

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 Atkins, Merla, Ashmore, Hyer, Stalter. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #100-02, 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. Public Works Department (Supervisor)
2. Police Department (Sergeant)
3. Insurance Letter

Litigation

1. RCG Construction vs. Keyport
2. Burlew vs. Keyport
3. Kutschman Property

Labor Relations

1. PBA Contract (Shift Schedule)
2. IUOE Negotiations

Contract Negotiations

1. Sale of Property (Post Office)
2. Fire Museum
3. St. Joseph Cemetery
4. Engineer Contract - Bulkhead
5. Verizon Easement
6. Clerk of the Works

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 15 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 7:12 P.M. and this meeting was reconvened at 8:05 P.M.

Mayor Graham called the meeting to order at 8:10 P.M. and read the Sunshine Law Notice. Councilmember Merla led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to the Agenda at 8:10 P.M. There being none, the Meeting was closed to the public at 8:11 P.M.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of January 15th, Special Meeting of January 31st, Work Meeting of February 5th, Regular Meeting of February 19th, Closed Meetings of January 15th, 31st, February 5th and 19, 2002 were approved as read on motion of Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #7-02, Establish Landlord Registration Ordinance

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 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 AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL
AND AMENDED FROM TIME TO TIME THEREAFTER REGARDING
LANDLORD REGISTRATION

The Hearing was opened to the public for comments or questions at 8:12 P.M. Joseph Wedick, Theresa Street, asked if there was language added to the Ordinance to prohibit bulk items out at the curb. Mayor Graham said no. Mr. Wedick said the language was promised. The Hearing was closed to the public at 8:12 P.M.

Offered for adoption by Mr. Merla, seconded by Mrs. Ashmore

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

*Mr. Merla said Mr. Bergen advised that this could be enforced under NJ State Statute 48. The Borough cannot collect a fee and it does not require detail. More information will be required. You cannot detect ownership with an oil spill. This Ordinance lists all utility companies. Regarding debris and construction, the Certificate of Occupancy prohibits debris left behind, now the Borough can find the person and go after them. This Ordinance gives leverage for the school system. It cost \$10,680 to educate a student. Mr. Merla thanked Mr. Vecchio regarding the Ordinance. Property Maintenance Rules and Regulations will govern.

- 1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of March 21, 2002 moved by Mrs. Ashmore, seconded by Mr. Hyer with Ayes by all present.
2. Ordinance #8-02, Amend Chapter IV, Police Regulations to Prohibit Discharge of Weapons

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 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 AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL
AND AMENDED FROM TIME TO TIME THEREAFTER TO ENACT AN

ORDINANCE PROHIBITING THE DISCHARGE OF WEAPONS

The Hearing was opened to the public for comments or questions at 8:17 P.M. Conservation Lt. Gary Bitten, Fish and Game, and Officer Galecki commended Mayor and Council on their actions and concerns; they offered their services as they do this as a business (wildlife enforcement). Lt. Bitten spoke with Police Chief Gajewski and Mr. Kain regarding the discharge of firearms and making his business secure. Mr. Kain thanked Lt. Bitten for his time reviewing and discussing the ordinance with Police Chief Gajewski and Police Commissioner Ashmore. Lt. Bitten said he has been working the Keyport area for 19 years. Jim Block, Aberdeen, asked about duck hunting. Mr. Kain said it must be done 450 feet from a structure. The Hearing was closed to the public at 8:20 P.M.

Offered for adoption by Mrs. Ashmore, seconded by Mr. Merla

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

Absent: Councilman Bergen

*Mr. Merla said there has been misleading information on the ramp being closed. The public has the right to use the ramp at their own risk. In 1973, the Superior Court decided municipalities can enact their own ordinances. Home Rule of 1917 pertains to the sale and use of guns. This Ordinance protects the citizens.

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

3. Ordinance #9-02, Extend Public Works Facility Lease

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 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 AND SUPPLEMENTING AN ORDINANCE
OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH AND STATE
OF NEW JERSEY AUTHORIZING THE LEASING OF CERTAIN LANDS AND
BUILDING FROM EARL T. SWIFT**

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

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

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

Absent: Councilman Bergen

- 3a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of March 21, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

4. Ordinance #10-02, Adopt New Fee Schedule, Chapter 12, Section 12-1.6, Building and Housing

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 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 AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL
AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING
SECTION 12-1.6 TO AMEND THE "CONSTRUCTION FEE PERMITS
SCHEDULE"**

The Hearing was opened to the public for comments or questions at 8:26 P.M. There being none, the Hearing was closed at 8:26 P.M.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

- 4a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of March 21, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

5. Ordinance #11-02, Amend Site Plan/Subdivision Ordinance

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 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 AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL
AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING THE
SITE PLAN/SUBDIVISION ORDINANCE**

The Hearing was opened to the public for comments or questions at 8:27 P.M. Joseph Wedick, Theresa Street, asked if the figure was changed to \$50,000; yes. The Hearing was closed to the public at 8:28 P.M.

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

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

*Mr. Merla would like to see the fee in the Ordinance be higher.

- 5a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of March 21, 2002 moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present except Mr. Merla who was opposed.

INTRODUCTION OF ORDINANCES

1. Ordinance #12-02, Permit Parking/East Side of Broad Street

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT**

BE IT ORDAINED by the Mayor and Council, Borough of Keyport, County of Monmouth and the State of New Jersey as follows.

SECTION I. Chapter VII, "Traffic" Section 7-3.9, "Parking Permits for Unlimited Parking in Designated Residential Areas" and Schedule VII "Parking Permits for Unlimited Parking on Certain Streets" is hereby amended and changed as follows:

Permit Parking:

No person shall park a vehicle at the below described location unless said vehicle shall have a valid permit displayed.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Broad Street	East	Beginning 180 feet South of the southerly curblin of East Front Street and extending to a point 190 feet southerly therefrom.

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

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

SECTION IV. Effective Date. This Ordinance shall take effect upon its passage and publication according to law and upon passage of a Resolution of Consent from the County of Monmouth Board of Chosen Freeholders and final approval by the Department of Transportation of the State of New Jersey

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

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

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of March 21, 2002 for a Hearing to be held on April 2, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library. Mr. Bergen was absent.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following. The Historical Society will hold a Civil War display. There will be a Drug and Alcohol meeting with Barbara Hilliard, Alliance Coordinator, regarding educating the members. Fire Patrol is holding a breakfast with the Easter bunny. She attended the First Aid Meeting; their roster is not ready. She attended the Fire Department meeting (First Responders); there were 10 calls for January, there were two out of town calls and in February the had 13 calls. Eagle Hose and Raritan Hose make up the First Responders. The Senior Center needed ceiling repairs. Bill Cerase did a good job repairing the rusted and rotted areas.

Councilman Merla; Finance: Mr. Merla reported on the following. The Finance Committee and Board of Education Committee are meeting on the 2002/2003 Budget on Wednesday at 8 P.M. There is a meeting tomorrow regarding the garbage/recycling brochure. He thanked everyone for their time. The brochure should be ready for the next Council Meeting for Mayor and Council's review and approval. The cost of a freon permit should be increased. The fee is based on the current Ordinance. The current garbage contract has no bulk pick up for commercial establishments and there is none for industrials; this needs to be reinforced. The brochure is in draft form. The meeting is on March 20, 2002 at 6 P.M. in the Senior Center. The printing of the brochure will not cost anything; businesses have offset the cost. The brochure will become effective April 3rd if approved on April 2nd. Mayor Graham said he had a concern with bulk items. Mr. Merla said that he has a copy of the latest draft and it will be updated quarterly/monthly. There are financial matters from last year that need to be taken care of such as sale of property, foreclosure list. There are insurance items and flood insurance that is needed for certain buildings. He has discussed the Monmouth County Community Development Application with the Borough Engineer. The Borough can apply, but the current grant money needs to be spent by August 21st. The Borough must prove monies have been spent; he will speak with Ned Gaunt. Mr. Freda said it is difficult to spend money; a presentation can be done if monies are spent in August. Mr. Merla asked Mrs. Poling to give him the Community Development membership names. The Maple Place guiderail by Laisk's house has a sink hole; Mr. Freda inspected it. The County will inspect it. Mr. Merla asked a resident (Carol Grabowski) to fill a vacancy in the Court as mediator (the court report stated a vacancy). He asked that this be listed on the next agenda for discussion. He thanked Keyport Indians and thanked the First Aid for use of their building for the special meeting last week. He would like a sponsoring resolution listed for the next meeting regarding Bills S478/A540 calling for a constitutional convention. There was an article in the March 10th Asbury Park Press and information was received from William Dressel, League of Municipalities. The last time one was held was 1966. This bill would be limited to property taxes and

needs bi-partisan support. An Ordinance was recommended by Tony Vecchio to exempt commercial structures for 5 year exemption; Mr. Kain has reviewed it and it will be listed on the next meeting. There has been an oil spill on Broad Street for over 12 years. There was a fuel tank leak near the street from a 550 gallon oil tank. Mr. Freda needs to look at the report.

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. She asked if in late January there were guidelines distributed for the Committees; Mrs. Poling said yes. Letters were sent to the condominiums that she is the liaison; no responses have been received yet. The Police held a Task Force drill in the Annex building. Detective Cassidy asked to take advantage of the building to practice a hostage situation. She was given the run down and given a weapon with wax bullets; she saw the other side of the coin. She thanked the Police Department publicly for allowing her to participate. The first phase of the parking survey was done. Ten curbs were painted with a 50' indication and 31 intersections with a 25' indication; 5 stop signs need to be moved and 19 new signs are needed. A copy of the report is needed for the file.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. A report was submitted to Mayor and Council for February. There were some sewer calls. Changing parking signs can be costly. Monmouth County Department of Health inspected the sewer yard and it did not pass. Salt should be on a pad and covered, street sweepings should be on a pad and covered. George Sappah started to move; 128 tons cost approximately \$4,000. He spoke with Freeholder Narozanick and the Public Works Supervisor (County); they store their salt in a hot house and may possibly allow us to store ours if covered. We are not street sweeping due to water shortage; hopefully the restrictions will be lifted. The Cedar Street lights will be started; the entrance to the ballfield has been blacktopped to make it ADA acceptable. Mayor and Council must make a decision regarding the building at the boat ramp since it has been deemed unsafe by Mr. Vecchio. The Harbor Commission recommended demolishing the boat ramp building. The cross members under the pier are missing; he asked if an inspection should be done. The bulkhead at Benjamin Terry Park needs inspection. The School Board moved into their new facility. A new sign should be installed on the Highway and he asked if the Recycling facility should be open every Saturday and if funds were available? Mr. Merla suggested a new sign regarding dumping also. The roadway sweepings must be stopped since funds are not available. A company under State contract took samples today at no cost. A lab report for this last year cost \$1,400. Sweepings are not to be used in public parks; they have been there 15-20 years. The Capital budget provided monies for a new sweeper; a letter should be sent to the State. Mr. Merla suggested going to another community for an interlocal (this would be outside cap). Mr. Hyer said the current sweeper is 14 years old and needs retrofitting; the sweeper is operational.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following. Recreation formed a subcommittee to investigate options for a skate park. Years ago kids skateboarded in parks and now they are in the streets, etc. A business in town sells skate gear and kids "hang out" there; it is an unsafe environment. A skate park would become an addition to the parks. This matter has been researched and contacts have been made with many people. There have been questions about insurance liability; other organizations will provide i.e. PAL. A non-profit park costs \$11,000 to build. If a fee were to be charged and billed under \$100,000 per year it would be \$5,000. Various locations have been looked at (Cedar Street Park, Theresa Street Park, Second and Church lot). If Cedar Street Park were used, the tennis court could be split in half (one side tennis and the other side skateboards). The park would have a lot of activity and use. He spoke to ramp builders/designers. There is a site in Clifton he will inspect; skateboarding is a sport and there are competitions. Mayor Graham asked if Recreation recommended the Second and Church Street lot; it is not a safe area. Mr. Stalter will report back to Recreation on the subcommittees recommendation. Mr. Merla asked if there are sponsors; there are foundations that will donate and there are corporate sponsors out there. Mr. Kain said that the Borough could be sued if something happens. Mr. Stalter asked for Council and community support in this matter. Mr. Merla commended

Mr. Stalter and his committee; there is money in the budget. Kids play hockey and skateboard in the street.

Administrator Poling: Mrs. Poling reported on the following. The Request for Proposals has been prepared and is being distributed for the Water/Wastewater Facility. A part time employee is needed for the Annex Offices. Feeder Bus Surveys were mailed to Keyport residents and responses are being received.

Engineer Freda: Mr. Freda reported on the following. The Army Corp of Engineers has conducted a survey on coastal flooding protection and borings in the Borough; results should be received by the end of the month. Meetings have been scheduled for the inspection of the Water/Wastewater Utility. Mr. Hyer suggested the Harbor Commission sit in on the Army Corp meetings/visits.

Attorney Kain: Mr. Kain reported on the following. Mr. Litwin advised the Supreme Court denied a stay for appeal in the RCG case. As Special Counsel, he recommended proceeding forward on the Municipal Complex. There is still a petition for certification pending. There will be a ceremonial groundbreaking.

Mayor Graham: The Mayor reported on the following. On February 23rd he attended Cub Scout 364's Blue and Gold meeting. A plaque was presented to the Police Department and the Borough of Keyport (it will be hung in the new Municipal Building). March 1st was the Bayshore Conference of Mayors meeting; NJ Transit presented information regarding upgrades to the system. They cannot add more cars, but are two tiering cars (custom designed cars). Pop Warner held a breakfast on March 12th. This past Sunday, he, Mr. Hyer, Mrs. Atkins and Mr. Merla attended church services at Calvary Methodist Church. He and Mrs. Atkins attended BID's meeting and they held their annual election; Bill Larkin is their new member. There will be quarterly BID meetings held. There is a Clerk of the Board of Freeholders meeting next Tuesday (3/26) in Union Beach. Mrs. Cannon, Tax Assessor, removed the Yacht Club from BID. Mr. Kain said an amending Ordinance must be done; he will wait to create an amending Ordinance in case there are other properties removed. Mayor Graham advised a Councilmember needs to be appointed to the BID.

REPORTS OF DEPARTMENTS

2001 YEAR END

1. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$42,609.20
DOG LICENSES	\$ 5,427.60
CAT LICENSES	817.60
MARRIAGE LICENSES	1,764.00
BURIAL PERMITS	375.00
DEATH CERTIFICATES	15,320.00
MARRIAGE CERTIFICATES	910.00
BIRTH CERTIFICATES	35.00
POOL PERMITS	200.00
PLAN REVIEW	800.00
FOOD HANDLERS	16,450.00
MISCELLANEOUS	510.00

Submitted by Anne R. Biagianti, Treasurer

2. Librarian Report

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

Submitted by Jacqueline LaPolla, Librarian

JANUARY 2002

3. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
CONSTRUCTION STATE FEE	19	\$ 123.00
CERTIFICATE OF OCCUPANCY	30	770.00
PLUMBING PERMITS	13	1,060.00
ELECTRICAL PERMITS	15	1,576.00
BUILDING PERMITS	13	2,610.00
FIRE SUB CODE	9	460.00
CONST CERT OF OCCUPANCY	2	80.00
ZONING PERMITS	9	90.00

200 FT PROPERTY LIST	1	10.00
TRANSFER OF TITLE	6	225.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	1	25.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	29	580.00
CONST. DEPOSITS REFUNDABLE	3	150.00
TOTAL		\$ 7,759.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2362	\$ 7,486.00
STATE FEE DUE - PAID QUARTERLY	123.00

