Approved 9/11/02

August 6, 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 7:08 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Ashmore, Hyer, Stalter. Absent: Councilman Merla. Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #252-02, 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 Employee Benefits
2. Compensatory Time
3. Borough Attorney

Litigation
1. Magic Touch vs. Borough of Keyport
2. Sjoblom vs. Borough of Keyport

Labor Relations
1. Administrative and Non Union Negotiations
2. Public Works/PSTO Negotiations
3. Clerical Negotiations

Contract Negotiations
1. New Municipal Complex
2. VoiceStream Right of Way
3. Health Benefits

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

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

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

Council went into closed session at 7:10 P.M. and this meeting was reconvened at 8:17 P.M.

Mayor Graham called the meeting to order at 8:20 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla (arrived 7:15 P.M), Ashmore, Hyer, Stalter. Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

APPEARANCE AND DISCUSSION

. **First Aid Cadets.** Kenneth Krohe, Keyport First Aid, appeared with the First Aid Cadets and they presented Mayor and Council with a plaque of appreciation for giving them help with their uniforms, etc. Their representative said the Keyport First Aid is a place to serve the community and help people and they thanked the Borough for its support. August 15th is the Cadets next meeting and anyone is welcome to attend. Mayor Graham thanked the Cadets on behalf of Mayor and Council. There was a storm this past Friday with lighting; the Senior High Rise lost power and residents went to the First Aid Building where there were many cadets. The Mayor said the cadets were representatives of all you can do which is an infusion of their youth. Mayor Graham reported the Fire Department transported individuals and advised the Board of Chiefs and Emergency Management Coordinator of the status. They are ready when the need arises. The Red Cross was called in. Mrs. Atkins said the dispatchers and Police all did a good job. Mr. Bergen said JCP&L should be asked about the older equipment. Sergeant Ely said a transformer was struck. The Mayor spoke with a JCP&L representative who explained the outage and restoration time.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:28 P.M. There being none, the meeting was closed to the public at 8:28 P.M.

HEARING ON ORDINANCE

. Ordinance #21-02, Salary Ordinance/Clerk of the Works

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of July 18, 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 FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

The Hearing was opened to the public for comments or questions at 8:29 P.M. There being none, the Hearing was closed at 8:29 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of August 8, 2002 moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #22-02, Salary Ordinance/Clerk Typist

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position, and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport must be within the ranges given in the

Ordinance, and the purpose is to save money in preparation and publication costs by making the ranges sufficiently wide to last for several years, and also to give greater flexibility, should a position be vacated and it is desired to start a new employee with less experience at a lower salary, since the new salary may simply be set by a Resolution of the Mayor and Council.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, in the County of Monmouth and State of New Jersey as follows:

PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT INCREASES IN EXISTING SALARIES, BUT ARE RANGES WITHIN WHICH SALARIES MUST FALL

SECTION 1. The following salary ranges are hereby fixed and determined for the following part time officers and employees effective August 22, 2002.

	MINIMUM SALARY	MAXIMUM SALARY
Clerk Typist	$15,000 annually	$20,000 annually

SECTION 2. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 3. Severability. If any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication according to law.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of August 8, 2002 for a Hearing to be held on August 20, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

Mrs. Poling said according to Ordinance, the position will be posted in house and advertised.

2. Ordinance #23-02, Amend Chapter I, Section 1-5, General Penalty Fees

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME, THEREAFTER AMENDING CHAPTER I, GENERAL SECTION 1-5, GENERAL PENALTY

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Borough Ordinances, Chapter I, General, Section 1-5, General Penalty is hereby amended and supplemented as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport have reviewed an enactment from the New Jersey Legislature as contained in NJSA 40:49-5, which permits a municipality to increase the maximum fine for violations of municipal ordinances within the municipality from $1,000.00 to $1,250.00. The Mayor and Council declare that the fines should be increased for convictions of municipal ordinances to the amount permitted under statute.

<u>Section 2.</u> Chapter I, General, Section 1-5 (General Penalty) is hereby amended to provide:

1-5.1 Maximum Penalty. For violation of any provision of this Revision or any other ordinance of the Borough of Keyport, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be a fine not exceeding One Thousand Two Hundred and Fifty ($1,250.00) Dollars and/or imprisonment in the County Jail for a period not exceeding ninety (90) days or to a period of community service not exceeding ninety (90) days at the discretion of the Municipal Court Judge.

<u>Section 3.</u> Chapter I, General, Section 1-5 (General Penalty) is hereby amended to provide:

1-5.4 Minimum Penalty. For violation of any provision of this revision, or any other ordinance of the Borough of Keyport, unless a specific penalty is otherwise provided in connection with the provision violated, the minimum penalty upon conviction of the violation shall be a fine not less than One Hundred ($100.00) Dollars, and/or imprisonment in the County Jail for a period not exceeding Ninety (90) days or to a period of community service not exceeding Ninety (90) days at the discretion of the Municipal Court Judge.

<u>Section 4.</u> All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

<u>Section 5.</u> 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 this Ordinance.

<u>Section 6.</u> This Ordinance shall take effect immediately upon final passage and publication as required by law.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of August 8, 2002 for a Hearing to be held on August 20, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

<u>COMMUNICATIONS AND PETITIONS</u>

1. Request from Recreation Commission for repairs to Cedar Street Park drain and fencing.

Mr. Merla asked which drain. Mr. Jimenez said the corner by the basketball court; it is in the process of being taken care of. Mr. Hyer said when the ties were taken out, the drain was exposed and will be addressed. Mr. Merla asked if the fencing was separate; yes.

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

2. Request from Recreation Commission to amend the curfew ordinance on all 7 parks (10:00 P.M. closing).

Mr. Bergen said some people would like 11:00 P.M. closing time. The gate should be locked on the Fishing Pier. Chief Gajewski said the Ferry pays for the lights which go off at 10:00 P.M.; he asked that the gate be put back up. Mr. Hyer said the lights go out at 11:00 P.M. on the pier. Mr. Bergen suggested this be referred back to the Recreation Commission.

Motion to refer to the Recreation Commission moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

3. Request to use Beach Park on August 24th for a Block party from 1:00

P.M. to 9:00 P.M.

The Borough Clerk was asked to respond back on what is O.K. and what is not O.K. A Certificate of Insurance is required.

Motion to refer back and advise them of the Borough's concerns moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

4. Request from Keyport Hall of Fame to hold their 2002 parade for the Hall of Fame inductees.

   Motion to Approve moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present except Mr. Bergen who abstained.

5. Letter from Joseph E. Wedick requesting a Resolution declaring a stance for or against the generalized concept of school vouchers in the community.

   Mr. Hyer said the law changed. It is a Federal law and vouchers will be bound by Federal law. Mr. Hyer spoke with Dr. Dumford who will attend the August 20th meeting.

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

6. Letter from Allen Weiss requesting acquisition of Block 33, Lot 57.

   Motion to refer to the Finance Committee moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present.

7. Letter from Army Corps of Engineers requesting comments regarding Hans Pedersen and Sons application to dredge Luppatatong Creek, Raritan Bay.

   Motion to respond back that there are no comments moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

8. Request from Monmouth Shore Walkers for permission to walk through Keyport on October 5, 2002.

   Motion to Approve, but advise them of the Fire Department parade and ask what time and if they want to reschedule moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

9. Pompton Lakes Resolution supporting Bill A273 which returns Polling Place hours to the previous time (See Resolutions).

   Motion to adopt a supportive Resolution moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present.

10. Letter from Harbor Commission regarding concerns with the Ferry.

    Mayor and Council should check their calendars for dates and times in September. Mrs. Poling will address the matter of lighting with Mr. Cummins of Fast Ferry.

    Motion to set up a meeting between Council and the Harbor Commission and for the Administrator to address the lighting issue with Fast Ferry moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

11. Letter from Francis M. Breil regarding a property line dispute and requesting the Borough Engineer redefine the proper boundaries and centerline of Hobart Street.

    The centerline is in dispute and Mr. Breil would like the Engineer to mark boundaries and the centerline of Hobart Street. There is a 25 foot difference. The survey is dated 1958. Mr. Freda had advised Mr. Breil to contact the Assessor and Borough Clerk; traditionally each property owner is given half. This matter could be a legal or engineering matter. Mr. Merla said the matter should be surveyed anyway since it effects the Monmouth County Community Development Application. Mr. Freda said this is a property line dispute and it should be left for the property owners to work out. Mr. Kain said the Ordinances should be looked at regarding vacation; generally the Borough would not get involved. Deeds and Ordinances should be gathered; they may file an action in the Chancery Division. Mr. Breil said he has ordinances. Mr. Breil's property was surveyed in 1985 and a fence was installed. Mr. Breil's neighbor had a survey done about two months ago and it shows that the Breil's fence is on his property. Mr. Kain said the property should be resurveyed. Mr. Freda said determining the line does not tell who owns what. Mr. Bergen recommended that the Engineer/Land Surveyor who did the survey be contacted and the other surveyor should also check. The survey should be pin set.

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

12. Raffle License Application from Raritan Post #23 American Legion (Instant Raffle/Pull Tabs)

Mrs. Atkins asked that this matter be re-evaluated and the $500.00 fee be rescinded. Mr. Merla supported this.

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

A motion to amend the Ordinance to waive the fee for the year 2002 and list it on August 20th moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

13. Letter of Resignation from Paul N. D'Apolito as Alternate Municipal Prosecutor.

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

14. Letter from John T. Lane, Jr. regarding Alternate Municipal Prosecutor position.

Motion to list an appointing resolution moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

15. Letter from KBA on behalf of Diane's Floral Fantasy & Bridal Boutique for approval to have a temporary flower cart at the Ferry landing.

Motion to Approve for six weeks with one condition (if a complaint is made, the operation is to cease) moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

16. Request from Keyport Kiwanis to hold their Flea Markets in the parking lot along the waterfront.

Mayor Graham said in the past the Borough and Kiwanis Club met. Mrs. Atkins recommended meeting. Mr. Hyer suggested time limits be set. George Sappah will be on the committee.

Motion to set up a meeting moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present except Mr. Bergen, Mr. Merla and Mrs. Ashmore who abstained.

17. Raffle License Application from St. Joseph School PTA.

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

18. Request from Keyport Kiwanis to use the picnic tables and yellow and white tent for their Lobster Fest on August 10, 2002.

Mayor Graham said this event is being held on a property that is in dispute between the Borough and property owner, Edward Burlew. Mrs. Atkins said residents belong to the Kiwanis club. Mr. Kain recommended Council approve the use of the tables and tent. Mrs. Atkins said the Borough is in a "pickle". Mrs. Poling suggested a fire company be asked for use of their tables and chairs. Fire Chief Marr asked why. Mr. Bergen said he must abstain from this matter because of litigation.

Motion to approve use of the tent moved by Mrs. Atkins, seconded by Mr. Stalter with Ayes by all present except Mr. Merla, Mrs.

Ashmore, Mr. Bergen and Mr. Hyer who abstained.

UNFINISHED BUSINESS

1. **Trap Rock request-NJDOT asphalt escalation/de-escalation provision.** Mr. Freda said in 1970 a fuel shortage clause was put into the DOT projects to protect the State and Contractor; Mr. Freda is not aware that any municipality has adopted this. Motion to ask the League of Municipalities for their position on this matter moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

2. **Green Grove Avenue Parking.** Mr. Kain said he wrote to Mr. Loffa on July 12th and has not received a response. Mr Bergen said that they must respond back or the Borough will take action at the next meeting without input; the area is not safe and no parking may be reinstated on Green Grove Avenue. Mr. Kurtz should be contacted by telephone or mail and advised they were given extensions and answers are needed.

3. **Keyport Planning Board Redevelopment Request.** Mayor Graham said the Planning Board discussed this matter. Mr. Litwin, Planning Board attorney, advised that Council needs to respond on designated areas. Mr. Bergen said that lower Front Street over to First Street and Church and Broad Streets need to be studied to see if they qualify. There are monies available for clean up of landfill properties (Aeromarine); Engineering proposals are needed. Mr. Merla said the Planning Board's position is contradictory on the Master Plan. Mr. Menna asked Anthony Vecchio. Perth Amboy asked the Planning Board to determine sites. All Marina's and the Aeromarine should be looked at. Mr. Merla said he agrees if the Smart Growth application is approved. Mr. Merla said he spoke with Paul Shaffery who KBA recommends be part of the group. Kathleen Shaw will use the committee's talents. There must be strength in the application before the State on Smart Growth (Ad Hoc). An information committee is needed to work with Borough officials. Mr. Freda said a professional group is needed to push the matter through (Long Branch has done this). Mr. Bergen said this is according to Statute guidelines. Mr. Merla said without a plan, the Borough must formulate to include redevelopment. Mrs. Shaw has suggested who should be on the Ad Hoc Committee. Motion to list a Resolution on the next meeting and to get proposals from Planners for the areas of Front Street and the Aeromarine property moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present. It was agreed on, but it should be an Advisory Committee and a Request for Proposals should be submitted. Mr. Freda said Long Branch had a planner and secured seed money. Decisions are made by Mayor and Council.

4. **Letterhead.** Mr. Merla said this matter was referred to Mrs. Poling for design. Mrs. Poling read a statement: The Keyport Business Alliance adopted a logo and in March 2002 requested the logo be put on the Borough's letterhead and envelopes; this was not a problem. Then the KBA submitted a letterhead format. The matter has gone back and forth between the Borough Clerk's Office and the KBA. The current letterhead has been cannibalized in order to send out correspondence while this matter has been pending. Mrs. Poling stated the following reasons for the letterhead format to remain the same: Keyport has existed for over **100 years** and was established as a Borough in 1908 by an act of the Legislature. Keyport has a rich history and tradition and the history and tradition are in **jeopardy**! If the Governing Body approves the letterhead created by the KBA, history and tradition will fade away. The Borough's letterhead **does not** need to be a replica of the KBA's letterhead; it should be distinct and apart and continue to represent what the Borough of Keyport has stood for over 100 years. Mrs. Poling stated in her capacity as Municipal Clerk, Secretary to Mayor and Council and an Officer of the Corporation, it is her duty to **uphold the Integrity** of the Borough of Keyport and keep it intact. The letterhead should be decided by the Offices of the Borough of Keyport who use it every day. Mrs. Poling asked for the Governing Body's support that the letterhead not be changed. She requested a motion be moved, seconded with Ayes by all present to receive and file the KBA's proposed letterhead so that she and the other Borough offices in the Borough can move forward. Mrs. Ashmore said it was asked if the logo could be incorporated. Mr. Bergen said Mrs. Poling submitted the

letterhead. Motion to leave the letterhead **as is** moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

5. **Gazebo/Terry Park.** Mr. Stalter asked about a gazebo at Terry Park. There are monies in a Bond Ordinance to construct a park on Beers Street for the Senior Citizens. Recreation will handle this matter. If the gazebo does not cost over $17,500, three quotes are needed. Mayor Graham said plans should be made for Cedar, Benjamin Terry and Veteran's Parks. He will provide information.

6. **Cable TV.** Mr. Hyer said Dr. Dumford reported that starting August 8th, broadcasting will begin on Channel 71. The camera can go off site.

7. **Fire Prevention.** Mrs. Atkins said she received a request from the Fire Prevention Officer regarding salary changes. This will be copied for Mayor and Council and listed on August 20th.

8. **New Municipal Building.** Mr. Merla asked about a Project sign being installed and that the contractor and Architect be contacted. Mrs. Poling will contact Mr. Gaunt and A&K Excavating.

9. **Post Office Property.** Mrs. Atkins asked about the Post Office Property being cleaned up. This should be referred to the Property Maintenance Officer. Mr. Hyer said Public Works cleaned up the property along American Legion Drive.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. There were no bids received for the 1972 Hahn Pumper Fire Truck on July 22nd; the truck should be towed out of Fire Patrol's yard. Motion to scrap the truck moved by Mr. Bergen, seconded by Mr. Hyer with Ayes by all present. July 23rd Payment of Bills: **CURRENT - $155,203.62; WATER AND SEWER - $19,678.20; GENERAL CAPITAL - $71,119.75 AND RBIT - $1,657.81.** A report from John Kriskowski, P.E. regarding the Bulkhead and the Cedar Street lights was read.

ENGINEER'S REPORT

Mr. Freda reported on the following. The two quotes received for the Senior Center Boiler were very high ($40,000-$45,000). The project should move forward and be rebid; $50,000 was recommended without a pump. This matter was referred to Mr. Merla.

ATTORNEY'S REPORT

Mr. Kain reported on the following. He reported on the Museum lease; Mrs. Poling advised it has not been signed because the Museum Committee would like changes. The lease for a Catamaran Service has been prepared and it should be advertised for receipt of bids.

NEW BUSINESS

1. **Garbage Collection/Pick Up Time.** Mr. Merla said the garbage collection times have varied. Last month it was very hot; he asked if they should be allowed to come in early and leave early. The garbage company was escorted out of town by the Police at 5:30 A.M

2. **9/11 Tribute.** Mr. Merla asked for Council support for a 9/11 tribute. He spoke with Fire Chief Marr about the upcoming one year anniversary since the event. The tribute will be held at the Mini Park from 8:00 P.M. to 9:15 P.M. on September 11th and at 9:11 P.M. a moment of silence will be held townwide. The Mayor will serve on the Committee.

   Mr. Bergen asked about putting a plaque in the new Municipal Building.

3. **Pool.** Mr. Merla said there is a rumor and that a resident said he was trying to get a pool torn down on Main Street; this is a lie and whoever started the rumor should stop.

4. **Ballot Question.** Mr. Bergen requested that a Resolution be put on the August 20th Agenda to list a question on the November Ballot (deadline: August 23rd) for non-binding referendum. Motion to request an open space assessment (2-2 ½ cents per $100)to dedicate for the development of the waterfront (as per statute criteria).

Motion to list a question on the November ballot moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

. **Green Acres Funding.** Mr. Merla said there is funding through Green Acres for acquisition of property. Brown's Point Marina is for sale and the property could be used publicly or privately; the Borough should pursue this. Mr. Freda will research the matter. The application to Green Acres is due August 15th.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 10:35 P.M. for comments or questions. Jeff Fink, Keyport Army/Navy, asked about Diane's Floral Fantasy and Boutique selling flowers by flower cart. She is cross marketing her business; Mr. Fink requested more than 6 weeks. Mr. Bergen said the trial period will be six weeks. The dry cleaners is coming back to Keyport. With regard to the Borough letterhead, Mr. Fink said it would be better if the Borough did not include the logo on the letterhead. He asked about the catamaran service; there is a resolution listed on the Agenda to advertise for receipt of bids. Andrew Willner, Osborn Street, said North Bergen bought a marina and bid it out. Mr. Willner asked about dirt being pushed to the stream on Green Grove Avenue. Mr. Bergen asked about adopting an Ordinance banning the piling of dirt. Terry Musson, Third Street, asked how the person was selected to run a flower cart; he said the catamaran service needs to be bid and asked why a flower cart would not be bid. Mr. Bergen and Mr. Kain said there are questions regarding insurance, etc. Mr. Musson asked what happens if Gatsby's would like to have a flower cart too. George Walling, Second Street, questioned the political bumper stickers (Merla/Atkins/Doyle) on William Cerase's, Property Maintenance Officer's, car if he works for the Borough. Mayor Graham said that it was not appropriate; Mr. Bergen agreed and said he preferred the stickers be taken off (people may have an opinion on how they would be treated). Mr. Cerase said he would remove the stickers if he was told to. Mr. Hyer said Mr. Cerase would do the right thing. Mr. Stalter said the bumper stickers are free speech. Ken Marr, Fire Chief, said Raritan Post #23, American Legion approached the Fire Department with a donation to purchase certain equipment and requested a resolution be prepared. Chief Marr asked if Mr. Freda could do a load bearing test on the Museum Floor; Mr. Freda will research it. Last Friday there was a storm and the Senior Citizen High Rise lost power for 5 hours. There were 3 fire trucks dispatched to the high rise and the elderly were assisted and transported to the Keyport First Aid Building. Chief Marr thanked 7-11 for donating perishables to help feed the elderly; any left over food went to the Women's Center. Keelen's Bus Service donated a bus to transport people; the bus was filled with fuel when it was returned. Letters thanking them for support will be sent. It was asked if at the Boat Launching Ramp near the anchor if Gloria Mundrane's name could be put on it and her daughters and grandchildren will maintain the area and plant flowers; Chief Marr asked if it could be dedicated to her with a sign. The meeting was closed to the public at 10:56 P.M.

RESOLUTIONS

2. Resolution #253-02, Set Salary/Property Maintenance Officer

WHEREAS, by Ordinance 2-02, the Mayor and Council of the Borough of Keyport did establish salary ranges for various Officers, Clerks and Employees of the Borough of Keyport, in the County of Monmouth and State of New Jersey, said Ordinance which was duly adopted by the Mayor and Council; and

WHEREAS, by Resolution #73-02, the Mayor and Council did establish a salary for the position of Property Maintenance Officer in accordance with the salary Ordinance duly adopted by the Mayor and Council; and

WHEREAS, based upon the resignation of the Assistant Property Maintenance Officer, the Mayor and Council have resolved to increase the salary for the Property Maintenance Officer to the $7,500.00 annually.

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

1. The salary for the position of Property Maintenance Officer is hereby fixed at the sum of $7,500.00 annually,

effective August 7, 2002, or date or hire or transfer, whichever is later.

2. The Property Maintenance Officer will serve in the position for the Borough of Keyport on a part time basis for sixteen (16) hours per week.

3. A copy of the within Resolution shall be forwarded to the Property Maintenance Officer, Municipal Finance Officer and a copy maintained in the office of the Borough Clerk for public inspection.

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

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

3. Resolution #254-02, Support Bill A273 - Change Polling Place Hours to original time

WHEREAS, Legislation adopted in September 2001 increased the hours that polls were to open during certain elections and primaries from 7:00 A.M. to 6:00 A.M.; and

WHEREAS, the polls had previously been open for voters for thirteen (13) hours. The new legislation imposed a fourteen (14) hour voting day on election workers, many of whom are senior citizens and were already working under an undue burden making it difficult to recruit and to maintain a motivated, well trained cadre of election workers; and

WHEREAS, the existing polling hours combined with existing provisions in the law allowing for absentee ballots offered every opportunity for any motivated citizen to vote; and

WHEREAS, very few citizens are getting to the polls early enough in the morning to vote during the earlier hour provided by last year's legislation and election workers must now try to get to the polls by 5:00 A.M. and typically work until 9:00 P.M. on election days creating an intolerable situation for dedicated election workers, many of whom are senior citizens; and

WHEREAS, Assembly bill No. 273 sponsored by Assemblymen Pennacchio and DeCroce would return polling hours to the original times of 7:00 A.M. to 8:00 P.M. and would alleviate many of the overbearing conditions which have been exacerbated by the extended polling hours introduced last year.

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

The amendatory legislation proposed by Assemblymen Pennacchio and DeCroce is hereby supported and applauded by the Mayor and Council of the Borough of Keyport..

IT IS FURTHER RESOLVED that a copy of this Resolution be sent to the Office of Governor James McGreevey, members of our legislative district and to neighboring communities at the discretion of Judith L. Poling, Municipal Clerk.

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

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

4. Resolution #255-02, ,Release Performance Bond and Accept Maintenance Bond/Washington Street, Phase I and II (Ace Manzo, Inc.)

WHEREAS, Schoor DePalma has recommended release of the Performance Bond and acceptance of the Maintenance Bond on the above project as per letter dated July 16, 2002, attached.

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

1. Performance Bond #PRF08312413 in the amount of

$475,357.10 is hereby released pending the submittal of and approval by the Borough Attorney of a one year Maintenance Bond in the amount of $49,302.44.

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

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

5. Resolution #256-02, Extend Grace Period/3rd Quarter Tax Payment

WHEREAS, due to delayed receipt of the tax rate for the year 2002, the Borough of Keyport mailed its 2002/2003 tax bills to Borough Property owners on or about August 2, 2002; and

WHEREAS, NJSA 54:4-66.4 provides that the third installment of municipal taxes shall not be subject to interest until the later of August 1st, the additional interest-free period authorized pursuant to NJSA 54:4-67 (i.e. August 11th), or the twenty fifth (25th) calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered; and

WHEREAS, NJSA 54:4-66.4 further provides that any payment received after the later of the above dates may be charged interest back to August 1st.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, and State of New Jersey as follows:

1. No interest shall accrue on the third installment of any Borough tax bill mailed or otherwise delivered to the Borough on or before Tuesday, August 27, 2002.

2. Any payment received after Tuesday, August 27, 2002, may be charged interest accruing from August 1, 2002, at the rate set forth in Borough Resolution #34-02.

1. The Borough Clerk/Administrator is hereby authorized and directed to publish a notice specifying the date on which interest may begin to accrue hereunder.

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

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

6. Resolution #257-02, Create position of Full Time Clerk Typist

WHEREAS, it is necessary to create a full time position of Clerk Typist; and

WHEREAS, funds have been provided in the 2002 Budget for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that a full time position of Clerk Typist is hereby created effective August 7, 2002.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to post the position in-house and to place an advertisement for the position in the official newspaper of the Borough of Keyport, open to Borough residents only.

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

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

7. Resolution #258-02, Authorize First MCCD Payment to A&K Excavating, LLC/ADA Work in New Municipal Building ($34,028.44)

WHEREAS, the Borough of Keyport has entered into an agreement with the County of Monmouth for the completion of ADA Work in the new Municipal Building; and

WHEREAS, the Borough of Keyport has engaged the services of A&K Excavating, LLC for the completion of this project; and

WHEREAS, the Borough of Keyport has incurred costs in the amount of $34,028.44; and

WHEREAS, the Governing Body of the Borough of Keyport has determined that A&K Excavating, LLC has adequately completed the work for which they are now seeking payment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Governing Body of the Borough of Keyport hereby authorizes approval of voucher #00-0849-M in the amount of $34,028.44 and submission to the Monmouth County Community Development Program of the appropriate documentation for payment.

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

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

8. Resolution #259-02, Authorize Second MCCD Payment to A&K Excavating, LLC/ADA Work in New Municipal Building ($9,172.28)

WHEREAS, the Borough of Keyport has entered into an agreement with the County of Monmouth for the completion of ADA Work in the new Municipal Building; and

WHEREAS, the Borough of Keyport has engaged the services of A&K Excavating, LLC for the completion of this project; and

WHEREAS, the Borough of Keyport has incurred costs in the amount of $34,028.44; and

WHEREAS, the Governing Body of the Borough of Keyport has determined that A&K Excavating, LLC has adequately completed the work for which they are now seeking payment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Governing Body of the Borough of Keyport hereby authorizes approval of voucher #00-0849-M in the amount of $9,172.28 and submission to the Monmouth County Community Development Program of the appropriate documentation for payment.

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

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

9. Resolution #260-02, Cancellation of Taxes/Block 22, Lot 12.02 and Block 137, Lot 11

WHEREAS, the Tax Collector of the Borough of Keyport, New Jersey has determined that action is required as a result of the 2002 tax reductions granted by the Monmouth County Board of Taxation; and

WHEREAS, the Tax Collector has certified to the foregoing as well as to the amount of the tax cancellation which is set forth with the name and address of the taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the required tax cancellation be made and a credit applied to the 3rd and 4th quarters 2002 taxes since all taxes for the full year were not paid.

Block	Lot	Owner	Location	Cancelled	Credit
22	12.02	Primont, S&C	162 W. Front St	$1,156.67	$1,156.67
137	11	Olini, Rose T.	44 Walnut St	$ 169.60	$ 169.60

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

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

10. Resolution #261-02, Appoint Alternate Municipal Prosecutor

WHEREAS, there exists a need to appoint an Alternate Municipal Prosecutor in the Borough of Keyport, County of Monmouth, due to a resignation; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that the Resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after the passage of the Resolution; and

WHEREAS, pursuant to P.L. 1996, c.95, subsection 14, a municipality may employ an attorney at law as a prosecutor under the supervision of the Attorney General or County Prosecutor, who may represent the state, county or municipality in any matter within the jurisdiction of the Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, that the appointment for the remainder of the year 2002, by the Mayor, be and the same is hereby confirmed. The person hereby appointed, CHERYL L. HAMMEL, is a member of the legal profession and it is not possible to obtain competitive bids.

BE IT FURTHER RESOLVED this appointment is made pursuant to the authority conferred by P.L. 1996, c.95, subsection 14; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Courier, as required by law, within ten days of its passage.

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

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

11. Resolution #262-02, Authorize Execution of Certificate pursuant to Bond Purchase Contract/BRSA

WHEREAS, the Mayor and Council have reviewed a request from the Bayshore Regional Sewerage Authority to execute certain documents relative to the sale of certain Refunding Bonds scheculed to close on August 7, 2002, which relate to matters involving the operating agreement between the Bayshore Regional Sewerage Authority and the Borough of Keyport, which sale will result in significant savings to the Bayshore Regional Sewerage Authority, which savings will benefit the ultimate users serviced by the Authority; and

WHEREAS, the Mayor and Council have reviewed the request from the Bayshore Regional Sewerage Authority and are resolved to authorize the Mayor to execute the requested documents.

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

2. The Mayor of the Borough of Keyport is hereby authorized to execute documents submitted by the Bayshore Regional Sewerage Authority relative to the sale of certain Refunding Bonds scheduled to close on August 7, 2002. The Mayor and Council having determined that the within sale will result in savings to the ultimate users of the Authority.

3. A duly certified copy of the within Resolution shall be forwarded to Counsel, Bayshore Regional Sewer Authority with the signed documents with copies to the Municipal Finance Officer and Borough Attorney.

4. A copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

12. Resolution #263-02, Authorize Mayor to Execute Right of Way permit Cell Site/VoiceStream Wireless

WHEREAS, the Mayor and Council have reviewed a request from VoiceStream Wireless to undertake certain underground improvements to its phone utilities at the Keyport Water Tank, in which the Borough and VoiceStream Wireless, have a lease agreement; and

WHEREAS, VoiceStream has requested Verizon undertake the within underground installation at the within site pursuant to an agreement between the parties; and

WHEREAS, VoiceStream has requested the Borough execute a Right of Way Agreement required by Verizon in order to permit Verizon to undertake the work requested by VoiceStream; and

WHEREAS, Verizon has supplied proof of insurance coverage satisfactory to the Borough of Keyport; and

WHEREAS, the Mayor and Council have reviewed the request and are resolved to authorize the Mayor to execute a temporary Right of Way Agreement in favor of Verizon.

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

1. The Mayor of the Borough of Keyport is hereby authorized to execute a temporary Right of Way Agreement to Verizon to perform certain underground work activities in connection with the upgrade of phone equipment at the Keyport Water Tower, which agreement shall not be recorded.

2. A duly certified copy of the within Resolution shall be VoiceStream Wireless with the signed Right of Way Agreement, with copies to the Borough Engineer and Superintendent of Public Works.

3. A copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

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

13. Resolution #264-02, Set Salary for Clerk of the Works

WHEREAS, the Mayor and Council have adopted Ordinance #21-02 which establishes the minimum and maximum salaries for the position of Clerk of the Works; and

WHEREAS, it is necessary to set the hourly rate for the clerk of the Works in accordance with Salary Ordinance #21-02.

NOW, THEREFORE, BE IT RESOLVED that the hourly rate of $60.00 per hour is hereby set for the position of Clerk of the Works effective August 8, 2002 and retroactive to July 2, 2002.

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

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

14. Resolution #265-02, Accept Office on Aging Additional Funds ($8,808.00)

WHEREAS, the County of Monmouth, Department of Human Services, Office on Aging has awarded the Borough of Keyport, Keyport Senior Center, Grant Agreement Number 13-067, for FY 2002 an additional amount of $8,808.00 in Title III B funding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough of Keyport hereby accepts the additional Title III B funding in the amount of $8,808.00.

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

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

15. Resolution #266-02, Authorize Advertisement for Receipt of Bids - Catamaran Lease

BE IT RESOLVED by the Mayor and Council that the Borough Clerk/Administrator is hereby authorized to advertise for receipt of bids for the following:

CATAMARAN LEASE

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

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

16. Resolution #267-02, Change Order #2 not to exceed $2,000/Cedar Street Ballfield Lights

WHEREAS, the Mayor and Council of the Borough of Keyport has requested a Change Order to the above contract to include repair of the timers on the Baseball Field; and

WHEREAS, Schoor DePalma has solicited a quote from Lucas Electric, said quote having been presented to the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the quote submitted by Lucas Electric in an amount not to exceed $2,000.00 is hereby accepted and Change Order #2 is hereby approved.

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

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

17. Resolution #268-02, Payment of Bills

See full copy of Resolution as pages 17-21 of these minutes.

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

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

*Mrs. Atkins and Mr. Hyer abstained on the $172.45 payment for the Senior Center
**Mr. Merla abstained on payment to Eugenio Gonzalez (Current Acct) and Escrow payments regarding Maddox
***Mrs. Ashmore and Mr. Stalter abstained on payment to Mr. Kain

18. Resolution #269-02, Accept Donation from Landmark Signs for "Welcome to Historic Keyport" sign

WHEREAS, the Borough of Keyport ("Borough") was established in 1908; and

WHEREAS, Mr. John Devoto, Landmark Signs has donated to the Borough of Keyport ("Borough") a "Welcome to Historic Keyport" sign; and

WHEREAS, said sign will be installed in an appropriate place; and

WHEREAS, the Borough greatly appreciates the generosity of Mr. Devoto.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Keyport, in the County of Monmouth and the State of New Jersey as follows:

1. As per attached list, this donation is hereby accepted by the Borough of Keyport.

2. The Borough Clerk is authorized and directed to acknowledge receipt of this donation and express the Borough's appreciation to Mr. Devoto.

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

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

ADJOURNMENT

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

Time of Adjournment: 11:05 P.M.

Respectfully submitted,

Judith L. Poling/amc

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

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk