approved 8/6/02

July 2, 2002
Keyport, New Jersey

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 7:12 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer, Stalter (arrived 7:13 P.M.). Absent: Councilman Bergen. Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #215-02, 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. Part Time Employees Benefits
2. Compensatory Time
3. Property Maintenance Office

Litigation
1. Willow Street
2. Magic Touch

Labor Relations
1. Public Works/PSTO Negotiations
2. Clerical Negotiations

Contract Negotiations
1. New Municipal Building
2. Right of Way - VoiceStream (Cellular Tower)

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 15 minutes.

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

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

Council went into closed session at 7:12 P.M. and this meeting was reconvened at 8:15 P.M.

Mayor Graham called the meeting to order at 8:17 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer, Stalter. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney and Rich Gardella, Borough Engineer's Office.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:19 P.M. There being none, the Meeting was closed to the public at 8:19 P.M.

HEARING ON ORDINANCES

1. Ordinance #17-02, Amend Chapter III, 3-6.1A26/Outside Police Work Fee (Construction Sites)

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 20, 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 ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER III, SECTION 3-6.1-26

The Hearing was opened to the public for comments or questions at 8:21 P.M. There being none, the Hearing was closed to the public at 8:21 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of July 4, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

2. Ordinance #18-02, Amend Chapter VII and Chapter VIII-Parking Lots and Handicapped Parking/American Legion Drive

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 20, 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 ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING CHAPTER VII, TRAFFIC AND AMENDING CHAPTER VIII, PARKING LOTS AND HANDICAPPED PARKING

The Hearing was opened to the public for comments or questions at 8:22 P.M. Terry Musson, Third Street, asked if this included parking along American Legion Drive because Ferry commuters park there all day. Mayor Graham said there are two zones on the roadway. Mr. Musson asked if there was a time line and if parking was addressed if someone uses the Ferry; Mr. Kain said yes, except for two areas. Mr. Merla asked the Chief of Police about contacting Green Acres. He voted to introduce this Ordinance. Green Acres is under the impression the Ferry was to find alternate off site parking and they have accomplished this besides the 39 parking spaces in the Lease. Mr. Merla's concern is that the law be enforced, when it will be enforced and by whom. Chief Gajewski said there has been voluntary cooperation by the Ferry Service, but parking cannot be stopped without an Ordinance. This Ordinance will be copied and put on the windshields of the cars. The enforcement will be done by the Parking Enforcement Officer and the people will not know when the tire marker will be there. Mr. Merla said there are commuters who live and pay taxes in Keyport (13); they cannot park there. Armin Perseghin said he had a problem. Green Acres was asked how to get around this concern and they did not have an answer. Mr. Merla asked about tractor trailers that park overnight. Mr. Merla said the Ordinance should be given a try; it is borderline discrimination to the residents. Chief

Gajewski agreed, but did not have an answer. Mr. Merla asked Mr. Kain if he had a conflict in voting because his family's restaurant borders this area; Mr. Kain did not see a conflict. The Hearing was closed to the public at 8:24 P.M.

Offered for adoption by Mr. Merla, seconded by Mr. Stalter
Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Nays: Councilwoman Atkins
Absent: Councilman Bergen

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of July 4, 2002 moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present except Mrs. Atkins who was against the Ordinance.

3. Ordinance #19-02, Set Salary for Clean Communities Coordinator

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 20, 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 OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY AUTHORIZING AMENDMENT TO SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT CLEAN COMMUNITIES COORDINATOR

The Hearing was opened to the public for comments or questions at 8:30 P.M. There being none, the Hearing was closed to the public at 8:30 P.M.

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

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

3a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of July 4, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #20-02, Amend BID Ordinance and Schedule "B"

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER TO AMEND SCHEDULE "B" OF ORDINANCE 6-02 "BUSINESS IMPROVEMENT DISTRICT" TO PROVIDE FOR THE INCLUSION/EXCLUSION OF PROPERTY WITHIN THE BUSINESS IMPROVEMENT DISTRICT

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Borough Ordinance 6-02 which amended Borough Ordinance 25-99 relating to the Business Improvement District is hereby supplemented and amended as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport did amend the Business Improvement District to include all business properties located within the Borough of Keyport. The Mayor and Council did, through Schedule "B", identify all properties included as part of the Business Improvement District. Based upon a review by the Tax Assessor, it has been determined that certain properties should be excluded from the Business Improvement District based upon their assessment or status and that certain properties were inadvertently omitted from inclusion on Schedule "B" in the Business Improvement District. The Mayor and Council desire to rectify such inconsistencies and provide a mechanism to amend Schedule "B" of Ordinance 6-02 as may be required in the future.

Section 2. Exclusions to Schedule "B": The following properties identified by block and lot numbers are hereby excluded from the Business Improvement District and Schedule "B" of Ordinance 6-02 is hereby amended and supplemented to remove the within properties from the Business Improvement District: Block 127, Lot 24; Block 39, Lot 44; Block 98, Lot 1.07; Block 103, Lot 1; Block 94, Lot 9 and Block 129, Lot 3.

Section 3. Inclusions to Schedule "B": the following property identified by block and lot numbers are hereby included in the Business Improvement District and Schedule "B" of Ordinance 6-02 is hereby amended and supplemented to include the within property as part of the Business Improvement District: Block 62, Lot 17.

Section 4. Future Amendments to Schedule "B": Any future amendments to Ordinance 6-02 Business Improvement District, Schedule "B" for the purposes of including or excluding business properties from the Business Improvement District shall be by Resolution of the Mayor and Council, duly adopted.

Section 5. Inconsistencies. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistencies.

Section 6. Invalidity. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court of competent jurisdiction, the section, subsection, part clause or phrase shall be deemed to be severable from the remainder of the Ordinance.

Section 7. This Ordinance shall take effect immediately upon passage and publication as required by law.

Mayor Graham explained the process.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of July 4, 2002 for a Hearing to be held on July 16, 2002 moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Resolution from Monmouth County Planning Board in support of creating Cyber Districts as a tool for economic development.

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

2. Letter from Trap Rock Industries, Inc. requesting the Borough adopt the NJDOT asphalt escalation/de-escalation provision to be included in the specifications.

   Motion to hold until the July 16th meeting moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

3. Letter from Jim Zarra, Marael Corporation, requesting tenants at 41 Broad Street be given parking passes.

   Motion to deny the request moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

4. Request from Keyport/Matawan Elks to hold their annual picnic on August 24, 2002, 12-7 P.M. at Benjamin Terry, Veterans and Cedar Street Parks.

   Motion to approve and notify Public Works and the Police Departments moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

5. Request from American Legion to hold their annual picnic on September 7, 2002 (raindate: September 8th) at Veteran's Park as well as use 10-12 picnic tables.

   Motion to Approve and notify the Public Works and Police Departments moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present. A Certificate of Insurance is required.

6. Fire Patrol Resignations (Michael VanJura, James McNerny, Phil Serpcio and Rich Applegate).

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

7. Request from International Orthodox Christian Charities to hold a Ceremony on August 2nd to begin their "Race to Respond" cross country bicycle event.

   Motion to Approve and notify the Police Department moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

UNFINISHED BUSINESS

1. **DOT Applications: First Street and Broad Street.** First Street roadway will be submitted as priority #2 as Atlantic Street is priority #1. Broad Street Pedestrian Safety is not a problem.

2. **86 Broad Street Closing.** Mr. Kain reported that the Borough has acquired the title.

3. **Request from Fire Museum Association/Lease.** A lease is needed for the Fire Museum. There will be a $1.00 annual lease payment. The lease will be for a five year term with provisos. Motion to add a resolution to the agenda moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

4. **Cedar Street Lights/Timers.** The change order will be for 3 timers in the amount of $2,450.00. (See Resolutions).

5. **Green Grove Avenue Parking.** Mrs. Poling has not received a response to the letter sent to Green Grove Apartments. Mr. Merla asked if the complaints have lowered; Chief Gajewski said yes, but there is a problem by the trailers on Williamson Street. Commuters are starting to park on Green Grove Avenue. Chief Gajewski said cars will go back to parking on Williamson and Eighth Streets if no parking goes back to Green Grove Avenue. Mr. Merla said the Borough did not create the issue. It is not fair to Mrs. Poling and Mayor Graham to call; the Borough has bent over backwards. Mayor Graham said if the apartments rescinded their parking, there should be no problem. Chief Gajewski said the same 9-14 cars and a motorcycle park on Green Grove Avenue. Mrs. Atkins asked if they are parking cars day and overnight. Chief Gajewski said during the day from 7-9 and then there cars over the weekend. Mayor Graham said that if parking is left on Green Grove Avenue, then the line has to be moved. Mr. Merla asked that the Borough Attorney be authorized to notify Green Grove Apartments, by certified mail, that they have 5 days to submit a plan and if they rescinded their assigned parking to advise the Borough or then the signs will be taken down on Green Grove Avenue and cars will be ticketed). Motion to authorize Mr. Kain to do the above moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

6. **Bulkhead Project.** Mrs. Poling read the letter submitted by Schoor DePalma; Mr. Kriskowski spoke with John Garafalo, NJDEP on June 24, 2002 regarding the scheduling of a meeting with Gene Keller and Bill Dixon, both of NJDEP permitting department, to finalize permitting documents. They were unable to meet the last week of June due to transition meetings at NJDEP. A meeting will most likely take place the week of July 8th. NJDEP has already started to process the permitting work. Mr. Hyer asked why this was not done before. Mr. Merla said that questioned was asked at the last meeting. Mr. Hyer asked why the Engineer would not know. Mr. Merla said this is one of the most important projects. Mr. Hyer asked Mr. Gardella if the Engineering proposal was the proper amount; Mr. Gardella said there is a considerable amount of work and it is hard to determine. Mr. Merla said if it pertains to the

road, Schoor should not handle. Mr. Merla said the project is not moving along with Schoor handling the matter. Motion authorizing Mr. Freda, Borough Engineer, to prepare the application to Green Acres and to submit his Engineering proposal moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

7. **Washington Street, Phase III.** This project was advertised to go out to bid. Receipt of Bids will be on July 9th.

8. **Robeth, LLC Bond Release.** A report was received from Schoor DePalma regarding outstanding items to be corrected before the release of the Bond can be made.

9. **Fire Department Vehicles.** Mrs. Atkins reported that at the last meeting, the Board of Fire Chiefs submitted a letter and an invitation was extended to Fire Patrol to attend tonight's meeting. Ken Goble, Truck Committee and Robert Ferry were in attendance from Fire Patrol. Mr. Ferry read a statement regarding their need for a new truck. In 1998, Fire Patrol submitted specifications for a new truck. Raritan and Liberty Hose have not submitted specifications for the new trucks they require. It has been 4 years since the current Hahn pumper was removed from service (seized engine) and replaced with another. Fire Patrol's members are sworn in every year. Some members transferred to other companies, but there are 4 applications for new membership in Fire Patrol. Their recruiting abilities would be hindered by the proposed purchase of a pick up truck. Fire Patrol members have attended training. Fire Patrol has not been asked for any input for a new truck. Fire Patrol disagrees with the current course of action. The first pumper was purchased because of a war and currently America is at war. July 4th is "red alert day". In 1943, extra security was needed for the Borough and now equipment will be reduced during the current situation. In October, the Fire Department will celebrate their 125th Anniversary and Fire Patrol has dedicated 90 years to the Department. Jay Gordon, Fire Patrol, said the Board of Fire Chief's asked the Borough to spend $500,000, but there is no plan for the future of the Fire Department. Mr. Merla said the matter was referred to the Finance Committee and a meeting will be set up between the Board of Fire Chiefs and Fire Patrol and the Committee will report back to Mayor and Council. Fire Chief Kenneth Marr said the Board of Fire Chiefs tried to meet with Fire Patrol's truck committee and when asked were told to get a copy of the specs from Borough Hall. Years ago the Board of Fire Chiefs were asked for recommendations; there is no input on Capital Projects. Department Heads do not ask employees what vehicle is best for the job. There will be a change to the structure of the Department (there is an alternate plan). Fire Patrol was asked to explain why they need the piece of equipment. Mr. Ferry said the Fire Chief is the only department head with no input. The Chief is only a one year term and the Board and Mayor and Council decide. The Fire Chief is elected by the Department, he or she is not hired. Chief Marr said the Board of Chiefs were asked for a five year capital plan. There are four Chiefs on the Board. Chief Marr asked if this had been thought out. Mrs. Atkins said she read both letters and asked if everyone needs Academy training; yes. Mrs. Atkins said members are leaving Fire Patrol, but it was not said members are leaving because of the Fire Chief. Mr. Ferry said someone said Mrs. Atkins said it. It is unfortunate it has come to this. The Committee will set up a meeting.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. There are resolutions that have been added onto the agenda to waive inspection and release remaining fees for two projects (Casiero Enterprises and RESD Development). Mrs. Poling reviewed the law and procedures on the Access to Public Records a Resolution is listed for the assignment of Alternate and Deputy Custodians on tonight's agenda. The June 25th Payment of Bills: **CURRENT - $173,461.25, WATER/SEWER - $18,891.54, RBIT - $925.79 AND BOARD OF RECREATION COMMISSION - $93.00.** Richard Gardella said there were additional items added for the Receipt of Bids for the Replacement of the Boiler at the Keyport Senior Center. This matter should be listed on the July 16th Agenda; an Engineering estimate is needed and the Borough should look at rebidding the project.

