about the West Furniture Property and sign and the month to month extension for the 2nd unit. Mayor Merla said Mr. Dubleski is coming to a February Planning Board Meeting. A letter was sent to Mr. Dubleski from the Planning Board. Mr. Lane asked about a Redevelopment Plan. He asked about a letter to document residential properties will not be included and asked about a map of that part of the plan. Mayor Merla said the Planner is amending the plan. Mr. Lane asked about a detailed property inventory; it is not done yet. Mr. Lane asked if Highway properties were excluded from the plan. He asked who made the decision; the Planner does. Mr. Doyle will speak with Mr. Bowers.

Mr. Walling questioned people being parked in parking spots designated for Borough employees in the Broad Street Lot. Mr. Bergen said the Borough will allocate resources and personnel for snow removal.

Mr. Hyer said the Borough had a 4" water main break. Mayor Merla said the County plowed the snow back into Beach Park.

Candy Carey, Main Street, said that Judith Poling has been an asset to the Borough as Administrator and she is sorry to hear of the resignation. People should be aware of the snow removal regulations and the garbage situation needs to be addressed. The schools and scouts should have an education for the public on the garbage and recycling issue.

Mayor Merla said there have been fish painted on the storm drains; this is part of the stormwater management program. George Sappah, Supt. of Public Works, said there is a Clean Communities Grant Program and he can discuss it with the PTA.

Jerry Cohen, Broadway, said he runs a computer company at the Swift Property and would send a letter to the Governing Body regarding computer help.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 9:51 P.M.

RESOLUTIONS

2. Resolution #83-04, Payment of Bills

See full copy of Resolution as page 18 of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

3. Resolution #84-04, Hire Part-time PSTO

WHEREAS, there is a present need for Part Time Public Safety Telecommunications Operators; and

WHEREAS, sufficient funds have been provided in the 2004 budget for this Part Time position; and

WHEREAS, Police Captain John Dayback has recommended Fortunato Campesi be hired for the position of Part Time Public Safety Telecommunications Operator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Fortunato Campesi is hereby hired as Part Time Public Safety Telecommunications Operator at a rate of \$6.50 per hour effective February 4, 2004. When Fortunato Campesi is fully trained, the rate per hour will be increased to \$8.50 per hour.

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

BE IT FURTHER RESOLVED that the maximum number of hours per week is not to exceed 28 hours.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

4. Person to Person, Place to Place transfer of Liquor License - This was held
5. Resolution #85-04, Donate Fire Patrol Fire Truck to Monmouth County

WHEREAS, the Mayor and Council are aware that the Borough of Keyport purchased a used 1972 Hahn Fire Pumper Truck from the Oakhurst Fire Company in 2000 for use by the Keyport Fire Department; and

WHEREAS, the Mayor and Council have received a report from the Keyport Fire Department, Chief Roy Jimenez, indicating that the Hahn Fire Pumper due to age and current regulations is no longer of use to the Keyport Fire Department and the residents of the Borough of Keyport; and

WHEREAS, the within equipment has been replaced by modern firefighting apparatus which will meet the needs of the Borough of Keyport; and

WHEREAS, based on the report by Chief Jimenez and the Board of Chiefs of the Keyport Fire Department, a recommendation has been received to donate the within Hahn Pumper Truck to the Monmouth County Fire Academy, Howell, New Jersey, which could use this outdated apparatus for the training of various firefighters include those from the Borough of Keyport; and

WHEREAS, the Mayor and Council have reviewed the report of the Board of Fire Chiefs and concur that the Hahn Pumper Truck is no longer in service and of no present or future use to the Keyport Fire Companies and agree with the recommendation that said vehicle could be donated to the Monmouth County Fire Academy in honor of all past, present and future Volunteer Firefighters from the Borough of Keyport who have and will receive training from that facility; 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 donation of the within vehicle to the Monmouth County Fire Academy in honor of all Volunteer Firefighters who have and will train at that facility.

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

1. The Mayor and Council of the Borough of Keyport hereby agree with the recommendation of the Board of Fire Chiefs and hereby authorize the donation of the Hahn Pumper Truck to the Monmouth County Fire Academy in honor all past, present and future Volunteer Firefighters of the Borough of Keyport who will receive training at that facility.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

6. Resolution #86-04, Therese Street/Award of Contract

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for improvements to Therese Street,

consisting of full road repavement, installation of curbs, sidewalks, driveway aprons and handicapped ramps together with the removal and replacement of the water main on Therese Street based in part upon a grant received from the Community Development Block Grant Program to the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on December 30, 2003 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, Ace Manzo, Inc. and D. Manzo and Son, Inc., did submit a bid to perform the Therese Street improvements, consisting of various roadway improvements including full road repavement, installation of curbs, sidewalks, driveway aprons and handicapped ramps together with the removal and replacement of the water main on Therese Street in the gross amount of Four Hundred and Ninety Nine Thousand, Seven Hundred and Eighty Six Dollars and Fifty Cents (\$499,786.50) which constituted the lowest responsible bid received pursuant to the specifications proposed, which specifications contain the full nature and scope of the work to be performed; and

WHEREAS, the Mayor and Council having reviewed the qualifications of the successful bidder, are resolved to award a contract to Ace Manzo, Inc. and D. Manzo & Son, Inc. based upon their low bid submitted, subject to the Certification of the Municipal Finance Officer as to the availability of funds for the within project and further subject to the approval of the contractor and any additional conditions imposed by the Department of Community Development.

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

1. The Mayor and Council hereby award the contract for Therese Street Improvements, for various roadway improvements including full road repavement, installation of curbs, sidewalks, driveway aprons and handicapped ramps together with the removal and replacement of the water main on Therese Street, in the gross amount of Four Hundred and Ninety Nine Thousand, Seven Hundred and Eighty Six Dollars and Fifty Cents (\$499,786.50) to Ace Manzo, Inc. and D. Manzo & Son, Inc., Aberdeen, New Jersey, based upon their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer and subject to review, approval and the satisfaction of any conditions imposed by the Department of Community Affairs.
2. The Contract shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer and such requirements imposed by the Department of Community Affairs, prior to the execution of the within contract.
3. The within award shall not include the payment of engineering fees to the Borough Engineer relative to the within project. Said fees for engineering shall be paid from additional appropriations authorized by the Borough of Keyport.
4. The Borough Clerk is hereby authorized to return bids received to all unsuccessful bidders.

5. Copies of the within Resolution shall be forwarded to the successful bidder, Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.
6. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under NJSA 40A:11-1 et seq by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within 10 days hereof.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

7. Resolution #87-04, Assess Damages to Bridge Disposal/Garbage Contractor

WHEREAS, Bridge Disposal, Inc., replaced Marrone Waste Disposal, Inc. as the collector of Solid Waste and Recyclable Materials on or about December 1, 2002 and has continued to perform pursuant to the terms of the original contract; and

WHEREAS, the Mayor and Council became aware of several significant violations of the contract terms commencing January 28, 2004 when the Contractor failed to provide collection services within the Borough of Keyport; and

WHEREAS, the Mayor and Council were further advised that the Contractor failed to complete collections of solid waste and recyclable materials on both January 29, 2004 and January 30, 2004 in violation of the terms of the contract between the parties; and

WHEREAS, the contract grants to the Borough of Keyport the right to assess liquidated damages against the Contractor for failure to comply with the provisions of the contract relative to the collection of solid waste and recyclable materials; and

WHEREAS, the Mayor and Council have considered the imposition of liquidated damages based upon the within contract violations but are inclined to reduce the amount of liquidated damages based upon the past service of the Contractor and the additional work the contractor has performed for the Borough of Keyport, including the removal of recyclable materials from the Keyport High School and Keyport Central School which has been collected without charge to the Borough or Board of Education; and

WHEREAS, the Mayor and Council have resolved to assess liquidated damages in the sum of Five Hundred Dollars (\$500.00) per day, for each day, January 28, 29 and 30, 2004 for a total liquidated damage assessment of One Thousand Five Hundred Dollars (\$1,500.00) which the Mayor and Council will suspend pending the satisfactory completion of the contract and in consideration of the additional services which the Contractor has voluntarily agreed to perform.

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

1. The Mayor and Council hereby find that the Contractor is in violation of the contract in that the Contractor failed to make collection on January 28, 2004; failed to complete

scheduled collections on January 29, 2004 and January 30, 2004 and commingled solid waste and recyclable materials in violation of the terms of the contract.

2. The Mayor and Council hereby impose liquidated damages in the sum of Five Hundred Dollars (\$500.00) per day or a total of One Thousand Five Hundred Dollars (\$1,500.00) for the violations noted above. The Mayor and Council further Agree to suspend the payment of the within damages provided the Contractor fulfills the balance of his obligations under the contract and provides all current services to the residents of the Borough of Keyport.
3. Should the within contractor fail to perform the services called for under this contract or fail to complete the contract, the Borough of Keyport may assess the liquidated damages and assert any additional rights under the terms of the contract.
4. Copies of the within Resolution shall be forwarded to the Contractor, Municipal Finance Officer and Borough Attorney and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

8. Resolution No. 88-04, Authorize Advertisement for Deputy Tax Collector/Deputy Treasurer

BE IT RESOLVED by the Mayor and Council that the Borough Clerk is hereby authorized to advertise for the position of Deputy Tax Collector/Deputy Treasurer.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

9. Resolution No. 89-04, Authorize Advertisement for Borough Administrator position

BE IT RESOLVED by the Mayor and Council that the Borough Clerk is hereby authorized to advertise for the position of Business Administrator.

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

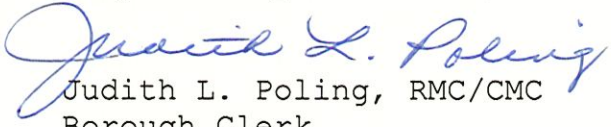
Roll Call Vote: Ayes: Councilmembers Doyle, Atkins, Stalter, Hyer
Nays: Councilmembers Wedick and Bergen
Abstain: None
Absent: None

ADJOURNMENT

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

Time of Adjournment: 9:56 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk


per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