Submitted by Annette Kovacs, Senior Permit Clerk

4. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$ 6,666.80
DOG LICENSES	\$ 2,844.20
CAT LICENSES	478.60
MARRIAGE LICENSES	168.00
BURIAL PERMITS	36.00
DEATH CERTIFICATES	1,215.00
MARRIAGE CERTIFICATES	65.00
BIRTH CERTIFICATES	5.00
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	1,855.00
MISCELLANEOUS	-0-

Submitted by Anne R. Biagianti, Treasurer

5. Librarian Report

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

Submitted by Jacqueline LaPolla, Librarian

6. Fire Department Report

Total Company runs: 94
Mileage on Chief's car: 7,900

Submitted by Kenneth Marr, Jr., Fire Chief

7. Police Department-Firearm/Fingerprint Report

Total amount collected	\$ -0-
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Submitted by Theodore Gajewski, Police Chief

8. Treasurer's Report

CURRENT CHECKING	\$ 1,991,474.71
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	342.95
TRUST CHECKING	30,038.01
TRUST SAVINGS	157,602.05
RECREATION BAYFRONT	62,502.49
UNEMPLOYMENT/DISABILITY	63,527.45
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	22,734.11
ESCROW TRUST	163,245.11
LAW ENFORCEMENT	8,894.26
SELF HEALTH INSURANCE FUND	3,616.04
WATER/SEWER OPERATING	4,999.52
WATER/SEWER SAVINGS	246,654.12
WATER/SEWER INVESTMENT	118,287.77
WATER CAPITAL CHECKING	2,701.73
WATER CAPITAL INVESTMENT	88,631.50
GENERAL CAPITAL INVESTMENT	2,960,531.28

INTEREST EARNED ON INVESTMENTS FOR JANUARY, 2002
CURRENT - \$7,129.06

WATER - \$ 281.16

Submitted by Pauline Redmond, Treasurer

FEBRUARY 2002

9. Borough Clerk Report

WATER/SEWER ACCOUNT

WATER CONNECTION	\$	-0-
WATER METER		-0-
TURN ON CHARGE		-0-
SEWER CONNECTION		-0-
SEWER/POOL PERMIT		-0-
WATER METER W/TO		-0-
DEMOLITION		600.00
TOTAL WATER/SEWER, CHECK #3504	\$	600.00

CURRENT ACCOUNT

BINGO LICENSE	\$	-0-
GUN PERMITS & ID'S		137.00
LIMO LICENSE		-0-
PHOTOCOPIES		65.00
POSTAGE		1.77
RAFFLE LICENSE		300.00
TAXI LICENSE, DRIVER		-0-
TAXI LICENSE, OWNER		-0-
POLICE DEPT ACCIDENT REPORT		394.00
SEARCHES		-0-
VENDING LICENSE		-0-
PEDDLER LICENSE		-0-
LIQUOR LICENSE		-0-
STREET OPENING		-0-
FISH & GAME		-0-
NEWSPAPER VENDING MACHINES		-0-
RECYCLING PERMITS		274.00
PARKING PERMITS		10.00
AUCTION LICENSES		-0-
LIQUOR LICENSE APPLICATION		3.00
TOTAL CURRENT, CHECK #3505	\$	\$1,184.77

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #	\$	-0-
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TOTAL RECEIPTS	\$	\$1,784.77
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Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

10. Tax Collector Report

2002 TAXES	\$1,198,172.87
2001 TAXES	47,601.68
2003 PREPAID TAXES	-0-
PRIOR YEARS TAXES	422.03
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	3,925.25
TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	26,405.00
RETURNED CHECK CHARGES	20.00
ALL OTHER MISCELLANEOUS REVENUE	46,957.46
TOTAL CURRENT RECEIPTS	\$1,323,641.79

WATER & SEWER RENTS	\$	74,927.27
INTEREST AND COSTS		1,009.76
TURN ON CHARGES		-0-
RETURNED CHECK CHARGES		-0-
POOL PERMITS		-0-
WATER METERS/WITH TURN ON		-0-
NEW METERS AND INSTALLATION CHARGE		-0-
WATER & SEWER CONNECTIONS		-0-
METER TEST CHARGE		-0-
FIRE SERVICE		-0-
METER REPLACEMENT, PARTS ETC		-0-
DEMOLITION PERMIT		600.00
ALL OTHER MISCELLANEOUS REVENUE		-0-
TOTAL WATER/SEWER RECEIPTS	\$	76,537.03

Submitted by Pauline Redmond, Tax Collector

11. Police Department/Traffic Safety Report

Total Amount received \$352.00

Submitted by Theodore Gajewski, Police Chief

12. Code Enforcement Office Report

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

Submitted by Anthony Vecchio, Code Enforcement Officer

13. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
CONSTRUCTION STATE FEE	28	\$ 315.00
CERTIFICATE OF OCCUPANCY	39	995.00
PLUMBING PERMITS	12	1,770.00
ELECTRICAL PERMITS	19	2,440.00
BUILDING PERMITS	23	4,112.00
FIRE SUB CODE	9	720.00
CONST CERT OF OCCUPANCY	7	280.00
ZONING PERMITS	12	120.00
200 FT PROPERTY LIST	2	20.00
TRANSFER OF TITLE	13	455.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	7	175.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	39	780.00
CONST. DEPOSITS REFUNDABLE	2	100.00
TOTAL		\$ 12,282.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2364	\$ 11,867.00
STATE FEE DUE - PAID QUARTERLY	315.00

Submitted by Annette Kovacs, Senior Permit Clerk

14. Fire Department Report

Total Company Runs: 32

Mileage on Chief's Car: 8,800

Submitted by Kenneth J. Marr, Jr., Fire Chief

15. Municipal Court Report

STATE FINES	\$ 1,714.00
STATE SURCHARGE	544.00
STATE UNINSURED	626.00
COUNTY FUNDS	2,059.80
COUNTY FINES	5,846.00
MUNICIPAL FINES	12,466.00
MUNICIPAL COSTS	5,791.50
MUNICIPAL PARKING	2,352.00
MISCELLANEOUS	7,182.70

Submitted by Kathie Coffey, Court Administrator

16. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$2,730.20
DOG LICENSES	\$ 764.00
CAT LICENSES	134.20
MARRIAGE LICENSES	112.00
BURIAL PERMITS	38.00
DEATH CERTIFICATES	1,415.00
MARRIAGE CERTIFICATES	90.00
BIRTH CERTIFICATES	30.00
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	135.00
MISCELLANEOUS	12.00

DISBURSEMENTS

BOROUGH OF KEYPORT MISC. ACCT.	\$1,732.00
BOROUGH OF KEYPORT TRUST ACCT.	100.00
BOROUGH OF KEYPORT DOG ACCT.	718.20
NJ STATE DEPT. OF HEALTH	180.00

Submitted by Anne R. Biagianti, Treasurer

17. Librarian Report

See full copy of report in Clerk's Office.

Submitted by Jacqueline LaPolla, Librarian

Mr. Merla said it is good to see action taken in obtaining dumpsters. There were 11 in two months. The Property Maintenance Officer and Code Enforcement Officer were involved.

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

COMMUNICATION AND PETITIONS

1. Request from Jesus The Lord Church to hold two processions during Holy Week (March 24th and 29, 2002)

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

2. Street Open Application from NJ Natural Gas Company/New Construction/Hurley Street.

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

3. Street Open Application from NJ Natural Gas Company/New Construction/Van Dorn Street.

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

4. On Premise Draw Raffle License Application/Keyport Central School PTA - May 3, 2002

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

5. On Premise Cash Raffle License Application/Keyport Central School PTA - May 3, 2002

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

6. Off Premise Cash Raffle License Application/St. Joseph Boys Baseball League - June 8, 2002

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

7. On Premise Cash Raffle License Application/Keyport Senior Citizen Advisory Committee - May 16, 2002

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

8. Letter from Apollo Sewer Plumbing to purchase 30X50 Borough owned lot on Beers Street.

Mr. Merla said these matters are always referred to the Finance Committee. Two Councilmembers had a survey done. Mayor Graham said he is opposed to the sale of this property. A survey was done for Senior Citizen use.

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

9. Request for Handicap Parking Space - 125 Second Street

Motion to refer to the Police Department moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

10. Street Open Application from NJ Natural Gas/Oil Conversion/315 Beers Street

Motion to Approve moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present except Mr. Merla who abstained.

11. Street Open Application from Apollo Sewer/New Sewer/162 Second Street.

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

12. Street Open Application from Suttons Mill/Connecting Sanitary Sewer/218 Osborn Street.

Motion to Approve moved by Mr. Hyer, seconded by Mrs. Stalter with Ayes by all present except Mr. Merla who abstained.

13. Letter of Resignation from Peter Henning, Library Board of Trustees.

Motion to Accept moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

14. Letter of Resignation from Alfred Crumlish, Library Board of Trustees.

Motion to Accept moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

Mayor Graham recommended Joseph Sheridan, Atlantic Street, to fill a vacancy on the Library Board of Trustees and asked for a motion to list a resolution. Mr. Merla stated last year an advertisement was put in the newspaper for volunteers. This will be listed on the next agenda (4/2) for discussion.

UNFINISHED BUSINESS

1. **Skate Park.** This matter was discussed under Mr. Stalter's report.
2. **Keyport-Aberdeen Women's Softball.** A memo was received from the Recreation Commission requesting Pop Warner be given preference over other organizations for use of Cedar Street field. The women's softball league is requesting use of Cedar Street Field September through November. The school time line is for use of the field until the second week in October. The Borough should wait for a letter from Pop Warner. Motion to refer to the Administrator to work out the details moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.
3. **Sailing Catamaran Charter Service.** Mayor Graham asked if Council had any interest. Mr. Merla said it would be subject to Green Acres; it would be a nice adventure. This matter will be referred to the Harbor Commission for their recommendation. It was asked if something like this would have to go to bid. Motion to refer to the Harbor Commission moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.
4. **Senior Center/Furnace Specs/Engineering Proposal.** This matter should be added under Resolutions. Motion to add a resolution authorizing the Engineer to do this work moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.
5. **Washington Street/Phase III/Engineering Proposal-Construction Administration.** Mr. Freda said that Schoor DePalma did the specs for this project. The project has not been signed and has to go out to bid. Mayor Graham asked if Schoor's quote would be used. Motion to add this matter under Resolutions moved by Mrs. Ashmore, seconded by Mr. Stalter with Ayes by all present except Mr. Merla who abstained.
6. **American Legion Drive Parking.** Mr. Merla asked and was advised this is regarding the Ferry which is on Green Acres property.
7. **Engineering Proposal/Cedar Street Lights.** Motion to leave this matter listed on the Agenda under Resolutions moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present except Mr. Merla who was opposed.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions pertaining to Agenda items at 9:56 P.M. Tracey Dell, Catamaran Business, thanked Mayor and Council for considering his request. He asked if they needed any further information. Mr. Dell said he was going to run his business further south, but he joined the Keyport Yacht Club and Keyport is a better location. Raymond Springberg, attorney for A&K, said that A&K will be moving forward, it has been a pleasure working with Mr. Litwin. He asked that the project (new Municipal Building) move forward. Shawn Mowery said it takes patience and perseverance. Joanne Staeger, Main Street, asked that the front doors be opened on meeting nights. She told Mr. Stalter that she would be happy to help with the skate park. She said she takes offense when people put kids down. There were Guardian Angels at the school. Chief Gajewski received a call on parking amendments; this will be listed next meeting (Mr. Kain will draft the Ordinance). Chief Gajewski asked if a response was received from Green Grove Apartment regarding their parking; they were given 30 days to respond. No response has been received; Mrs. Poling will contact Josh Pomerantz. The budget was introduced, but is not listed on tonight's agenda; a schedule has to be adhered to. Ken Barto said that BID has helped make the downtown streets look good, but the other streets in town need work. He asked the status of Second and Atlantic Streets. Some people do not take care of their property (corner of First and Fulton Streets). Mr. Merla said the Borough had applied to the DOT for funding for Atlantic street. There is a Property Maintenance Officer and there was a property that has looked the same for 17 years and asked why it is being cited now. There have been two wheelbarrows filled with dog feces removed from Swift's property on First Street. Mayor Graham said that he has been a resident for 25 years and the town is on an upswing; you have to take it one house at a time. A resident asked if a volunteer could buy paint and paint a house. Mr. Merla said the Borough should recognize businesses that have been in town over 50 years. There used to be a "Home of the Month" award. Mayor Graham said the town is on an upswing. John Fahey, First Street, said a letter was received by the Harbor Commission for another Ferry; the Commission will respond not at this time. Mrs. Poling requested copies of the letters. A letter was sent to Green Acres by the Harbor Commission asking if the boat ramp building is taken down, could the Borough rebuild one. Mrs. Poling requested a copy of that letter. Mr. Fahey asked about a part time summer help ad; Administration takes care of this. Mr. Merla asked about Mr. Bach's check from Marrone; Mrs. Poling said the check was received from Marrone Disposal and picked up by Mr. Bach. The meeting was closed to the public at 10:16 P.M.

RESOLUTIONS

2. Resolution #101-02, Oppose Ocean Dumping of Dredge Spoils from Port Imperial Corp, Weekhawken

WHEREAS, the New York District, Department of the Army Corps of Engineers is reviewing a permit application applied for by the Weekhawken, NJ based Port Imperial Corporation to dump 194,000 tons of toxic mud at the Historic Area of Remediation 3 miles off the coast of Sandy Hook and Sea Bright; and

WHEREAS, the toxic mud fails to meet guidelines set by the Environmental Protection Agency and more importantly fails to meet the guidelines of common sense; and

WHEREAS, the constituents of the Borough of Keyport, surfers, fishermen, boaters and tourists firmly oppose the dumping of these dredge spoils at the HARS or any other ocean based area of disposal; and

WHEREAS, the dumping of these spoils will have detrimental affect on bottom dwelling fish, marine biota, recreational fishing, commercial fishing, water quality, water clarity along with many other dire affects which may not commonly be known at this time.

NOW, THEREFORE, BE IT RESOLVED that a copy of this Resolution be sent to the New Jersey Department of Environmental Protection, the Governor of New Jersey, Senator Robert G. Torricelli, Congressman Frank Pallone, Jr., State Legislators, Senator Joseph M. Kyrillos, Jr., Assemblyman Joseph Azzolina, Assemblyman Samuel Thompson and Monmouth County Municipalities.

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

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

3. Resolution #102-02, Payment of Bills

See full copy of Resolution as pages 20-26 of these minutes

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

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

4. Resolution #103-02, Accept Schoor Engineering Proposal for Cedar Street Light Project

WHEREAS, the Mayor and Council have previously authorized the firm of Schoor DePalma to proceed with preparation of bid specifications and the advertisement of bids relative to the Cedar Street Park Project, which has resulted in the Borough awarding a contract for the installation of replacement site and sport lighting at the within location; and

WHEREAS, the Mayor and Borough Council have reviewed a proposal submitted by the firm of Schoor DePalma for costs necessary for the construction administration and observation required for the completion of this project; and

WHEREAS, the Mayor and Council are resolved to proceed with the aforementioned project and to authorize the firm of Schoor DePalma to provide engineering services during the construction of the within improvements on the Cedar Street Park Project in accordance with the proposal submitted March 19, 2002.

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

1. That the firm of Schoor DePalma shall provide construction administration services and observation, including preconstruction meetings and supervision over all phases of the contract as required to bring the within project to a successful completion as set forth in their written proposal dated March 19, 2002.

2. That the firm of Schoor DePalma shall be compensated at a lump sum cost for construction administration and observation in the amount of Four Thousand One Hundred Dollars (\$4,100.00) for professional engineering services as set forth in their written proposal of March 19, 2002.

3. That copies of the within Resolution be forwarded to John D. Kriskowski, P.E., Schoor DePalma, Municipal Finance Officer and that a copy of the within Resolution be retained in the office of the Borough Clerk for public inspection.

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

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

5. Resolution #104-02, Authorize Transfer - 2001 Budget Appropriations

WHEREAS, various 2001 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2001 budget appropriation in the last two months of 2001; and

WHEREAS, NJSA 40a:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to balances which are expected to be insufficient during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough

of Keyport that the transfers in the amount of \$8,400.00 be made between the 2001 budget appropriation reserves as follows:

Budget Appropriation	From	To
Planning/Zoning-Revision of Master Plan		\$ 500.00
Planning/Zoning - O/E		500.00
Garbage and Trash Removal - O/E		200.00
Landfill Disposal Costs		7000.00
Police - Clothing Allowance		200.00
Police - S&W	\$5400.00	
Garbage Removal - Contracted	<u>3000.00</u>	
	<u>\$8,400.00</u>	<u>\$8400.00</u>

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Keyport that the transfers in the amount of \$12,000.00 be made between the 2001 budget appropriation reserves of the Municipal Water/Sewer Utility as follows:

Budget Appropriation	From	To
Other Expenses	\$12,000.00	
Bayshore Regional Sewerage Authority		\$10,800.00
Acquisition of Water		1,200.00
	<u>\$12,000.00</u>	<u>\$12,000.00</u>

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

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

6. Resolution #105-02, Authorize Execution of Borough Attorney Contract

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that:

WHEREAS, on January 31, 2002, Wesley M. Kain of Shebell and Shebell was appointed as Borough Attorney for the year 2002; and

WHEREAS, it is desirable to have a contract document which spells out the terms and conditions of the employment of the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport, County of Monmouth, State of New Jersey that the attached contract, marked Exhibit "A" for the legal services of Wesley M. Kain be and hereby is approved.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said Contract on behalf of the Borough of Keyport.

BE IT FURTHER RESOLVED that a notice of this Resolution and Award of Contract shall be published as required by law.

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

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

7. Resolution #106-02, Award Contract to Allied Control Service for Water Plant Maintenance

WHEREAS, there are certain Allied Control Services instrumentation/equipment at the Water Plant; and

WHEREAS, the instrumentation/equipment must be calibrated by Allied Control Services as per the March 15, 2002 memo from Edward Rainer, Licensed Water Plant Operator, attached.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that a service contract is awarded to Allied Control Services for 2002-2003 at \$530.00 per day, for a three day annual calibration visit. The annual lump sum price is \$1,590.00 (extra time for start up and shut down of plant will be at the rate of \$68.00 per hour, plus mileage and expenses at 55

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

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

8. Resolution #107-02, Expansion of St. Joseph Cemetery

WHEREAS, St. Joseph's Church has entered into an agreement to acquire Lots 46 and 47, Block 1, on the Tax Map of the Borough of Keyport, from Antlor, LLC; and

WHEREAS, St. Joseph's Church has represented that the acquisition of Lots 46 and 47, Block 1 on the Tax Map of the Borough of Keyport is for the sole purpose of enlarging and existing cemetery situated within the Borough of Keyport, County of Monmouth and State of New Jersey; and

WHEREAS, St. Joseph's Church has requested the Mayor and Council adopt a resolution consenting to the enlargement of St. Joseph's existing cemetery utilizing the above referenced property pursuant to NJSA 8A:6-5; and

WHEREAS, the Mayor and Council have reviewed the request of St. Joseph's Church to acquire contiguous property for the purpose of enlarging the cemetery pursuant to such statute made and provided; and

WHEREAS, the Mayor and Council of the Borough of Keyport are mindful that the present property owned by Antlor, LLC is presently the subject of a foreclosure action for nonpayment of taxes and assessment as instituted by the Borough of Keyport which is presently pending in Superior Court of New Jersey, Chancery Division, Monmouth County; and

WHEREAS, the Mayor and Council of the Borough of Keyport, are resolved to permit the enlargement of the existing cemetery pursuant to NJSA 8A:6-5 with the express caveat that all accrued municipal fees, taxes, assessments, costs and interest thereof are paid in full at the time of closing of title and delivery of deed to the Borough of Keyport; and

WHEREAS, the Mayor and Council are inclined to authorize the enlargement of St. Joseph's Cemetery with the condition that all fees due to the Borough of Keyport relative to Lots 46 & 47, Block 1, on the Tax Map of the Borough of Keyport, which property is subject to present foreclosure action, are satisfied at or prior to the closing of title and delivery of deed.

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

1. Pursuant to NJSA 8A:6-5, the Mayor and Council of the Borough of Keyport hereby consent to the enlargement of the existing cemetery owned by St. Joseph's Church through the acquisition of contiguous Lots 46 & 47, Block 1, as shown on the Tax Map of the Borough of Keyport.
2. The within approval granted to St. Joseph's Church is hereby especially conditioned upon the payment of all outstanding fees, costs, assessments, taxes and interest due to the Borough of Keyport on Lots 46 and 47, Block 1, as shown on the tax map of the Borough of Keyport, which are due and owing by the current owner, Antlor, LLC.
3. Upon the payment of all costs, fees, assessments, taxes and interest, the Borough of Keyport shall dismiss its foreclosure procedure pending in the Superior Court of New Jersey, Chancery Division, County of Monmouth and release any lis pendens filed with respect to the within property.
4. Nothing herein shall be construed as limiting the Borough of Keyport from continuing the present foreclosure action in the Superior Court of New Jersey, Chancery Division, County of Monmouth to protect its rights and interest in the subject property.
5. Certified true copies of the within resolution shall be

forwarded to the applicant St. Joseph's Church, the tax collector of the Borough of Keyport, the Borough Clerk and Borough Attorney.

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

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

9. Resolution #108-02, Authorize Architect and Contractor to move forward with the New Municipal Building

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the construction of a new municipal complex which will benefit the needs of the Borough of Keyport into the foreseeable future and have obtained all necessary funding to complete the aforesaid project; and

WHEREAS, the construction of the municipal complex has been delayed by litigation over the awarding of the contract to construct the within complex, which has prevented the Mayor and Council from proceeding with this project; and

WHEREAS, the Mayor and Council of the Borough of Keyport have received notification that an application for stay pending appeal has been denied by the New Jersey Supreme Court to the Appellant in the matter of R.C.G. Construction Company, Inc. v. the Borough of Keyport, Docket No: A-004294-00T5; and

WHEREAS, based upon the opinion of Special Legal Counsel and the Borough Attorney, the Mayor and Council are resolved to proceed and to thereby instruct the Project Architect to commence construction, forthwith.

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 have hereby directed that work commence immediately on the new Municipal Complex in accordance with the specifications and contracts awarded hereunder.
2. The Mayor and Borough Council hereby direct the project architect, Ned Gaunt, AIA/NCARB, Kaplan, Gaunt, DeSantis, Red Bank, New Jersey, to proceed with the construction of the within municipal complex as approved by this governing body.
3. Copies of the within Resolution shall be forwarded to Special Legal Counsel, Gordon N. Litwin, Esq., Project Architect, Ned Gaunt, Municipal Finance Officer, Borough Attorney and Borough Engineer.

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

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

10. Resolution #109-02, Authorize Borough Engineer to prepare specifications for the replacement of a Boiler and Water Heater in the Senior Center

WHEREAS, the Mayor and Council are determined to proceed with construction of certain improvements at the Keyport Senior Citizen Center, including the removal of the existing boiler and water heater and the installation of a gas fired boiler and water heater; and

WHEREAS, the Mayor and Borough Council have reviewed a proposal submitted by the Borough Engineer for costs necessary for the preparation of plans and specifications and for the construction administration of this project; and

WHEREAS, the Mayor and Council are resolved to proceed with the aforesaid project and to authorize the Borough Engineer to prepare plans and specifications and to thereafter provide

engineering services during the construction of the within improvements.

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

1. That the Borough Engineer is authorized to proceed with the preparation of plans and specifications for the removal of the existing boiler and water heater and the installation of a gas fired boiler and water heater, including the preparation of bid specifications and advertisement thereof in accordance with the written proposal dated March 12, 2002.

2. That the Borough Engineer, upon the award of bid and execution of the appropriate documents, shall provide construction administration services, including preconstruction meetings and supervision over all phases of the contract as set forth in their written proposal dated March 12, 2002.

3. That the Borough Engineer shall be compensated at a lump sum cost for the preparation of plans and specifications not to exceed the sum of Eight Thousand Four Hundred Dollars (\$8,400.00) and an additional lump sum cost of Four Thousand Five Hundred Dollars (\$8,500.00) for construction administration as set forth in their written proposal of March 12, 2002.

4. That copies of the within Resolution be forwarded to Gerald J. Freda, P.E., Borough Engineer, Municipal Finance Officer and that a copy of the within Resolution be retained in the office of the Borough Clerk for public inspection.

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

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

Absent: Councilman Bergen

11. Resolution #110-02, Authorize Borough Engineer to provide Construction Administration for Washington Street Construction, Phase III

WHEREAS, the Mayor and Council have previously authorized the firm of Schoor DePalma to proceed with the design of the within project including the preparation of bid specifications and the advertisement thereof; and

WHEREAS, the Mayor and Borough Council have reviewed a proposal submitted by the Borough Engineer for costs necessary for the construction administration and observation required for the completion of this project; and

WHEREAS, the Mayor and Council are resolved to proceed with the aforesaid project and to authorize the Borough Engineer to provide engineering services during the construction of the within improvements on the Washington Street Project in accordance with the proposal submitted March 11, 2002.

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

1. That the Borough Engineer, upon the award of bid and execution of the appropriate documents, shall provide construction administration services and observation, including pre-construction meetings and supervision over all phases of the contract as required to bring the within project to a successful completion as set forth in their written proposal dated March 11, 2002.

2. That the Borough Engineer shall be compensated at a lump sum cost for construction administration and observation in the amount of Twenty Three Thousand Dollars (\$23,000.00) for professional engineering services as set forth in their written proposal of March 11, 2002.

3. That copies of the within Resolution be forwarded to Gerald J. Freda, P.E., Borough Engineer, Municipal Finance Officer and that a copy of the within Resolution be retained in the office of the Borough Clerk for public inspection.

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

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

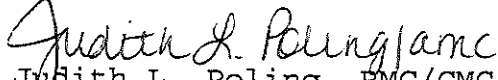
Absent: Councilman Bergen

ADJOURNMENT

Motion to Adjourn moved by Mrs. Ashmore, seconded by Mr. Hyer
with Ayes by all present.

Time of Adjournment: 10:20 PM

Respectfully submitted,


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


per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

