Approved 12/20/05

March 2, 2004
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 6:35 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #100-04, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel

1. Tax Office/Part Time Account Clerk Position

Litigation

1. Insurance Assessment of Various Borough Facilities
2. Department of Labor PEOSH Compliance
3. Letter from Freehold Soil regarding Block 22, Lots 26,30&31

Labor Relations

1. Grievance Hearing, Step III - Various IUOE Employees
2. Grievance, Barbara Hassmiller
3. Grievance, PBA
4. PBA Negotiations
5. IUOE Inquiry regarding Memo from Police Chief on Block Out Dates for Leave

Contract Negotiations

1. Water Utility
2. Municipal Complex
3. Health Services

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. Hyer, seconded by Mrs. Atkins

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

Council went into closed session at 6:37 P.M. and this meeting was

reconvened at 8:03 P.M.

Mayor Merla called the meeting to order at 8:03 P.M. and read the Sunshine Law Notice. It was requested that everyone stand for the Pledge of Allegiance and a Moment of Silence was requested for Mr. Bergen's brother who is in serious condition and a prayer that he comes through O.K.

ROLL CALL

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

CONTINUATION OF HEARING ON LIQUOR LICENSE

Mayor Merla said this matter has been postponed until March 16th. At the last meeting, the License owner left early. A comment was made regarding another license owner making a statement which is the Mayor's family member. The Mayor said he will distance himself and abstain from this matter.

PRESENTATION

Lou Granata, Esq., attorney for Kara Homes, said Kara Homes purchased the Apollo property and has made application to the Planning Board to develop the property as "Mystic at Keyport". The Borough owns lot 29 (1500 square feet).

Mystic at Keyport would be 44 townhouses (2 ½ stories) and in exchange would dedicate an improved park site (7069 square feet) which would be part of lot 31 between the site and the Senior Citizen High Rise. There would be parking in the rear of the townhomes (2 spaces per unit).

Mayor Merla asked if Mr. Granata's client needs Mayor and Council approval for the project before going to the Planning Board. Mr. Granata said he would have to include this as part of the project. Mr. Wedick said there would be wetlands issues for the location. Mr. Granata said the site would be elevated and there is a pre-application with CAFRA and INS has been started. Mr. Wedick asked about set back from the street; it would be 12 feet from the curb on Beers Street and 20 feet from the curb on West Front Street. They would be using the same square footage, but may need to scale back. Mayor Merla said the site is not part of the redevelopment study and the planner is looking at it. Pilings and elevation are needed for flooding.

The Mayor asked Mr. Doyle to get the last assessment of the property and report back to Council on March 16th. Mr. Hyer asked if the Developer would work with the Borough on site; yes.

COMMUNICATIONS AND PETITIONS

1. Proposal from LGA Engineering for Professional Planning Services/Keyport Master Plan

   Motion to Receive and File moved by Mr. Hyer, seconded by Mr. Doyle with Ayes by all present.

2. Letter from Keyport Fire Department regarding new Public Works Facility

   Motion to refer to the Fire Committee and Public Works Committee moved by Mrs. Atkins, seconded by Mr. Doyle with Ayes by all present.

3. Memo from Pauline Redmond, Tax Collector regarding Monday night hours.

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

4. Application and permit for Street Opening from NJ Natural Gas Company for 93 Third Street.

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

5. Letter from Frank Grabowski, Clerk of the Works, regarding employment

Mr. Grabowski did a great job in the Clerk of the Works position.

Motion to Accept moved by Mrs. Atkins, second by Mr. Stalter with Ayes by all present.

6. Request from Reformed Church regarding parking.

Motion to refer to Traffic Safety moved by Mr. Wedick, second by Mr. Stalter with Ayes by all present.

UNFINISHED BUSINESS

1. **Proposed Garbage Ordinance (Board of Health Adoption).** Attorney Kain said he will refer this matter to the Board of Health. Motion to refer this matter to the Board of Health moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

2. **Beers Street between Highway 35 and Clark Street - Traffic.** This was deleted from the Agenda.

3. **County Response regarding speed limits on Broad Street.** Motion to Receive and File moved by Mrs. Atkins, second by Mr. Stalter with Ayes by all present.

4. **Borough Letterhead.** Mr. Stalter said he would like to keep the logo and the seal on the letterhead.

5. **Monmouth County Community Development.** Mrs. Atkins said the paperwork was received and a Committee should be set up.

6. **Pilings.** Mr. Hyer said John Olsen, Harbor Commission, called him regarding the pilings at the Waterfront. Two pilings need to be reset near the fishing pier and four near the boat ramp at a cost of $7,800. Wade Pedersen said this should be done now and the Borough Engineer should inspect this.

7. **Redevelopment Committee Letters.** Mr. Wedick said the letters went out. There will be a meeting on March 11, 2004. He thanked the Mayor and Mr. Doyle. A resolution appointing the Committee will be listed on the March 16, 2004 Agenda. Mayor Merla thanked Mr. Wedick for all of his work.

8. **E-mail.** Authorization is needed from Mayor and Council to have the e-mail address on the letter. Attorney Kain will advise. A statement must appear on all e-mails.

9. Decisions are forthcoming from the Police Committee.

10. A transcript of testimony is needed for the Police committee to decide on the Liquor License Transfer.

11. **Water Tower.** Kathy Shaw has requested a decision regarding the painting of the Water Tower. This needs to go to bid. This will be listed on the March 16th Agenda. Mr. Doyle said the KBA is paying for this work.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. The Payment of Bills for January 27, 2004 is as follows. CURRENT - $718,759.31, WATER AND SEWER $7,051.00.

ENGINEER'S REPORT

Mr. Freda reported on the following. Receipt of Bids for the first phase of the Atlantic Street Project will be on March 16, 2004. The Mayor asked if the County trail was included. It was left out and the Borough will apply for a grant as an extension of improvements. The DOT Municipal Aid is good for 2004. Therese Street will be started and the Borough needs to expend funds by October 1, 2004. Benjamin Terry Park` is 99% completed. Dirt was removed and Sheathing was nailed and fabric screwed, the area backfilled and seeded and hay laid. A chain link fence has been installed and a gate is needed. Engineer Freda said the Governing Body needs to make a decision on moving forward. The Mayor said the neighbors have complimented on the work that has been done. Everything has been filled in except one depressed area.

Mr. Freda said the new stormwater rights have been received from the State and all are in order. Help will be required from the departments. Mr. Hyer said steps have been taken.

Mayor Merla said the bulkhead is pre-existing and said the Insurance Company requested the Borough install a railing at Firemen's park. All of the bolts need to be cut back; it is safe to burn off or tar the caps. Engineer Freda will inspect.

ATTORNEY'S REPORT

Mr. Kain reported on the following. The litigation with the PBA regarding medical benefits has been concluded. A resolution has been added to the Agenda. The Garbage Specifications have been published; Receipt of Bids will be held in May (there are two interested parties). Anthony Vecchio, Fire Official, has requested an Ordinance revision to the Fire Ordinance regarding fire lanes. There is no update on the Magic Touch case.

NEW BUSINESS

1. **Out of State Resident Assistance.** Mr. Wedick said an ordinance was referred to Attorney Kain to bill the Insurance Company for Out of State resident assistance or detention (Porter, Indiana).

2. **Street Sweeping Ordinance.** Mr. Hyer said there is a sweeping ordinance on the books for Tuesdays and Fridays in the Business District. The Police should notify the residents that they are not to park in the street. Mayor Merla said there are people who are moving the cars to the lot and are getting ticketed.

3. **Police Notices.** Mayor Merla said he would meet with the Police Chief and Lieutenant. Notices are going out citing violations and the return address on the envelope says the Borough; the letters are not from the Borough. There is no letter or signature.

4. Funding letters from Senators Corzine and Lautenberg for 2005 dredging were received. The Borough will make Application. The Army Corps of Engineers are coming out (Engineering assistance).

5. The Mayor said he has received the name and telephone number of the new Manager for Green Grove Apartments. They will have to come to the Planning Board.

6. On Wednesday, March 24, 2004, the Senior Center will help deliver Meals on Wheels throughout Monmouth County.

7. The Mayor said there is a Redevelopment Meeting on March 11, 2004 at 7:30 P.M. There are different Committees for this matter.

8. The 2003 Historian Report will be listed on the March 16th Agenda.

9. A business in town was heavily fined ($300,000) for operating an x-ray machine without a license. The Borough will be following up on permits.

10. The Mayor reported the Borough received a Clean Communities Grant for 2004 in the amount of $6,877.69.

11. Bulkhead Grant. Engineer Freda was asked to file for a Bulkhead Grant under the NJ Shore Protection Program. There will be a 75/25 match. Engineer Freda said he has the criteria for this grant.

12. Dubleski site. The Mayor said a letter was received regarding the Dubleski site. The Planning Board was asked to advise Council on this matter; the requirements have not been satisfied. Brian Mullen, Esq. sent a letter to Mayor and Council regarding this matter. The Construction Code Official, Zoning and Property Maintenance Officer should be sent a letter to go to the site. The Temporary Certificates of Occupancy should be stripped and they should appear

before the Planning Board. Mr. Wedick said the Police can get involved also.

13. Mayor Merla thanked CFO Fallon and John Cantalupo for the work they did on the Bond Sale; we received 1.20% net interest savings.

14. The Mayor attended the Blue and Gold Cub Scout Awards with Councilman Hyer.

15. The Mayor commended Councilman Hyer for getting the delayed light installed at the intersection of Broad Street and Highway 36.

16. The Mayor commended Mary Alan who was honored in a news article for Black History Month.

17. Today is Dr. Seuss' 100th Read Across America Day. The Mayor read to the children. He said the kids are doing a great job and he is proud of the school system. He said he read to Red Bank and Phillipsburg also.

18. Administrator Position. Two Council volunteers are needed to go through the 179 applications received for this position and address who should be granted an interview.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 9:00 P.M. for comments or questions. Ed Burlew, 59 West Front Street, asked about the fire lanes. They are existing; Mr. Kain said the Ordinance would be expanded. Mr. Burlew said there is a problem with parking in the American Legion Drive Parking Lot; you cannot park there from 11 PM - 6AM and cars are not allowed to park on West Front Street from 6 AM to 8 AM. There are Police cars waiting. It was asked if parking permits could be issued. Mr. Burlew said a tenant received a ticket at 2 AM; the plate was called in and it was from out of town. There is selective enforcement. After 11 AM Bulkhead patrons are receiving tickets. There is a restaurant coming into town and there is no parking. Mayor Merla said the 1986 Ordinance was revised in 1991; this matter should be referred to the Police Chief and Traffic Safety. The Ordinance has exceptions. Mr. Burlew asked how the Borough knows who is a patron and who is not. Notices are being handed out by the Police. Mayor Merla said the hours of operation were changed for Firemen's Park. Councilman Wedick will discuss this with Chief Gajewski.

Joanne Staeger, Main Street, thanked Mr. Hyer for the Highway light; she has been waiting for something like this since 1969. It is wonderful for the Senior Citizens because they can use a button and be able to cross safely. Mrs. Staeger said she was shocked and disappointed in the awning for the Subway eatery. The Mayor said he discussed this with the Zoning Officer. Mr. Doyle said design standards are needed. The Mayor will address this with the Planning Board.

Mike Lane, First Street, said the attachment was not included in the letter sent on the Redevelopment meeting. He asked if the Committee changed the scope of work? Yes. It was asked if the residents east of Walnut Street were notified. The Mayor said 14 homeowners will be sent a letter and they will meet with him and the Planner. Mr. Lane asked if Ferry notification was given property owners within 200 feet. Mr. Kain said he investigated this and there are no homeowners within 200 feet of the bulkhead. Public Notice on the Keyport Marina went out.

Mr. Burlew asked how the Borough knows what cars belong to patrons? The Mayor said the Police Department will investigate.

Mayor Merla said American Legion Drive is on the Green Acres Inventory List. Mr. Burlew said if it is on Green Acres list, it means nothing.

Jeff Fink, West Front Street, said it is a wonderful opportunity to have the Water Tower painted. He concurred regarding the sign ordinance. With regard to parking, the Borough should look at the overall impact on West Front Street.

George Walling, 54 Second Street, said Brian Mullen, Esq. is on the Planning Board and represents the developer. A letter was sent to District 13. Mr. Walling asked if the Borough gets the ferry, how long the lease would be. Mr. Kain said greater than 2 years with a maximum of 5 years. Mr. Walling questioned work being done at night at the Manchester Avenue/Maple Place site. Mayor Merla said a stop work order was issued and the Construction Code Official is making inspections. They came in for permits, but it is unknown if they have gone to the Planning Board (change in use).

Rowland Seckinger, Walnut Street, said the Fire Museum will be open tomorrow at 9 AM. School children from grades Kindergarten to 7th grade will be given tours to focus on Fire Prevention (30-35 classes). The Museum exists on dues and contributions.

Chief Gajewski said the light at Broad Street and Highway 36 went out two times; the signage may be changed. The Chief said he sits in his car and tries to explain to the patrons at Jack's Stationery about the street sweeping. Mr. Walling asked if tickets were issued in error last Thursday; the Chief will check. Mr. Burlew asked if cars were ticketed in error, can the Judge change the ticket. Street sweeping is done on Tuesdays and Fridays and signs are up.

There was a fire on Clark Street (Hazlet side) and a wall fell on the Hook and Ladder truck. The Police Captain came out and asked for a message board and was told no. The County and Parkway helped.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 9:40 P.M.

RESOLUTIONS

2. Resolution #101-04, Payment of Bills

See full copy of Resolution as pages 13-14 of these minutes.

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

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

3. Resolution #102-04, Engineering Services 2003-2004

WHEREAS, the Mayor and Council of Borough of Keyport have determined to proceed with the reconstruction and repairs to several roads located throughout the Borough of Keyport as part of the 2003-2004 Road Improvement Program; and

WHEREAS, the Mayor and Council have concluded that the 2003-2004 Road Improvement Program is necessary to maintain the infrastructure of the Borough of Keyport by providing needed repairs and reconstruction to portions of roads within the Borough designated through this program; and

WHEREAS, the Mayor and Council have received a three (3) phase proposal from the Borough Engineer for engineering services relative to the 2003-2004 Road Improvement Program dated January 20, 2004, which incorporates work previously performed as part of the initial engineering on the 2003 Road Improvement Program; and

WHEREAS, the Borough Engineer has proposed to provide to broaden the scope of work performed relative to the 2003 Road Improvement Program including all necessary drawings and designs for the roads included in the program for a lump sum Phase I cost of $4,900.00 and thereafter to advertise for bids, review all bids received and make specific recommendations relative to the award of bids for the 2003-2004 Road Improvement Program for a total lump sum Phase II cost of $4,800.00 thereafter to provide for the construction administration of the road improvement program in Phase III for a total lump sum cost of

$19,100.00 for a total fee of $28,800.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer dated January 20, 2004 and have determined to authorize the Borough Engineer to undertake this proposal in conjunction with the 2003-2004 Road Improvement Program, subject to certification of availability of funds by the Municipal Finance Officer either from bonds or the general revenues of the Borough of Keyport.

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

1. Borough Engineer is authorized to proceed with the engineering services required to implement the 2003-2004 Road Improvement Program for the Borough of Keyport.

2. Borough Engineer shall broaden the scope of work previously authorized relative to the 2003 Road Improvement Program including all necessary drawings and designs and thereafter to prepare bid specifications, advertise and receive bids and make specific recommendations and finally provide the necessary construction administration, consistent with their proposal dated January 20, 2004 for a total fee, inclusive of all phases in the amount of Twenty Eight Thousand, Eight Hundred ($28,800.00) Dollars, broken down into various phases and options, upon certification from the Municipal Finance Officer as to the availability of funds from the appropriate bond ordinances or general account of the Borough of Keyport.

3. That a certified copy of this resolution be forwarded to the Borough Engineer and 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. Stalter, seconded by Mrs. Atkins

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

4. Resolution No. 103-04, Engineer Services/Replacement of William A. Ralph Pier

WHEREAS, the Mayor and Council of the borough of Keyport have previously been notified of funding from the State of New Jersey, Green Acres Program to replace the current William A. Ralph Municipal Pier; and

WHEREAS, the Mayor and Council have concluded that such replacement is necessary to provide continued recreational activities beneficial to the waterfront development and consistent with the long term plans of the Borough of Keyport and will further provide a pier which will offer greater safety considerations to those who utilize this pier for recreational activities; and

WHEREAS, the Mayor and Council have received a three (3) phase proposal from the Borough Engineer for the preparation of necessary engineering services and the preparation of the required permit applications to be submitted to secure the required approvals from various agencies of the State of New Jersey and US Army Corps of Engineers; and

WHEREAS, the Borough Engineer has proposed to provide the necessary field work and investigations necessary to prepare a base map outlining the preliminary design and construction detail in accordance with current regulations and standards for a total cost of $36,000.,00 and thereafter to submit the required permit application to the New Jersey Department of Environmental Protection for the pier construction and to prepare the appropriate compliance statement and comply with the requisite submission requirements and to submit a further permit to the US Army Corps of Engineers for approval of the within replacement for a total Phase II cost of $15,400.00 and thereafter to complete final drawings and specifications to solicit and review bids received for the replacement for a total Phase III cost of $28,000.00 for a total engineering fee of $79,400.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer dated February 9, 2004 and have determined to authorize the Borough Engineer to undertake the proposal in conjunction with the replacement of the William A. Ralph Pier, subject to the certification of availability of funds by the Municipal Finance Officer.

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

1. Borough Engineer is authorized to perform the necessary engineering services and submit the applications required to secure the replacement of the William A. Ralph Municipal Pier.

2. Borough Engineer shall perform the necessary field work and investigations necessary to prepare a base map outlining the preliminary design and construction detail in accordance with current regulations and standards for a total Phase I cost of $36,000.00 and thereafter submit the required permit application to the New Jersey Department of Environmental Protection for the pier construction and prepare the appropriate compliance statement and comply with the requisite submission requirement of the State and thereafter submit a further permit to the US Army Corps of Engineers for approval of the within replacement for a total Phase III cost of $28,000.00, for a total engineering fee of $79,400.00 in accordance with the terms of the written proposal dated February 9, 2004 upon certification from the Municipal Finance Officer as to the availability of funds from the BRIT account, appropriate bond ordinances or general account of the Borough of Keyport.

3. That a certified copy of this resolution be forwarded to the Borough Engineer and 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. Stalter, seconded by Mrs. Atkins

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

5. Resolution No. 104-04, Requesting Planning Board investigate and hold a public hearing regarding areas of redevelopment

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the properties described on the attached list and referred to as Areas 1, 2, 3 and 4 below, should be preliminary investigated by the Borough of Keyport Planning Board and that the Board should conduct a public hearing to determine whether to recommend to the Mayor and Council that one or both of these areas meet the criteria to be declared an area in need of redevelopment as defined in the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq as amended; and

WHEREAS, it is necessary for the Mayor and Council to provide for a preliminary investigation of Areas 1, 2, 3 and 4 to make said determination.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, New Jersey that:

Section 1. The Planning Board of the Borough of Keyport is hereby authorized to make an investigation and, in connection therewith, to hold a public hearing to determine whether to recommend to the Mayor and

Council that one, some or all of the areas described below meet the criteria to be declared an area in need of redevelopment as defined by the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq, as amended:

Area 1
The area consisting of Tax Block 9, Lots 40, 46.01, 73, 74, 75, 76,77,78,79 and 80.

Area 2
The area consisting of Tax Block 20, Lots 5, 6, 9, 11.01, 13, 14 and 14.01

Area 3
The area consisting of Tax Block 21.01, Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 49, 50, 51, 51.01, 52, 53 and 54 and Tax Block 22, Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31.

Area 4
The area consisting of Tax Block 141, Lots 1.01, 1.02, 2, 3, 4, 5 6, 7, 8, 9, 10, 11, 12.01, 12.02, 13, 14 and 15.

Section 2. The resolution take effect immediately.

STATEMENT

Passage of this resolution will allow the Borough of Keyport Planning Board to conduct a preliminary investigation and hold a public hearing to determine whether to recommend to the Mayor and Council that Area 1, Area 2, Area 3 and/or Area 4 as described on the attached list and maps, should be declared an area in need of redevelopment.

LIST OF PROPERTIES

Area 1
The area consisting of Tax Block 9, Lots 40, 46.01, 73, 74, 75, 76,77,78,79 and 80.

Area 2
The area consisting of Tax Block 20, Lots 5, 6, 9, 11.01, 13, 14 and 14.01

Area 3
The area consisting of Tax Block 21.01, Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 49, 50, 51, 51.01, 52, 53 and 54 and Tax Block 22, Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31.

Area 4
The area consisting of Tax Block 141, Lots 1.01, 1.02, 2, 3, 4, 5 6, 7, 8, 9, 10, 11, 12.01, 12.02, 13, 14 and 15.

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

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

6. Resolution No. 105-04, Authorize Monmouth County Mosquito Extermination Commission to perform aerial spraying

WHEREAS, the Monmouth County Mosquito Commission has requested written approval to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport; and

WHEREAS, the Borough of Keyport understands that all pesticides used are registered with the NJDEP for aerial application by the State and the USEPA.

WHEREAS, it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Monmouth County Mosquito Extermination Commission is hereby authorized to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport subject to the Monmouth County Extermination commission notifying the Keyport Police Department prior to each and every application.

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

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

7. Resolution No. 106-04, Hire Part Time Motor Vehicle Operator I - Phillip T. Markey

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

WHEREAS, the Mayor and Council have established the salary range for this position by the adoption of Ordinance #31-03; and

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

WHEREAS, funds are available in the 2004 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Phillip T. Markey is hereby hired as Part Time Motor Vehicle Operator I, effective March 4, 2004 at an hourly rate of $10.00.

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

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

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

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

8. Resolution No. 107-04, Authorize Advertisements for Quotes/Bids

WHEREAS, it is necessary to obtain quotes or advertise for Receipt of Bids for various work or materials.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough Clerk is hereby authorized to obtain quotes and/or advertise for Receipt of Bids for the following:

1. Maintenance Services for the Water Plant
2. Laboratory Services for the Water System
3. Paving Materials

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

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

9. Resolution No. 108-04, Appoint In-house Risk Consultant - Robert Burlew

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

ROBERT BURLEW, CONSTRUCTION CODE OFFICIAL IS HEREBY APPOINTED IN HOUSE RISK CONSULTANT TO OVERSEE BOROUGH PROPERTIES AND TO ADVISE EMPLOYEES AS TO THE RULES AND REGULATIONS OF COMPLIANCE.

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

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

10. Resolution No. 109-04, PBA Memorandum of Understanding regarding Settlement of Litigation

WHEREAS, the Borough of Keyport has been involved in litigation with the Keyport PBA Local 223 regarding the ability of the Borough of Keyport to select health benefit providers which has led to the filing of a lawsuit in the Superior Court of New Jersey, Monmouth County under Docket No. MON-L-4708-02; and

WHEREAS, the Borough of Keyport and the Keyport PBA have further been involved in arbitration relative to an issue related to the calculation of payroll and expenses which has been before Arbitrator Michael Murray; and

WHEREAS, the Borough of Keyport and the Keyport PBA Local 223 have reached a tentative agreement which will result in the dismissal of the within litigation and the settlement of the present arbitration; and

WHEREAS, the terms of the within agreement have been reduced to a Memorandum of Understanding between the respective parties; and

WHEREAS, the Mayor and Council desire to authorize the Mayor to execute the within Memorandum of Understanding on behalf of the Borough.

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

1. The Mayor and Council hereby authorize the Mayor to execute a Memorandum of Understanding with the Keyport PBA Local 223 which resolves the litigation and arbitration between the respective parties as to the issues of health benefits and calculation of payroll and expenses.

2. Copies of the within Resolution shall be forwarded to the 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. Stalter, seconded by Mrs. Atkins

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

11. Resolution No. 110-04, Emergency replacement of pilings/Fishing Pier and Boat Launching Ramp

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the pilings which have previously supported the floating dock from the municipal pier and certain additional pilings located at the boat launching ramp have deteriorated due to the recent weather conditions thus requiring immediate repair or replacement; and

WHEREAS, the Mayor and Council have reviewed the report of the

Borough Engineer and his recommendations that repair or replacement of the affected pilings be addressed on an expedited basis due to their present condition; and

WHEREAS, the Mayor and Council have determined to proceed with emergency repairs based upon a quote obtained from Derrick Marine, Inc., in the sum of Seven Thousand, Eight Hundred Dollars ($7,800.00), in order to prevent further damage to the pier or boat ramp and to further insure that these public facilities will be available for public use in the upcoming seasonal months without delay; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution authorizing certain emergency repairs to the pier and ramp with funds available from either the BRIT account of the general account of the Borough of Keyport for the labor and materials required pursuant to this resolution.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize certain emergency repairs to the municipal fishing pier and boat ramp, including the repairs or replacement of several pilings at the pier or ramp identified by the Borough Engineer to be performed by Derrick Marine, Inc., based upon the quote received to be paid from the balance available in the BRIT account or general accounts of the Borough of Keyport.

2. That the within resolution is subject to the certification of the Municipal Finance Officer as to the availability of funds from either the BRIT account or the general account of the Borough of Keyport.

3. That a copy of the within Resolution, duly certified, be forwarded to the Superintendent, Borough Engineer and Municipal Finance Officer.

4. Copy of the within resolution shall be retained in the Office of the Borough Clerk for public inspection according to law.

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

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

ADJOURNMENT

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

Time of Adjournment: 9:41 P.M.

Respectfully submitted,

Judith L. Poling

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

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk