May 15, 2001 *Approved 7/19/01*
Keyport, New Jersey

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

Mayor Graham called the meeting to order at 7:05 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.

RESOLUTION

1. Resolution #173-01, 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 Office
5. Construction Code Department

Litigation
1. RCG v. Borough of Keyport

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

Contract Negotiations
1. Garbage Contract

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the 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 Mrs. Atkins

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

Council went into Closed Session at 7:06 P.M. and this meeting was reconvened at 8:25 P.M.

Mayor Graham called the meeting to order at 8:32 P.M. and read the Sunshine Law Notice. Councilmember Bergen led the Pledge of Allegiance and Moment of Silence.

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.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of April 16th, Work Meeting of May 1st and Closed Meeting of April 16th and May 1st, 2001 were approved as read on motion of Mr. Merla, seconded by Mr. Antonucci, with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. Regarding the hire of a new Police Officer, the certified list of eligibles has been received from the Department of Personnel and Chief Gajewski will set up interviews with the first three people listed. The Intergovernmental Transfer Program is being looked into. Mrs. Ashmore requested that the Mayor and Council review the proposed PBA schedule for implementing effective June 1st. This issue started last year and the PBA worked hard on the schedule. The Chief Financial Officer has responded that it would not cost any more if implemented. Mr. Merla said his concern is that Chief Gajewski has not submitted his comments. Mrs. Ashmore said Chief Gajewski is working on a letter to the Mayor and Council. Mr. Merla asked Chief Gajewski is he had any major concerns. Chief Gajewski said he would be ready for the next meeting and has two concerns he would like to discuss with the Borough Attorney and that other concerns can we worked out as they go along. Mrs. Ashmore requested the matter be listed on the next agenda and said that the schedule was modified so there would be no cost.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr. Antonucci reported on the following. The Borough Engineer is checking on prices for the lights in the Cedar Street Park and they will be put up as soon as possible.

Councilman Merla; Fire: Mr. Merla reported on the following. Mr. Merla reported that the school bus carrying his 3 year old was involved in an accident at the intersection of Green Grove and Florence Avenues. He thanked Ptl. Mark Hafner for his decency and respect on notifying him of the accident. He commended the Fire Chief and Borough Attorney for working on the specifications for the Fire Chief Vehicle. He will set up a meeting on the Ordinance Amendments to the Uniform Fire Safety. He requested that Anthony Vecchio, CE/Zoning Officer, who submitted a memo on March 18th, inspect the foundation at 108 Broad Street as the neighbors are concerned that it is not fit. He thanked the Yacht Club and the First Street residents (Mr. John Fahey distributed a letter) who helped remove 50 tires from the water at low tide. The Yacht Club stored and disposed of the tires. He said there is a drainage problem at the intersection of Third and Green Grove Avenue. There has been no rain but there is water build up. Mayor Graham said there is an underground stream. Mr. Merla said there are pot holes and it is a bad situation. The water flow doesn't make sense. Mr. Merla asked about the County putting a drain in at Warren and Third. Mr. Kriskowski said that the Borough has discussed this matter with the County. Mr. Merla said water is laying in the pipe. Mr. Bergen said of concern is the height of Green Grove Avenue and that there is a sump pump working at the property on the corner of Third and Atlantic. Mr. Sappah, Superintendent of Public Works should check the swale. Mr. Merla said the Mosquito Commission has come out and checked the site and the County should do something. Mr. Kriskowski said the Borough has discussed this matter with the County before. Mrs. Ashmore said the water freezes on Warren and then flows. Mr. Merla said there is stagnant water in the pipe and the Public Works, County and Mosquito Commission should work together. Mr. Bergen said maybe the County should make the improvements and then the Borough take over that section for snow plowing. Mr. Merla asked about the Recycling Committee and filling the vacant position of Recycling Coordinator. There are concerns; a new garbage contractor, propane cylinders on Elizabeth Street, and a rug on Maple Place which had a tag and took 7 days to remove. The Borough is fortunate to have Tom Gallo and to have had Art Rooke. One property had limbs out which totaled two dump trucks. Guidelines have to be explained to the residents. The Newsletter is sent out but now the Borough has a new garbage contractor. Mr. Merla asked about the issuance of Reycling Permits when the Borough Clerk is out of the office. The matter will be addressed. Mayor Graham advised that Mr. Gallo has been away. Mr. Merla said putting out garbage and limbs for pick up on the same day doesn't work.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. The County was in for an on-site visit last week for the Drug Alliance Program. Barbara Hilliard, Coordinator, Mrs. Atkins and Joyce Copolli from the County discussed next years grant. She attended the Fire Department Inspection along with the Mayor and Councilmembers. The Historical Society will be celebrating its 25th Anniversary and on May 26th the Museum will host Open House with refreshments and a band. A dinner will be held that evening in the Knights of Columbus. On May 16th between 11 AM and 12 Noon, the Senior Citizen Center will hold dedication of the the new sign. On Thursday there was a Tobacco Coilition Meeting at the Eatontown Drug Alliance. The Library circulated 1581 books and magazines, there were 1143 registered patrons, 68 new books were bought, 1435 people attended the Library and 175 people used the computers. The Gas Company discussed a program at the Library Meeting whereby there would be free high speed internet access.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen reported on the following. Mr. Bergen said a small bond ordinance may be introduced at the next meeting covering the Cedar Street lights and other items. Mr. Antonucci advised that he is working on putting the Web Site out for bid. Mr. Bergen asked how the proposed PBA schedule would be set up; 3 on, 2 off, 2 on and 3 off.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen reported on the following. On May 19th, between 10 AM and 3 PM there will be a Hazardous Waste Drop Off in Hazlet. The Boat Launching Ramp opened this past weekend. The ramp to the fishing pier was destroyed; replacement cost under $3000. Quotes are being obtained and payment would be out of the Recreational Bayfront Improvement Trust Account. The sweeper has been uptown; on Friday it will sweep streets and on Saturday will sweep sidewalks. Property owners have been sweeping into the curb and Mr. Pedersen suggested beefing up the littering ordinances. Mrs. Ashmore and Mr. Antonucci will review the ordinances.

Administrator Poling: Mrs. Poling reported on the following. The County has responded regarding the Borough's request to paint the County crosswalks. Mrs. Poling was requested to also request the County to paint the yellow lines on the curbs on the County roads.

Engineer Kriskowski: Mr. Kriskowski reported on the following. The Amboy Bridge should be opened by Memorial Day. On either Tuesday or Wednesday, there will be a meeting with the Washington Street contractor regarding punch list items. The final paving will be done in the next three weeks. The LURP application submitted by Michael Cummins and referred to Mr. Kriskowski, is under review and he is awaiting plans from Mr. Cummins. The deadline to submit an application for the 2002 Municipal Aid Program is June 29th. A Resolution is added to the Agenda for the L.A.D. Developer's Agreement. Council discussed streets for the application. Mr. Kriskowski advised that State goes by a priority list.

Attorney Litwin: Mr. Litwin reported on the following. Green Acres submitted a letter approving the draft Ferry Lease. They want a report in 8 months regarding renewal and evaluation. The maximum is two years, if it goes beyond then a Diversion will have to be sought which is more formal. The next step is to complete the bid specifications. Motion authorizing the advertisement for Receipt of Bids subject to completion of specifications, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present except Mr. Pedersen who voted Nay. The RCG v. Borough of Keyport case will be accelerated and may be heard in the fall. Briefs are to be filed by June 14th, and 30 days later others filed and then reply briefs. Riparian grants to the Borough are in question on 4 or 5 properties. This arose out of the Magic Touch case and were found by the State. In the 1960's and 1970's application was made, but never completed or paid for. Mr. Litwin met with the Tidelands Council regarding the Borough making application behind Magic

Touch. One application for all the properties will be submitted and a survey and appraisal is required. Mr. Litwin spoke with the Borough Engineer on the survey and Mr. Kriskowski will submit a proposal. He also spoke with Steve Rubenstein on the cost of appraisals. The State is anxious. Mr. Antonucci asked if there was any recourse against the attorney or insurance company at that time. Mr. Litwin said the governing body did not take final action and it is difficult with the passage of time. It is unknown what the State fee will be. Mr. Merla said the litigation is new but not the issue, it remains the same. When the Borough was discussing the First Street Extension, the State was aware. Now the issue has resurfaced. Mr. Litwin said the State found and reported this matter. Other property owners have not made any claims. Mr. Merla said the State approved other leases in past years, that this could cost a lot of money which has not been allocated in the budget and now research has to be done. Mr. Litwin said the fact is, it is Green Acres property and the Tidelands Council holds the riparian rights and the Borough has to deal with the matter. There is only one property owner claiming land and the matter has to be dealt with before the bulkhead project can proceed. Mr. Litwin will report back to Mayor and Council. There may be Green Acres funding to support payment to the State. Mr. Antonucci asked if the State was willing to work with Keyport. Mr. Litwin said the Tidelands Council is separate from the State. It was asked about an injunction and Mr. Litwin said there is a question of title to the property and you can't get an injunction. Mr. Litwin submitted a draft ordinance to control and regulate storefronts. This will be listed on the June 4th agenda. The specifications have been completed for the Fire Chief's vehicle and the Administrator has submitted the advertisement for Receipt of Bids. Mayor Graham thanked Mr. Litwin for his work on the Ferry Service Lease and going back and forth with the State. The advertisement for Receipt of Bids for the Ferry Service will have to be authorized. Mr. Merla asked Mr. Litwin to advise the Mayor and Council which 4 or 5 properties are in question on the riparian grants.

Mayor Graham: The Mayor reported on the following. On April 23rd the Planning Board Master Plan Committee met and the Plan is about 98% complete. They are waiting for feedback from the Business Improvement District who are preparing a Smarth Growth Grant application. The Committee will forward their recommendation on the Master Plan to the full Planning Board and then to the Mayor and Council. On April 27th and 28th he attended the opening day ceremonies of the KYAL in Keyport and Union Beach. On May 2nd the BID held the Board of Director's Meeting and expenditures were approved. They are preparing a Smart Growth Grant application and have met with the State Planning. The Visual Improvement Committed has acted on several matters; i.e. flowers, banners and signs. The School Budget, which was defeated, is listed under Unfinished Business; the Board of Education and the Borough Committees met. The Council met prior and agreed on a 1 cent cut. There will be a Board of Chosen Freeholder's meeting on May 24th in the Matawan Community Center on Broad Street. Mayor Graham announced he had performed his 200th wedding ceremony. Mr. Merla asked if there was a vacancy on the Library Board and Mrs. Atkins said yes and they have been asked for a recommendation.

REPORTS OF DEPARTMENTS

February, 2001

1. Police Department/Detective Bureau Report

Total Fees Collected: $100.00

Submitted by Theodore Gajewski, Police Chief

March, 2001

1. Building Department Report

Permits	Number of Permits	Amount Received
Contruction State Fee	22	$ 186.00
Certificate of Occupancy	41	1065.00
Plumbing Permits	10	910.00

Electrical Permits	10		1245.00
Building Permits	16		3166.00
Fire Sub-Code	9		580.00
Const. Cert.of Occ.	4		160.00
Zoning Permits	16		160.00
200 Ft. Property List	0		-0-
Transfer of Title	14		505.00
Re-Inspection Fees	0		-0-
Construction Violations	0		-0-
Copies	0		-0-
Misc.	3	(fences)	75.00
Elevator	0		-0-
Elevator-Borough	0		-0-
Smoke Detectors	41		820.00
Construction Debris	1		50.00
Total			$8922.00

ACCOUNTS PAYABLE
Amount Paid to Borough, Check #2335 $8686.00
State Fee Due, Check #2336 512.00 (Jan,Feb.Mar)

Submitted by Annette Kovacs, Senior Permit Clerk

April, 2001

1. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 1,000.00
WATER METER	106.18
TURN ON CHARGE	40.00
SEWER CONNECTION	1,000.00
SEWER/POOL PERMIT	45.00
WATER METER W/TO	-0-
DEMOLITION	300.00
TOTAL WATER/SEWER, CHECK #	**$ 2,491.18**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	40.00
LIMO LICENSE	-0-
PHOTOCOPIES	26.75
POSTAGE	-0-
RAFFLE LICENSE	50.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	292.50
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	5,202.48
STREET OPENING	300.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	50.00
RECYCLING PERMITS	1,377.00
PARKING PERMITS	-0-
AUCTION LICENSES	710.00
TOTAL CURRENT, CHECK #	**$ 8,048.73**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$ 1,150.00
BAIT	
ICE	
ICE CREAM	
SODA	
TOTAL RBIT, CHECK #	**$ 1,150.00**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #	$ 288.00
TOTAL RECEIPTS	**$11,977.91**

Submitted by Judith L. Poling, CMC, Borough Clerk

2. Tax Collector's Report

2001 TAXES	$1,309,240.89
2000 TAXES	37,342.14
2002 PREPAID TAXES	-0-

PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	8,253.93
TAX SEARCHES	-0-
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	28,646.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	51,359.98
TOTAL CURRENT RECEIPTS	**$1,434,842.94**

WATER & SEWER RENTS	$ 543,877.03
INTEREST AND COSTS	2,797.61
TURN ON CHARGES	160.00
RETURNED CHECK CHARGES	13.00
POOL PERMITS	75.00
WATER METERS/WITH TURN ON	246.18
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	3,800.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	1,200.00
ALL OTHER MISCELLANEOUS REVENUE	590.50
TOTAL WATER/SEWER RECEIPTS	**$ 552,759.32**

Submitted by Pauline Redmond, Tax Collector

3. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	39	$ 363.00
CERTIFICATE OF OCCUPANCY	40	1,030.00
PLUMBING PERMITS	14	2,915.00
ELECTRICAL PERMITS	20	1,915.00
BUILDING PERMITS	33	4,950.00
FIRE SUB CODE	13	1,275.00
CONST CERT OF OCCUPANCY	6	240.00
ZONING PERMITS	11	220.00
200 FT PROPERTY LIST	2	20.00
TRANSFER OF TITLE	10	365.00
REINSPECTION FEES	1	-0-
CONSTRUCTION VIOLATIONS		100.00
COPIES		-0-
MISC.	3 (fences)	75.00
ELEVATOR INSPECTION AGENCY		-0-
ELEVATOR-BOROUGH		-0-
SMOKE DETECTORS	40	800.00
CONST. DEPOSITS REFUNDABLE	5	250.00
TOTAL		**$ 14,518.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2337	$ 13,905.00
STATE FEE DUE - PAID QUARTERLY	188.00
ELEVATOR INSPECTION AGENCY, CHECK #	-0-

Submitted by Annette Kovacs, Senior Permit Clerk

4. Police Department/Traffic Safety Report

Total Amount received $ 292.50

Submitted by Theodore Gajewski, Police Chief

5. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

6. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$2,070.00**
DOG LICENSES	$ 419.20
CAT LICENSES	65.80
MARRIAGE LICENSES	196.00
BURIAL PERMITS	34.00
DEATH CERTIFICATES	1175.00
MARRIAGE CERTIFICATES	110.00

BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	70.00
MISCELLANEOUS	-0-

<u>DISBURSEMENTS</u>

CHECK #2647	- BOROUGH OF KEYPORT MISC. ACCT	$1410.00
CHECK #2648	- BOROUGH OF KEYPORT TRUST ACCT	175.00
CHECK #2645	- BOROUGH OF KEYPORT DOG ACCT	387.80
CHECK #2646	- NJ STATE DEPT OF HEALTH	97.20

Submitted by Anne R. Biagianti, Treasurer

7. Municipal Court Report

STATE FINES	$ 2663.00
STATE SURCHARGE	266.00
STATE UNINSURED	426.00
COUNTY FUNDS	1172.00
COUNTY FINES	5393.50
MUNICIPAL FINES	5393.50
MUNICIPAL COSTS	4316.50
MUNICIPAL PARKING	1165.00
MISCELLANEOUS	2083.50

Submitted by Kathie Coffey, Court Administrator

8. Code Enforcement Office Report

See Full Copy of Report on file in Borough Clerk's Office

Submitted by Anthony Vecchio, Zoning/Code Enforcement Officer

Motion to Accept reports as submitted moved by Mrs. Atkins, seconded by Mr. Bergen, with Ayes by all present.

<u>COMMUNICATIONS AND PETITIONS</u>

1. Notice from Keyport Fire Department about relocating the electrical panel for the Firemen's Fair.

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

2. Request from the Keyport Environmental Commission to conduct clean-up of Luppatatong Creek, Saturday, May 19th, 9 AM to 12PM.

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

3. Notice from Monmouth Council of Girl Scouts of Annual Adopt-A-Stream and Clean Communities Clean-up program.

Motion to refer to the Environmental Commission, moved by Mr. Pedersen, seconded by Mr. Merla, with Ayes by all present.

4. Letter from resident requesting twice a week garbage pick up during summer months.

Mayor Graham asked Mr. Litwin if this could be worked out; it would require amending the garbage contract. The bid specifications would have to be reviewed and the cost determined. Mr. Merla suggested discussing with the garbage contractor.

Motion that the Administrator respond back that the matter has been taken under advisement, moved by Mr. Pedersen, seconded by Mr. Merla, with Ayes all present except Mr. Antonucci who abstained.

5. Memo from Monmouth County Planning Board regarding Clean Communities Reauthorization.

Motion that a supportive Resolution be listed on the next Agenda, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present.

6. Request from American Legion to waive Borough fees for Instant

Raffle application.

Motion to hold and list on the June 4th Agenda, moved by Mr. Merla, seconded by Mrs. Ashmore, with Ayes by all present.

UNFINISHED BUSINESS

1. Computer Use Policy. This matter will be held and listed on the June 4th Agenda

2. Ordinance Amendment/Grease Traps. This matter will be held and listed on the June 4th Agenda.

3. Ordinance Amendment/SCART Program. Mr. Litwin recommended adopting the Ordinance. One employee works the program. Motion to list on the June 4th Agenda, moved by Mr. Bergen, seconded by Mrs. Atkins, with Ayes by all present.

4. Ordinance Amendment/Personnel-Fire Prevention. This matter will be held and listed on the June 4th Agenda.

5. New Ordinance/Fencing in Parking Lots. Mr. Merla asked if it had to be a fence. Mr. Litwin said it could be a living fence (bush). Mr. Merla said it can't be enforced 24 hours a day and more is needed then just posting signs. Mr. Bergen recommended that the Police conduct a survey of the properties and lots, commercial and/or residential. Mr. Litwin said some lots could be scheduled and not others. There is such a thing as an easement by necessity which you would have to allow. Mr. Merla asked about the Pine Street Parking Lot and parking 24 hours a day.

6. Michael Cummins/Land Use Regulation Program Application. This matter was discussed.

7. Ferry Service. This matter was discussed.

8. Construction Code Office. Mayor Graham explained that at the end of March, Middletown terminated the Interlocal. The Borough has a temporary agreement with Aberdeen for 30 days which allowed time to set up a formal Interlocal which would have been for 21 months and which could be terminated. The Interlocal did not receive support. A Committee was formed. A Special Meeting was held on May 8th and it was decided to continue discussions tonight. Another Special Meeting is scheduled for May 18th at which a decision will be made to have, one way or another, a department in place as of Monday, May 21st. Mr. Bergen said he thought Aberdeen was the best way and would have given time to evaluate operations and that was the way the Budget was put together. The proposal submitted by the Committee would bind the Borough into a department system where there are no guarantees that it would be better. Tore-start the Building Department is a major decision. This could not be started tonight without investigation.

9. School Budget. This matter was discussed.

10. Oyster Beds. Mr. Pedersen said the Harbor Commission will approve pending Army Corp of Engineer's approval. Mrs. Atkins what if people eat them. Mr. Pedersen said the beds will be signed and marked.

11. Yacht Club Moorings. Mr. Pedersen that a siting and the number of boats has to be established. Mr. Litwin said if you don't know, the fee can't be set and asked who would control the moorings. The Yacht Club could be given a Letter of Understanding. John Olsen sets the moorings for the Yacht Club and that there are about 10 boats. Mr. Litwin said this would be non inclusive and would expire each year. A certain fee up to $50 could be set based on the moorings set by John Olsen. Mr. Litwin will prepare the letter and this matter will be listed on the June 4th Agenda.

NEW BUSINESS

There was no New Business.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 10:08 PM. Roseann Lahey asked about charging the Yacht Club $50 when they charge the members $500. Mr. Pedersen said the charge to members includes launch service and 24 hour security. Deborah Burke of 1 Maple Place requested permission to close off Maple Place from Manchester Avenue to its terminus for a Family BBQ on May 26th, 3-10 PM. Mr. Litwin said he saw no problem on granting approval. Chief Gajewski said that Economy Office should be advised. Motion to approve, pending County approval, if required, moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present. Mr. Carlos Maldanado, 81 Division Street said he needs a sheathing inspection. Mr. Merla asked about Middletown giving approval. Mr. Litwin said Middletown has no authority and other inspections may be needed. Mr. Bergen asked if there was anyone else who needed an inspection. Two people, one being the old Bay Drug, raised their hands. Eton Dorr of the Aeromarine said he had filed with Middletown weeks ago and then Mr. Peno took over. Mr. Bergen suggested asking Aberdeen to make these few inspections. Mr. Litwin said Aberdeen has to be authorized, say for 2 days. Annette Kovacs, Senior Permit Clerk said people are putting pools in and have made arrangements. She said it is not fair that they paid for and received the permit but now can't get an inspection. Mrs. Ashmore asked how many were scheduled and cancelled and what is urgent and what is not. Mr. Bergen recommended that Mr. Maldanado get his sheathing inspection and Mayor Graham said that he would call Mr. Peno. Mr. Litwin said for Aberdeen to act, it requires authorization. Mayor Graham asked if Aberdeen's governing body have to authorize approval also. Mr. Peno would be paid separately by the Borough. Mayor Graham asked if this was on an independent basis and Mr. Litwin said yes, provided he is presently employed by the Aberdeen Construction Office and has the proper licenses to do the inspection. Motion authorizing Aberdeen and Mr. Peno to conduct inspection at 81 Division Street, not to exceed $100, moved by Mr. Bergen, seconded by Mr. Pedersen. Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen. Mr. Antonucci apologized for the situation. Mr. Merla said this is a very complicated issue, that Councilmembers don't agree and that there are concerns on both sides. First there was the original Interlocal, and then 30 days with Aberdeen, which received support. Councilmembers can't agree on certain issues. There were enough votes for the Interlocal. The Council is in a position whereby a decision has to be made by May 21st or the State will take over. He apologized for the situation and said that he respects the differences of those who want it and those that don't. The people that are waiting for inspections, some are more important. Mayor Graham said there is one word to describe the Aberdeen agreement, it was not a trial period, it was a temporary agreement pending a permanent agreement. There is no disagreement, it was an agreement and there was no alternative. Mr. Merla said he differed with the Mayor. In March, Councilmembers Ashmore, Atkins and Merla sent a letter to the Finance Chairman recommending looking at the Construction Department before the budget was adopted. The March 26th minutes reflect Mr. Litwin recommending an interim measure. Mayor Graham said yes, to get the Borough through until a permanent agreement. Mr. Bergen said the choices were to enter into an interim agreement with Aberdeen or go back and ask Middletown to continue. The budget dealt with the Aberdeen Interlocal which could be cancelled with 90 days notice. John Aumack said with the 90 day notice, $46,000 becomes $60,000. Mr. Bergen said the program was temporary and could be changed. Mayor Graham said if in-house, the personnel can't be changed, the department would have to be eliminated. Joanne Staeger, Main Street asked about the State taking over. Mayor Graham said the

State would take over if the Borough can't provide the services. Ptl. Mark Hafner, PBA President asked that the Council vote on the schedule which was proposed pending the Police Chief's questions, asking why they could not move forward and give it a 6 month trial. Mayor Graham asked Ptl. Hafner if he wanted the Council to change the contract tonight and he said yes, pending the Police Chief and Borough Attorney discussing the matter and implement starting June 1st. Mayor Graham said the Council should have all information before them, that there may be important questions that Chief Gajewski has to discuss with Mr. Litwin. Ptl Kenneth Marr, Jr. said the issue has been going on for years and at the last Police Committee meeting the Chief Financial Officer's response was there was no financial change. Mr. Bergen said he may want to discuss with Chief Gajewski what questions he has, that the schedule is part of the contract and that the P.B.A. may not have the authority to bind individuals. Mr. Bergen said the proposal before them is not the same proposal presented in the past 10 years, there are issues to be addressed and the governing body is elected to make decisions. Mr. Litwin said he would not go on his own without knowing what issues there are, that he has to report back to the Mayor and Council with his reasoning and the Police Chief has not forwarded his concerns. Mayor Graham said it is an improved schedule and he is all for it, that it could not be worked out in the past. Mr. Bergen said the contract has to be amended. Mr. Merla said there will be a Special Meeting on Friday. Mr. Bergen said he would like to hear Chief Gajewski's questions. Mrs. Ashmore said the proposal has been submitted, two questions have to be answered and there is the Chief Financial Officer's response. Mr. Bergen said he wants Chief's Gajewski's view of the schedule. Ptl. Mark Hafner, in charge of the D.A.R.E. Program asked about the Drug Alliance funding, that the P.B.A. has paid for the graduation (200 children)in the past and they are in need of $1,500. Mrs. Atkins said that the County took the D.A.R.E. Program out of the grant which is $7,000. Roy Jimenez, Recreation Commission said they would donate $500 from their budget, Mayor Graham said $250 will be donated from the Celebration of Events/Mayor and Council Budget and the Police Department will donate $750 from their budget. Daniel Bach representing Harborview Condo Association said he sent a letter dated May 7th. It took a week to get the garbage container and it is not the right kind. The Administrator contacted the garbage company and Mr. Back spoke with him today. He described the type of container that is needed, that the one there is one half the size. The recycling containers have not been placed yet. Mr. Mesler of Marrone Waste Paper said he would deal with the matter. Mr. Bach also asked the Borough to rescind the fees paid by the Condo Association to the Borough for the fire hydrant on the property, to refund the fees paid in the last four years and that the Fire Department can hook up to the fire hydrant on the street. Mayor Graham said the Administrator is working as go between with the garbage company and the residents and that the Fire Department said the hydrant should be there. Fire Chief Lawrence Stonerock said yes. Mr. Merla said the fire hydrant was requested and the developer agreed. The line comes off Prospect. Mr. Bach said it's W. Front. Mr. Bergen said the fire hydrants are agreed to by the developers and if the Borough waives the fee for Harborview it would have to waive the others but he will look at the matter again. Mr. Bergen asked Mr. Litwin about the garbage contractor being in violation of the contract regarding the dumpsters. Mr. Litwin said that he drafted a complaint regarding the burned out house on Atlantic Street and he has been advised that the property has been purchased, that the house will be demolished and therefore he will not proceed on the complaint. On the corner of Green Grove Avenue and Second Street the sidewalk is broken; this is the property owner's responsibility. Mrs. Sue Dane reported that there is a drainage problem at the corner of Green Grove Avenue and Third Street, that this section can't be swept and that the Public Works Department placed a patch. Mr. Eton Dorr asked if the May 29th Special Meeting was open to the public; yes, unless Council goes into Closed Session. He said he was not against Mr. Peno's appointment. Regarding the oyster beds, they are toxic and signs should be put up. He asked Mr. Litwin about the fees for the moorings and if the riparian rights were checked. Mr. Pedersen said the Yacht Club has written documents from the adjoining property owners of the riparian rights. Mr. Dorr asked that the Construction Official treat everyone the same and that he would be happy to work with the Borough on the Recycling Center. Mayor Graham said the Borough has identified property by St. Joseph Cemetery where the recycling center will be relocated. Mr. Bergen recommended to Mr. Dorr that plantings cover the chain link fence at the Aeromarine. Mr. Dorr said he has to clean garbage off the property. The Administrator was asked to contact Middletown to have them sign off on Mr. Dorr's sheets. A resident asked what was the downside to the State taking over the Construction Department; the State has different fees and they would collect them. Mr. Dorr said in New York by 11 am the sidewalks have to be cleaned or the owners are ticketed. Mr. Merla asked about the payment pertaining to the Sandpiper and Mr. Litwin said there is a $5,000 deductible. The meeting was closed to the public at 11:42 PM.

RESOLUTIONS

2. Resolution #174-01, Authorize Administrator to mail Notice of Consumer Confidence Reports with July 1, 2001 Water Bills

WHEREAS, the 1996 Federal Safe Drinking Water Act amendments require the Borough of Keyport to mail annual Consumer Confidence Reports ("CCR") to their customers no later than July 1, 2001; and

WHEREAS, the Mayor and Council have reviewed proposed notices and form of pamphlet that will be mailed to water customers of the Borough of Keyport together with bills.

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

1. The Borough Administrator is hereby authorized and directed to cause appropriate notices of Consumer Confidence Reports, in accordance with the requirements of the 1996 Federal Safe Drinking Water Act amendments, to be forwarded to all customers of the Keyport Water System. In the interest of economy, said notices shall be mailed together with the regular water bills and shall be sent no later than July 1, 2001.

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

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

3. Resolution #175-01, Authorize the Borough Clerk/Administrator to Advertise for Receipt of Bids for Paving Materials

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 Bituminous Concrete Surface Course, F.A.B.C. and Bituminous Stabilized Base Course paving materials in accordance with the specifications approved by the Department of Public Works.

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

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

4. Resolution #176-01, Authorize Refund/Recycling Permit

WHEREAS, the Permit/License listed below was purchased through the Borough Clerk's Office; and

WHEREAS, the applicant has requested a refund; and

WHEREAS, the Borough Clerk has reviewed the matter and has endorsed the refund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the following refund be made:

License/Permit	Number	License Permit Fee	Total Refund
Recycling Permit	B1937	$5.00	$5.00

Mr. John Jones, 89 Second Street, Keyport, N.J. 07735

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

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

5. Resolution #177-01, Authorize Increase in Change Fund/Municipal Court

WHEREAS, there has been established in the Municipal Court Office a Change Fund in the amount of $50.00; and

WHEREAS, the Court Administrator has advised that the current amount is insufficient for the day to day operations, and requested it be increased to $100.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Change Fund in the Municipal Court Office is hereby increased to $100.00.

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

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

6. Resolution #178-01, Payment of Bills

See full copy of Resolution as pages 16-22 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. Antonucci abstained on the payment under the Current Account payable to Thomas Antonucci in the amount of $63.00

**Mr. Merla abstained on the payment under the Current Account payable to the Township of Middletown in the amount of $4,278.40

7. Resolution #179-01, 2001-2002 School Budget Reduction

BE IT RESOLVED by the Mayor and Council that an Agreement has been reached between the Borough of Keyport and the Keyport Board of Education to reduce the 2001-2002 School Budget, which was defeated at the polls, by $32,700.00; and

BE IT FURTHER RESOLVED that the Keyport Board of Education will make the necessary cuts to reduce the Budget by $32,700.00.

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

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

Developer's Agreement/L.A.D. Properties. Mrs. Ashmore requested that the Resolution be voted on separately and is listed as Resolution #183-01

8. Resolution #180-01, Hiring of Part Time Summer Laborer-John Yard

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 John Yard is hereby hired as a Part Time Summer Laborer effective May 16, 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

9. Resolution #181-01, Hiring of Part Time Summer Laborer-Brian Graham

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 Brian Graham is hereby hired as a Part Time Summer Laborer effective May 16, 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, Atkins,
Bergen, Pedersen
Abstain: Councilman Merla

10. Resolution #182-01, Special Meeting, Friday, May 18, 2001, 7:00 PM

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the governing body on the following dates and times:

Friday, May 18, 2001 at 7:00 PM

in the Senior Center, 110 Second Street, Keyport, N.J. for the purpose of discussing the following matters:

Construction Code Office and any other business which may come before the Governing Body

and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Senior Center, 110 Second Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be transmitted forthwith to the Asbury Park Press, the Courier, the Independent and the Two River Times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the bulletin board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings scheduled or revisions thereof, and any advanced written notice of any regular, special or re-scheduled meetings of the Governing Body as required by law.

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

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

11. Resolution #183-01, Developer's Agreement/ L.A.D. Properties

WHEREAS, L.A.D. Properties, L.L.C., of 30 Highway 36, Port Monmouth, New Jersey 07758, hereinafter referred to as the "Developer" is the owner of property identified as Block 103, Lots 1, 2 7, 8, 10 and 11 situated on Atlantic and Hurley Streets in the Borough of Keyport, County of Monmouth and State of New Jersey (the "Site") upon which Site the Developer is about to commence construction; and

WHEREAS, prior to commencement of construction, the Developer and the Borough of Keyport are required to enter into a Developer's Agreement outlining the terms and conditions and other requirements of the Borough of Keyport, which the Developer must meet prior to and during the construction process; and

WHEREAS, pursuant to the Resolution No. 99-12 of the Planning Board of the Borough of Keyport, adopted January 7, 2000, which granted Developer major subdivision approval with variance for eight (8) residential units on eight (8) lots; and

WHEREAS, the Municipal Land Use Law, as contained in <u>N.J.S.A.</u> 40:55D et seq., provides for the entry of such agreements where performance guarantees or public improvements are to be required or performed pursuant to an approval.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Council as follows:

1. The Borough of Keyport shall enter into the Developer's Agreement in the form annexed hereto.

2. The appropriate Borough officials are authorized to execute and implement said revised Agreement.

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

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

ADJOURNMENT

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

Time of Adjournment: 11:46 PM

Respectfully submitted,

Judith L. Poling

Judith L. Poling, CMC
Borough Clerk