ENGINEER'S REPORT

Mr. Gardella reported on the following in Mr. Freda's absence. The Monmouth County Community Development Block Grant application was submitted. A fax was received back that all is in order and the County will advise us of the August date for presentation.

ATTORNEY'S REPORT

Mr. Kain reported on the following. The Fire Museum was already reported on.

NEW BUSINESS

1. **Photography Fees.** A request was received from Sergeant Casaletto of the Police Department to increase the fee charged for photos taken. Motion to Approve moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

2. **2002 Budget.** Mr. Merla asked if we have heard from the State on our budget; no.

3. **Mosquito Commission.** Mr. Merla reported that some Chandler Avenue residents (Goble and Jannarone)have a concern. The Mosquito Commission completed a big work project in the area. They have been maintaining the area (the Borough is suppose to). There has been dumping going on. They want to fence in their homes and will maintain to the property behind. It was asked if the property where the owner is unknown could be vacated. It was asked if a search could be conducted on the property and if the Borough could vacate it. Mr. Kain said back in 1994, the Borough could not get a clear Title.

4. **Millings.** Mr. Merla said Mr. Litwin, former Borough Attorney, issued an opinion on roadway millings and that they are considered hazardous waste. The Borough can acquire some millings, but George Sappah would like a DEP ruling. Mr. Kain was asked to research. Richard Gardella said he spoke with Mr. Freda and they are contacting the DEP also.

5. **Ferry.** Mr. Hyer said that there will be a new Ferry boat and tests are being run on it before it is brought to Keyport.

6. **BRSA.** Mr. Hyer and George Sappah attended the Bayshore Outfall meeting. The BRSA applied to the DEP for recycled water and were denied. The water is pumped into the ocean. This does not make sense. Richard Ellison will contact the DEP.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:50 P.M. Ken Marr thanked Mayor, Council and Mrs. Poling for their involvement in the Fire Museum closing. This is a dream come true and it is the only one in Monmouth County. Mr. Marr asked if dry hydrants are going to be used along the bulkhead or if they can be included. Mr. Hyer said he spoke with George Sappah who will undertake a study. Roy Jimenez, Third Street, asked about the timers on the baseball lights. People should be kept out of the panel box. The Engineer will be asked about this. It was requested that one more timer be purchased; Mr. Freda will look into it. Barbara Granda asked if she could use Beach Park for a Block Party. She was asked to submit her request in writing and it will be addressed at the July 16th meeting. Chief Gajewski asked about the Custodian of Records and if it is different from the Ordinance, should it be changed; Mr. Kain will review. Chief Gajewski said a Flower Power truck was stopped on Walnut Street by residents who told the driver he was not allowed on the street. Mr. Kain said if there is nothing in the Ordinance then there is no restriction on trucks. Mr. Merla asked if a weight limit should be put on Walnut Street. The meeting was closed to the public at 9:58 P.M.

RESOLUTIONS

2. Resolution #216-02, Award Contract/New Air Conditioning Unit/Senior Center

WHEREAS, the Keyport Senior Center requires a new 5 ton, two speed air conditioning unit; and

WHEREAS, the Senior Center Director has solicited informal quotes for this work and has received the following quotes:

C&C Air Conditioning and Heating	$ 3,075.00
Carbon Heating and Air	$ 3,086.00
Arctic Air Conditioning	$ 3,100.00

and

WHEREAS, Arctic Air Conditioning, 16 Vanderburg Road, Marlboro, New Jersey 07746 submitted a quote for said work as evidenced by the response on file in the office of the Borough Clerk/Administrator.

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

1. The appropriate Borough officials are authorized to enter into an agreement with Arctic Air Conditioning, 16 Vanderburg Road, Marlboro, New Jersey to install a Lennox HS21-060 five ton Air Conditioner as per specifications in the amount of Three Thousand One Hundred Dollars and no cents ($ 3,100.00) in accordance with the request for proposals and quote on same.

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

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

3. Resolution #217-02, Appoint Special Police Officer, Class II, Casey Andrews

WHEREAS, there is a need to hire a Part Time Special Law Enforcement Officer (SLEO), Class II, in the Police Department; and

WHEREAS, Chief Theodore Gajewski has recommended Casey Andrews be hired as a Part Time Special Law Enforcement Officer (SLEO), Class II.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Keyport that Casey Andrews is hereby appointed as a Special Law Enforcement Officer (SLEO), Class II, effective July 8, 2002 pending the results of a background investigation and the completion of the required medical examinations.

BE IT FURTHER RESOLVED that Casey Andrews is responsible for her own uniform and schooling.

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

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

4. Resolution #218-02, Payment of Bills

See full copy of Resolution as pages 17-20 of these minutes.

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

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

5. Resolution #219-02, Approve designation of Alternative Custodians to maintain records in various departments

WHEREAS, Chapter 404, P.L. 2001 provides for public access to government records; protects certain government records from public disclosure; establishes Privacy Study Commission and appropriates $95,000.00 to commission was sign into law and become effective on July 8, 2002; and

WHEREAS, the law states that the Municipal Clerk is the Custodian of Records; and

WHEREAS, over the years records have been kept and maintained by various departments; and

WHEREAS, the Municipal Clerk has the authority to designate Alternative Custodians to keep and maintain records in the various departments and to respond to requests for government records forwarded to them by the Municipal Clerk; and

WHEREAS, the Municipal Clerk has submitted a list of Alternative Custodians which is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that they hereby approve the designation of Alternative Custodians as submitted by the Municipal Clerk and instruct them to cooperate fully with the Municipal Clerk in keeping and maintaining the files in their respective Departments and responding to requests forwarded to them by the Municipal Clerk for government records in accordance with Chapter 404, P.L. 2001.

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

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

6. Resolution #220-02, Authorize Execution of Lease between the Borough and the Keyport Fire Museum Association/86 Broad Street

WHEREAS, the Mayor and Council of the Borough of Keyport did acquire title to the property identified as Lot 2, Block 61 on the Tax Map of the Borough of Keyport, more commonly known as 86 Broad Street, Keyport, New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised by the Borough Attorney that the Borough has the authority to enter into a lease agreement with the Keyport Fire Museum Association, Inc., a New Jersey corporation and to lease the within premises for use as a fire museum and educational facility; and

WHEREAS, it is the direction of the Mayor and Council to authorize the Mayor and Borough Clerk to execute any and all documents relative to the lease of the property identified as 86 Broad Street, Keyport, New Jersey to the Keyport Fire Museum Association, Inc. For use as a Fire Museum and Educational Facility, which the Mayor and Council further declare to be in the best interests of the Borough of Keyport.

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 Mayor and Borough Clerk to enter into a lease agreement with the Keyport Fire Museum Association, Inc., for the lease of the premises identified as Lot 2, Block 61 on the Tax Map of the Borough of Keyport, more commonly known as 86 Broad Street, Keyport, New Jersey, for use as a Fire Museum and Educational Facility within the Borough of Keyport.

2. The Mayor and Council hereby authorize the lease agreement in the term of five (5) years with a renewal option for an additional five (5) year term. The Mayor and Council shall further direct that the lease payment per year shall be $1.00 due and payable yearly at the commencement of the anniversary date of the lease agreement.

3. The within lease agreement shall be on a form prepared by the Borough Attorney which shall provide for the abatement of municipal taxes, and require the tenant to secure appropriate liability insurance naming the Borough

of Keyport as an additional insured in the minimum amount of One Million Dollars and which shall provide access to residents and non residents during hours fixed and determined by the tenant, subject to review by the Borough Attorney. The lease shall also contain a provision terminating the lease agreement in the event that the premises is not used as a fire museum and educational facility.

4. A copy of the within Resolution shall be forwarded to the Borough Attorney and a copy retained in the Office of the Borough Clerk for public inspection.

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

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

7. Resolution #221-02, Authorize Execution of the Drug and Alcohol Agreement/2003

BE IT RESOLVED that on this 2nd day of July, 2002, the Keyport Borough Mayor and Council support the application for DEDR funds to continue the work of the KIDS (Keyport Intervention for Drug Free Streets) Drug Alliance for the year 2003.

BE IT FURTHER RESOLVED that the programs emphasize prevention activities related to drugs, alcohol and tobacco both in the community and through the school system.

BE IT FURTHER RESOLVED that our proposal supports expansion into after school programming for the elementary school and continuation of a goal to reach the parents associated with our head start and other community based organizations in Keyport.

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

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

8. Resolution #222-02, Deputize Chief of Police as Custodian of Records for the Police Department

WHEREAS, the Municipal Clerk has the authority under Chapter 404, P.L. 2001 to deputize the Chief of Police as the Custodian of Records for the Police Department; and

WHEREAS, the Municipal Clerk hereby appoints the Police Chief as Deputy Custodian of Records for the Police Department.

BE IT RESOLVED by the Mayor and Council that they hereby approve and endorse the Municipal Clerk's appointment of the Police Chief as Deputy Custodian of Records for the Police Department.

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

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

9. Resolution #223-02, First and Final Change Order and Fifth and Final Payment Certificate/Washington Street Reconstruction.

WHEREAS, Schoor DePalma has submitted the First and Final Change Order and the Fifth and Final Payment Certificate and has recommended approval.

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

1. The First and Final Change Order in the amount of $17,667.27 is hereby approved changing the final contract amount from $475,357.10 to $493,024.37.

2. The Fifth and Final Payment Certificate in the amount of $33,987.01 is hereby approved.

3. A Certificate of Availability of Funds is annexed hereto.

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

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

10. Resolution #224-02, Appoint Clerk of the Works/New Municipal Complex

WHEREAS, the Mayor and Council of the Borough of Keyport, have been advised by the Project Architect that the appointment of a Clerk of the Works would be in the best interest of the Borough in order to monitor the ongoing construction at the new municipal complex; and

WHEREAS, the Mayor and Council have reviewed the qualifications of Frank Grabowski to ser in the position of Clerk of the Works for the Borough of Keyport and to oversee the construction related activities relative to the construction of the new municipal complex; and

WHEREAS, the Mayor and Council of the Borough of Keyport are resolved to appoint Frank Grabowski as a temporary, at will, employee of the Borough of keyport, who will serve at the pleasure and direction of the Mayor and Council, for the purpose of serving in the capacity of Clerk of the Works for the construction of the new Municipal Complex; and

WHEREAS, the Mayor and Council have further resolved to pay to Frank Grabowski, a temporary, at will, employee of the Borough of Keyport, at the rate of sixty dollars ($60.00) per hour for a minimum of ten (10) hours per week to a maximum of fifteen (15) hours per week during the course of construction of the Municipal Complex at the pleasure of the Mayor and Council up to a maximum period of six (6) months; and

WHEREAS, the Mayor and Council further desire to confirm this position and confirm the terms and limitations of his authority as a temporary, at will, Borough employee acting as the Clerk of the Works.

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

1. Frank Grabowski is hereby hired as a temporary, at will, employee for the Borough of Keyport, who will serve at the direction and pleasure of the Mayor and Council, in the capacity of Clerk of the Works for the purposes of overseeing the construction of the Municipal Complex on behalf of the Mayor and Council.

2. Frank Grabowski, as a temporary, at will, employee of the Borough of Keyport and Clerk of the Works, shall be paid the sum sixty dollars ($60) per hour for a minimum of ten (10) hours per week to a maximum of fifteen (15) hours per week, at the pleasure of the Mayor and Council up to a maximum period of six (6) months. The within appointment shall not extend beyond the six month period without further specific authorization by the Mayor and Council.

3. As a temporary, at will, employee of the Borough of Keyport, the employee, Frank Grabowski, shall not be entitled to any health benefits, pension, salary, vacation, sick time or any other regular benefits of a full time employee of the Borough of Keyport.

4. The Clerk of the Works shall act as an advisory capacity only. When acting in an advisory capacity, the clerk of the Works shall report directly to the Project Architect.

The Clerk of the Works shall not have the authority to direct the contract, his agents or employees or to stop the work on the new municipal complex project.

5. The within appointment is made pursuant to the provisions of the Local Public Contracts Law, without competitive bidding pursuant to the provisions thereunder provided.

6. The within resolution and appointment is contingent upon the certification of the Municipal Finance Officer as to the availability of funds for payment of the within position.

7. Copies of the within Resolution shall be forwarded to the municipal Finance Officer, Project Architect and Borough Engineer and a copy shall be retained in the Office of the Borough Clerk for public inspection.

8. That a Notice of the within Resolution shall be published as required by law.

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

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

11. Resolution #225-02, Appoint Part Time Class II Special Law Enforcement Officer - William Siegle

WHEREAS, there is a need to hire a Part Time Class II Special Law Enforcement Officer (SLEO) in the Police Department; and

WHEREAS, Chief Theodore Gajewski has recommended William Siegle be hired as a Class II Special Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Keyport that William Siegle is hereby appointed as a Class II Special Law Enforcement Officer (SLEO), effective July 3, 2002 pending the results of a background investigation, completion of the required medical examinations and satisfactory graduation from the Monmouth County Police Academy.

BE IT FURTHER RESOLVED that William Siegle will be responsible for his schooling and uniforms.

BE IT FURTHER RESOLVED that since this is a part time position, there are no benefits and this appointment will expire on December 31, 2002.

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

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

12. Resolution #226-02, Authorize Willow Street Meeting

WHEREAS, the Mayor and Council of the Borough of keyport are aware that Willow Street is a paper street, as shown on the Tax map of the Borough of Keyport; and

WHEREAS, the Mayor and Council are aware that the Borough of Keyport has maintained Willow Street including the trees located upon Willow Street at a considerable cost and expense to the Borough of Keyport; and

WHEREAS, the Mayor and Council have considered the possibility of vacating Willow Street with the abutting property owners obtaining a portion of the property that was Willow Street, subject to various terms and conditions including an access easement in favor of the Borough of Keyport for various drainage considerations; and

WHEREAS, both the Borough Attorney and Borough Engineer have made periodic reports regarding the status of Willow Street and what would be required in order to vacate Willow Street including the proposed legal and engineering costs; and

WHEREAS, it has been reported that based upon a review of the Tax Map, there would be one (1) property owner who is landlocked that would be directly affected by the decision of the Mayor and Council to vacate Willow Street; and

WHEREAS, Mayor and Council wish to authorize the Borough Attorney and Borough Engineer to meet with the various Property owners abutting Willow Street to discuss any such plans and costs related to vacating Willow Street.

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

1. The Borough Attorney and Borough Engineer are authorized to meet with the property owners who's property abut Willow Street for the purposes of discussing vacating Willow Street including costs and expenses associated therewith and the securing of an access easement on behalf of the Borough of Keyport.

2. The Borough Clerk is directed to contact all property owners and set a time and place for said meeting to discuss vacating Willow Street.

3. A copy of the within Resolution shall be forwarded to the Borough Attorney and Borough Engineer and a copy of the within Resolution shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

13. Resolution #227-02, Authorize Change Order/Cedar Street Park light timers

WHEREAS, the timers for the operation of the Cedar Street Park Lights do not work; and

WHEREAS, the Mayor and Council requested that Schoor DePalma contact Lucas Electric Company, Inc. contractor for the replacement of the sport and site lighting at the Cedar Street Park to submit a quote for the installation of new timers; and

WHEREAS, Lucas Electric has submitted a quote in the amount of $2,450.00 to supply and install 3 new 2 channel electronic time clocks in existing panel enclosure on site, reconnect existing control wires, schedule and final programming by owner, permit fees by owner and any architectural, engineering or utility fees not included.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the First and Final Change Order in the amount of $2,450.00 is hereby approved changing the original contract amount from $42,443.00 to $44,893.00.

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

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

14. Resolution #228-02, Authorize Engineer to submit Road Realignment application in conjunction with the existing Bulkhead Project.

WHEREAS, the Mayor and council of the Borough of Keyport have considered the preparation and filing of an application to the NJDEP Green Acres Program in conjunction with an existing Bulkhead Project application pending with the NJDEP for the proposed diversion of American Legion Drive, 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 State House Commission prior to the July 11, 2002 deadline, for action by the State House Commission Meeting in September 2002, pursuant to its protocols and guidelines; and

WHEREAS, the Borough Engineer has proposed to complete the application including, the pre-application meeting, coordination with Green Acres Personnel and the submission of the required application and required documents to the State House Commission for a lump sum fee of Eight Thousand Five Hundred Dollars ($8,500.00); and

WHEREAS, the Mayor and Council have reviewed the 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 State House Commission as expeditiously as practicable considering the impending time constraints.

NOW, THEREFORE, BE IT and the same is hereby 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 State House Commission for the aforesaid project involving the diversion of American Legion Drive, in accordance with the guidelines for application established by the State House Commission, for consideration at the September 2002 State House Commission Meeting.

2. Borough Engineer shall complete the appropriate application, coordinate with Green Acres personnel and participate in the required pre-application meeting with respect to the presentation of the project to the State House Commission for a lump sum fee of Eight Thousand Five Hundred Dollars ($8,500.00).

3. The within resolution is subject to the certification of the Municipal Finance Officer as to the availability of funds.

4. Notice of the within award shall be published in legal newspaper of the Borough of Keyport within 10 days as provided under State Statute.

5. 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 Mr. Stalter

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

15. Resolution #229-02, Diversion of American Legion Drive through Green Acres

WHEREAS, the Mayor and Council of the Borough of Keyport have considered the preparation and filing of an application to the State House Commission for funding through NJDEP Green Acres Program in conjunction with an existing Bulkhead Project application pending with the NJDEP for the proposed division of American Legion Drive, further identified as Block 21.02, Lot 49, located within the Borough of Keyport, County of Monmouth and State of New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Keyport are satisfied that the diversion of American Legion Drive would promote increased recreational opportunities and promote conservation and increased environmental stewardship consistent with the aims of the Green Acres Program, which area to be diverted is comprised of approximately 1 acre in size and owned by the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport support the conclusion that the relocation of American Legion Drive will preserve open space and enhance both recreational access and environmental awareness along Raritan Bay which will afford such benefits to all New Jersey residents and tourists for generations to come; and

WHEREAS, the Mayor and Council of the Borough of Keyport are resolved to support this application to the State House Commission for approval under the NJDEP Green Acres Program as the benefits to both the Borough of Keyport, County of Monmouth and State of New Jersey are consistent with goals and objectives of this valuable program.

WHEREAS, compensation for diversion will not be required as the Borough of Keyport owns the property affected by the diversion of American Legion Drive

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

1. The Borough of Keyport strongly supports the application to the State House Commission under the NJDEP Green Acres Program for the diversion and relocation of American Legion Drive, within the Borough of Keyport, County of Monmouth and State of New Jersey as consistent with the goal of the Borough of Keyport to promote increased recreational opportunities and environmental within the Borough of Keyport and along the Raritan Bay. The Mayor and Council further strongly request consideration by the State House Commission at the September 2002 State House Commission Meeting.

2. That a certified copy of this resolution be forwarded to the State House Commission, Green Acres Program and the elected State representatives within this district and to the Borough Engineer 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 Mr. Stalter

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

16. Resolution #230-02, Waive Escrow Fees - Casiero Enterprises

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that there exists a small amount of escrow remaining as a maintenance guarantee and fire service escrow for an approval granted to Casiero Enterprises, t/a Fantasies, for a site plan approval located on Highway 36 and Pimper Place, Keyport, New Jersey, identified as Block 103, Lot 61 on a Tax Map of the Borough of Keyport, which was approved by the Keyport Planning Board in August 1993; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the site plan work was completed in excess of eight years ago and that a minimal balance of $271.00 remains held by the Borough of Keyport for certain engineering inspections by the Borough Engineer relative to the site plan and an amount of $1,241.10 remains in a fire service escrow account with reference to the approval granted; and

WHEREAS, it is the direction of the Mayor and Council to authorize the release and return of the within maintenance guarantee and fire service escrow to Casiero Enterprises t/a Fantasies, for the within project and to close out the within escrow accounts.

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 Borough Clerk to return remaining Maintenance Guarantee and fire service escrows to Casiero Enterprises t/a Fantasies, for the within site plan approval referenced herein and to close out the within escrow account.

2. A copy of the within Resolution shall be forwarded to the Municipal Finance Officer and Casiero Enterprises t/a Fantasies, and a copy retained in the Office of the Borough Clerk for public inspection.

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

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

17. Resolution #231-02, Waive Escrow Fees - RESD Development

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that there exists a small amount of escrow remaining as a maintenance guarantee for an approval granted to RESD Development, Inc. for a minor subdivision located at 16 Broadway, Keyport, New Jersey, identified as Block 20, Lot 4.02 on a Tax Map of the Borough of Keyport, which was approved by the Keyport Planning Board in May 1994; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the subdivision was completed in excess of seven years ago and that a minimal balance of $199.50 remains held by the Borough of Keyport for certain engineering inspections by the Borough Engineer relative to the minor subdivision approval; and

WHEREAS, it is the direction of the Mayor and Council to authorize the release and return of the within Maintenance Guarantee to RESD Development, Inc. for the within project and to close out the within escrow account.

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 Borough Clerk to return the remaining Maintenance Guarantee to RESD Development, Inc. for the within minor subdivision project referenced herein and to close out the within escrow account.

2. A copy of the with Resolution shall be forwarded to the Municipal Finance Officer and RESD Development, Inc. and a copy retained in the Office of the Borough Clerk for public inspection.

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

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

Council went into closed session at 10:10 P.M. and this meeting was reconvened at 10:15 P.M. On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer, Stalter. Absent: Councilman Bergen.

ADJOURNMENT

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

Time of Adjournment: 10:15 P.M.

Respectfully submitted,
Judith L. Poling/amc
Judith L. Poling, RMC/CMC
Borough Clerk/Administrator
Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC