April 3, 2001 approved 4-17-01
Keyport, New Jersey

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

In Mayor Graham's absence, Council President Pedersen called the meeting to order at 7:03 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen. Absent: Councilwoman Atkins. Others present were Mr. Litwin, Borough Attorney.

RESOLUTION

1. Resolution #124-01, 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. Police Department
2. Public Works Department
3. Tax Office

Litigation
1. RCG v. Borough of Keyport
2. Garbage Contract
3. Tax Appeals, Keyport Plaza

Labor Relations
1. Grievance-Administrative and Non-Union Employees

Contract Negotiations
1. Interlocal with Aberdeen Township for Construction Code 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 Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

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

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Pedersen
Absent: Councilwoman Atkins, Bergen

Council went into closed session at 7:07 P.M. and this meeting was reconvened at 8:01 P.M.

Council President Pedersen called the meeting to order at 8:07 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen. Absent: Councilwoman Atkins. Others present: Mr. Litwin, Borough Attorney, Mr. Kriskowski, Borough Engineer and Mr. Fallon, Chief Financial Officer.

Council President Pedersen advised the public that the Agenda was being changed. Permanent appointments of Police Chief, Police Captain and Police Lieutenant are going to be made.

RESOLUTIONS

2. Resolution #125-01, Permanent Appointment of Police Chief

WHEREAS, on September 19, 2000, the Mayor and Council adopted Resolution #261-00 provisionally appointing Theodore Gajewski as Police Chief; and

WHEREAS, this appointment was provisional pending satisfaction of all applicable Department of Personnel regulations, specifically those pertaining to in-series promotional examinations; and

WHEREAS, the Borough of Keyport requested that the competitive examination be waived pursuant to the terms of N.J.A.C. 4A:4-27 and other applicable laws and regulations; and

WHEREAS, the Department of Personnel has granted the Borough's request waiving the competitive examination and establishing March 29, 2001 as the effective date of said appointment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Theodore Gajewski is hereby appointed to the position of Police Chief, effective March 29, 2001, subject only to the working test period as required by the Department of Personnel.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

Police Chief Theodore Gajewski was sworn into office by the Borough Clerk. His wife held the Bible.

3. Resolution #126-01, Permanent Appointment of Police Captain

WHEREAS, on September 19, 2000, the Mayor and Council adopted Resolution #262-00n provisionally appointing John Dayback as Police Captain; and

WHEREAS, this appointment was provisional pending satisfaction of all applicable Department of Personnel regulations, specifically those pertaining to in-series promotional examinations; and

WHEREAS, the Borough of Keyport requested that the competitive examination be waived pursuant to the terms of N.J.A.C.4A:4-27 and other applicable laws and regulations; and

WHEREAS, the Department of Personnel has granted the Borough's request waiving the competitive examination and establishing March 29, 2001 as the effective date of said appointment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that John Dayback is hereby appointed to the position of Police Captain, effective March 29, 2001, subject only to the working test period as required by the Department of Personnel.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Bergen, Pedersen
Absent: Councilwoman Atkins

Police Captain John Dayback was sworn into office by the Borough Clerk. Police Chief Gajewski held the Bible.

4. Resolution #127-01, Permanent Appointment of Police Lieutenant

WHEREAS, on March 20, 2001, the Mayor and Council adopted Resolution #118-01 permanently appointing Thomas Mitchell as Police Lieutenant; and

WHEREAS, the permanent appointment was conditioned and effective upon receipt from the Department of Personnel of waivers for the positions of Police Chief and Police Captain which were subject to the approval as to form by the Borough Attorney; and

WHEREAS, the Department of Personnel has granted the Borough's request waiving the competitive examinations for the positions of Police Chief and Police Captain, effective March 29, 2001 and same have been approved as to form by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Thomas Mitchell is hereby appointed to the position of Police Lieutenant, effective March 29, 2001, subject only to the working test period as required by the Department of Personnel.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

Police Lieutenant Thomas Mitchell was sworn into office by the Borough Clerk. His wife held the Bible.

Council President Pedersen spoke on behalf of Mayor Graham. The Borough is grateful for the Police protection it has in the Borough. There have not been many Police Chiefs in the Borough and Chief Gajewski will be joining the ranks. The Borough of Keyport's Police Force in the best in the County and State.

PROCLAMATION

Mayor Graham read a Proclamation declaring May, 2001 at T'ai Chi & Qigong Awareness Month.

2001 BUDGET

RESOLUTION

5. Resolution #128-01, Authorize Borough Clerk to Read Budget by Title

WHEREAS, the Borough Clerk heretofore posted a complete copy of the approved Budget in accordance with R.S. 40A:4-8 (1a,1b); and

WHEREAS, copies of said Budget were available to each and every person requesting the same during the week prior to this Hearing and at the time of this Hearing; and

WHEREAS, a Budget Summary as advertised in the Courier on March 22, 2001, said Budget Summary was published in accordance with N.J.S.A. 40A:4-6.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Budget as advertised, posted and distributed, be read at the Public Hearing by Title.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

HEARING ON 2001 BUDGET

The Hearing was opened to the Public at 8:21 P.M. There being no comments or questions the Hearing was closed at 8:21 P.M.

Mr. Fallon, Chief Financial Officer there are two parts that make up the Amendment. The first is the $78,000 reduction from $118,500 down to $39,000 in the PFRS due to the Pension Stabilization Act. The second is the Interlocal with Aberdeen Township adding $46,200 to the Budget. One out of every three years the State has to approve the Budget. The State has reviewed and approved the Borough's Budget and has also approved the Amendment. The Amendment reduces the increase from 3.5 cents to 2.5 cents. Mr. Bergen, Finance Chairman said the pension costs went down and are guaranteed until next year, the Interlocal increased the Budget by $46,200 and some appropriations were increased. If not for the Interlocal, the increase would have been 1 cent. Entering into the Interlocal with Aberdeen had to be handled differently then when Middletown did CCO services. $85,000 (Business Personnel Property Tax) goes to the School. This could have reduced the Budget. The Borough has major projects to accomplish and the surplus has to be preserved to handle them and the Borough has to plan for the future. Mr. Bergen thanked the Councilmembers for the handling of their respective Budgets and Mr. Fallon, CFO and Mrs. Poling, Borough Clerk/Administrator for all their work.

6. Resolution #129-01, Amendment to 2001 Budget

   See full copy of Resolution as page 13 Of these minutes.

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

   Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
   Absent: Councilwoman Atkins

7. Resolution #129-01A, Adoption of the 2001 Budget

   (See full copy of Resolution as pages 14 & 15 of these minutes

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

   Roll Call Vote: Ayes: Councilmembers Antonucci, Bergen, Pedersen
   Nays: Councilmembers Ashmore, Merla
   Absent: Councilwoman Atkins

   The Budget did not pass lacking 2/3 affirmative votes (4) of the full Council. The Adoption of the 2001 Budget will be listed on the April 16, 2001 Agenda. The Councilmembers who voted Nay on the Budget were asked to contract Mr. Bergen, Finance Chairman.

COMMUNICATIONS AND PETITIONS

1. Keyport Historical Society 25th Anniversary Ad Book (See Resolutions)

   Motion to approve a $50.00 Ad, moved by Mr. Merla, seconded by Mr. Bergen, with Ayes by all present.

2. Eagle Ridge, Inc. requesting release of Maintenance Guarantees, Haven Off The Bay, Block 130, Lots 13.12-13.18

   Motion to refer to the Borough Engineer, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present.

3. Ladies Auxiliary/Veterans of Foreign Wars request to hold Annual Easter Egg Hunt, Cedar Street Park, April 13, 2001, 1:00 PM

   Motion to approve, moved by Mr. Merla, seconded by Mrs. Ashmore, with Ayes by all present. The Public Works Department will be advised to clean the beach.

4. Application from Timothy B. Rost for membership in the Keyport Fire Department/Eagle Hose Co. (contingent upon State approval)

   Motion to approve, moved by Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

5. Request from Ladies Auxiliary/Raritan Post No. 23 to sell Poppies for Memorial Day (May 22-26)

   Motion to approve, moved by Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

6. Request from Keyport High School DECA Chapter for donation. (see Resolutions)

   Motion to approve same donation as in 2000, moved by Mr. Merla, seconded by Mr. Bergen, with Ayes by all present.

UNFINISHED BUSINESS

1. Mosquito Commission Request To Clean Swale on Borough Property. Mr. Merla reported that the Commission wants a recommendation from the Borough. The property is listed as Unknown Owner and is not the Borough's. Mr. Litwin said the Borough could say that the Borough has no objection. There is headwall work to be performed and the work cannot commence until the Engineer or the Public Works Department checks it out. Mr. Kriskowski said there is an

application before the Planning Board from the property owner adjacent to the ditch. Regarding the installation of a headwall at Main Street there is a question of capacity. Mr. Kriskowski suggested waiting until the Planning Board hears the case and he can review the situation. Mr. Merla said the Commission may need a D.E.P. permit. The Commission will clean and replace, but will not maintain. Mr. Litwin asked where the headwall was and Mr. Kriskowski said he did not know. Mr. Merla said that Mr. Hammond bought property where they want to put riprap. Mr. Kriskowski said it is a long strip of property. Mr. Litwin said the Borough could condemn against the unknown owner and then sell it.

2. Outside Employment of Police Officers. Mr. Bergen requested that this matter be referred to the Finance Committee and that Mr. Fallon, CFO give input. He asked about including a separate fee for use of Borough vehicles. Mr. Litwin said he has researched the matter of range and it is legal. Mr. Bergen said the Police Officers have to be paid by the Borough.

3. Water Bill, 191 Second Street. Motion to refer the matter to Councilman Pedersen and Mayor Graham, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present.

ADMINISTRATOR'S REPORT

Mrs. Poling had no report.

ENGINEER'S REPORT

Mr. Kriskowski had no report.

ATTORNEY'S REPORT

Mr. Litwin reported on the following. Tax Appeals were due April 1, 2001. Keyport Plaza filed an Appeal on three parcels and Mr. Litwin requested authorization to file a counter claim. (See Resolutions). Judge Lawson denied the motion filed by A & K Excavating, low bidder for the new Municipal Complex. A & K will appeal. Mr. Litwin requested authorization to file an appeal on behalf of the Borough. (See Resolutions). This matter is to be listed on the April 16, 2001 Agenda. Mr. Merla said the Police Committee received a memo from Chief Gajewski regarding a court decision on SCART asking if the Borough may still participate. The memo was forwarded to Mr. Litwin by the Administrator. Mr. Merla questioned whether the Fire Department's FAST Team is also effected by the court decision. Mr. Merla will contact Mr. Litwin to discuss the matter.

Mr. Merla requested a meeting be set in April to discuss the Water/Sewer Utility. He submitted an Agenda for the meeting and asked Mr. Bergen to review. He wants to speak with Mr. Redmond, Collector of Water/Sewer Utility Rents and the Public Works Department. He contacted the Bayshore Regional Sewerage Authority for information. He recommended the meeting be held in April or early May to discuss several areas, i.e. billing, meters, etc. Mr. Haney of Oldbridge sent Mr. Merla information on new electronic metering. The electronic meters cost $260.00 vs $54.00 for the regular meters which are being used now. This would be a capital expense. Mr. Bergen said that Mr. Fallon had reviewed the matter. Aberdeen put in electronic meters. The cost of the new meters could be earned back in a couple of years. Accounts may have been under billed. Mr. Bergen asked Mr. Litwin if they could go forward with the lease to Shorelands for the diversion rights. Mr. Litwin said to wait as he is clarifying the State's view on bidding. Mr. Pedersen reported that there will be two jet vac demonstrations in the Borough and Mr. Sappah, Supt. of Public Works is having them jet vac the storm sewers. The equipment brought in is too costly. Another smaller jet vac will be brought in. There is another demonstration tomorrow, 4/4/01 at 10:30 am. Mr. Bergen said a Bond Ordinance has to be put together, but it will have to wait since the Budget was not adopted. Mr. Merla reported that the County fixed the pipe at the intersection of Maple and Beers. The County paved over the manhole. Mr. Bergen asked the Administrator to call the County on when they will be painting the crosswalks.

NEW BUSINESS

1. Computer Use Policy. Mrs. Poling requested that a policy be established covering the use of computers. She solicited

information from other municipalities and forwarded same to the Borough Attorney for review. This matter will be listed on the April 16, 2001 Agenda for further consideration.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:00 P.M. Mr. Andrew Kutchman asked why he was not notified about the condemnation proceedings on his property. Mr. Litwin said he was sent a letter several months ago. The condemnation has not been instituted yet and the Borough and Mr. Kutchman can still talk. Mr. Bergen said that this will not be negotiated tonight. Mr. Litwin said the matter has been discussed at several public meetings and that Mr. Kutchman did not respond to the last letter the Borough sent him. Mr. Kutchman said the Borough offer of $100,000 is unrealistic. Mr. Litwin said Mr. Kutchman never responded or came back to the Borough and that Mr. Kutchman wanted the assessed value. The Borough offered $100,000 and Mr. Kutchman never came back. He advised Mr. Kutchman that the Borough never excluded him, that the Borough offered to negotiate and that the Borough's appraisal was under $100,000. Mr. Kutchman said he should be paying lower taxes and Mr. Bergen said he should file a tax appeal, that the Borough tried to negotiate and wrote him a letter. Mr. Kutchman said he should have been notified that the matter was being discussed. Mr. Litwin told Mr. Kutchman that the Borough is willing to meet with him and Mr. Kutchman said he would advise the Borough. Mrs. Mary Alan asked if the tax rate was being reduced from 3.5 cents to 2.5 cents and Mr. Bergen said yes. She was concerned with the School rate. She told Mr. Bergen that he did a good job with the municipal budget and she appreciated it personally. Mr. Bergen said there has been no increase in many years and he discussed the Budget with Mr. Fallon. The School will get $85,000. Between 2004-2006 when the old debt retires and new debt starts, there will be a spike. Surplus has to be built now for the future and it will be a tough year. Ms. Roseann Lahey, Waverly Street commended the Police Department on their fast response to having vehicles on her lawn hit three times in sixteen months and on bringing into custody the people responsible, that the Police Department is not appreciated enough.

RESOLUTIONS

8. Resolution #130-01, Opposing Passage of Bills S2051/A3116

WHEREAS, the New Jersey Legislature is currently considering the passage of Bills S2051/A3116 which would grant $25,000,000 for the engineering and construction of the Brick Township Reservoir; and

WHEREAS, it has not been the policy of the State of New Jersey for water supply or sewerage authority facilities in New Jersey to receive taxpayer-funded grants for the design and construction of such facilities; and

WHEREAS, projects such as the Brick Township Reservoir have traditionally been financed through the sale of bonds such as those issued by the State of New Jersey to fund the design and construction of the Manasquan Reservoir System pursuant to the 1981 Water Supply Bond Act in the amount pf $72,000,000, as a result of which the purchasers and users of the raw water will ultimately repay approximately $125,000,000; and

WHEREAS, while the Borough of Keyport is not opposed to the construction of the Brick Township Reservoir, the Borough of Keyport does consider it unfair for the State of New Jersey to provide grant money to the Brick Municipal Utilities Authority when other water suppliers in the State must pay for the design and construction of their own facilities; and

WHEREAS, the Borough of Keyport believes that passage of the aforesaid legislation will set a dangerous precedent which, if applied state-wide, could create a significant unfunded liability; and

WHEREAS, the proposed grant would be unfair to the citizens of the Borough of Keyport who will continue to bear the burden of financing of the construction of the Manasquan Reservoir system and also bear part of the statewide burden for funding the design and construction of the Brick Township Reservoir; and

WHEREAS, the Monmouth County Water Resources Association (MCWRA), the statutorily authorized agency of the County of Monmouth established by the Board of Chosen Freeholders to coordinate water resources issues affecting the County and to act as an advisory body to the Board of Chosen Freeholders concerning water-related matters is opposed to the passage of Bills S2051/A3116.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough of Keyport does hereby oppose the passage of Bills S2051/A3116 and opposes generally the concept of funding the design and construction of the Brick Township Reservoir by grants from the State of New Jersey.

BE IT FURTHER RESOLVED, that the Borough of Keyport hereby recommends to the Board of Chosen Freeholders that the Board, on behalf of the Borough of Keyport, favorably consider taking appropriate action in support of the position taken by the Borough of Keyport herein.

BE IT FURTHER RESOLVED, that copies of the resolution be sent to the Monmouth County Board of Chosen Freeholders, the Borough of Keyport's legislative delegation, the Senate and Assembly majority and minority offices and to the Governing Bodies of the 53 municipalities in Monmouth County.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Bergen, Pedersen
Absent: Councilwoman Atkins

9. Resolution #131-01, Termination of Developer's Agreement, Return of Performance Guarantees, Straub Motors, Block 112, Lot 1

WHEREAS, on March 12, 1990, the Borough of Keyport entered into a developer's agreement pertaining to Block 112, Lot 1 with Straub Motors, Inc., based upon a resolution of the Keyport Planning Board and adopted February 28, 1989; and

WHEREAS, said developer's agreement contained a requirement that the improvements referenced therein shall be satisfactorily completed within one (1) year from the date of the agreement; and

WHEREAS, the developer has posted a letter of credit and the security to guarantee various items as set forth in said developer's agreement; and

WHEREAS, it has come to the attention of the Mayor and Council that the developer has taken no action to complete the project referenced in the developer's agreement; and

WHEREAS, pursuant to letter dated March 22, 2001 received from Jeffrey B. Gale, Esq., representing Straub Motors, Inc., and advising that Straub Motors, Inc. does not intend to proceed with the 1990 site plan approval and requests that the developer's agreement be terminated and the security be returned and the underlying approval be declared void.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AS FOLLOWS:

1. The developer's agreement entered into with Straub Motors, Inc., on March 12, 1990 is hereby terminated.

2. The Borough Administrator is authorized to cancel and return any existing security posted for said developer's agreement including any letter of credit outstanding but only after deducting any professional or other fees that may be due to Keyport.

3. The Borough Administrator is authorized to advise the developer, the Keyport Building Department and the Keyport Planning Board and other appropriate officials of the aforesaid action.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla

Bergen, Pedersen
Absent: Councilwoman Atkins

10. Resolution #132-01, Donation-Keyport Chamber of Commerce for Town Wide Volunteerism Parade, July 1st

WHEREAS, the Keyport Chamber of Commerce is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport Chamber of Commerce has requested that the Borough of Keyport contribute the sum of $200.00 for the purpose of assisting them with funds for a Town Wide Volunteerism Parade - July 1, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $200.00 is hereby approved as a contribution to the Keyport Chamber of Commerce and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonuuci, Merla
Bergen, Pedersen
Absent: Councilwoman Atkins

11. Resolution #133-01-01, Donation-Keyport Historical Society 25th Anniversary Ad Book

WHEREAS, the Keyport Historical Society is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport Historical Society has requested that the Borough of Keyport contribute the sum of $50.00 for the purpose of assisting them with funds for the 25th Anniversary of The Steamboat Dock Museum Ad Booklet.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $50.00 is hereby approved as a contribution to the Keyport Historical Society and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Bergen, Pedersen
Absent: Councilwoman Atkins

12. Resolution #134-01, Permanent Appointment, Luz M. Negron as Senior Account Clerk

WHEREAS, the Department of Personnel performed an audit on Luz M. Negron, Clerk Typist; and

WHEREAS, the Department of Personnel reclassified Luz M. Negron as a Senior Account Clerk; and

WHEREAS, the Department of Personnel has forwarded the Certifications of Eligibles for Appointment for Senior Account Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Luz M. Negron is hereby permanently appointed as Senior Account Clerk.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Bergen, Pedersen
Absent: Councilwoman Atkins

13. Resolution #135-01, Permanent Appointment, Diana S. Hoffman as Senior Account Clerk

WHEREAS, the Department of Personnel performed an audit on Diana S. Hoffman, Clerk Typist; and

WHEREAS, the Department of Personnel reclassified Diana S. Hoffman as a Senior Account Clerk; and

WHEREAS, the Department of Personnel has forwarded the Certifications of Eligibles for Appointment for Senior Account Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Diana S. Hoffman is hereby permanently appointed as Senior Account Clerk.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Bergen, Pedersen
Absent: Councilwoman Atkins

14. Resolution #136-01, Donation-Keyport High School DECA Chapter

WHEREAS, the Keyport High School is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport High School has requested that the Borough of Keyport contribute the sum of $150.00 for the purpose of assisting them with funds for the Keyport High School DECA Chapter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $150.00 is hereby approved as a contribution to the Keyport High School and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla,
Bergen, Pedersen
Absent: Councilwoman Atkins

15. Resolution #137-01, Hiring of School Crossing Guard

WHEREAS, there is a need to fill the position of School Crossing Guard; and

WHEREAS, funds are available in the 2001 Budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Jill C. Ferry is hereby hired as a School Crossing Guard, effective April 4, 2001 at the salary in effect as per current Salary Ordinance and Salary Resolution.

BE IT FURTHER RESOLVED that this appointment will expire on December 31, 2001.

BE IT FURTHER RESOLVED, as this is a part time position, there are no benefits.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla,
Bergen, Pedersen
Absent: Councilwoman Atkins

16. Resolution #138-01, Payment of Bills

See full copy of Resolution as pages 16-19 Of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla,
Bergen, Pedersen
Absent: Councilwoman Atkins

17. Resolution #139-01, Award of Contract/Laboratory Services

WHEREAS, the Borough of Keyport requires that water samples from the potable water supply and from the storm drain outfalls be analyzed during the period of May 1, 2001 through April 20. 2002; and

WHEREAS, the Borough of Keyport has solicited informal quotes for these services as follows:

New Jersey Laboratories	No Quote
Accutest	$6,615.00
Garden State Laboratories	$3,310.00

WHEREAS, Garden State Laboratories, 410 Hillside Avenue, Hillside, New Jersey 07205 was the lowest quote for said services as evidenced by the response on file in the office of the Borough Clerk/Administrator.

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

1. The appropriate Borough Officials are authorized to enter into an agreement with Garden State Laboratories of Hillside, New Jersey to perform analysis of water samples from the potable water supply and from the storm drain outfalls for the one year period commencing May 1, 2001 and ending on April 30, 2002 for the sum of Three Thousand Three Hundred Ten Dollars ($3,310.00) in accordance with the request for proposals and bid on same.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

18. Resolution #140-01, Authorize Retention of Person Holding Waste Water Collection (C) License and Water Distribution (W) License

BE IT RESOLVED by the Mayor and Council that Councilman Wade Pedersen, Public Works Chairman is hereby authorized to retain and hire for the Borough of Keyport, on a temporary basis, a person holding the required Public Wastewater Collection System License (C) and the required Public Water Distribution System License (W) to perform the services required by law incidental to said licenses for the Borough of Keyport in an mount not to exceed $1,500.00 for each License.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Bergen, Pedersen
Absent: Councilwoman Atkins

19. Resolution #141-01, Appointment of Public Works Laborer-Third Year

WHEREAS, there exists a vacancy in the position of Public Works Laborer; and

WHEREAS, there exists a Special Re-employment List for the Public Works Laborers laid off on April 17, 1995; and

WHEREAS, the Certifications Of Eligibles For Appointment has been received from the Department of Personnel covering the Special Re-employment List for the position of Laborer; and

WHEREAS, only one person on the List responded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Anthony Davino is hereby appointed Laborer, Third Year, in the Public Works Department, effective April 4, 2001 at the current salary in effect for this position as per Salary Ordinance and Salary Resolution.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Bergen
Absent: Councilwoman Atkins
Abstain: Councilman Merla

20. Resolution #142-01, Salary Resolution - Superintendent of Public Works

BE IT RESOLVED by the Mayor and Council of the Borough of

Keyport that the following annual salaries be and hereby are established for the indicated positions effective February 6, 2001, or the date of hire or transfer, whichever is later, in accordance with Salary Ordinance #24-99:

SECTION I.

	Effective 2/6/01
Superintendent of Public Works	$65,000.00 Annually

SECTION II. The above annual salaries do not include the appropriate longevity where applicable, which is as follows:

Years of Service	Percentage
5-10 years of service	1% increase above base pay
10-15 years of service	2% increase above base pay
15-20 years of service	4% increase above base pay
20-25 years of service	5% increase above base pay
25 years of service	6% increase above base pay

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Bergen, Pedersen
Absent: Councilwoman Atkins

21. Resolution #143-01, Authorize Borough Attorney to File Counterclaim Against Keyport Plaza Associates Tax Appeals

WHEREAS, tax appeals have been filed in the Tax Court by Keyport Plaza Associates with respect to Block 110, Lots 27.01, 27.02 and 27.03; and

WHEREAS, Steven Rubenstein of Realty Appraisal and the Borough Attorney have recommended filing a counterclaim in said matter to achieve true value of these assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AS FOLLOWS:

1. The Borough Attorney is authorized to file a counterclaim against Keyport Plaza Associates to seek an assessment for the true value for Block 110, Lots 27.01, 27.02 and 27.03.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

22. Resolution #144-01, Authorize Borough Attorney to File and Prosecute an Appeal with Regard to R.C.G. Construction Co., Inc. v. The Mayor and Council of the Borough of Keyport.

WHEREAS, a final order and judgment has been entered in the matter of <u>R.C.G. Construction Co., Inc. v. The Mayor and Council of the Borough of Keyport</u>, bearing Docket Nos. MON-L-94-00 and MON-L-126-01; and

WHEREAS, the Borough Attorney has discussed the matter of appealing said judgment with the Mayor and Council and it desires to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AS FOLLOWS:

1. The Borough Attorney is authorized to file and prosecute an appeal in the Appellate Division with regard to the matter of <u>R.C.G. Construction Co., Inc. v. The Mayor and Council of the Borough of Keyport</u>, bearing Docket Nos. MON-L-94-00 and MON-L-126-01.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Bergen, Pedersen
Absent: Councilwoman Atkins

ADJOURNMENT

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

Time of Adjournment: 9:16 P.M.

Respectfully submitted,

Judith L. Poling

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

BOROUGH OF KEYPORT
COUNTY OF MONMOUTH

RESOLUTION

129-01

WHEREAS, the local municipal budget for the year 2001 was approved on the 6th day of March, 2001 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Keyport, County of Monmouth that the following amendments to the approved budget of 2001 be made:

Recorded Vote
Offered for adoption by Mr. Bergen, seconded by Mr, Antonucci

Ayes: Ashmore, Antonucci, Merla, Bergen, Pedersen
Nays: None
Abstained: None
Absent: Atkins

	FROM	TO
GENERAL BUDGET		
Current Fund - Anticipated Revenues		
SUMMARY OF REVENUES		
6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	2,914,135.74	2,881,635.74
Total Amount to be Raised by Taxes for Support of Municipal Budget	2,914,135.74	2,881,635.74
7. Total General Revenues	5,803,638.93	5,771,138.93
8. GENERAL APPROPRIATIONS		
Statutory Expenditures:		
Police and Firemen's Retirement System of N.J.	118,500.00	39,800.00
Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	220,000.00	141,300.00
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	4,280,290.00	4,201,590.00
Interlocal Municipal Services Agreements:		
Uniform Construction Code Services (Aberdeen)	0.00	46,200.00
Total Interlocal Municipal Services Agreements	19,351.00	65,551.00
Total Operations - Excluded from "CAPS"	508,031.19	554,231.19
Detail:		
Other Expenses	423,831.19	470,031.19
(H-2) Total General Appropriations for Municipal Purposes Excluded from 'CAPS"	938,293.19	984,493.19
(O) Total General Appropriations for Municipal Purposes Excluded from 'CAPS"	938,293.19	984,493.19
(L) Subtotal General Appropriations (Items H-1) and (O)}	5,218,583.19	5,186,083.19
9. Total General Appropriations	5,803,638.93	5,771,138.93
SUMMARY OF APPROPRIATIONS		
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	4,280,290.00	4,201,590.00
Operations Excluded from "CAPS"		
Interlocal Municipal Service Agreements	19,351.00	65,551.00
Total Operations Excluded from "CAPS"	508,031.19	554,231.19
Total General Appropriations	5,803,638.93	5,771,138.93

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 3rd day of April, 2001.

Certified by me
April 3 ,2001

Judith L. Poling
Municipal Clerk
JUDITH L. POLING, CMC

SECTION 2 - UPON ADOPTION FOR YEAR 2001 AS AMENDED
(Only to be Included in the Budget as Finally Adopted)

RESOLUTION
129-01A

Be it Resolved by the Borough Council of the Borough of Keyport, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) 2,881,635.74 (Item 2 below) for municipal purposes, and"
(b) ______ (Item 3 below) fo School Purposes in Type 1 School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) ______ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
(d) ______ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE
(Insert last name)

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

Abstained { None

Ayes { Antonucci, Bergen, Pedersen

Nays { Ashmore, Merla

Absent { Atkins

RESOLUTION DID NOT PASS
DID NOT HAVE 2/3RD AFFIRMATIVE VOTES OF THE FULL COUNCIL

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	567,000.00
Miscellaneous Revenues Anticipated		40004-10	1,891,503.19
Receipts from Delinquent Taxes		15-499	431,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	2,881,635.74
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: Item 6, Sheet 42	07-195		
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)	07-191		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE II SCHOOL DISTRICTS ONLY: Item 6(b), Sheet 13 (N.J.S. 40A:4-14)		07-191	
Total Revenues		40000-00	5,771,138.93

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
Within "CAPS"	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
(a&b) Operations Including Contingent	30001-00	4,060,290.00
(e) Deferred Charges and Statutory Expenditures - Municipal	30004-00	141,300.00
(f) Judgements	46-885	
Excluded from "CAPS"	XXXXXXX	XXXXXXXXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	60023-00	554,231.19
(c) Capital Improvements	60002-00	40,000.00
(d) Municipal Debt Service	60003-00	304,306.00
(e) Deferred Charges - Municipal	60024-00	
(f) Judgements	37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	85,956.00
(g) Cash Deficit	46-885	
(k) For Local District School Purposes	60008-00	
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	585,055.74
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	60010-00	
Total Appropriations	30000-00	5,771,138.93

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 3rd day of April, 2001. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2001 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certfied by me this 3rd day of April, 2001 ____________________, Clerk

Signature

Sheet 42