

Approved 9-16-03

July 8, 2003
Keyport, New Jersey

Minutes of a Special Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, 18-20 Main Street, Keyport, N. J. pursuant to being called by Mayor Merla, in accordance with the Open Public Meetings Act. Notices were faxed to the Courier, Asbury Park Press, Independent and Two River Times and posted on the Bulletin Boards.

Mayor Merla called the meeting to order at 7:08 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, (arrived at 7:25 PM) Atkins, Hyer, Stalter, Doyle. Absent: Councilman Green. Others present: Mike Gann, IUOE, Jonathan Rhodes, Laborer, and Scott Hicks, Shop Stewart.

HEARING

1. Personnel Matter

RESOLUTIONS

1. Resolution #268-03, Closed Meeting - Personnel

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

Personnel

2. Hearing on Personnel Matter

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 Council Chambers, for the purpose of discussing the following subjects:

Personnel

BE IT FURTHER RESOLVED that the discussions on Personnel, the matters discussed are resolved, and this meeting shall continue in approximately 20 minutes.

Offered by Mr. Hyer, seconded by Mr. Stalter

Roll call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle.

Absent: Councilmembers Bergen, Green

Council went into closed Session at 7:08 PM and this Meeting was reconvened at 7:45 PM. On Roll Call the following were present: Bergen, Atkins, Hyer, Stalter, Doyle. Absnt: Green.

2. Resolution #269-03 Hire Temporary Part Time Account Clerk

WHEREAS, IT IS THE DESIRE OF THE Mayor and Council to hire a temporary part time Account Clerk: and

WHEREAS, funds are available in the 2003 Budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Susan Yundzel is hereby hired as a temporary part time Account Clerk effective July 9, 2003, at the salary of \$11.50 per hour in accordance with the current salary ordinance.

BE IT FURTHER RESOLVED as this is a temporary part time position, there are no benefits.

BE IT FURTHER RESOLVED as this is a temporary part time position, the maximum amount of hours permitted within one week is not to exceed 28 hours.

BE IT FURTHER RESOLVED as this is a temporary position, the period of employment is not to exceed four(4) months.

Offered by Mr. Doyle, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Doyle

Absent: Councilman Green

3. Resolution #270-03 Termination of MPM Cleaning Service/Senior Center

WHEREAS, the Mayor and Council of the Borough of Keyport had previously entered into an agreement with MPM Building Services, Inc. to provide general maintenance and cleaning services for the Keyport Senior Center: and

WHEREAS, the Mayor and Council have received reports regarding the services being performed by MPM building Services Inc. As it relates to the Keyport Senior Center: and

WHEREAS, the Mayor and Council are not currently satisfied with the services being rendered based upon present events and desire to terminate the contract of MPM Building Services, Inc. to undertake cleaning services at the Senior Center: and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution terminating the within agreement with MPM Building Services, Inc. and to demand the return of all keys and Borough property.

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

1. The agreement between the Borough of Keyport and MPM Building Services, Inc. to provide cleaning services at the Keyport Senior Center be in the same is hereby terminated.

2. The Mayor and Council find, based upon current events, that it can no longer permit access to the Keyport Senior Center to MPM Building Services, Inc. and/or their employees.
3. The contract by and between the Borough of Keyport and MPM Building Services, Inc. is hereby terminated effective immediately upon the adoption of the within Resolution.
4. Copies of the within Resolution, duly certified, shall be delivered to MPM Building Services, Inc., Borough Attorney and Municipal Finance Officer and a copy of within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

Offered by Mr. Doyle, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle
Absent: Councilman Green

4. Resolution #271-03 Hire Part Time Building Maintenance Worker/Senior Center

WHEREAS, the Mayor and Council have determined it is necessary to hire a Building Maintenance Worker: and

WHEREAS, funds are available in the 2003 Budget for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Nancy Germek is hereby hired as a Building Maintenance Worker for the Senior Center, effective July 9, 2003 at the salary of \$8.50 per hour.

BE IT FURTHER RESOLVED that the maximum number of hours worked 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 by Mr. Doyle, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle
Absent: Councilmember Green

5. Resolution #272-03 Suspension of Borough Employee

WHEREAS, Jonathan Rhodes is a full time permanent employee with the Borough of Keyport assigned to the public works department: and

WHEREAS, the Mayor and Council have become aware that certain criminal charges have been filed against the employee based upon an alleged theft of funds from the Keyport Senior Center: and

WHEREAS, the Mayor and Council have further been advised

that the theft of funds from the public exceeds several thousand dollars which will constitute an indictable offense under the New Jersey Statutes: and

WHEREAS, the Mayor and Council have received a report from the Keyport Police department whereby Keyport Police Department have sufficient information to formally charge Jonathon Rhodes with the theft arising from the unlawful taking of money from the Keyport Senior Center while the employee was engaged in a part-time private job: and

WHEREAS, based upon the appropriate administrative code and applicable statutes, the Mayor and Council desire to suspend the within named individual without pay pending a determination of the criminal charges against him which suspension may further include removal from his position in the event of a plea or conviction of the within charges; and

WHEREAS, appropriate notice having been supplied to the employee, the herein employee, his union representative, and the Mayor and Council having held a meeting by the 8th day of July 2003 whereby a formal hearing has been waived by the employee and his union representative to hear and address the outstanding charges: and

WHEREAS, based upon the facts and circumstances present herewith the Mayor and Council have further determined to suspend without pay the employee pending a completion of the criminal investigation and the charges against him and shall consider removal from his public position in the event of a plea of guilt or conviction of guilt to the within charges which the Mayor and Council believe touch upon his position and duties as an employee of the Department of Public Works.

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

1. The Mayor and Council of the Borough of Keyport hereby suspend without pay employee, Jonathon Rhodes, effective July 3, 2003.
2. The Mayor and Council further direct that the Borough Employee immediately surrender to his supervisor and/or the Borough Clerk all Borough property presently in his possession or control including but not limited to, keys to any public buildings or facilities which the employee may possess.
3. The Mayor and Council of the Borough of Keyport specifically instruct the Borough Clerk to serve a preliminary notice of disciplinary action setting forth the charges and statement of facts supporting the charges in accordance with N.J.A.C. 2:2-2.5 and N.J.S.A. 2C:51-2.
4. The Mayor and Council further direct that the charges specified in the preliminary notice of disciplinary action shall include pursuant to N.J.A.C. 4A:2-2.3, conviction of a crime, conduct unbecoming a public employee and mis-use of public

property.

5. The Mayor and Council direct that the suspension without pay shall continue pending the preliminary notice of disciplinary action and a formal opportunity to be heard or until such time as the Mayor and Council shall make further determination with respect to this matter.
6. Copies of the within Resolution, duly certified, shall be forwarded to the employee, union representative, Borough Attorney, Borough Clerk and a copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

Offered by Mr. Doyle, seconded by Mrs. Atkins

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

Absent: Councilman Green

6. Resolution #273-03 Award Temporary Repairs fishing Pier, Atlantic Pile, Inc. \$9,400.00

WHEREAS, the Mayor and Council have received reports from the Superintendent Department of Public Works and the Borough Engineer relative to the condition of the William A. Ralph Municipal Pier and the need for emergency temporary repairs at the within location:

WHEREAS, the Mayor and Council have previously authorized the Superintendent of Public Works and the Borough Engineer to solicit quotes from individuals qualified to make structural repairs to a fishing pier: and

WHEREAS, the Borough Engineer has reported the receipt of a quote from Atlantic Pile, Inc., Middletown, New Jersey, to perform certain emergency repairs to the William A. Ralph Municipal Fishing Pier within the Borough of Keyport: and

WHEREAS, the Mayor and Council have further previously authorized the sum of up to \$15,000.00 payable from the RBIT account for certain emergency repairs necessary to restore the William A. Ralph Municipal Fishing Pier: and

WHEREAS, the Mayor and Council have reviewed the proposal of Atlantic Pile, Inc. As well as the recommendation of the Borough Engineer and have determined to authorize Atlantic Pile, Inc. Middletown, New Jersey, to proceed with the emergency repairs required to the William A. Ralph Municipal Fishing Pier: and

WHEREAS, the Mayor and Council further desire to memorialize the determination to proceed by emergency repairs and to authorize payment from the BRIT account, and

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

1. The Mayor and Council authorize Atlantic Pile,

Inc., Middletown, New Jersey, to undertake emergency repairs to the William A. Ralph Municipal Fishing Pier in accordance with their proposal submitted on July 7, 2003.

2. The Mayor and Council authorize Atlantic Pile, Inc. to proceed with Base Bid No. 1 in the sum of \$9,400.00 which amounts shall be due and payable from the BRIT account.
3. The Mayor and Council hereby authorize Atlantic Pile, Inc., Middletown, New Jersey, to undertake alternate no. 1 (item 4) and alternative no. 4 (item 5) at the discretion of the Borough Engineer based upon a continuing inspection of the William A. Ralph Municipal Pier in an amount not to exceed an aggregate total of \$15,000.00 inclusive of the base bid.
4. Based upon the report by the Superintendent Department of Public Works and the Borough Engineer, The Mayor and Council determine that the within repairs are emergency in nature and necessary to preserve the structural integrity of the Fishing Pier.
5. Copies of the within Resolution shall be served upon Atlantic Pile, Inc., Middletown, New Jersey, Superintendent Department of Public Works, Borough Engineer, Municipal finance Officer, and a copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

Offered by Mr. Doyle, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins,
Hyer, Stalter, Doyle
Absent: Councilmember Green

7. Resolution #274-03 Amend Original Resolution #162-03 Regarding Temporary Repairs for the Keyport Fishing Pier

WHEREAS, the Mayor and Council have previously received reports from the Superintendent, Department of Public Works, and the Borough Engineer relative to temporary repairs with need to be undertaken at the Municipal Fishing Pier: and

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize the Borough of Keyport to obtain certain quotes for the temporary emergency repairs to the Keyport Fishing Pier, including the replacement of joints and boards of the Fishing Pier: and

WHEREAS, the Mayor and Council did authorize proposals up to the sum of \$10,000.00 and it now appears that the quote received will exceed the sum of \$10,000.00 based upon the nature and scope of the temporary emergency repairs which need to be undertaken; and

WHEREAS, the Mayor and Council have reviewed the

Quote from Atlantic Pile, Inc. and have reviewed the status of the pier with the Borough engineer and have determined that additional repairs will be required which will exceed the previous amount of \$10,000.00; and

WHEREAS, the Mayor and Council desire to emend Resolution #162-03 to provide for proposals not to exceed the sum of \$15,000.00 for work necessary to the Municipal Pier and to further designate that any such payments for work to repair the Municipal Pier be paid from the BRIT account; and

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

1. Resolution #162-03 adopted by the Mayor and Council on April 1, 2003 is hereby amended to provide that proposals shall be submitted for repairs to the Keyport Fishing Pier including the replacements of joints and boards on the fishing pier in amounts not to exceed the aggregate total of \$15,000.00.
2. That any and such payments authorized by the Mayor and Council relative to the temporary emergency repairs at the Keyport Fishing Pier be in the same shall be paid from the BRIT account.
3. Copies of the within Resolution shall be forwarded to the Superintendent, Department of Public Works, Borough Engineer, Borough Attorney, Municipal Finance Officer, and a copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

Offered by Mr. Doyle, seconded by Mrs. Atkins

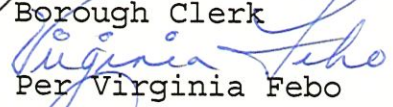
Roll Call Vote: Ayes: Councilmembers Bergen, Atkins,
Hyer, Stalter, Doyle
Absent: Councilmember Green

ADJOURNMENT

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

Time of Adjournment: 8:12 PM

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk

Per Virginia Febo
Administrative Clerk

