May 1, 2001
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.

Mayor Graham called the meeting to order at 7:09 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #152-01, 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
4. Board of Health (Registrar)

Litigation
1. RCG v. Borough of Keyport
2. Foreclosure of Tax Sale Certificate 97/0022, Block 1, Lot 46
3. Re-foreclosure of Block 33, Lot 15

Labor Relations
1. Administrative and Non-Union Negotiations
2. Administrative and Non-Union Grievance
3. P.B.A.
4. I.U.O.E.

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. Pedersen, seconded by Mr. Merla

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

Council went into closed session at 7:10 P.M. and this meeting was reconvened at 8:15 P.M.

Mayor Graham called the meeting to order at 8:21 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers

Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen. Others present: Mr. Litwin, Borough Attorney and Mr. Kriskowski, Borough Engineer.

PROCLAMATIONS

Mayor Graham read the following Proclamations:

1. Police Week, May 13-19, 2001 and Peace Officers' Memorial Day, May 15,2001
2. Senior Center Week, May 13-19, 2001
3. National Safe Boating Week, May 19-26, 2001

COMMUNICATIONS AND PETITIONS

1. Notice from Department of Transportation on Fiscal Year 2002 Municipal Aid Program.

   Mr. Kriskowski, Borough Engineer said Council should decide what projects to consider and suggested the continuation of Washington Street to the end by the water. Beers Street by Tom's Ford could also be considered.

   Motion to refer to the Public Works Committee, moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present.

2. Letter from Raritan Post No. 23, American Legion advising of Memorial Day Ceremonies.

   Motion to receive and file, moved by Mr. Merla, seconded by Mrs. Atkins, with Ayes by all present.

3. Request from Raritan Post No. 23, American Legion to sell Poppies from May 1st to Memorial Day (Senate Bill No. 638).

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

4. On Premise Non Draw Raffle Application from St. Joseph Church, May 22-27, 2001.

   Motion to approve, moved by Mr. Pedersen, seconded by Mrs. Atkins, with Ayes by all present.

5. Letter from Tom's Ford regarding repairing section of Beers Street.

   George Sappah, Superintendent of Public Works said that there is more traffic in the last years.

   Motion to refer to the Public Works Committee, moved by Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

6. Request from Wendy Tooker of the Senior Center for participants of a bus trip be allowed to park cars in American Legion Drive Parking Lot from May 2-5, 2001.

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

7. Letter from Monmouth County Planning Board regarding Smart Growth Planning Grants.

   Mayor Graham advised that the Business Improvement District is discussing an application, they have had a meeting with Joseph Donnel of the State Planning Department and will make a presentation to the Mayor and Council.

   Motion to receive and file, moved by Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

8. Request from Tracy Dente, 17 Maple Place for sewer exemption on Pool filling.

   Motion to add to the Agenda a Resolution approving the exemption, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present.

9. Resignation from Stephanie Geisel, Class II Special Police Officer, effective April 24, 2001.

Motion to accept the resignation, moved by Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

10. Letter from Michael Stringer/Baykeeper regarding Oyster Reefs and copy of DEP Land Use Regulation Program (LURP #1) application.

    Mr. Litwin advised that he represents the Littoral Society and cannot participate in the proceedings.

    Motion to refer the application to the Borough Engineer, moved by Mrs. Ashmore, seconded by Mrs. Atkins, with Ayes by all present.

    Motion to rescind prior motion and refer the application to the Harbor Commission, moved by Mr. Bergen, seconded by Mr. Pedersen, with Ayes by all present.

11. Request from Anthony DeMarco, 43 Maple Place for sewer exemption on Pool filling.

    Motion to add to the Agenda a Resolution approving the exemption, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present.

12. Request from the Keyport Fire Department to use Firemen's Parking Lot for Firemen's Inspection on May 5, 2001.

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

13. DEP Land Use Regulation Program (LURP #1) application from Michael Cummins.

    Motion to refer the application to the Borough Engineer, moved by Mr. Antonucci, seconded by Mr. Pedersen, with Ayes by all present.

