Approved 9/10/02

May 7, 2002
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport First Aid Building, 1927 Atlantic 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 7:15 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Ashmore, Hyer, Stalter. Absent: Councilman Merla (arrived 7:20 P.M.). Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #154-02, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel
1. General (Employee Advisory Service)
2. Tax Office

Litigation
1. RCG vs. Borough
2. Kutschman vs. Borough

Labor Relations
1. PBA Contract (Schedule)
2. PBA Grievance

Contract Negotiations
1. Fire Museum

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 Keyport First Aid Building Main 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. Hyer, seconded by Mr. Stalter

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

Council went into closed session at 7:16 P.M. and this meeting was reconvened at 7:40 P.M.

Mayor Graham called the meeting to order at 8:01 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:02 P.M. There being none, the

Meeting was closed at 8:02 P.M.

APPEARANCE AND DISCUSSION

1. **Paul Autodore, Green Eggz, No Ham.** Mr. Autodore introduced himself and his associate, David Bregler. Green Eggz, No Ham is an Advertising/Marketing Design Company that has been in business 12 years and have focused on community revitalization. They create brandings for towns and communities and have done so for various towns. There are towns that are combining their resources. The branding for Keyport has been started (new logo, brochures, advertising campaigns). They have targeted development and redevelopment. Green Eggz, No Ham is involved in business recruitment and advertising (Collingswood was used as an example). Branding is critical; (Red Bank is a prototype) marketing more so. Mr. Merla asked if the whole community is targeted; business marketing promotes all businesses and covers a 12 mile radius. Mr. Merla said the residents may not understand and need a better understanding. Mr. Autodore said Keyport needs a "vehicle" to spread information, i.e. a monthly newsletter to keep residents updated on events and matters in Keyport. Mr. Merla asked when they will start marketing; as soon as June 1st with some components (it has already been submitted to BID). Mr. Autodore said Rutherford has a bigger business community and have direct response marketing. Mayor Graham asked if they were ready to move forward; yes, when the BID Board of Directors are ready, they will custom design for Keyport.

PROCLAMATIONS

Mayor Graham read a proclamation for Boat Safety Week which is May 18-24, 2002; Mr. Merla made a motion to approve the Coast Guard's use of the boat ramp, seconded by Mr. Hyer with Ayes by all present. The Mayor read a proclamation for the Keyport Historical Society's 30th Anniversary and for National Police Week (May 12-18, 2002).

INTRODUCTION OF ORDINANCES

1. Ordinance #13-02, Tax Abatement Ordinance

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER TO PROVIDE FOR A TAX EXEMPTION FOR IMPROVEMENTS TO COMMERCIAL STRUCTURES WITHIN THE BOROUGH OF KEYPORT IN ACCORDANCE WITH NJSA 40A:21-1, ET. SEQ

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that the Revised General Ordinances of the Borough of Keyport are hereby amended to provide for certain Tax Exemptions for Improvements to Commercial Structures within the Borough of Keyport in accordance with NJSA 40A:21-1, et. seq.

Section 1: DECLARATIONS. The Legislature has determined that various statutes authorized by NJSA Const. Art. 8, Sec.1, par 6, permitting municipalities to grant, for periods of up to five (5) years, exemptions from taxation in the areas in need of rehabilitation, have proved to be effective in prompting construction and rehabilitation of commercial structures. The Legislature adopted Chapter 441 of the Laws of 1991 (NJSA 40A:21-1 et. seq.) So as to consolidate and make more coherent the most useful features of such statutes. Chapter 441 provides that the governing body may utilize these laws in order to reverse and to prevent trends towards deterioration. The governing body of the Borough of Keyport has previously offered such a program to residential taxpayers in the Borough of Keyport. It is now the position of the governing body that the entire town, including commercial buildings are in need of rehabilitation as set forth in the statutes and that the governing body believes that by exempting for a limited period improvements from taxation, to commercial establishments, owners and investors would be encouraged to rehabilitate commercial properties within the Borough of Keyport. The Governing Body does hereby grant tax exemptions to commercial properties set forth herein.

Section 2: DEFINITIONS. As used in this chapter, terms shall be defined as in NJSA 40A:21-3.

Section 3: TAX EXEMPTION FOR MULTIPLE DWELLINGS, COMMERCIAL OR OTHER INDUSTRIAL STRUCTURES. In determining the value of real property, the Borough shall regard the maximum dollar amount allowable under NJSA 40A:21-5 in the assessor's full and true value of improvements for each multiple dwelling, commercial property or industrial structure, primarily and directly affected by the improvement in any multiple dwelling, commercial property or industrial structure more than twenty (20) years old, as not increasing the value of the property for a period of five (5) years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements unless there is damage to the dwelling sufficient to warrant a reduction.

Section 4: NON-APPLICABILITY TO NEWLY CONSTRUCTED MULTIPLE DWELLINGS, COMMERCIAL AND INDUSTRIAL STRUCTURES. This Ordinance shall not apply to newly constructed multiple dwellings, commercial or industrial structures.

Section 5: ACTION OF THE ASSESSOR. The Assessor shall determine, on October 1 of the year following the date of the completion of an improvement, the true taxable value thereof. The amount of tax to be paid for the first full tax year following completion shall be based on the assessed valuation of the property for the previous year, plus any portion of the assessed valuation of the improvement, conversion or construction not allowed an exemption pursuant to this act. The property shall be treated in the appropriate manner for five (5) tax years.

Section 6: ADDITIONAL IMPROVEMENTS. An additional improvement completed on a property granted a previous exemption during the period in which the previous exemption is in effect shall be qualified for an exemption as if such property had not received a previous exemption. The additional improvement shall be considered as separate for the purposes of calculating the exemption, except that the assessed value of any previous improvement shall be added to the assessed valuation as it was prior to that improvement for the purpose of determining the assessed valuation of the property from which any additional abatement is to be subtracted.

Section 7: DELINQUENT TAXES. No exemption or abatement shall be granted with respect to any property for which property taxes or water and sewer bills are delinquent or remain unpaid or for which penalties for non-payment of taxes are due.

Section 8: APPLICATION TO BE FILED. No exemption shall be granted except upon written application on a form prescribed by the Division of Taxation in the Department of Treasury and shall be filed with the Tax Assessor within thirty (30) calendar days following the completion of the improvement. The granted of an exemption must be approved by the Assessor and shall be made a permanent part of the official tax records of the Borough of Keyport and shall contain a notice of termination date thereof.

Section 9: TAXES TO WHICH EXEMPTION APPLIES. The exemption of read property taxes shall apply to property taxes levied for municipal, school and county government and for the purposes of funding any other property tax exemption.

Section 10: REPORT OF TAX ASSESSOR. The Tax Assessor shall report, on or before September 1st of each year, to the Mayor and Borough Council as to the total amount of real property taxes exempted and the total amount abated with the Borough of Keyport in the current tax year under this Ordinance deemed applicable to multiple dwellings, commercial properties and industrial structures.

Section 11: EFFECTIVE DATE. No exemption or abatement granted by a prior Ordinance or Law shall be affected or terminated by the Ordinance, but shall remain in effect for the time and under the terms granted as if the Ordinance had not been superseded or repealed. This Ordinance shall take effect immediately upon final adoption and publication according to law. The exemptions or abatement under this Ordinance shall not be effective or granted for projects or improvements upon which a building permit has been issued or construction commenced prior to the effective date of this Ordinance.

Section 12: SEVERABILITY. If any provision of this Ordinance or the application of such provision is declared invalid, such invalidity shall not affect the other provisions or applications which can be given effect, and to this end, the provisions of this Ordinance are severable.

Section 13: INCONSISTENCY. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be in the same hereby repealed as to the extent of such inconsistencies.

Section 14: EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mr. Bergen said he does not necessarily oppose the Ordinance, but there was a problem with expanding through town and the industrial area. This Ordinance shifts the tax burden to residents. Mr. Bergen said he was not comfortable with the way the Ordinance was drafted and felt it should be tailored.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 9, 2002 for a Hearing to be held May 21, 2002 moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

2. Ordinance #14-02, Amend Recycling Ordinance/CFC Permit Fee ($20)

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER 16, STREETS, SIDEWALKS AND SANITATION, RECYCLING FEES

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey that Chapter 16 of the Revised General Ordinances of the Borough of Keyport, Section 16-7, Recycling Fees, be amended as follows:

Section 1. Chapter 16, Article 16-7.2, Fees for Refrigerators and Air Conditioners is hereby amended to increase the fee paid to the Borough of Keyport for each appliance for which CFC be removed to twenty ($20.00) dollars per appliance.

Section 2. Declaration. The Mayor and Council declare that the increased fees associated with appliances, which contain CFC's, warrant an increase in fees payable for the disposal of such appliances, which increase is consistent with fees assessed in municipalities adjoining the Borough of Keyport.

Section 3. All Ordinances and provisions thereof inconsistent with the provisions of this ordinance shall be severable from the remainder of the Ordinance.

Section 4. If any subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any court of competent jurisdiction, this section, subsection, part, clause or phrase shall be deemed severable from the remainder of the Ordinance.

Section 5. This Ordinance shall take effect immediately after final passage and publication as required by law.

Section 6. All provisions of the within ordinance not specifically modified or amended herein are hereby confirmed.

There was discussion between Mr. Bergen and Mr. Merla.

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

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

*Mr. Merla said the cost to dispose of freon items has gone up and Keyport is the lowest in Monmouth county in user fees.

*Mr. Bergen said this is an increase on the residents

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 9, 2002 for a Hearing to be held May 21, 2002 moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present except Mr. Bergen who was opposed.

COMMUNICATIONS AND PETITIONS

1. BID 2002 Calendar of Events

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

2. Letter from NJDOT regarding 2003 Municipal Aid Program (Application deadline is June 28, 2002).

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

3. Request from Boy Scout Troop #80 to hold a public flag retirement ceremony on June 14th at Beach Park.

   A fire truck should be on stand by.

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

4. Request for donation from the Keyport Senior Center for their 10th Anniversary Souvenir Booklet (see resolutions).

   Motion to approve a $100 ad moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

5. Letter from United Tax Payers of NJ regarding Project Labor Agreements.

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

6. Letter from Frederick J. Kalma, Esq. on behalf of Keyport Auto Mart offering to purchase Block 1.01, Lot 43.

   Second and Church Street lots should be included for sale.

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

7. Letter from Keyport Planning Board regarding Keyport Landing LLC/Beers and West Front Streets site.

   Mayor Graham said there are several issues that are not being adhered to that were part of the Planning Board approval. These matters were discussed with Anthony Vecchio, Code Enforcement/Zoning Officer; some steps have been taken. The Mayor will sit down with Mr. Cummins and Mr. Caddle to discuss the matter; it is now May and they are not operating as per the Planning Board's approval. Mr. Merla suggested forming a Committee to critique this matter. The Mayor, Mrs. Ashmore, Mr. Stalter and the Harbor Commission will meet to discuss the Planning Board approval and Green Acres regulations. The boats are now being used, there are rider concerns. Mr. Bergen said if there was a violation of the site plan approval, a stop work order should be issued and they should not be using Borough lots. He suggested the Borough look into acquiring the Apollo property. Mayor Graham said activity is going on without forethought; dirt is eroding into the creek. The Mayor said he asked Mrs. Poling to ask Mr. Caddle to attend a meeting. If no response is received, the State Officials will be called in. Work should be in conformance with the site plan. The property belongs to Mr. Caddle and he was doing the work. Mayor Graham said they should be asked what is going on and what the long range plans are; it was suppose to be ready in

January. They should be asked the status of the Perry Street lot; Mr. Cummins has not attended any meetings lately. Mr. Cerase, Property Maintenance Officer, advised Mr. Caddle to remove his equipment off of the Borough's property. It was asked that Mr. Caddle and Mr. Cummins be contacted to attend an evening meeting this week or next week and they are to be advised that this is of great urgency and that Council is concerned with the present activity and a clear understanding of future work is needed. Mayor Graham said that the Ferry is operating with fishing boats; there are concerns with the length of the ride and the fare being raised.

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

UNFINISHED BUSINESS

1. **Fire Patrol Truck.** Mrs. Poling reported that no bids were received. Fire Chief Marr asked if Fire Patrol could purchase and donate only the cab to the Fire Museum. It must be submitted in writing. Mrs. Atkins asked if the Monmouth County Fire Academy would want it. Mr. Marr said he is waiting on an answer from the Monmouth County Fire Academy.

2. **American Legion Drive Parking.** Mr. Merla said restricting parking at any time would discriminate. There is a concern that ferry riders are taking up parking. Green Acres was not clear. It was asked how the Borough enforces others who are using the lot. Residents cannot park there to go to work or someone from out of town? The lot should not be closed down with cones across the entrance and it should not have been lined; this is Borough property. Mayor Graham said the Borough must find a way that ferry riders do not use the lot. Mr. Merla said there are cars parked in the lot for Captain Johns and asked how that would be enforced. There were two tractor trailers parked in the lot over the weekend. Mayor Graham said there is suppose to be off site parking (Perry Street). Green Acres is unhappy. The Mayor asked about residents who use the ferry parking there. Mr. Merla asked how the Borough is enforcing this. How does the Borough keep ferry riders from using the Borough lot? Mrs. Atkins asked about people who work in town and use the lot. Mayor Graham said this was part of and arrangement. Mrs. Atkins said the Ferry company has someone working to prevent them from parking there. Mr. Kain advised Green Acres said the Borough could set certain time restrictions. Mr. Bergen said Green Acres approved the project with certain restrictions. There were 39 spaces provided and if they are violating Green Acres approval, the Borough has to enforce what was approved. Tickets would have to be written to commuter parking (you have to regulate the commuter). Green Acres approval is needed to renew the lease and they will not be happy if cars are still there. Chief Gajewski said there is no overnight parking in the American Legion Drive parking lot. Mayor Graham said if people had to move their car once in 8 hours it would not be a great inconvenience. Mrs. Atkins said if you set hours of no parking 6-10AM, there will be no commuter parking. Mr. Hyer made a motion to hold until after a meeting is held with Mr. Caddle and Mr. Cummins, seconded by Mr. Stalter with Ayes by all present. This matter will be relisted on the May 21st Agenda.

3. **315 Broad Street/Water Damage.** Motion to refer to the Public Works Committee moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

4. **Insurance.** Mr. Bergen asked about the previous insurance agent and penalties. Letters went out of the Borough from Councilmembers; they are opposing our efforts, and providing $816 to waive Commissions. The agent said he was not asked and will not take the money.

5. **Recycling Brochure.** Mr. Merla said all committees reviewed the brochure and signed off on it; any comments or changes should be submitted by the end of this week to him. A final draft will then be done and printed.

6. **Fire Hydrant Condo Fee.** Mrs. Ashmore said the fees are due again. Contracts with the Condominiums have not been renewed since 1998. Mrs. Ashmore asked how Council will proceed. Mayor Graham said the original agreements conformed to the Kelly Bill and once fulfilled the Borough is not under any agreement. Mr. Merla said there should have been an expiration date. Mayor Graham said there is an

ordinance. Mr. Bergen said the Borough can draft new agreements (review the prior agreements) i.e Snowplowing and waiving liability for service. The Borough Ordinance covers private fire services. Mr. Bergen said a private home was told he had to be a member of a Condo Association and the Borough was sued. Mr. Merla asked how two Condos had their fees waived. Mr. Bergen said he sent Mrs. Redmond, Water/Sewer Collector a memo; we were in litigation with Sandpiper and Oyster Creek and the private home owner (there was a large single family home there). Mr. Merla said if the fee was waived, why can't the Borough flush the hydrants; our Ordinance states maintained and flushed. Mr. Bergen said there is no requirement to waive the fee and asked who Mr. Merla wanted the fee waived for. Mr. Merla asked when Mr. Bach, Harborview Condo, was in the tax sale why didn't he sue the Borough. He has paid $13,000 in fees. Mrs. Ashmore asked if the Borough not needs new contracts; Mr. Kain said no, a Resolution of Ordinance is needed. Fire Hydrant fees are not part of the Kelly Bill. Mr. Bergen said some agreements may be needed to contribute in lieu of street lighting and snow plowing; the Borough may want to memorialize this. Mrs. Ashmore asked what her response should be regarding fire hydrant fees. Mr. Merla made a motion to sit down with Thomas Fallon, CFO, regarding the budget and if it would be O.K. to waive the fire hydrant fee, seconded by Mrs. Ashmore with Ayes by all present.

ADMINISTRATOR'S REPORT

Mrs. Poling did not have a report.

ENGINEER'S REPORT

Mr. Freda reported on the following. There is flooding and erosion on one approach of the Maple Place bridge; Monmouth County was contacted and the work was done (reflectors were also added). Mr. Merla said he requested reflectors because of the lighting. Mr. Freda asked about submitting Atlantic Street for the DOT Grant. This will be referred to the Public Works Committee (Mr. Freda and George Sappah will confer); Atlantic Street was submitted last year. He asked about submitting Theresa Street for the Monmouth County Community Development Block Grant. Mr. Bergen asked if Mr. Freda followed up on the bulkhead and asked if Keyport lost the money. Mr. Freda called Mr. Garofallo; he has not looked at the plans, but Keyport is not on the current list. He will go and meet with them. Mr. Bergen said Bernie Moore advised Keyport did not lose the money and we do not have to reapply. Mr. Freda said he was told other projects went ahead; the funding was just shifted. Mr. Merla asked about the DEP and was shocked when plans were not submitted. You apply in July 2002 for 2003 funding; funding has been cut in half. Mr. Merla asked if Keyport's plans have been approved; we need to apply for permits. Mr. Merla asked if the plans were submitted last March, would Keyport have had a better opportunity; Mr. Freda said yes. Plans were requested to get the permit process going. The plans were redesigned to include the road. Mr. Merla said at the transition meeting Mr. Kriskowski was asked for the plans and were given a March 1st date. Mr. Bergen asked where the date came from. Mr. Hyer said John Kriskowski advised the plans would be submitted by March 1st and asked for an extension to March 5th. The Fiscal year ends in June. Mr. Merla asked when the original plan was done. Mr. Bergen said there were different questions and issues that needed answers. Mr. Merla said John Olsen and John O'Connell were on the Bulkhead Committee and it is three years later and the plans were just submitted. Mr. Bergen said the Bulkhead Committee was involved in issues, materials, how deep, etc. Mr. Merla asked Mr. Freda to check with the State to see if Keyport is automatically on their list or do we have to reapply. Mr. Freda said there are two DEP offices that differ on whether the roadway is to be included or not. Mrs. Ashmore asked about the bridge on Green Grove Avenue not having a walkway; she asked that the County be contacted and asked to mill and repave (this is dangerous). Mrs. Ashmore said last year she asked the Engineer about "bumble" strips to slow traffic down in certain areas (like Hazlet has on Florence Avenue). Mr. Freda said the areas would have to be identified; the strips are a maintenance problem.

ATTORNEY'S REPORT

Mr. Kain reported on the following. May 4th was the groundbreaking ceremony for the New Municipal Complex and the Mayor agreed that the Borough will go forward with the building. The Supreme Court denied the Stay filed by RCG.

NEW BUSINESS

1. **Proposed Ordinance/Rapid Entry System (Commercial Structures).** Mr. Merla said Tony Vecchio requested this Ordinance. Motion to introduce the Ordinance on May 21st moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

2. **Proposed Sump Pump Ordinance.** This will be relisted on May 21st Agenda.

3. **Proposed Driveway Apron, Sidewalk and Curb Ordinance.** Mr. Kain will review and prepare an Ordinance. Mr. Bergen said this should be an all inclusive Ordinance. Mr. Merla asked if there are different regulations for the Historic district; Mr. Freda said yes.

4. **Main Street Parking Lot Access.** Mr. Cerase made a request regarding the Main Street Parking Lot fence. Mayor Graham said there is a memo from Gordon Litwin, Esq. from last year that the lot could be closed off. Mr. Kain said the property owners should be notified that a fence would close off access. Motion to send letters to the property owners to find an alternate way to enter their property and advise one property owner (Transnational) to disconnect from the Borough's pole moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

5. **Engineering Proposal - Washington Street, Phase IV.** Motion to list a Resolution of Approval tonight for all phases pending the Chief Financial Officer's approval moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

6. **Water Turn On Charge.** Mr. Hyer said after 3 P.M. a Public Works employee gets paid for 3 hours to turn on water. Mr. Hyer made a motion to recommend a rate of $50 for normal hours and an overtime rate of $100.00, seconded by Mrs. Atkins. It was asked if this should be referred to Mr. Kain. Mr. Merla said there are other fees too. Mayor Graham suggested Council wait on the recommendation.

7. **Raincoats.** Mr. Hyer said he spoke with Police Captain Dayback and he asked Mark Gale to donate raincoats. Gales Industrial Supply donated 12 raincoats.

8. **Clean Communities Funds.** Mayor Graham said the funds for this year are $1,924.16 vs. $11,000 last year. The Mayor said William Dressel was the speaker at the Bayshore Conference of Mayors meeting and discussed this matter.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 10:00 P.M. Ken Marr, Fire Chief, thanked the Borough Officials for the turn out at the Annual Fire Department inspection. October 2002 is the 125th Anniversary; the grand Marshall Lady was Tess Rose (52 years of active service) and she passed away yesterday (a service will be held Thursday at 8 P.M. in Days Funeral Home). Kathy Shaw, BID, asked about the Monmouth County Community Development Block Grant and if the Main Street Lot could be considered. She had made a presentation and asked for comments on it. The Visual Improvement Committee had a concept for sidewalks; a contractor would come in and the homeowner would sign on (special assessment). Mr. Freda said there are towns that do this, but there are problems where the property lines end. Mr. Bergen said funding should be put aside in the future to do a whole street. Jeff Fink asked about the Amboy Avenue bridge; a better job needs to be done on the detour signs; Mr. Freda said it is the contractor's responsibility. Mrs. Shaw said there is a meeting next week on the Website and she will coordinate the Amboy Avenue Bridge information to go on the website. Joanne Staeger asked about garbage company complaints; Mrs. Poling and Mr. Kain are conferring monthly. Mr. Bergen said the service is not acceptable. Mrs. Staeger said they come in after 4:30 P.M. Mrs. Staeger asked what was said about the insurance company letters; Mr. Bergen said it was drafted by the current broker of record and signed by John Merla. The letter contained untruths; the cancellation of policies incurred penalties. The former insurance broker handles the County's insurance. Mayor Graham said he brought up the matter a month ago. Mr. Merla said he signed the letter, it was proper and was no different than waiving the Condo fees. Mr. Bergen felt the letter should have come from Council, not John Merla. Mr. Merla said Mr. Bergen has received letters from Mr. Winant personally. Mr. Bergen said any letters to him individually, he did not know; this situation is different. Mr. Merla said Finance is his Committee and they discussed the matter. A recommendation was made to the Committee. Mr. Merla said he asked the old broker questions. Mr. Bergen said there is a list of buildings and coverages; he did not inspect, it came from the current broker when he was here previously. The Meeting was closed to the public at 10:20 P.M.

Mr. Merla asked about a Clerk of the Works; Mr. Bergen said two resumes were received. This matter ill be discussed at the next meeting. Mr. Merla said he moved an Engineering Proposal for Washington Street to be listed on the Agenda and he has to disqualify himself. Motion to list the Engineering proposal on the agenda moved by Mrs. Ashmore, seconded by Mr. Hyer with Ayes by all present except Mr. Merla who abstained.

RESOLUTIONS

2. Resolution #155-02, Award Contract to Ferrara Fence for Replacement of Cedar Street Fence

WHEREAS, the Borough of Keyport requires the Cedar Street Park fencing to be replaced; and

WHEREAS, the Borough of Keyport has solicited informal quotes for this work and has received the following quotes:

Ferrara Fence, Inc.	$16,800.00
Family Fence	$19,750.00
Majestic Fence	$20,717.00

and

WHEREAS, Ferrara Fence, 12 Oregon Avenue, Middletown, New Jersey 07748 was the lowest quote for said work 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 Ferrara Fence, Inc., Middletown, New Jersey to install fencing at Cedar Street Park as per specifications in the amount of Sixteen Thousand Eight Hundred Dollars and no cents ($16,800.00) in accordance with the request for proposals and quote on same.

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

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

3. Resolution #156-02, Authorize Donation to Keyport Senior Center

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

WHEREAS, the Keyport Senior Citizen Center has requested that the Borough of Keyport contribute the sum of $100.00 for the purpose of assisting them with funds for their 10th Anniversary Souvenir Booklet.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $100.00 is hereby approved as a contribution to the Keyport Senior Citizen Center and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

4. Resolution #157-02, Payment of Bills

See full copy of payment as pages 15-16 of these minutes

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

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

5. Resolution #158-02, Temporary Emergency Appropriation

WHEREAS, an emergent condition has arisen with respect to the daily operations of the Borough of Keyport due to the fact that the State of New Jersey has not released Extraordinary Aid figures and the Borough has exhausted the temporary budget, and NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2002 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total $1,448,564.90 and $722,000 for the Current and Water/Sewer Budgets, respectively.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A:2-20:

1. An emergency temporary appropriation be and the same is hereby made for (See attached lists) in the amount of $1,448,654.90 and $722,000 for the Current and Water/Sewer Budgets, respectively.

2. That said emergency temporary appropriations have been provided for in the 2002 budget under the same titles.

3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

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

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

6. Resolution #159-02, Authorize Execution of Drug and Alcohol Abuse Agreement ($12,500) with the Monmouth County Board of Chosen Freeholders

WHEREAS, it is desirable for the Borough of Keyport to enter into an Agreement with the Monmouth County Board of Chosen Freeholders for Alcoholism and Drug Abuse as part of the Alliance to Prevent Alcoholism and Drug Abuse.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor and Borough Clerk are hereby authorized to execute the Alliance to Prevent Alcoholism and Drug Abuse Agreement #02A-13 for the period of January 1, 2002 to December 31, 2002 in the amount of $12,500.00 with the Monmouth County Board of Chosen Freeholders.

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

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

7. Resolution #160-02, Authorize Assignment of Patrolman Mark Hafner to the Detective Bureau

BE IT RESOLVED by the Mayor and Council that the assignment by Chief Theodore Gajewski of Patrolman Mark Hafner as Detective within the Detective Bureau/Keyport Police Department effective April 29, 2002 is hereby confirmed.

BE IT FURTHER RESOLVED that the salary for the position of Detective is as per current Ordinance and Resolution.

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

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

8. Resolution #161-02, Appoint 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 8, 2002 at the hourly rate of $10.00 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. Hyer, seconded by Mr. Stalter

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

9. Resolution #162-02, Appoint 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 8, 2002 at the hourly rate of $10.00 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. Hyer, seconded by Mr. Stalter

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

10. Resolution #163-02, Appoint Part Time Summer Laborer - Francis A. 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 Francis A. Fischler is hereby hired as a Part Time Summer Laborer effective May 8, 2002 at the hourly rate of $10.00 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. Hyer, seconded by Mr. Stalter

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

11. Resolution #164-02, Appoint Part Time Summer Laborer - James A. Gorhan

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 James A. Gorhan is hereby hired as a Part Time Summer Laborer effective May 8, 2002 at the hourly rate of $10.00 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. Hyer, seconded by Mr. Stalter

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

12. Resolution #165-02, Appoint Special Police Officer, Class I, Timothy Regan

WHEREAS, there is a need to hire a Part Time Special Police Officer, Class I, in the Police Department; and

WHEREAS, Police Chief Theodore Gajewski has recommended Timothy E. Regan be hired as a Special Police Officer, Class I.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Keyport that Timothy E. Regan is hereby appointed as a Special Police Officer, Class I, effective May 8, 2002 pending the results of a background investigation and the completion of the required medical examinations.

BE IT FURTHER RESOLVED that Timothy E. Regan is responsible for his own uniform purchases (Academy and Duty), Academy Tuition and Medical and Psychological Exams.

BE IT FURTHER RESOLVED that this appointment is contingent upon graduating from the Academy.

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

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

13. Resolution #166-02, Authorize Borough Engineer to Proceed with Phase I and II Engineer Proposal for Improvements to Washington Street, Phase IV

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized engineering work to be performed in connection with improvements to Washington Street; and

WHEREAS, at the present time, the Mayor and Council of the borough of Keyport have received notification of funding from the New Jersey Department of Transportation Trust Fund for work associated for the within project; and

WHEREAS, the Mayor and Council of the Borough of Keyport have received an estimate for proposed engineering services relative to the within project from the Borough Engineer, in three phases for work to be performed on the above referenced project; and

WHEREAS, the Mayor and Council have reviewed the proposal of the Borough Engineer including the initial Phase I work, which would include a field survey to locate existing topographic features, including the alignment of curbs, sidewalks, driveways, roadway alignment and existing utilities, together with additional work set forth in their proposal of April 29, 2002, for the payment of a total lump sum fee of $7,500.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineering including the Phase II work, which would include the preparation of final drawings, preparation of specifications for public bidding, advertisement of bids, together with such additional work set forth in their proposal of April 29, 2002 for the lump sum payment of $15,500.00; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineering including the Phase III work, which would include a pre-construction meeting with the contractor and the supervision of construction work as set forth in their proposal of April 29, 2002 for lump sum payment of $21,200.00; and

WHEREAS, the Mayor and Council have reviewed the within proposal submitted by the Borough Engineer and have determined to proceed based upon that proposal subject to certification by the Municipal Finance Officer that funds are available for the within project for the within engineering fees; and

WHEREAS, the Municipal Finance Officer has indicated that sufficient funds are available for payment for engineering services for Phase I and Phase II of the proposal submitted by the Borough Engineer.

NOW, THEREFORE, BE IT and the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. The Borough Engineer is authorized to proceed with Phase I, Survey and Preparation of Base Map, including all field survey work as outlined in his proposal of April 29, 2002, for improvements to Washington Street, Phase IV.

2. The Borough Engineer is authorized to proceed with Phase II, Preparation of Plans and Specifications, including the preparation of final drawings and bid specifications as outlined in his proposal of April 29, 2002, for improvements to Washington Street, Phase IV.

3. The Borough Engineer will receive payment in the sum of $7,500.00 as a total lump sum fee for Phase I and the sum of $15,500.00 as a total lump sum fee for Phase II.

4. Said payments having been certified as available by the Municipal Finance Officer of the Borough of Keyport.

5. That copies of the within Resolution be forwarded to Gerald J. Freda, P.E., Borough Engineer and the Chief Financial Officer and that a copy of the within Resolution be maintained in the office of the Borough Clerk for public inspection.

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

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

14. Resolution #167-02, Accept Donation from Gales Industrial Supply

WHEREAS, the Borough of Keyport ("Borough") has established the Keyport Police Department; and

WHEREAS, Gales Industrial Supply has donated to the Borough of Keyport Police Department/School Crossing Guards ("Borough") twelve (12) raincoats for use by the Borough of Keyport Police Department/School Crossing Guards; and

WHEREAS, the Borough has a need for said items to enhance the Borough of Keyport's Police Department; and

WHEREAS, the Borough greatly appreciates the generosity of Gales Industrial Supply.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Keyport, in the County of Monmouth and the State of New Jersey:

1. A list containing this donation accepted by the Borough is hereto attached.

2. The Borough Clerk is authorized and directed to acknowledge receipt of this donation and express the Borough's appreciation to Gales Industrial Supply.

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

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

ADJOURNMENT

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

Time of Adjournment: 10:27 P.M.

Respectfully submitted,

Judith L. Poling/amc

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

Allyson M Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk