

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 7:06 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore (arrived 7:40 PM), Antonucci, Merla, Atkins, Bergen, Pedersen. Others present were Mr. Litwin, Borough Attorney.

RESOLUTION

1. Resolution #226-01, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel

1. Police Department
2. Building Department
3. Water Plant

Litigation

1. Block 21.01, Lot 49
2. RCG vs. Borough of Keyport
3. Nuss vs. Borough of Keyport
4. Magic Touch vs. Borough of Keyport

Contract Negotiations

1. Interlocal with Matawan
2. Purchase of 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, 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. Merla, seconded by Mr. Antonucci

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

Council went into closed session at 7:10 P.M. and this meeting was reconvened at 7:20 P.M. On Roll Call the following were present: Councilmembers Antonucci, Merla, Atkins, Bergen, Pedersen. Absent: Councilwoman Ashmore. Motion to add the matter of Magic Touch vs. Borough of Keyport to the closed meeting agenda moved by Mr. Pedersen, seconded by Mrs. Atkins with Ayes by all present. Council went into Closed Session at 7:21 P.M. and this meeting was reconvened at 8:28 P.M.

Mayor Graham called the meeting to order at 8:30 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

Mayor Graham advised the audience that Council discussed issues in Closed Session regarding the Rollo Property contract negotiations and possible purchase for another parcel in substitution. Council will carry this matter over to the next meeting. A meeting will be

held with the Public Works Superintendent and the owner of the other parcels. No action will be taken. The Mayor said that it is a good faith effort on the alternative. Notices were sent to the owner on Property Maintenance. Mr. Merla said that there are traps (chickens) set by the Mosquito Commission. Ocean Township is spraying their properties. The Mosquito Commission authorized a mosquito trap on the Henry Hudson Trail that is emptied once a day. A resident said they are getting mosquito bites. Another resident thanked Councilman Merla for his meetings with them regarding their concerns.

HEARING ON ORDINANCES

1. Ordinance #10-01, Bond Ordinance/Various Projects

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 21, 2001, that copies of the Affidavit of Publication are on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk reported that the Supplemental Debt Statement was received and approved by the Division of Local Government Services.

The Clerk read the Ordinance by Title:

AN ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF KEYPORT AND APPROPRIATING \$273,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$259,000 IN BONDS OR NOTES OF THE BOROUGH OF KEYPORT TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$273,000 and including the aggregate sum of \$14,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$259,999 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- Purpose: Acquisition of a copier, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$20,000

Maximum Amount of Bonds or Notes: \$19,000

Period or Average Period of Usefulness: 10 years

Amount of Down Payment: \$1,000

- Purpose: Acquisition of a postage machine, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$20,000

Maximum Amount of Bonds or Notes: \$19,000

Period or Average Period of Usefulness: 10 years

Amount of Down Payment: \$1,000

3. Purpose: Improvements to the Senior Center building located in the Borough and including all work and materials necessary therefor or incidental thereto

Appropriation and estimated Cost: \$60,000
Maximum Amount of Bonds or Notes: \$57,000
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$3,000

4. Purpose: Acquisition of a backhoe, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$50,000
Maximum Amount of Bonds or Notes: \$47,500
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$2,500

5. Purpose: Improvements to various parks located in the Borough, including, but not limited to, lighting and fencing, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$100,000
Maximum Amount of Bonds or Notes: \$ 95,000
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$5,000

6. Purpose: Acquisition of various equipment for the Fire Department, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$20,000
Maximum Amount of Bonds or Notes: \$19,000
Period or Average Period of Usefulness: 5 years
Amount of Down Payment: \$1,000

7. Purpose: Acquisition of a police video-conferencing system, and including all work and materials necessary therefor or incidental thereto

Appropriation and Estimated Cost: \$3,000
Maximum Amount of Bonds or Notes: \$2,500
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$500

(h) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(i) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be

conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Borough is hereby amended to conform with the

provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.38417 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$259,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for item of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Borough reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys appropriated herein shall be applied as provided herein. Any other grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance, and the amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Borough Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections) at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The Hearing was opened to the public at 8:38 P.M. for comments or questions. There being none, the Hearing was closed at 8:38 P.M.

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

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

- 1a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted, according to law in the Courier, issue of July 12, 2001 moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #11-01, Ordinance Amending Chapter V, Section 5-12/Games of Chance on Sunday

The Clerk read the Ordinance by Title:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER V, SECTION 5-12 ENTITLED "GAMES OF CHANCE ON SUNDAY", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Mayor and Council of the Borough of Keyport, a municipal corporation of the State of New Jersey located in Monmouth County, seek to update the licensing practice of the Borough with regard to games of chance in accordance with applicable laws and regulations; and

WHEREAS, the Borough has been requested to waive municipal licensing fees for pull tab instant raffles based upon the need for qualified organizations to raise funds and the expenses associated with establishing such raffles; and

WHEREAS, the Mayor and Council declare that, on a trial basis, the one-time exemption of any qualified organization seeking to establish such an instant raffle from such fee, is reasonable and in the best interests of the Borough.

NOW, THEREFORE, BE IT ORDAINED by Mayor and Council as follows:

Section 1. Chapter V, Section 5-12, entitled "Games of Chance on Sunday" of the Revised General Ordinances of the Borough of Keyport is hereby revised to read as follows:

5-12 GAMES OF CHANCE

a. Games of Chance commonly known as bingo and raffles, as provided by NJSA 5:8-24 et. seq. may be conducted in the Borough on any day of the week, including the first day of the week commonly known and designated as Sunday, provided the applicant for the license to conduct such games otherwise qualifies under the provisions of NJSA 5:8-25 and NJSA 5:8-51m and the rules and regulations of the Legalized Games of Chance Control Commission (herein "the Control Commission"), which

restrict the availability of such licenses to bona fide religious, charitable, fraternal and other such organizations.

b. Except as provided by subsection (c) herein, the Borough shall charge a fee in the amount equal to the amount charged by the Control Commission, as set forth in NJAC 13:47-4.9 or equivalent section as may be amended from time to time.

c. The Borough shall waive the municipal fee established by subsection (b) for the initial one year license to sell, or offer for sale, instant raffle tickets (i.e. "pull tab" tickets) upon the application of any qualified organization for such a license following the effective date of this ordinance. However, the Borough shall be entitled to receive said municipal fee for each subsequent year for which the qualified organization seeks said license. Nothing set forth in this subsection (c) shall exempt any organization from payment of any fee due the Control Commission.

Section 2. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

Section 3. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 4. This Ordinance shall take effect immediately following final passage and publication as required by law.

Section 5. The Borough Administrator/Clerk is hereby directed to forward a copy of this Ordinance to the Control Commission immediately upon its adoption.

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

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

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, according to law, in the Courier, issue of July 12, 2001 for a Hearing to be held on July 24, 2001 moved by Mr. Pedersen, seconded by Mrs. Atkins with Ayes by all present.
2. Ordinance #12-01, Amend Ordinance #16-00, Volunteer Benefit Ordinance to include non-resident volunteers

The Clerk read the Ordinance by Title:

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT BY EXTENDING THE
BENEFITS SET FORTH IN ORDINANCE #16-00 TO NONRESIDENT
VOLUNTEERS**

WHEREAS, by Ordinance adopted on October 3, 2000, Mayor and Council of the Borough of Keyport, a municipal corporation of the State of New Jersey, located in Monmouth County, approved the exemption of first aid, fire company, municipal board and commission volunteers, and qualifying family members, in the Borough from certain Borough fees; and

WHEREAS, the benefits of Ordinance were expressly limited to Borough residents.

WHEREAS, many volunteers of the aforementioned organizations do not reside in the Borough, but could enjoy the benefits of Ordinance #16-00 if made available; and

WHEREAS, Mayor and Council further recognize and promote the community service of all of its volunteers, residents and nonresidents alike, and to encourage others to join these respective organizations and volunteer both time and talent.

NOW, THEREFORE BE IT ORDAINED by Mayor and Council as follows:

Section 1. Section 1 ("Definitions") of Ordinance #16-00 is hereby amended and supplemented as follows:

- c. **Volunteer.** The term "volunteer" shall include any (1) active, active exempt, exempt or life member within any fire company, as fixed by applicable Borough ordinance, (2) active, active life or inactive member of the

First Aid Squad, as fixed by the bylaws established by the Keyport First Aid Squad, (3) present member, alternate or trustee of a municipal board, and (4) present chairman or member of a municipal commission, within the Borough. In no instance shall the term "volunteer" mean any present mayor or councilmember, or his/her spouse, nor any Borough Official or employee, serving in any capacity required of his/her title for which a salary or wage is received.

Section 2. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

Section 3. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 4. This Ordinance shall take effect immediately following final passage and publication as required by law.

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

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

- 2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, according to law, in the Courier, issue of July 12, 2001 for a Hearing to be held on July 24, 2001 moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Application for Fire Department Membership/Matthew Farparan/Board of Fire Patrol (pending State approval)

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

2. Application for Fire Department Membership/Paul Heilesen/Lincoln Hose (pending State approval).

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

3. Keyport Historical Society request for use and set up of large tent for their ice cream social/July 22, 2001

Motion to Approve moved by Mrs. Atkins, seconded by Mr. Pedersen with Ayes by all present. Harry Aumack, Fire Official and George Sappah, Public Works Superintendent are to be notified.

4. Request from Keyport Police Department to close off West Front Street from Broad to Main Streets on August 7th from 6-10PM 2001 Night out

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

5. Request from American Legion Post #23 for use of Veteran's Park for their picnic and use of 10-12 picnic tables on September 8th (raindate: September 9th)

Motion to Approve moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present.

6. Taxi Cab Owner Application/Georgine Soriano t/a Boro Taxi of Keyport.

Motion to refer to Zoning Officer moved by Mr. Merla, seconded by Mr. Bergen with Ayes by all present.

7. Request from Judy Cline, parent, for a donation toward rings for the Keyport High School Baseball teams as well as an "informal gathering" to present the rings.

Motion to refer to Councilman Antonucci to contact Judy Cline and Paul Smith of Union Beach moved by Mr. Pedersen, seconded by Mr. Merla with Ayes by all present.

8. Letter from Timothy Foley offering to purchase Block 92, Lot 1.01 (Second Street).

Motion to refer to Councilman Bergen moved by Mr. Pedersen, seconded

by Mrs. Atkins with Ayes by all present.

9. Request from Skinner & Cook, Inc. for a letter from the Borough stating that Nextel Communication Cellular Tower work has been completed and is satisfactory.

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

10. Resolutions opposing the proposed change in the participation formula for funding Beach Replenishment and Beach Nourishment Programs from Upper Township and Brigantine City.

Motion to list a supportive resolution moved by Mr. Bergen, seconded by Mr. Pedersen with Ayes by all present.

11. Letter from VFW Post 4247 requesting use of Veterans Park on September 15th from 8 AM to Dusk for their annual picnic.

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

12. Letter from Keyport High School Hall of Fame requesting permission to hold the annual Hall of Fame Parade on October 20, 2001 beginning 12:30 PM.

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

13. Keyport Fire Department request to hold the 1st annual Volunteerism parade on July 14, 2001 and also for a \$350 donation.

Motion to Approve moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present. Mr. Merla advised donations have been made for food. Donation will be up to \$350.00.

14. Request from Church Street residents to hold a block party.

Motion to refer to the Police Department moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

UNFINISHED BUSINESS

1. **Keyport Fire Museum Association, Inc.** Mr. Litwin said that the resolution can be listed.

2. **108 Broad Street.** A stop work order was issued. Mr. Merla asked that if the dwelling is unfit and a stop work order is issued, can the residents still live there? Mr. Litwin said that the Borough could call in the Sanitarian. An unfit dwelling requires a hearing. It is the Construction Code Official's call to declare a dwelling unfit. Motion authorizing the Administrator to contact Mr. Reinhold and ask if the dwelling is safe for habitation moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present. The Property Maintenance Officer will be asked to inspect the property also.

3. **Window Requirements.** This matter was held.

4. **Pine Street Parking Lot.** A sign should be posted "24 hour limit". There was discussion on the ownership of the grass area. A letter should be written to the owner of the boat who claims they own the grass area stating that the Borough documents the boat is encroaching on Borough Property. The owner should state his basis of claim. A survey should be done. This matter will be relisted on the July 24th Agenda.

5. **Green Grove Apartments.** On June 26th, the Mayor, Mrs. Poling and Andrew Leight met regarding the apartment residents complaints that at night they cannot park their cars which is not fair since they pay rent. Green Grove Apartments installed a system and now there are no complaints. There are 164 units and 192 parking spaces. The Mayor said that after this meeting he drove through the complex and there are numerous empty spaces, as well as, spaces on the street. The Mayor contacted the residents and advised them that he wanted to monitor the situation. A letter with pictures were received on July 10th. Mr. Merla asked if there were any tickets issued; Chief Gajewski said not lately. Mayor Graham said that he will contact the person who sent the letter and will advise them to keep calling the police. Mr. Bergen said that the street residents should be asked if a time limit would help them.

6. **Grease Discharge Abatement Ordinance.** Larry Kasica, Chief Sanitarian, submitted a memo.

7. **Phase 3/Washington Street.** Mr. Bergen said that a resolution is

needed to authorize the Survey and Base Mapping Work for Phase 3 of the Washington Street Project.

8. **Library.** There is a vacancy on this Board. Mrs. Atkins said that there was no meeting last month due to lack of a quorum. Mrs. Atkins will submit a name to Mrs. Poling.
9. **Harbor Commission.** It was recommended that John Fahey, First Street, be appointed to fill Art Rooke's unexpired term.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. Payment of Bills of June 26th: CURRENT - \$284,729.29, WATER/SEWER - \$160,461.86, RBIT - \$495.19 and GENERAL CAPITAL - \$23,000.00. A letter was received from the Department of Community Affairs advising of the award of \$11,162 to the residential property taxpayers of Keyport Borough from the Regional Efficiency Aid Program (REAP) and that the average household will see a reduction of at least \$5.48 in its local property taxes due to the REAP Aid. Mr. Bergen said that this money would go straight to Keyport residents.

ENGINEER'S REPORT

Mr. Kriskowski reported on the following. Three Projects were listed in the DOT Application that was submitted (Atlantic Street \$206,575; Washington Street \$234,025; and handicap ramps). Tomorrow is the Contractors meeting for final inspection and punchlist items of Phase II of the Washington Street Project. Aniello Ventrone's Performance Bond can be released.

ATTORNEY'S REPORT

Mr. Litwin reported on the following. In the RCG vs. Borough court case, there are procedural issues in the Appellate Division (filing of briefs). There are two briefs; there is a motion to allow briefs to apply to each other. With regard to Shorelands Diversion Rights, this is regulated through the DEP Regulatory Division; further submissions are needed.

NEW BUSINESS

1. **Williamson Street.** There is a question regarding who owns the street (Mr. Weber and Green Grove Apartments are in conflict). Green Grove Apartments has been plowing. The Borough is not obligated to proceed. Mr. Litwin said that this matter is up to Green Grove Apartments and Mr. Weber to settle. Records can be made available, but it is a private matter. A response could be given that it appears to be a Borough Street. Mr. Pedersen said there is a manhole for the storm sewer on this street and asked that the matter be put on hold.
2. **Garbage Contract.** Mr. Bergen said that there have been many complaints. June 23rd was cardboard collection and no cardboard was collected. On June 25th Marrone was in Mrs. Poling's Office and was asked about the section of town where cardboard was not collected and he was told that only a few piles were contaminated with garbage; the check was released. George Sappah said that this was not true, he was told the truck broke down. Mr. Merla asked if there was one truck for cardboard and one truck for garbage. Marrone is to be put on notice. They were not present. Mr. Litwin said that Mr. Messler was sent a notice regarding tonight's meeting. Mr. Provence spoke with George Sappah, Public Works. Mr. Litwin read the culmination of information submitted by Mr. Sappah. Mr. Bergen asked that this matter be referred to the Borough Administrator to discuss with Mr. Sappah liquidated damages. Mr. Litwin said that the Borough Administrator could levy a fine. The Borough spent time on collection and should be compensated. Mr. Sappah is on vacation; Mrs. Poling will discuss the matter with him when he returns. Mr. Antonucci said that Keansburg is having similar problems.
3. **Maple Place Bridge.** Mr. Merla said that a letter needs to be sent to the County Engineer to survey the area. There is a County right of way where the sidewalks are that need to be.
4. **Main Street and Maple Place.** Mr. Merla said that there is a stop on Main Street where the stop line is 10 feet before the sign; he asked how many feet should the stop sign be before an intersection. The Bank got a permit to install a sign. He recommends that the Police Chief is to inspect and advise and the Administrator advise the Bank to move the sign. Chief Gajewski asked about signs and painting of curbs by the Public Works. Mrs. Ashmore said that this matter and other streets were discussed with Police Chief Gajewski.
5. **29 Kearney Street.** Mr. Merla said that a contractor took the tree down.

6. **Tires.** Mr. Merla said that there are up to 8 free tires that can be disposed by the County between June 21st and July 21st. They will also be starting computer recycling.
7. **BRSA.** Mr. Merla said that there was a letter sent out regarding the BRSA. Mayor Gilligan of Keansburg advised that he will support this with a resolution. Holmdel and Union Beach will express their support also. Towns should give their input first. Mr. Pedersen asked if Keyport will assume part of the debt. Mr. Bergen said that Keyport had its own system and then the State changed the level of treatment and we were shut down. Mr. Litwin said that with membership, there is liability on bonds.
8. **State Budget.** Mr. Merla said that the State Budget passed last week and Keyport received \$70,000 for the Fire Department Museum, \$230,000 for the New Municipal Building, \$80,000 for the School and \$25,000 for the Senior Center.

Mayor Graham said that a representative from the Knights of Columbus asked him to sit in the dunk tank during the Firemen's Fair on Wednesday, Thursday and Friday.

Mr. Merla said that there will be a ribbon cutting ceremony this Sunday, 11 AM at Gatsby Florist, Broad Street.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 10:20 P.M. Mary Allen, Maple Place, asked why there is a trailer in the Post Office Parking Lot; Mayor Graham said that the Post Office is having an Underground Storage Tank removed and they are improving their Customer Service Area. A letter was received from a resident requesting a drivers side box on American Legion Drive; we are waiting to hear from the Postmaster. Mrs. Allen said that the County planted trees in front of her house and asked who is responsible; she was advised to contact Mrs. Poling for the Shade Tree Commission's phone number. Robert Hyer, Jackson Street, asked about Cablevision funds for the school. Mrs. Poling said that they are waiting on the Board of Public Utilities to certify and then the issue will be addressed. He asked about a lot on Hurley Street; Public Works will be contacted. A Church Street resident said that garbage just sits on Church Street until 7 PM. At the old West Furniture property, there are bricks that kids are knocking into the street and there is an air conditioner condenser behind the sign that is open; children could put their hands in it. The Construction Code Official will be notified. A Church Street resident asked Mrs. Ashmore if the yield sign could be changed from Church onto Second Street. Police Chief Gajewski will investigate. Mr. Merla said that kids are taking bricks off of the old West Furniture building and windows are broken; Police are needed to patrol that area. Mrs. Allen said that there has been animal feces on the Henry Hudson Trail and asked if this could be controlled or stopped. Mr. Bergen said that the Trail is kept very clean by the County. The meeting was closed to the public at 10:37 P.M.

RESOLUTIONS

2. Resolution #227-01, Authorize Water/Sewer Bill Adjustment - 191 Second Street

WHEREAS, request has been made to the Mayor and Council for an adjustment of Water/Sewer Bill Account #1-1469003; and

WHEREAS, Mayor and Council have taken the matter under consideration.

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

1. The April 1, 2001 Water/Sewer Bill:
 - A. The Water portion of the bill is to be paid in full.
 - B. The sewer portion of the bill will be adjusted based on past usage and will be calculated by the Collector of Water/Sewer Utility Rents.

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

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

3. Resolution #228-01, Permanent Appointment of Administrative Secretary-Catherine McLane

WHEREAS, the Department of Personnel performed an audit on

Catherine M. McLane, Principal Clerk Stenographer; and

WHEREAS, the Department of Personnel reclassified Catherine M. McLane as an Administrative Secretary; and

WHEREAS, the Department of Personnel has forwarded the Certification of Eligibles for Appointment for Administrative Secretary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Catherine M. McLane is hereby permanently appointed as Administrative Secretary.

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

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

4. Resolution #229-01, Permanent Appointment of Police Records Clerk, Typing-Lucille Royster

WHEREAS, the Department of Personnel performed an audit on Lucille Royster, Clerk Typist; and

WHEREAS, the Department of Personnel reclassified Lucille Royster as a Police Records Clerk, Typing; and

WHEREAS, the Department of Personnel has forwarded the Certification of Eligibles for Appointment for Police Records Clerk, Typing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Lucille Royster is hereby permanently appointed as Police Records Clerk, Typing.

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

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

5. Resolution #230-01, Amend Resolution #216-01, June 19th Payment of Bills

WHEREAS, on June 19, 2001, the Mayor and Council of the Borough of Keyport passed Resolution #216-01 for Payment of Bills; and

WHEREAS, on the Payment of Bills in the Trust Account Section, there was listed incorrectly a payment to Schoor DePalma, Inc. in the amount of \$1,463.75, this should have been listed for payment in the Escrow Account Section.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Trust Account Section be amended to read \$176.96 and the Escrow Account Section be amended to read \$6,044.01.

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

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

6. Resolution #231-01, 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 J. Ferrano is hereby hired as a Part Time Summer Laborer effective July 11, 2001 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 Mr. Antonucci

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

Abstained: Councilman Merla

7. Resolution #232-01, Accept 2000 Tonnage Report and Bonus Grant Form

WHEREAS, Thomas Gallo, Jr., Recycling Coordinator has submitted the Calendar Year 2000 Tonnage Report and Bonus Grant Form.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that they hereby accept the Year 2000 Tonnage Report and Bonus Grant Form as submitted by Thomas Gallo, Jr., Recycling Coordinator.

Mr. Merla said that with regard to the 1999 vs. 2000 tonnage report there is quite a difference and Mr. Gallo deserves a lot of credit. Keyport is in the top 3rd in the County.

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

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

8. Resolution #233-01, Payment of Bills

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

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

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

9. Resolution #234-01, Release Performance Bond/Accept Maintenance Bond
- Aniello Ventrone

WHEREAS, Aniello Ventrone has requested release of the Performance Guarantees posted for the above project; and

WHEREAS, the request was referred to the Borough Engineer for inspection; and

WHEREAS, the Borough Engineer has recommended release as per letter dated July 9, 2001 and attached hereto.

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

1. The 90% Performance Bond in the amount of \$13,343.08 and the 10% Cash Bond in the amount of \$1,482.56 are hereby released pending the posting of a two (2) year Maintenance Bond in the amount of \$2,223.85 commencing as of the date of this Resolution and the payment of any outstanding engineering bills.

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

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

10. Appointment of Police Officer/Joseph H. Ruth - This matter was deleted from the Agenda.
11. Authorize Smart Growth Application - This matter was deleted from the Agenda.
12. Resolution #235-01, Authorize Donation to Keyport Fire Department for 1st Annual Volunteerism Parade

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

WHEREAS, the Keyport Fire Department has requested that the Borough of Keyport contribute the sum of up to \$350.00 for the purpose of the 1st Annual Volunteerism Parade.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the sum of up to \$350.00 is hereby approved as a contribution to the Keyport Fire Department and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

13. Resolution #236-01, 2001 Salaries/Fire Chiefs

BE IT RESOLVED by the Mayor and Council of the Borough of

Keyport in accordance with current Salary Ordinances that:

SECTION 1. The following salaries are hereby established for the indicated positions effective January 1, 2001 or the date of hire or transfer, whichever is later:

Fire Chief	\$1,700.00
Assistant Fire Chief	\$1,500.00

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

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

14. Resolution #237-01, Fire Department Museum

WHEREAS, citizens of the Borough of Keyport have formed a Non-Profit organization known as the Keyport Fire Museum Association, Inc. for the purpose of operating a museum to collect, restore, display and maintain fire related artifacts, memorabilia and documents historically related to the fire service and the Keyport Volunteer Fire Department; and

WHEREAS, a Board of Directors has been selected consisting of the Mayor, representatives of the seven fire companies comprising the Keyport Fire Department and five members of the general public; and

WHEREAS, the Museum shall endeavor to preserve and to educate the public concerning the history, lore and traditions of the volunteer, fire service in the Borough of Keyport; and

WHEREAS, the Museum Association meeting are held at the Senior Center on the fourth Monday of each month, except December, and the general public is invited to attend, participate and become active members; and

WHEREAS, the Museum Association has undertaken a vital and significant task in the preservation and promulgation of the role of an organization essential to the safety and welfare of the citizens of the Borough of Keyport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that we express appreciation and recognition by this governing body and on behalf of the residents of Keyport for the services and efforts of the Keyport Fire Museum Association, Inc.; and

BE IT FURTHER RESOLVED that a true and certified copy of this Resolution be forwarded to the Board of Directors of the Keyport Fire Museum Association, Inc.

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

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

15. Resolution #238-01, Authorize Schoor DePalma to do Survey Base Mapping/Washington Street-Phase 3

WHEREAS, on or about January 12, 2001, the Mayor and Council of the Borough of Keyport received a proposal (the "Proposal") from Schoor DePalma, Inc. for engineering services to provide professional engineering services related to the reconstruction of Washington Street, Phase 3 including various services as detailed in said proposal with Task I, Survey and Base Mapping Phase 3 services to be provided at a total cost of \$7,800.00; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the Proposal and the Chief Financial Officer has certified that funds for same are available.

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

1. The Proposal from Schoor DePalma, Inc. to provide professional engineering services as set forth in the Proposal of January 12, 2001 and related to the Reconstruction of Washington Street for Task I, Survey and Base Mapping, Phase 3, at a total cost of \$7,800.00 is approved.
2. The Mayor and appropriate Borough officials are authorized to execute an acceptance of the Proposal for same.

3. Annexed hereto is a copy of the Proposal.
4. This action is approved without competitive bids as an award of professional contract. A notice of this award shall be advertised as required by law.

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

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

16. Resolution #239-01, Appointment of Harbor Commission Member/John Fahey

Mayor Graham announced with the advice and consent of the Council, the appointment of John Fahey as a member of the Harbor Commission for an unexpired term of five years, from July 10, 2001 to December 31, 2004.

BE IT RESOLVED by the Council of the Borough of Keyport that the foregoing appointment of John Fahey as a member of the Harbor Commission be and the same is hereby confirmed.

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

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

17. Resolution #240-01, Hire Part Time Summer Laborer/Clean Communities Michael Cermak

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 Michael Cermak is hereby hired as a Part Time Summer Laborer effective July 11, 2001 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 Mr. Antonucci

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

18. Resolution #241-01, Hire Part Time Summer Laborer/Clean Communities James Gallo

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 Gallo is hereby hired as a Part Time Summer Laborer effective July 11, 2001 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 Mr. Antonucci

Roll Call Vote: Ayes: 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: 10:45 P.M.

Respectfully submitted,

Judith L. Poling
Judith L. Poling, RMC/CMC
Borough Clerk/Administrator
Allyson M. Cinquegrana
Allyson M. Cinquegrana, RMC
Deputy Borough Clerk