

May 8, 2001
Keyport, New Jersey

Minutes of a Special 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 Mayor Graham calling the meeting in accordance with the Open Public Meetings Act. Notices were faxed to the Courier, Asbury Park Press, Independent and Two River Times and posted on the Bulletin Boards.

Mayor Graham called the meeting to order at 6:50 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: Andrew Provence, Borough Attorney's Office.

DISCUSSION

1. Construction Code Department. Mr. Merla reported that a Committee was formed to make recommendations regarding the Construction Code Department. On Wednesday, he contacted the Department of Community Affairs and he explained the situation. He asked Mr. Mike Marcinczyk for assistance and input. He asked for the present agreement with Aberdeen. Mr. Marcinczyk asked who was on board and Mr. Merla told him no one. Mr. Merla then called Councilmembers Ashmore and Atkins for a meeting. He interviewed Mr. Marcinczyk and they drove through the Borough. He also took him into the annex (Fire Chief Stonerock opened the building) to show him the set up. Mr. Merla said he did not know anyone interested in the Inspectors position, but he called Harry Aumack. Other prior employees Richard Poling and Charles Short had retired. He reached out also to the prior Construction Code Official Vic Rhodes, who also is retired and was not interested but offered his services in setting up the office. Mr. Aumack spoke with Mrs. Atkins and advised her he was interested in the Fire Sub Code Official position. Mr. Marcinczyk said he could recommend Inspectors. Mr. Merla obtained a copy of the present salary resolution to aid in staffing and operation. He recommended using what is now the Property Maintenance Officers office. On January 1, 2001, the Fire Department was required to go on line as part of the conditions of obtaining the camera. The departments could share in the use of a computer and Mr. Marcinczyk said he could set the computer up for the Fire Department. The salaries he recommended are based on the last salaries on file plus 4%, except for Electrical and Plumbing. Mr. Marcinczyk would perform the same duties as Vic Rhodes, and would also oversee the Code Enforcement and Zoning. Mr. Bergen said Vic Rhodes did the jobs, he did not oversee. Mr. Merla said the Other Expenses include a computer and the purchase of replacement forms. The Committee also discussed increasing the Certificate of Occupancy fees and new Ordinances such as one covering Landlord rentals. Two years ago Aberdeen started the Landlord Rental; on January 1st a notice is sent out to all landlords and they are charged \$35.00 for one Certificate of Occupancy. The municipality of Seaside is also doing this. Mr. Merla questioned inspections done by Aberdeen which were approved and monies collected. He also called Mr. Peno in Aberdeen to explain his vote on the Interlocal. At 197 Broadway and oil tank was removed and Anthony Vecchio made the inspection. Aberdeen approved it but it is against the Zoning Ordinance as it is in the wrong place. Also an oil tank was removed on Warren Street. Also included in the Mayor and Council packets were a letter from the Business Improvement District and Artisan Construction. The Committee recommendation is to have the Construction Code Services in-house and staff with Mike Marcinczyk and inspectors. Councilwomen Ashmore and Atkins contacted Mr. Merla. Mayor Graham thanked the Committee for the work they put into this matter. He said the Borough Personnel Ordinances are specific and questioned hiring people tonight to start work tomorrow. Mr. Merla said he did not speak with Mr. Litwin. A new position requires the adoption of a salary ordinance. Mayor Graham said that the Council has to formally approve a new position (Director of Construction Code Office), funds have to be provided and there is nothing in the Budget and procedure is to notice the current employees on a vacancy and this was not done. Mr. Merla said this was only a proposal/recommendation. Mayor Graham said a full time position is to be advertised for three days, an employment application must be

filled out (Mr. Merla said resumes were attached), the Borough Administrator and Council Committee are to conduct interviews. He asked if the Administrator sat in on the interviews; no. There are residency requirements, which can be waived, and these positions come under Civil Service. The steps have not been followed. If the Council is to proceed then the steps have to be followed, advertisement, provision of funds, notice to employees and position created. Mayor Graham again offered his appreciation for all the work the Committee had done. Mr. Provence said Keyport is Civil Service and there are definite procedures. The Council can look to do in-house, outside there is open competition. Mr. Merla said all of the positions, including the Director, are part time. Mayor Graham said the position has to be created, advertised and applications have to be filled out. Mr. Bergen said that he knows Mr. Merla want the department in-house. The Interlocal with Aberdeen would have given the Borough 21 months to evaluate the situation and to follow procedures. Mr. Bergen said he cannot support in a week or two, but he will work with the Committee. This is not a sensible way to proceed, that once the positions are filled they cannot be eliminated, except for just cause. Once there, you cannot go back. The Budget would have to be amended. He said that the salary of Tom Fallon, CFO was criticized and the salary proposed for the Director is \$35,000. Mr. Merla said that all positions will be left as part time and the number of hours up to 20 hours, but it could be more. Mayor Graham said that discussion of employees should not be held in open session. Mr. Merla asked Mr. Bergen about the Construction Code Office losing money. Mr. Bergen said that Mr. Merla was not satisfied with Vic Rhodes and that the system was running at a deficit. The State encourages Interlocal agreements. The Borough tried Middletown and it didn't work. Aberdeen would have been on a temporary basis to give time to reevaluate and try to set up Borough offices. Mr. Bergen said he does not know the applicants experience and cannot agree to changing overnight. He will look at the proposal. Aberdeen would have provided services for nine months and the agreement could be canceled in 120 days. The agreement provided for 9 months of this year and next year. If the Borough was not satisfied then notice could be given and the department could be set up in-house. Mr. Merla asked about the work that Middletown did and Mr. Bergen said they were not as diligent as they should have been. With the Middletown Interlocal the Borough incurred no costs and kept 30% of the fees and it probably cost Middletown more. Mr. Merla said there are other Borough offices running at a deficit. Mr. Bergen said Middletown's employees were full time and were more professional. Mr. Merla said the Committee did not have a lot of time in submitting the proposal and he did not know the procedures in hiring. Mayor Graham said there was plenty of time for a proposal in January. Mr. Merla said a memo was submitted from Councilwomen Ashmore, Atkins and himself. They did the best they could in a short time and with what they knew, they put the proposal together. The Committee will sit down and look at the matter again. Harry Aumack and Anthony Vecchio, who are Keyport residents were asked if they were interested and also Vic Rhodes who is not a resident. Mr. Merla said when a Special Police Officer was hired Mrs. Ashmore and Mrs. Poling did not interview the person. Mayor Graham said that Mr. Currier had worked for the Borough in the past. Mr. Bergen said the Committee did what they thought was right, but to create and staff the department without advertisement and interviews, he cannot support. Mr. Merla said he does not know what the DCA will say. Anthony Vecchio did 13 inspections. Mr. Bergen said the Council can also look at amending the ordinances. Mr. Marcinczyk said the inspections the State does, which the Borough could take over, can be done every 5 years or annually. Mr. Bergen said it takes time to set up a department. Mr. Merla said he agrees to follow rules and regulations and this provides a start. He said he does not know how long it will be before the State comes in. Aberdeen cancelled permits (refund monies?) Mr. Merla said he told Mr. Peno that Aberdeen should make those inspections. Mrs. Ashmore said regarding the department running at a deficit, that service is more important. The proposal submitted can make money, that people want service back in the Borough that this was discussed previously and she was not in favor of the Interlocal, that the Borough had Middletown for 2 years. Mayor Graham said they had submitted a Budget memo, that they approved the Budget with the Aberdeen Interlocal included and another proposal was never discussed and then the Interlocal did

not get supported. Mr. Merla said he had bi-partisan support, Middletown and then Aberdeen for 30 days. There will always be complaints, the Business Improvement District has concerns and he thought there was a 30 day trial period. Mayor Graham said that was incorrect, a 30 day trial period, there was something needed in place temporarily. Mr. Merla said there was a contract though May 1st. Mayor Graham said there was an agreement. Mr. Merla asked Mrs. Poling if the agreement spelled out salaries and hours; no. Mr. Merla said when the Interlocal came to a vote there was an abstention and questioned what Aberdeen did for 30 days, was it legally binding. There was no fee schedule. Mr. Bergen said the numbers in the Committee's proposal are higher. Mayor Graham said the second year of the agreement cost would be based on the first 9 months. Mr. Bergen said that Mr. Rhodes was not only the Construction Code Official but was also the Zoning, Code Enforcement and Property Maintenance Officers. Mr. Bergen said he will work with the Committee, that since the Budget was adopted, it will have to be amended. Mr. Merla said the ordinances amendments can generate revenue. Mr. Bergen said if they were running at a deficit with Aberdeen, it would be reevaluated. Mr. Merla said their proposal is cheaper than Aberdeen. Mrs. Ashmore asked Mr. Bergen what was needed to move forward. Mr. Bergen said advertisement and interviews, what volume is being done and what are the costs, hiring to fill all positions (including Property Maintenance, Zoning, etc.) and salaries. Once the department and staff are in the Borough will be stuck with it. Mr. Merla asked about inspections now and Mayor Graham said there will be none. The State has been notified of the situation. They recommended that someone be put in charge temporarily. Mr. Merla said the Committee will continue doing what it is doing. He asked if the Committee can authorize advertisement, no only the Council. Mr. Merla said they will present a recommendation for the May 15th meeting.

RESOLUTIONS

1. Closed Meeting - Contract Negotiations

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

Contract Negotiations

1. School Budget

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:

Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved and this meeting shall continue in approximately 5 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 7:51 P.M. and this meeting was reconvened at 8:00 P.M.

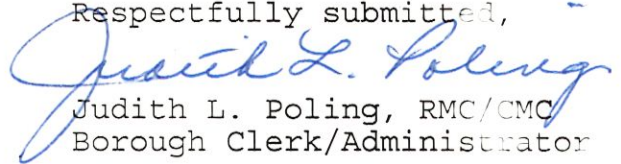
On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen.

ADJOURNMENT

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

Time of Adjournment:8:00 PM

Respectfully submitted,



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