UNFINISHED BUSINESS

1. Yacht Club Signal Cannon. Mr. Pedersen spoke with the Yacht Club who advised that as a good neighbor, they are temporarily withdrawing their request and will speak with the residents in the area. Mr. Merla said that the Yacht Club members are good people. A letter is forthcoming from the Yacht Club. Mr. Merla suggested that when the request is next submitted it be referred to the Environmental Commission for input.

2. Yacht Club Moorings. Mr. Litwin advised that the Borough can charge a fee. Mr. Merla suggested asking for a nominal fee, they pay the State $50.00. Mr. Bergen proposed that they pay. Mr. John Olsen of the Harbor Commission asked if the Borough would survey the riparian rights. Mr. Litwin suggested that the Yacht Club be asked to place the moorings on the riparian map. Motion that a Letter of Understanding be sent to the Yacht Club, moved by Mr. Merla, seconded by Mr. Bergen, with Ayes by all present, except Mr. Pedersen who abstained.

3. Computer Use Policy. Motion to hold over to the next meeting, moved by Mr. Merla, seconded by Mr. Bergen, with Ayes by all present.

4. Cedar Street Lights. Mr. Pedersen gave credit to George Sappah, Superintendent of Public Works for having taken down the deteriorated light poles and doing so before the KYAL season began. The poles were capped off. A request was made to GPU to help salvage the lights on the poles, but they could not accommodate the Borough. Mr. Kriskowski said he is waiting for final numbers on the purchase of new poles; he has some quotes. Mr. Bergen said he needs dollar figures for the Bond Ordinance which he would like to introduce at the next meeting. Mr. Pedersen asked if the concrete stubs could be used again and Mr. Kriskowski said yes, with some adjustments. He is looking into double-dipped poles. The current ones were 23 years old. Mr. Antonucci, on behalf of the Parks and Recreation also thanked Mr. Sappah.

5. Shorelands Lease. Mr. Litwin has submitted a revised resolution which includes an additional two year option.

6. Ferry Lease. Mr. Litwin has been in negotiations with Judeth Yeany

of the State Green Acres and anticipates final comments by the end of the week.

7. Amend Fire Prevention Ordinance. A letter has been received from the Fire Chiefs recommending the ordinance amendments and salary and Personnel adjustments in the Fire Prevention Bureau. Mr. Bergen said he would not support, that the Fire Official does not respond on matters. Mr. Merla said to look at the Fire Chiefs recommendation, and that if you look at what other municipalities are paying; more Inspectors are needed. Mayor Graham said the matter is worthy of a meeting. Motion that the Fire Committee meet and submit a recommendation to the Mayor and Council, moved by Mr. Bergen, seconded by Mr. Antonucci, with Ayes by all present. Mayor Graham said that the Fire Official has not submitted monthly reports and Mr. Merla said they report to the State. Mayor Graham said the Mayor and Council could be cc'd. Mr. Merla said the Fire Official reports to the Fire Chiefs. The Ordinance Amendment is to be listed on the May 15, 2001 Agenda under Unfinished Business.

8. Recycling Meeting. Mr. Pedersen reported that Jeffrey Messler of Marrone Waste Paper and Disposal, new garbage contractor, attended the Recycling meeting and Mr. Merla also attended. Several items were discussed. George Sappah walked Mr. Messler through the routes. Mr. Messler said he is willing to work with the Borough and he was given a Public Works radio to communicate.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. Monmouth County Shade Tree Commission trimmed the trees on First Street at Beach Park.

ENGINEER'S REPORT

Mr. Kriskowski reported on the following. The decking on the Amboy Bridge is 3/4 completed and the project should be finished by Memorial Day. The final paving will be done on Washington Street in the next two weeks. He and Mr. Sappah inspected the intersection of Main and Maple. The dips that are on either side of Maple are required to keep the water moving. The site clearance is due to the buildings and parking. Mr. Merla asked if there would be an inspection before the final coat is put down on Washington Street. There is cracked curbing in the area of the Bolte and Vecchio residences. Mayor Graham said the Council approved the replacement of certain walk-ways and these are on the punch list. Mrs. Atkins asked about the work done by N.J. Natural Gas, that the street opening is already depressed. Mr. Sappah advised that the gas company was given a list and has been fixing some old street openings. Mr. Merla asked about a tractor parked at the u-turn on the highway and Mr. Sappah said the gas company is repairing a gas pit.

ATTORNEY'S REPORT

Mr. Litwin reported on the following. The specifications for the Fire Chief's vehicle are complicated. They will be faxed to the Administrator to show to the Fire Chief. Mr. Merla asked about the two properties, Church and Atlantic, where there were fires. Mr. Litwin said a draft complaint on the Atlantic Street property has been drawn up, title work is needed and he will check on the reports. The Church street property is being bought. Mr. Bergen asked about the Borough cleaning up the property and Mr. Litwin said this has been done in the past. Mr. Litwin reported on the Magic Touch litigation and riparian grant. A formal letter will be sent to the State requesting they deny the Magic Touch application and that the Borough be awarded the grant. Mr. Litwin said that Magic Touch is not entitled to Summary Judgement and that Mr. Till of the insurance company is handling the matter. Mr. Merla advised that he will have to abstain on the matter.

NEW BUSINESS

1. School Budget. Mayor Graham said the Budget was defeated and the Council and Board of Education have to meet. The meeting can be set up on the Committee level or full Council and Board of Education. In prior years it has been done at Committee level. Mr. McNamara of the School Board prefers a Committee meeting. The Board has to consider reduction in personnel. The consensus of the Council was to meet on the Committee level. Mr. Bergen said

Borough has to identify areas to be cut and justify the cuts. Council discussed who would represent the Borough; Mr. Merla and Mr. Antonucci said the Finance Committee. Mayor Graham said he would serve as an alternate. Mr. Bergen said Councilmembers could swap off; those who have worked with School budgets or have served on School Boards. The Administrator will notify David Winter, School Board Administrator/Secretary the Council Committee will meet with the School Committee on Tuesday, May 8, 2001 at 8:00 P.M. in the School Board office.

2. SCART Ordinance. This matter will be held until the next Council Meeting.

3. Lincoln Hose Fire Truck. Mr. Merla reported there was a minor accident to the truck, that there is a letter on file and that the Fire Chief will submit a report to the Administrator.

4. Fire Department Drivers. Mr. Merla reported that one of the Fire Department members had a problem with their driver registration and that it is being resolved and in the meantime the person is not allowed to drive the fire truck.

5. Police Department. Mr. Merla commended the Police Department on the handling of the funeral for Captain John Dayback's step daughter.

6. Street Sweeping. Mr. Merla commended George Sappah, Superintendent of Public Works for the exceptional job of sweeping the streets in the Borough.

7. Kiwanis Flea Market. Mr. Merla asked when they would be starting and Mrs. Poling advised that the Flea Market is not being held in Keyport.

8. Boat Launching Ramp. Mr. Pedersen advised that the Harbor Commission has provided an 8 x 30 aluminum float, tee extension for the launching ramp.

9. Historical Society. Mrs. Atkins reported that there will be a presentation on World War I on Monday, May 7, 2001 at 8 P.M. at the Historical Society.

10. Senior Center. Mrs. Atkins reported that a new Center sign will be dedicated on Wednesday, May 16th at 11 A.M. Mr. Bergen asked about the leaks in the roof and Mrs. Atkins said the eaves are rotten and a report will be submitted. Mrs. Tooker and Mrs. Atkins have applied to the State for a grant.

11. Business Improvement District. Mrs. Ashmore reported that the Marketing Committee have pinpointed a concern. Mayor Graham said they are holding a Special Meeting on May 3rd and that they need approval for spending money.

12. Grease Traps. Mr. Bergen asked that Larry Kasica, Board of Health Inspector's letter be sent to Mr. Litwin to review and asked about introducing an ordinance to regulate.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:40 P.M. Mary Alan, Maple Place said that two weeks ago she reported that the 15 MPH signs on American Legion Drive were gone and on Wednesday, the signs had been replaced and she thanked the Public Works Department. Larry Stonerock, First Street said he had a problem with the prior garbage contractor, Marpal involving his wife having an accident. Police Chief Theodore Gajewski thanked the Mayor and Council for the Proclamation for Police Week and Police Officers' Memorial Day. Mr. Eton Dorr of the Aeromarine, off of Locust Street advised that there is a parking problem on both sides of Walnut Street. He reported that he had submitted plans to Middletown and hasn't received his building permits. He submitted new plans for the Administration Building and has applied for a variance. The new Building Inspector has asked for certain things including copies of his Certificates of Occupancy. He said he wants equal opportunity. There are people dumping on the Aeromarine property. There have been bags of leaves on the waterfront for four months. One of his tenants works with nail polish (Gale's Hardware handles paints). Mayor Graham advised Mr. Dorr that he has contacted Mr. Peno of Aberdeen and a meeting will be set up with Mr. Peno of Aberdeen, Anthony Vecchio, Zoning/CE Officer and Larry Kasica, Board of Health Inspector to sort everything out. Larry Stonerock, Fire Chief inquired as to the procedure to be followed in accepting a donation, Mr. Litwin advised on the procedure and accepting the donation by resolution. The meeting was closed to the public for comments or questions at 9:58 P.M.

RESOLUTIONS

2. Resolution #153-01, Donation to First Aid Squad Cadets for Uniforms.

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

WHEREAS, the Keyport First Aid Cadets have requested that the Borough of Keyport contribute the sum of $2,500.00 for the purpose of assisting them with funds for uniforms.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $2,500.00 is hereby approved as a contribution to the Keyport First Aid Cadets and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

3. Resolution #154-01, Reschedule July 2001 Council Meeting Dates.

WHEREAS, it is the desire of the Mayor and Council to reschedule the July, 2001 Council Meeting Dates.

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

Work Meeting of July 3, 2001 is rescheduled to July 10, 2001
Regular Meeting of July 17, 2001 is rescheduled to July 24, 2001

BE IT FURTHER RESOLVED that these meetings will be held in the Senior Center, 110 Second Street with a Closed Meeting beginning at 7:00 P.M. and the Open Session beginning at 8:00 P.M.

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

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

4. Resolution #155-01, Hire Part Time Summer Laborer, William Ross

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that William Ross is hereby hired as a Part Time Summer Laborer effective May 2, 2001 at the hourly rate of $7.00 per hours.

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

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

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

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

5. Resolution #156-01, Hire Part Time Summer Laborer, Emily Burlew

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Emily Burlew is hereby hired as a Part Time Summer Laborer effective May 2, 2001 at the hourly rate of $7.00 per hour.

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

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

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

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

6. Resolution #157-01, Hire Part Time Summer Laborer, Linda Corbett

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Linda Corbett is hereby hired as a Part Time Summer Laborer effective May 2, 2001 at the hourly rate of $7.00 per hour.

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

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

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

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

7. Resolution #158-01, Hire Part Time Summer Laborer, Frank Fischler

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Frank Fischler is hereby hired as a Part Time Summer Laborer effective May 2, 2001 at the hourly rate of $7.00 per hour.

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

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

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

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

8. Resolution #159-01, Appointment of Class II Special Law Enforcement Officer, Frank R. Currier, Jr.

WHEREAS, there is a need to hire a Part Time Class II Special Law Enforcement Officer (SLEO) in the Police Department; and

WHEREAS, Chief Theodore Gajewski has recommended Frank R. Currier, Jr. be hired as a Class II Special Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Keyport, that Frank R. Currier, Jr. is hereby appointed as a Class II Special Law Enforcement Officer (SLEO), effective May 2, 2001 pending the results of a background investigation and the completion of the required medical examinations.

BE IT FURTHER RESOLVED that Frank R. Currier, Jr. will be paid at the hourly rate of $9.00 per hour.

BE IT FURTHER RESOLVED that since this is a part time position, there are no benefits and this appointment will expire on December 31, 2001.

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

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

9. Resolution #160-01, Authorize Advertisement for Receipt of Bids for Fire Chief's Vehicle

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

1. The Borough Clerk/Administrator is hereby authorized and directed to publish a notice advertising for the solicitation of bids for a new Fire Chief Vehicle in accordance with the specifications presented by the Chairman of the Fire Committee and reviewed by the Borough Administrator.

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

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

10. Payment of Bills. Mr. Merla requested that the Resolution be voted on separately and is listed as Resolution #169-01.

11. Interlocal with Aberdeen Township for Construction Code Services. Mr. Merla requested that the Resolution be voted on separately and is listed as Resolution #170-01.

12. Resolution #161-01, Authorize Foreclosure of Tax Sale Certificate #97/0022, Block 1, Lot 46

WHEREAS, THE Borough of Keyport holds Tax Sale Certificate No. 97/0022, purchased by it for price of $8,710.87 on October 22, 1997, and recorded in the Monmouth County Clerk's Office on November 14, 1997, in Book 6325 at Page 128; and

WHEREAS, said Tax Certificate covers Block 1, Lot 46 (corner of Broadway & Chingarora Avenue) on the tax duplicate of Keyport, and assessed thereon to Antlor, L.L.C.; and

WHEREAS, said Tax Certificate has not been redeemed for a period of more than six(6) months from the above date of sale, and all property taxes levied and assessed in the preceding twenty-one (21) months remain unpaid; and

WHEREAS, the Mayor and Council have received the attached certification of Pauline Redmond, Tax Collector of the Borough of Keyport, in which certification of the above information is made.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, that Tax Sale Certificate No. 97/0022 be foreclosed by the Borough Attorney by summary proceedings IN REM, in accordance with N.J.S.A. 54:5-104.29 et seq. and the rules of the Supreme Court of New Jersey.

Offered for adoption by Mr. Bergen, Seconded by Mr. Pedersen

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

13. Resolution #162-01, Amended Lease for Diversion Rights/Shorelands Water Company

WHEREAS, Shorelands Water Company, Inc. ("Shorelands") leased diversion rights from the Borough of Keyport under a lease dated March 14, 1995 (hereinafter "Lease") for a five-year period through June 30, 2000; and

WHEREAS, said Lease was limited to a five-year term because Keyport and Shorelands believed that the New Jersey Department of Environmental Protection (hereinafter "NJDEP") would not approve a longer term; and

WHEREAS, the NJDEP has since approved lease of diversion rights up to ten years in duration; and

WHEREAS, Keyport has derived substantial economic benefits under the Lease by leasing its surplus diversion rights to Shorelands over the period of the Lease; and

WHEREAS, Keyport and Shorelands desire to extend the term of the Lease.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Subject to approval from the New Jersey Department of Environmental Protection, the appropriate Borough officials are authorized to enter into the attached Extension of Lease of Diversion Rights Agreement between the Borough of Keyport and Shorelands Water Company, Inc.

2. The Borough Administrator is authorized to take such steps as may be necessary to implement the foregoing.

3. This Resolution supercedes prior Resolution No. 150-01 adopted April 16, 2001 pertaining to this matter.

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

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

14. Resolution #163-01, Leave of Absence, Shannon Fischer

WHEREAS, Ptl. Fischer has requested a Leave of Absence; and

WHEREAS, Ptl. Fischer will be using the remaining sick days she has accumulated and she then will be applying to the State for temporary disability leave; and

WHEREAS, Ptl. Fischer is entitled to twelve (12) weeks of additional unpaid leave under the federal and State Family Medical Leave Act ("FMLA leave").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Ptl. Shannon Fischer is hereby approved for a Leave of Absence as follows:

1. Said Leave of Absence is to commence immediately with pay through May 18, 2001.

2. Then from May 21, 2001, said Leave of Absence is to continue without pay for the duration of (1) any temporary disability leave awarded to Ptl. Fischer by the State, and (2) any FMLA leave, which shall not to extend beyond September 13, 2001.

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

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

15. Resolution #164-01, Leave of Absence, Diana Hoffman

WHEREAS, Senior Account Clerk Diana Hoffman has requested a Leave of Absence; and

WHEREAS, Ms. Hoffman has used all of her accumulated sick days, and will be applying to the State for temporary disability leave; and

WHEREAS, Ms. Hoffman is entitled to twelve (12) weeks of additional unpaid leave under the federal and State Family Medical Leave Act ("FMLA leave").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Ms. Diana Hoffman is hereby approved for a Leave of Absence as follows:

1. Said Leave of Absence is granted without pay as of April 23, 2001, and shall continue for the duration of (1) any temporary disability leave awarded to Ms. Hoffman by the

State, and (2) any FMLA leave, which shall not to extend beyond July 23, 2001.

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

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

16. Authorize Borough Attorney to Notify Department of Environmental Protection That the Borough of Keyport Opposes Magic Touch Right to Riparian Grant. Mr. Merla requested that the Resolution be voted on separately and is listed as Resolution #171-01.

17. Resolution #165-01, Retain Services of Edward Eastman, Jr. Esq. to Re-foreclose on Block 33, Lot 15

WHEREAS, the Borough of Keyport has entered into a contract for the sale of Lot 15, Block 33 on Perry Street, in the Borough of Keyport; and

WHEREAS, the title search performed incidental to said sale discloses that there exists a need for the services of an attorney to re-foreclose said property in the Borough of Keyport on its tax sale certificate against Lot 15, Block 33 on Perry Street to render it marketable; and

WHEREAS, Edward C. Eastman, Jr., Esq., an attorney at law of the State of New Jersey, with offices at Lomurro Davison Eastman & Munoz, PA 100 Willowbrook Road, Freehold, NJ 07728, has submitted a proposal to complete the foreclosure for a fee of $5,000 plus disbursements; and

WHEREAS, the Borough Attorney has recommended that Mr. Eastman be retained for these purposes because the subject property is presently the subject of a pending sale from the Borough of Keyport to Earl T. Swift; and

WHEREAS, funds are available in the budget for said sale of the subject property when consummated will exceed the costs of foreclosure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT that:

1. Edward C. Eastman, Jr., Esq., of the law firm of Lomurro Davison Eastman & Munoz, PA, 100 Willowbrook Road, Freehold, NJ 07728, be and hereby is retained tore-foreclose Lot 15, Block 33 at Perry Street, Keyport, NJ at a fee of $5,000 plus disbursements.

2. This contract is awarded without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-2(6) and a notice of this Contract shall be printed once in an official newspaper of the Borough.

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

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

18. Resolution #166-01, Appointment of Supervisor of Public Works, David Rooke

WHEREAS, there is a vacancy in the position of Public Works Supervisor; and

WHEREAS, two employees submitted letters of interest in the position; and

WHEREAS, interviews were conducted by the Public Works Committee and a recommendation was submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that David Rooke is hereby appointed Public Works Supervisor, effective May 2, 2001, provisionally, pending Department of Personnel testing and certification at the salary now in effect for this position.

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

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

19. Resolution #167-01, Sewer Exemption on Pool Filling, 17 Maple Place

WHEREAS, Grace Dente, owner of 17 Maple Place, Keyport, N.J., Water/Sewer Account #1605023, has requested an adjustment to the Water/Sewer bill due to an Pool Filling; and

WHEREAS, the Mayor and Council have reviewed this matter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Water/Sewer Account #1605023 shall be adjusted as follows:

1. The Owner shall apply for a Pool Filling Permit and pay the $15.00 fee

2. The Water/Sewer Account #1605023 shall be adjusted to exclude the sewer charge as it applies to the Pool Filling.

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

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

20. Resolution #168-01, Sewer Exemption on Pool Filling, 43 Maple Place

WHEREAS, Anthony DeMarzo, owner of 43 Maple Place, Keyport, N.J., Water/Sewer Account #0738027 has requested an adjustment to the Water/Sewer bill due to a Pool Filling; and

WHEREAS, Mayor and Council have reviewed this matter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Water/Sewer Account #0738027 shall be adjusted as follows:

1. The Owner shall apply for a Pool Filling Permit and pay the $15.00 fee

2. The Water/Sewer Account #0738027 shall be adjusted to exclude the sewer charge as it applies to the Pool Filling.

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

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

10. Resolution #169-01, Payment of Bills

See full copy of Resolution as pages 14-15 of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, *Merla, Atkins, Bergen, Pedersen
*Mr. Merla abstained on the payment listed under the Current Account payable to Walling Locksmith

11. Resolution #170-01, Interlocal with Aberdeen Township for Construction Code Services

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., encourages municipalities to combine services in order to effect economies in government costs and provides legal authority and procedures to effectuate such agreements; and

WHEREAS, the Borough has negotiated and the Borough Attorney presented a twenty-one (21) month term contract for the Township of Aberdeen to provide construction inspection services to the Borough of Keyport with Keyport to pay $46,170 for said services to Aberdeen for the period April 1st to December 31, 2001 with an adjusted rent for the final twelve (12) months of said agreement; and

WHEREAS, this Agreement will effectuate economy by using existing employees and facilities provided by Aberdeen; and

WHEREAS, in accord with N.J.S.A. 40:8A-4, said proposed contract is available and open to public inspection at the office of the Keyport Municipal Clerk, Keyport Borough Hall, 18-20 Main Street, Keyport, New Jersey, between the hours of 9 AM to 4 PM.

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

1. That the Mayor and Borough Clerk are authorized to execute the proposed Interlocal Services Agreement with the Township of Aberdeen providing construction inspection services as detailed in said Agreement.

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

Roll Call Vote: Ayes: Councilmembers Antonucci, Bergen
Nays: Councilmembers Ashmore, Merla, Atkins
Abstain: Councilman Pedersen*
Absent: None
*this is partisan politics

Mr. Litwin said the options now are to have temporary people, set up your own department or go elsewhere. Mayor Graham said this is the first I heard that the Interlocal was not going to be supported and asked the Republican Councilmembers to come back to the full Council with a recommendation. Mrs. Ashmore said this has no bearing on politics, that she was never in favor of the Interlocal. Mr. Merla said he voted for a 30-day trial period and if it was political he would have voted no 30 days ago. Fines are being levied and Middletown did Keyport a disservice. Mr. Litwin said that Aberdeen may not stand still because of staffing. There was an expectation on their part and the State may step in. Mr. Merla said he contacted the State and he asked the Department of Community Affairs if they would come in and they said yes, for Code Officials, not Inspectors. Mr. Litwin said this is an emergent matter. Mayor Graham said he has done all he can do and the responsibility is to the other side of the aile. The Construction Code Office should not be a political football and no suggestion on alternatives were received in the past month. Mr. Bergen asked if some ordinances were to be enforced and not others. Mrs. Ashmore said she is not in favor of the Interlocal and having the services in-house gives better service to the community and this has nothing to do with politics. Mr. Bergen said now there is a budget problem. The services can be funded for this year but additional funds will be required to hire personnel and asked what is going to be done to operate the Department. He said the Interlocal with Aberdeen would have given the Borough time to evaluate the situation. Motion to refer the matter to Councilmembers Ashmore, Merla and Atkins, moved by Mr. Bergen, seconded by Mr. Pedersen, with Ayes by all present.

RESOLUTION DID NOT PASS

16. Resolution #171-01, Authorize Borough Attorney to Notify Department of Environmental Protection That the Borough Opposes Magic Touch Right to Riparian Grant

WHEREAS, Magic Touch Constriction Co., Inc., has notified the New Jersey Department of Environmental Protection, Bureau of Tidelands Management, that it desires to apply to the Tidelands Council for the riparian grant pertaining to property that extends to the sea from Block 21.01, Lot 32, in Keyport, New Jersey; and

WHEREAS, the Borough of Keyport has disputed the ownership of the property that would be the subject of said Tidelands riparian grant; and

WHEREAS, the Borough of Keyport desires to obtain the riparian rights to said premises.

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

1. The Borough Attorney is authorized to notify the Bureau of Tidelands Management in the New Jersey Department of Environmental Protection that the Borough of Keyport opposes any right of Magic Touch Construction Co., Inc., to a riparian grant adjacent to Block 21.01, Lot 32.

2. The Borough Attorney is authorized to take such actions as may be necessary to oppose the application of Magic Touch Construction Co., Inc. for the riparian grant and to seek a grant on behalf of the Borough of Keyport to the disputed property.

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

Roll Call Vote: Ayes: Councilmembers, Ashmore, Antonucci, Atkins, Bergen, Pedersen
Nays: None
Abstain: Councilman Merla
Absent: None

ADJOURNMENT

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

Time of Adjournment: 10:15 P.M.

Respectfully submitted,

Judith L. Poling

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