

June 3, 2002

Keyport, New Jersey

APPROVED 1/10/02

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

Mayor Graham called the meeting to order at 7:15 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Ashmore, Hyer. Absent: Councilmembers Merla (arrived 7:19 P.M. and Stalter (arrived 7:20 P.M.). Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #182-02, 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. Employee Advisory Service
2. Part Time Employees

Litigation

1. 315 Broad Street/Water Damage

Labor Relations

1. PBA Grievance
2. Construction Rate/Police

Contract Negotiations

1. Shorelands Water
2. Health Insurance
3. New Municipal Complex
4. Water/Wastewater Facilities
5. Fire Museum
6. Patterson Property

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 Mrs. Atkins, seconded by Mr. Hyer

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

Council went into closed session at 7:16 P.M. and this meeting was reconvened at 8:10 P.M.

Mayor Graham called the meeting to order at 8:15 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 8:16 P.M. There being none, the meeting was closed to the public at 8:16 P.M.

HEARING ON ORDINANCES

1. Ordinance #13-02, Tax Abatement, Commercial Property

Motion to not adopt this Ordinance was moved by Mr. Merla, seconded by Mr. Hyer.

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

2. Ordinance #15-02, Require Rapid Entry Systems in Commercial Structures

The Clerk reported that the Ordinance was published as introduced, in the Courier, issue of May 23, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME
TO TIME THEREAFTER TO REQUIRE INSTALLATION OF A RAPID
ENTRY SYSTEM IN COMMERCIAL STRUCTURES EQUIPPED WITH
EITHER AN AUTOMATIC FIRE SUPPRESSION SYSTEM OR FIRE
ALARM SYSTEM

The Hearing was opened to the public for comments or questions at 8:17 P.M. There being none, the Hearing was closed to the public at 8:17 P.M.

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

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

- 2a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of June 6, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #16-02, Tax Abatement - Commercial Property

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, Section 1, paragraph 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 statute 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 as specifically set forth in the within ordinance.

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, up to a maximum to Two Hundred Thousand Dollars (\$200,000.00) in qualified improvements within any five (5) year period, notwithstanding 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 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 granting of an exemption must be approved by the Assessor and shall be made a permanent part of the official tax records or the borough of Keyport and shall contain a notice of termination date thereof.

Section 9. TAXES TO WHICH EXEMPTION APPLIES. The exemption of real 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 are hereby repealed as to the extent of such inconsistencies.

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

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

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

Nays: Councilman Bergen*

*This Ordinance is better than the other Ordinance, but it may be too high and have an effect on redevelopment areas.

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of June 6, 2002 for a Hearing to be held on June 18, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present except Mr. Bergen who was not in favor of the Ordinance.

COMMUNICATIONS AND PETITIONS

1. Letter of Resignation from Anthony Infanti, Assistant Property Maintenance Officer.

Mr. Infant has some health problems. Mr. Merla asked if this position needs to be advertised and asked if any Councilmember knew of anyone who would be interested in the position. Mr. Cerase is doing both jobs (Property Maintenance Officer and Assistant Property Maintenance Officer). Motion to post the position in house moved by Mrs. Ashmore, seconded by Mr. Stalter with Ayes by all present.

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

2. Letter from Monmouth County Community Development regarding renewal of Block Grant contract.

Mr. Merla said the Borough is O.K. as long as the criteria is met. A&K Excavating ordered most of the items and if they have been ordered and are on site, our obligation has been fulfilled. Ned Gaunt, Architect, said there is the work that goes along with the elevator. The process of payment was discussed.

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

3. Request from Keyport BID to insert 2002 Calendar of Events in the July 2002 Water Bill.

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

4. Off Premise Draw Raffle Application/Kiwanis Club of Keyport (August 10, 2002)

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

UNFINISHED BUSINESS

1. **Shorelands Water (Manasquan Users Group).** The cost to service the Borough is lower. Motion to receive and file moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.
2. **Proposed Ordinance Restricting the Discharge of Water within the Borough of Keyport.** Motion to receive and file Anthony Vecchio's memo moved by Mr. Stalter, seconded by Mr. Bergen with Ayes by all present. Mr. Merla said that tying into the sewer is illegal and some could be a hazard to the Borough; it was asked how this could be stopped. Maple Place, Third Street and Atlantic Street has water that becomes ice and is a liability. Residents should not pump ground water into the sewer. Mr. Merla said he and a neighbor have sump pumps, but some areas may not be able to comply. Mr. Bergen said a fee should be charged; the Ordinance states you cannot tie in a sump pump. Mr. Kain said Florence Avenue triggered the matter on sales (Certificates of Occupancy). Mr. Vecchio and Mr. Kain need to discuss how different situations will be approached. Mr. Freda said in certain areas you could tie into the storm sewer (it is not easily done). It was asked who pays for the connection, the Borough or homeowner. Mr. Bergen asked about dry wells and when is someone's too much. Mr. Kain said the Ordinance would prohibit discharge on to the sidewalks; this matter will be carried until Mr. Kain says it should be relisted.
3. **Proposed Ordinance for Sidewalks, Curbs and Driveways.** This matter was held.
4. **Properties excluded from BID.** Mr. Kain and Mrs. Poling will meet and discuss this matter.
5. **Trees on Willow Drive.** Mr. Merla asked that this be listed. He asked Mr. Hyer for a recommendation. An easement would be needed because there is a drain on the property. The property is not serving the Borough and is a dumping site. George Sappah will be asked to take down one bad tree and then the property could be vacated. Mr. Hyer said George Sappah felt that one tree was a liability and should be taken down; Public Works cleans the lot several times a year. Mr. Merla said there is a storm drain on one side of Willow Street that can be vacated with an easement. Mr. Kain said an Ordinance and easement would be needed. Mr. Freda said if one property owner does not want the lot, it could be offered to the other property owner. A survey should be authorized. John Condon, St. George Place, owns 10 Willow Drive, said there is a drain on his side of the property that is tilted and runs onto his property; he would like the trees to stay. Mr. Freda should do a survey and submit a proposal. Mr. Freda said 4 lots and an easement are costly. A survey, title policy and deed should be obtained from the property owners; they should be given to Mrs. Poling. This matter will be relisted on June 18th.
6. **Parking Ordinance/American Legion Drive.** Mr. Kain said he prepared an ordinance and submitted it to Chief Gajewski for review. Chief Gajewski is on vacation. This matter should be held and introduced on June 18th.
7. **Green Grove Apartments.** Mayor Graham said the signs were due to go back up this past Saturday, June 1st. A request for an extension was received from Kamson Corporation. Allyson Cinquegrana, Deputy Borough Clerk, called the Mayor and she was advised to list the matter tonight. Mr. Bergen made a motion to authorize a 30 day extension, but an engineering report should be submitted, seconded by Mr. Merla with Ayes by all present.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. May 28th Payment of Bills: **CURRENT - \$121,513.18, WATER AND SEWER - \$24,285.95 AND RBIT \$375.84.** One bid was received from Trap Rock Industries for paving materials. A resolution is listed on tonight's Agenda.

ENGINEER'S REPORT

Mr. Freda reported on the following. The specification for

the Senior Center furnace were completed. The fire museum survey work was completed. The Attorney needs the metes and bounds description on the easement. The Army Corp of Engineers need the bulkhead plans. Mr. Bergen said Mr. Garafallo, DEP, made comments on the plans for the Bulkhead and revisions are needed. He asked if Schoor DePalma would make the changes or Birdsall. Mr. Freda will call Mr. Kriskowski and Mr. Garafallo regarding the revisions. Mr. Merla said before he voted on any further expenditures for Schoor, he would like the file he requested on the Bulkhead and did not receive, as well as, Bernie Moore's letters. Mr. Bergen said he did not have an idea on what date or when the plans had to be submitted. He looked at the plans in March and they reflected everything the DEP wanted. The plans were reviewed by the DEP and they made comments. Mr. Merla said there was a transition meeting between the Engineers and Mr. Kriskowski said the Bulkhead plans were 75% done so Mr. Freda recommended Schoor finish the work. Mr. Bergen said the Engineer should be given clear direction. Mr. Merla said Schoor said the plans were 75% complete and would be finished. Mr. Bergen said he was comfortable that Keyport would not lose DEP money and the Borough would not have to reapply. Mr. Bergen said when the Borough is ready, the funding will be there. Mr. Freda said he would contact Mr. Garafallo. Mr. Bergen asked that Mr. Kriskowski be contacted and it be done on official letterhead.

ATTORNEY'S REPORT

Mr. Kain reported on the following. Mr. Freda completed the survey on the Fire Museum. Mr. Kain is waiting on the metes and bounds information and the closing could be in two weeks. The title work is complete. Mr. Fallon should be contacted regarding funds.

NEW BUSINESS

1. **Recycling Brochures.** Mr. Merla said the new Recycling brochures were sent out. Chief Gajewski, William Cerase and the Garbage Contract should meet regarding construction debris being picked up. The Board of Health is aware of this. The remaining brochures should be delivered to the Library, Senior Center, Recycling Yard, and Annex Offices.

RESOLUTIONS

2. Resolution #183-02, Hire Part Time Summer Laborer - Christopher Ferrano

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 Christopher John Ferrano is hereby hired as a Part Time Summer Laborer, effective June 4, 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 Mrs. Atkins, seconded by Mrs. Ashmore

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

Abstain: Councilman Merla

3. Resolution #184-02, Establish Change Fund - Recycling Center

WHEREAS, the Borough Clerk/Administrator has determined that there is a need to establish a Change Fund in the Recycling Center; and

WHEREAS, once established, this fund will be used solely by the Recycling Center to make change.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that a Change Fund is hereby established in the Recycling Center in the amount of \$50.00.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

4. Resolution #185-02, Engineering Proposal - DOT Application/Atlantic Street

WHEREAS, the Mayor and Council of the Borough of Keyport have authorized the preparation of an application to the Transportation Trust Fund for the proposed project involving renovations and improvements to Atlantic Street between Maple Place and First Street, within the Borough of Keyport, County of Monmouth and State of New Jersey; and

WHEREAS, the Borough Engineer has submitted a proposal for engineering services necessary to complete and file an application for the within project to the Transportation Trust Fund, pursuant to its protocols and guidelines; and

WHEREAS, the Borough Engineer has proposed to complete the application including, the preparation of same, development of the scope of work, required site visits and estimates of the quantities necessary to complete the application for a fee not to exceed the sum of Two Thousand Four Hundred Dollars (\$2,400.00); and

WHEREAS, the Mayor and Council have reviewed their proposal prepared by the Borough Engineer and are inclined to authorize the Borough Engineer to undertake this proposal and submit the within project application to the Transportation Trust Fund as expeditiously as practicable.

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

1. Borough Engineer is authorized to prepare and submit an application to the Transportation Trust Fund for the aforesaid project located on Atlantic Street between Maple Place and First Street, in accordance with the guidelines for application established by the Fund.
2. Borough Engineer shall conduct appropriate site visits, develop a scope of work, estimate quantities and complete the within application for a fee not to exceed the sum of Two Thousand Four Hundred Dollars (\$2,400.00) which funds are available within the current municipal budget.
3. That a certified copy of this Resolution be forwarded to the Borough Engineer and the Municipal Finance Officer and that a copy of the within Resolution be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

5. Engineering Proposal - Street Sweeper Specifications. This matter was held until the approval of the budget and a Bond Ordinance is in place.
6. Engineering Proposal - Dump Truck Specifications. This matter was held until the approval of the budget and a Bond Ordinance is in place.
7. Engineering Proposal - Jet Vac Specifications. This matter was held until the approval of the budget and a Bond Ordinance is in place.
8. Resolution #186-02, Award of Contract - Paving Materials

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the installation of bituminous concrete surface course and bituminous stabilized base course for certain work to be performed in the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on May 31, 2002 at the Borough Hall, Keyport, New Jersey consistent with the

advertised Notice to Bidders; and

WHEREAS, Trap Rock Industries, Inc. did submit a bid to perform the installation of certain bituminous concrete surface course and bituminous stabilized base course in the gross amount of Thirty Seven Thousand Seven Hundred Sixty Dollars (\$37,760.00) which constituted the lowest bid pursuant to the specifications proposed; and

WHEREAS, the Mayor and Council are resolved to award a contract to Trap Rock Industries, Inc. based upon their low bid submitted subject to the Certification of the Municipal Finance Officer as to the availability of funds for the within project.

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

1. The Mayor and Council hereby authorize the award of contract for the installation of bituminous concrete surface course and bituminous stabilized base course based upon the bid specifications and the low bid submitted in the amount of Thirty Seven Thousand Seven Hundred Sixty Dollars (\$37,760.00) to Trap Rock Industries, Inc. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of availability of funds by the Municipal Finance Officer.
2. The Contract shall be contingent upon the certification of availability of funds by the Municipal Finance Officer.
3. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under NJSA 40A: 11-1 et. seq.
4. The Borough Clerk shall retain a copy of the within Resolution on file for public inspection.
5. Certified true copies of the within Resolution shall be forwarded to the successful bidder, Borough Attorney and Chief Financial Officer.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

9. Resolution #187-02, Release Maintenance Bond - Bulk Variance, Block 103, Lot 5/Wendy White

WHEREAS, Wendy White has requested release of her Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Maintenance Bond in the amount of \$79.20 be released.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

10. Resolution #188-02, Appoint Environmental Commission Member - Daniel Smith

WHEREAS, there exists a vacancy on the Environmental Commission; and

WHEREAS, the Mayor and Council are desirous of filling this vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Daniel Smith is hereby appointed as a member of the Environmental Commission to fill a three year unexpired term which will expire on December 31, 2004.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

11. Resolution #189-02, Authorize Employee Advisory Service

WHEREAS, the Mayor and Council have reviewed a proposal from the State of New Jersey, Department of Personnel, relative to the participation of Borough employees in an Employee Assistance Program which was established to assist employees in dealings with claims of anxiety, stress, depression and other personal problems related to their positions within the structure of municipal government which effect their personal lives and that of their families; and

WHEREAS, the Mayor and Council have considered a report from the Borough Clerk, regarding periodic requests by employees for assistance relative to their duties as municipal employees and personal problems associated therewith; and

WHEREAS, the Mayor and Council believe that this is in the best interest of the Borough of Keyport to offer to Borough employees the opportunity to participate, when necessary, in the Employee Assistance Program administered through the State of New Jersey, Department of Personnel; and

WHEREAS, the Mayor and Council have been advised that the cost of participation will be the sum of Twenty Dollars (\$20.00) per employee and that funds for same are available within the current municipal budget; and

WHEREAS, the Mayor and Council resolved to authorize the Borough Clerk to execute any documents required to permit Borough employees to participate in the Employee Assistance Program.

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

1. The Mayor and Council hereby direct that the Borough of Keyport enroll in the Employee Assistance Program offered by the State of New Jersey, Department of Personnel, which the Mayor and Council further declare that such enrollment will be beneficial to Borough employees by offering to each employee an opportunity for assistance for issues relative to their employment in local government which effect their personal lives.
2. The Borough Clerk is hereby authorized to execute any documents necessary to authorize enrollment of the Borough of Keyport and to permit employees to participate in the within program.
3. Certified true copies of the within resolution shall be forwarded to the Chief Financial Officer and that a copy be maintained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

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

12. Resolution #190-02, Acquire Additional Water amounts pursuant to an Agreement with Shorelands

WHEREAS, the Mayor and Council of the Borough of Keyport have previously entered into an agreement which called for the purchase of 167.17 million gallons of water from Shorelands Water Company for a period ending June 30, 2002; and

WHEREAS, a report prepared by Shorelands Water Company indicates that the year to date contract usage as of May 8, 2002 is 148.212 million gallons; and

WHEREAS, there remains due a balance of 18.958 million gallons which the Borough of Keyport is obligated to purchase from Shorelands Water Company; and

WHEREAS, the Mayor and Council have received a recommendation

from the Water Systems Licensed Operator to increase the purchase of water by 8 million gallons per month through June 3, 2002; and

WHEREAS, the Mayor and Council have reviewed and considered the matter including the recommendation of Edward S. Rainer, Water System Licensed Operator.

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

1. The Mayor and Council hereby authorize the purchase of an additional 8 million gallons of water per month from Shorelands Water Company for May and June 2002 to fulfill the contractual obligation of the Borough of Keyport.
2. The Borough Clerk and Water Systems Licensed Operator are directed to take all appropriate measures to notify Shorelands Water Company of the intention of the Borough of Keyport to draw an additional 8 million gallons of water per month for May and June 2002.
3. A copy of the within Resolution shall be forwarded to Edward S. Rainer, Water System Licensed Operator, Municipal Finance Officer and to Shorelands Water.
4. A copy of the within Resolution shall be retained by the Office of the Borough Clerk for Public inspection.

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

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

Nays: Councilwoman Atkins

Mayor Graham said Keyport's consumption is behind the obligation with Shorelands Water. Mrs. Atkins said with water restrictions, it is hypocritical to boost the consumption amount. There is a contract and Keyport is using less out of its wells. Mrs. Atkins said there is a water emergency and the residents are complying with the law and now Keyport is going to be penalized. Mr. Merla said the DEP was asked if Keyport could start its water plant two months earlier and we were told no. Mr. Hyer said he asked George Sappah to sweep the streets without water. The County swept their streets last Friday.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:28 P.M. Mary Allen, Maple Place, said the yellow lines on the southwest corner of Atlantic Street and Maple Place are longer than the other side, she asked why. Mrs. Ashmore will check. Cars should park 50 feet from a stop sign and 25 feet from a corner. Mr. Hyer had George Sappah review this matter with Police Captain Dayback and there are many changes. Mr. Hyer said 26 signs and posts need to be purchased, Public Works started painting curbs; he asked about painting the roadway. Mrs. Allen agreed with Mrs. Atkins' comments regarding the water. Jeff Fink asked about street cleaning on Friday mornings. Mr. Hyer said the DEP specifies recycled water be used; Keyport does not have anything like that. Mr. Gannon from the County has been very cooperative; they swept for Keyport the last time. The Keyport Business Alliance supports the Tax Abatement Ordinance. Mr. Fink said the Memorial Day parade was fantastic; there were many participants. There will be a Chowder cook off July 6-7, 2002. The Meeting was closed to the public at 9:37 P.M.

Council went back into closed session at 9:45 P.M. on motion of Mr. Hyer, seconded by Mr. Bergen with Ayes by all present. This meeting was reconvened at 11:00 P.M. On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer and Stalter.

Mayor Graham asked if more money will be spent to expand the basement in the new Municipal Complex. Mrs. Atkins said it will have to last. Mayor Graham recommended leaving the building as is; in the future you can add to the front and back or front or back. Mrs. Ashmore said Council should authorize one or the other, whichever is beneficial. Mr. Merla agreed with Mrs. Ashmore; it would be less expensive. Mrs. Poling is to contact Ned Gaunt,

Architect, to discuss the pros and cons; they will meet on June 11th. More information is needed from Mr. Gaunt.

RESOLUTIONS

13. Resolution #191-02, Special Meeting - June 11, 2002, 6:30 P.M./Senior Center - New Municipal Complex and Water/Wastewater Facilities

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:

Tuesday, June 11, 2002, 6:30 P.M. in the Keyport Senior Center, 110 Second Street, Keyport, N.J. for the purpose of discussing the following matter:

The new Municipal Complex and RFP for Water/Wastewater Systems 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 Keyport Senior Center, 110 Second Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be mailed forthwith to the Asbury Park Press, the Courier, the Independent and 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 rescheduled meetings of the Governing Body as required by law.

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

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

14. Resolution #192-02, Settlement/315 Broad Street - Water Damage

WHEREAS, the Mayor and Council have reviewed a request from the owners of property identified as 315 Broad Street, Keyport for reimbursement of certain damage to real and personal property caused by a break in the water line at the within location on or about August 10, 2001; and

WHEREAS, the Mayor and Council have reviewed and considered the within claims and the comments of the Superintendent of Public Works as well as having reviewed and considered the applicable reports relative to this matter; and

WHEREAS, the Mayor and Council believe there is a potential claim for litigation relative to the facts and circumstances which could be filed against the Borough of Keyport; and

WHEREAS, the Mayor and Council believe it would be in the best interests of the Borough of Keyport to negotiate a settlement and thereafter to satisfy any potential claims as a result of the aforesaid occurrence; and

WHEREAS, the Mayor and Council resolved to authorize the Borough Clerk and Borough Attorney to negotiate a settlement based upon the terms herein contained and thereafter to authorize the payment of the within settlement.

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

1. The Mayor and Council hereby direct that the Borough Clerk and or the Borough Attorney are hereby authorized to negotiate a settlement with the owners of 315 Broad Street, Keyport, New Jersey, for all personal and real property claims arising from the discharge of water

within the property on or about August 10, 2001, which decision is deemed to be without prejudice to the claims and defenses reserved to the Borough of Keyport. The Mayor and Council direct that settlement shall not exceed the sum of Two Thousand Dollars (\$2,000.00) for any and all claims arising therefrom.

2. Upon agreement, the owners of 315 Broad Street, Keyport, New Jersey shall execute an appropriate Release in favor of the Borough of Keyport on a form prepared by the Borough Attorney.
3. Upon receipt of the fully executed Release, the Borough of Keyport shall pay the negotiated sum to the owners of 315 Broad Street, Keyport, New Jersey.
4. Certified true copies of the within Resolution shall be forwarded to the Borough Attorney and Chief Financial Officer and that a copy be maintained in the office of the Borough Clerk for public inspection.

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

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

ADJOURNMENT

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

Time of Adjournment: 11:15 P.M.

Respectfully submitted,



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


per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk