

September 18, 2001
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J., pursuant to the adoption of 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 Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Graham called the meeting to order at 7:05 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #290-01, Closed Meeting - Personnel, Labor Relations and Contract Negotiations

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

Personnel

1. Recreation Commission
2. Senior Center

Labor Relations

1. PBA

Contract Negotiations

1. Purchase of Property
2. Garbage Company
3. Sale of Property

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

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

Personnel, Labor Relations, Contract Negotiations

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

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

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

Council went into Closed Session at 7:05 P.M. and this meeting was reconvened at 7:51 P.M. On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Pedersen. Absent: Councilman Bergen. Motion to add to the closed meeting resolution under Labor Relations - PBA negotiations moved by Mr. Pedersen, seconded by Mrs. Ashmore with Ayes by all present. Motion to go back into closed session moved by Mr. Pedersen, seconded by Mrs. Ashmore with Ayes by all present. Council went back into Closed Session from 7:51 to 7:52 P.M. On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Pedersen. Absent: Councilman Bergen.

Mayor Graham called the meeting to order at 8:11 P.M. and read the Sunshine Law Notice. Councilmember Merla led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers

Ashmore, Antonucci, Merla, Atkins, Pedersen. Absent: Councilman Bergen. Others present: Mr. Litwin, Borough Attorney and Mr. Kriskowski, Borough Engineer.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of August 21st, Work Meeting of September 4th, Closed Meetings of August 21st and September 4, 2001 were approved as read on motion of Mr. Pedersen, seconded by Mr. Merla with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #14-01, Amend Chapter III, Article II, Cease to Condition Membership in the Fire Department upon State Fireman's Association Relief Fund Requirements

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 6, 2001, 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 TO AMEND AND SUPPLEMENT CHAPTER III, ARTICLE II ENTITLED "FIRE DEPARTMENT" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT BY CEASING TO CONDITION MEMBERSHIP IN THE FIRE DEPARTMENT UPON THE REQUIREMENTS OF THE NEW JERSEY STATE FIREMAN'S ASSOCIATION, GENERAL RELIEF FUND

The Hearing was opened to the public for comments or questions at 8:14 P.M. There being none, the Hearing was closed at 8:14 P.M.

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

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

- 1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of September 20, 2001 moved by Mrs. Atkins, seconded by Mr. Pedersen with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #15-01, Handicapped Parking Space/108 Church Street

The Clerk read the Ordinance by Title:

AN ORDINANCE TO ESTABLISH HANDICAPPED PARKING SPACE ON A MUNICIPAL ROAD

BE IT ORDAINED by the Borough of Keyport, in the County of Monmouth and State of New Jersey that:

SECTION I. In accordance with Section 7-12, Handicapped Parking and Schedule XXI, Parking Area for Handicapped Persons and pursuant to the authority granted to this Municipality by NJSA 39:4-197, the following locations are hereby designated as restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles. No other person shall be permitted to park in these spaces.

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>LOCATION</u>
Church Street	East	Beginning at a point 73 feet north of the northerly curblineline of Warren Street and continuing 25 feet north therefrom.

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

SECTION III. Severability. If any section, paragraph, subdivision, clause or provision 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 this ordinance shall be deemed valid and

effective.

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

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

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

Absent: Councilman Bergen

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of September 20, 2001 for a Hearing to be held October 2, 2001 moved by Mr. Pedersen, seconded by Mr. Merla with Ayes by all present.
2. Ordinance #16-01, Drop Off-Pick Up Zone/Broad Street

**AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF KEYPORT**

BE IT ORDAINED by the Mayor and Council, Borough of Keyport, County of Monmouth and the State of New Jersey as follows.

SECTION I. Chapter VII, "Traffic" Section 7-3.4, "Parking Prohibited during Certain Hours on Certain Streets" and Schedule II "Parking Prohibited Certain Hours are hereby amended to include the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Broad Street	East	School Days 7:00 AM to 10:00 AM and 2:00 PM to 3:30 PM	Beginning 170 feet North of Jackson Street and continuing 250 feet North therefrom

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

SECTION III. Severability. If any section, paragraph, subdivision, clause or provision 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 this ordinance shall be deemed valid and effective.

SECTION IV. Effective Date. This Ordinance shall take effect upon its passage and publication according to law and the approval of the County of Monmouth and State Department of Transportation.

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

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

Absent: Councilman Bergen

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced according to law in the Courier, issue of September 20, 2001 for a Hearing to be held on October 2, 2001 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. There is a crossing guard at Bethany Manor and it is working well. She requested an Ordinance for signs that would read "Elderly/Disabled Crossing". A few of Keyport's Police Officers responded to the World Trade Center disaster (Captain Dayback, Lieutenant Mitchell, Detective Cassidy, Sergeant Ely, and Patrolmen Hafner and Ruth. The candlelight vigil was a lovely and touching event that brought people together. Mrs. Ashmore's West Front Street office is a drop off zone and has been working well. Mr. Merla said that a "clean sweep" will be done and brought to Union Beach Public Works where a tractor trailer will be loaded. Mrs. Ashmore was there with her family (she chose to be with her family rather than on the podium). The Borough lost a resident prior to the World Trade Center disaster;

a Walling Terrace man was in a motorcycle accident. He had a wife and three children and they need help. The BID Committee is working on a Holiday House Candlelight Tour of Historic Homes for Saturday, December 15th from 4-9 PM. She asked if West Front Street should be closed off. The BID's budget will be submitted to their Board.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr. Antonucci reported on the following. The Summer Recreation program went well. There are Resolutions on the Agenda for fences for the Main Street Ballfield and lights for Cedar Street Park.

Councilman Merla; Fire: Mr. Merla reported on the following. The donations for the Fire Department have been signed off by all four Chiefs. The Mosquito Commission are spraying the areas of Third and Fulton Streets and Pershing Place. Anthony Vecchio, Code Enforcement Officer, submitted a report dated August 20th in which he made recommendations; Council should look at them. He thanked all who attended the Candlelight vigil; it went well. On October 28th, there will be a fundraiser for Kimberly Sullivan whose husband was killed in a motorcycle accident (they had three children; one is 6 months old). They had no insurance. There will be a spaghetti dinner at the VFW. A Committee was formed. Keyport Kiwanis and St. John's Church will help.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. The Candlelight vigil was awesome. The Community came together and were concerned. Her grandson won a fishing pole at the Snapper contest. Library's August report: there were 2290 books and magazines circulated, 1355 registered, 88 new books were placed on the shelves, there were 282 patrons. At the Library's Arts and Crafts program, there were 42 people who attended and 35 people at story hour. The Library is selling cloth bags (\$10). She congratulated Mr. Antonucci on his new daughter. Mayor Graham served the Senior Citizens at the Senior Center Volunteer luncheon. There were over 100 people at the Senior Center's 5th Annual Fashion show; a 50/50 was held and \$1,032 went to the winner.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen was absent.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen reported on the following. There were 80 children and 200 parents at the Annual Snapper Contest. Bob Hyer's grandson won for the biggest fish (10 ½ inches). Prizes were donated by Julian's, Crabbies and Captain John. The newspapers covered the event. There is a downed pipe at Waverly Street; Public Works was cleaning with the jet vac pulling out materials. Prices are being obtained to replace the pipe. William Ross who is a part time employee with the Borough has health problems; Mr. Pedersen requested that flowers be sent. The fence at the Main Street Ballfield and Playground needs to be replaced. Mr. Pedersen made a motion that a Resolution be added to the Agenda, seconded by Mr. Merla with Ayes by all present. Mrs. Atkins asked what the status was with the leaf bags; Mr. Pedersen said that Keyport's will be in the second batch (from Hazlet Township).

Administrator Poling: Mrs. Poling reported on the following. The grounds were graded and walks cleaned at the Major's property. There was no quorum at the Board of Health's September meeting so they will introduce the Grease trap Ordinance at their October meeting. Preliminary work has been done on the Maple Place Bridge and the County will advise as per the Borough's request to schedule around the events in town. The County and Public Works will work together on Third and Fulton Streets culvert. A call was received from Mrs. Allen, Maple Place, thanking the Borough for having the lot cleaned at the corner of Atlantic and Hurley; it looks great.

Engineer Kriskowski: Mr. Kriskowski reported on the following. Corings were positive for Phase II of the Washington Street project. Partial payment was requested; Mrs. Poling did not receive any paperwork with regard to payment. Motion to add a resolution to the agenda authorizing payment moved by Mr. Antonucci, seconded by Mr. Pedersen with Ayes by all present. There is \$10,000 retainage being held; they are in discussion on

extra work. One area of Washington Street is damaged; the contractor will repair. The corings will also be repaired. There is a resolution on the Agenda to go to bid for the Cedar Street Lights; Mr. Litwin said that there were modifications.

Attorney Litwin: Mr. Litwin reported on the following. Under emergency powers, the Governor expedited the permits to New York Fast Ferry and should be effective within 48 hours. Operation may begin in 7-10 days. Mr. Merla asked about the Planning Board approvals. Mayor Graham said they are being offered the Municipal Lot until Planning Board approvals are received. Mr. Litwin spoke with Mr. Shaffrey who is handling the DEP permits. Mr. Cummins said that a boat came in today, but he is looking for a smaller one. Mr. Litwin said that he was concerned that this was in the State's hands; the project did get stalled. The Mayor said that it could have taken a day or a year.

Mayor Graham: The Mayor reported on the following. He thanked all who participated in the Candlelight vigil. He had received calls and spoke with the press about Captain John ferrying people. He spoke with Mr. Connell and there was a barrier to doing that; if agencies would contact Mr. Connell, it could be a possibility. The Mayor requested that the matter of Green Grove Apartment Parking/Williamson Street residents/resident's suggestions and Harboview waiver of Hydrant Fee be listed on the October 2nd Agenda. Mr. Merla said that donations were received and last Thursday (9/13) he met with Captain John who suspended all fishing trips and loaded supplies, as well as transported firemen; he felt that Captain John deserved acknowledgment and a thank you for that. Mr. Merla also thanked Eleanor Sappah for her help with donations, Once Upon a Stitch for their donation of raincoats and shirts, Gales Industrial Supply for gloves, Stop and Shop and many others for their donations.

REPORTS OF DEPARTMENTS

JULY 2001

1. Code Enforcement Officer Report

See full copy of report on file in the Borough Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

2. Treasurer's Report

CURRENT CHECKING	\$591,112.65
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	3,134.93
TRUST CHECKING	50,905.94
TRUST SAVINGS	139,298.71
RECREATION BAYFRONT	71,085.99
UNEMPLOYMENT/DISABILITY	59,166.42
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	232,808.85
ESCROW TRUST	167,484.46
LAW ENFORCEMENT	9,299.26
SELF HEALTH INSURANCE FUND	3,616.04
WATER/SEWER OPERATING	5,023.70
WATER/SEWER SAVINGS	128,134.72
WATER/SEWER INVESTMENT	116,844.63
WATER CAPITAL CHECKING	1,301.73
WATER CAPITAL INVESTMENT	92,498.56
GENERAL CAPITAL INVESTMENT	3,156,938.64

INTEREST EARNED ON INVESTMENTS FOR JULY, 2001

CURRENT - \$12,367.95

WATER - \$ 1,030.41

Submitted by Pauline Redmond, Treasurer

AUGUST 2001

3. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	\$4,000.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	5,000.00

SEWER/POOL PERMIT	45.00
WATER METER W/TO	600.00
DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #3450	\$ 9,645.00

CURRENT ACCOUNT

BINGO LICENSE	\$ -0-
GUN PERMITS & ID'S	85.00
LIMO LICENSE	40.00
PHOTOCOPIES	30.00
POSTAGE	.34
RAFFLE LICENSE	200.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	399.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLER LICENSE	40.00
LIQUOR LICENSE	163.42
STREET OPENING	75.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	1138.00
PARKING PERMITS	10.00
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3451	\$ 2,180.76

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	\$ 6,490.00
BAIT	582.25
ICE	251.00
ICE CREAM	164.50
SODA	80.00
TOTAL RBIT, CHECK #3453	\$ 7,567.75

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3452	\$ 177.00
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TOTAL RECEIPTS	\$19,570.51
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Submitted by Judith L. Poling, Borough Clerk

4. Tax Collector's Report

2001 TAXES	\$2,167,955.04
2000 TAXES	30,066.92
2002 PREPAID TAXES	8,784.16
PRIOR YEARS TAXES	2,016.33
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	8,871.38
TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	22,873.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	73,523.54
TOTAL CURRENT RECEIPTS	\$2,314,227.87

WATER & SEWER RENTS	\$ 63,849.38
INTEREST AND COSTS	792.79
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	-0-
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	998.61
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE (Sale of Wtr)	41,717.50
TOTAL WATER/SEWER RECEIPTS	\$ 107,358.28

Submitted by Pauline Redmond, Tax Collector

5. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
CONSTRUCTION STATE FEE	17	\$ 67.00
CERTIFICATE OF OCCUPANCY	40	1020.00

PLUMBING PERMITS	10	645.00
ELECTRICAL PERMITS	8	720.00
BUILDING PERMITS	12	1133.00
FIRE SUB CODE	1	70.00
CONST CERT OF OCCUPANCY	0	-0-
ZONING PERMITS	9	90.00
200 FT PROPERTY LIST	2	20.00
TRANSFER OF TITLE	12	420.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	12	8.50
MISC.	3	75.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	32	640.00
CONST. DEPOSITS REFUNDABLE	2	100.00
TOTAL		\$ 5008.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2347	\$ 4841.50
STATE FEE DUE - PAID QUARTERLY	67.00

Submitted by Annette Kovacs, Senior Permit Clerk

6. Police Department/Traffic Safety Report

Total Amount received	\$ 399.00
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Submitted by Theodore Gajewski, Police Chief

7. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$3,546.20
DOG LICENSES	\$ 157.00
CAT LICENSES	23.20
MARRIAGE LICENSES	168.00
BURIAL PERMITS	23.00
DEATH CERTIFICATES	1,055.00
MARRIAGE CERTIFICATES	95.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	100.00
FOOD HANDLERS	1,925.00
MISCELLANEOUS	-0-

DISBURSEMENTS

CHECK #2662 - BOROUGH OF KEYPORT MISC. ACCT	\$3,116.00
CHECK #2663 - BOROUGH OF KEYPORT TRUST ACCT	150.00
CHECK #2664 - BOROUGH OF KEYPORT DOG ACCT	153.20
CHECK #2665 - NJ STATE DEPT OF HEALTH	27.00

Submitted by Kelly Strang, Treasurer

8. Municipal Court Report

STATE FINES	\$ 860.00
STATE SURCHARGE	300.00
STATE UNINSURED	15.00
COUNTY FUNDS	1,465.00
COUNTY FINES	5,367.25
MUNICIPAL FINES	5,367.25
MUNICIPAL COSTS	5,121.00
MUNICIPAL PARKING	1,430.00
MISCELLANEOUS	3,057.05

Submitted by Kathie Coffey, Court Administrator

9. Code Enforcement Officer Report

See full copy of report on file in the Clerk's Office

Submitted by Anthony Vecchio, Code Enforcement Officer

Motion to Accept reports as submitted moved by Mrs. Atkins, seconded by Mr. Antonucci with Ayes by all present.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 8:55 P.M. Mary Allen, Maple Place, said that she was driving up Green Grove Avenue to the Henry Hudson Trail and a bicyclist flew out; there are stop signs facing the trail, as well as arrows. She publicly wanted to thank Mrs. Poling for having the old Major's site cleaned up; Mrs. Poling said that she would thank the Property Maintenance Officer who was responsible for having the property cleaned up. Dave Williams thanked everyone who was in charge of the vigil Sunday night. He asked what the Ferry time frame was for services to commence; approval is needed within 48 hours and it should commence 7-10 days from then. He asked about the fire at an Atlantic Street home that the property is an eyesore and health hazard; the home was purchased and will be renovated. The meeting was closed to the public at 9:00 P.M.

RESOLUTIONS

2. Resolution #291-01, Authorize Execution of 2002 SCAT Contract with Monmouth County

WHEREAS, the Borough of Keyport has heretofore entered into an agreement with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals among others, residing within the Borough of Keyport for the year 2002 pursuant to an agreement between the Borough of Keyport and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Governing Body of Keyport Borough wishes to continue said services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Keyport Borough that the aforesaid agreement be extended upon its same terms for calendar year 2002 as if the same had been set forth at length herein.

BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute this Agreement.

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

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

Absent: Councilman Bergen

3. Resolution #292-01, Authorize Tax Collector to conduct Tax Sale

WHEREAS, there remains on the records and books of the Borough of Keyport, delinquent taxes, Water/Sewer Charges owing as of December 31, 2000; and

WHEREAS, the statutes of the State of New Jersey expressly NJSA 54:5 et seq., provide for the enforcement and collection of such delinquencies through a tax lien sale; and

WHEREAS, the Tax Collector is empowered by statute to conduct and preside over the sale of liens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Tax Collector is authorized to conduct a tax lien sale for 2000 delinquent taxes, utility and other Municipal charges on or before December 31, 2001.

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

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

Absent: Councilman Bergen

4. Resolution #293-01, Oppose Bill A-1193, Family Home Occupation Act

WHEREAS, A-1193, the Family Home Occupation Act, better known as "The Home Based Business Bill" was amended in the General Assembly on June 21, 2001; and

WHEREAS, A-1193, as amended, poses more of a threat to the

sanctity and character of residential neighborhoods and does more violence to the basic purpose of zoning than it had prior to adoption of said amendments; and

WHEREAS, A-1193, as amended, would invalidate current municipal ordinances that deal with home based business; and

WHEREAS, A-1193, as amended, would permit any activity for gain to be located in residential areas; and

WHEREAS, A-1193, as amended, would grandfather what is not an illegal use because it would be granting preexisting use nonconforming use status, thus effectively nullifying the provision that allows municipalities to readopt their present ordinances; and

WHEREAS, A-1193, as amended, would restrict social gatherings, cub scout meetings, birthday parties and all sorts of events which presently occur in residences, because if any attempt were made to limit, by ordinance, the number of business invitees or guests to a home based business, the bill states that any standards regarding the volume of invitees and guests that apply to a home occupation will also apply to "all residences within the district"; and

WHEREAS, on June 28, 2001, A-1193, as amended, passed the General Assembly by a vote of 45 to 24 with 3 not voting.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport strongly opposes A-1193, as amended for the reasons stated above.

BE IT FURTHER RESOLVED that we, the Borough Council of the Borough of Keyport urge our representative in State Senate, Senator Joseph M. Kyrillos, Jr. to oppose this legislation for its violent attack on local land use control, and the inevitable negative effects that will result from it.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator Kyrillos and every member of the Senate Economic Growth, Agriculture and Tourism Committee, where the bill is now pending.

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

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

Abstain: Councilman Merla

Absent: Councilman Bergen

5. Resolution #294-01, Authorize Lease Agreement with Earl Swift-Annex Offices

WHEREAS, the Borough of Keyport requires space for the location of certain administrative functions required to be performed by the Borough that are presently being done in the Annex Building, adjacent to the Borough Hall; and

WHEREAS, it is not longer feasible to occupy said Annex Building and the Borough requires space for the performance of said functions by its employees; and

WHEREAS, the Borough desires to rent 1,000 square feet of space, commonly known as Unit 1, located at 35 Broad Street, Keyport, New Jersey for a period of two years at a rental of \$958.33 plus electric, gas, garbage removal costs and certain real estate tax adjustments; and

WHEREAS, the Borough Attorney has reviewed said lease and negotiated revisions to same and the Chief Financial Officer has certified that funds are available for the year 2001 for the expense of said lease; and

WHEREAS, the Mayor and Council have reviewed said lease and including the two riders thereof and approves of same.

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

1. The lease annexed hereto between ETS Property, Inc., and the Borough of Keyport for the leasing of 1,000 square feet of office space in Unit 4, located at 35 Broad Street, Keyport, New Jersey for a period of two years commencing October 1, 2001 at an initial rental of \$958.33 per month, plus certain utilities and tax adjustments is approved.
2. Mayor and appropriate Borough officials are authorized to take such steps as may be required to execute said lease and to thereafter occupy said premises.

Mr. Merla asked if the Borough could get out of the lease. Mr. Litwin said that the Resolution could be amended to include on condition that cancellation be 120 day notice.

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

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

Abstain: Councilman Merla

Absent: Councilman Bergen

6. Resolution #295-01, Accept Donation Items for the benefit of the Keyport Fire Department

WHEREAS, the Borough of Keyport ("Borough") has established the Keyport Fire Department; and

WHEREAS, multiple local businesses and private persons donated vehicles, various related items and labor to the Borough of Keyport ("Borough") for use by the Keyport Fire Department; and

WHEREAS, the Borough has a need for said vehicles, related items to enhance and expand the Keyport Fire Department; and

WHEREAS, the Borough greatly appreciates the generosity of each donor.

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:

1. A list of donations accepted by the Borough is hereto attached.
2. The Borough Clerk is authorized and directed to acknowledge receipt of these donations and express the Borough's appreciation to each donor on the attached list.

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

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

Absent: Councilman Bergen

7. Resolution #296-01, Payment of Bills

See full copy of Resolution as pages 14-15 of these minutes

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

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

Absent: Councilman Bergen

8. Resolution #297-01, Authorize Borough Clerk/Administrator to advertise for Receipt of Bids/Light Replacement for Cedar Street Park

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:

LIGHT REPLACEMENT
CEDAR STREET PARK
TENNIS AND BASKETBALL COURTS

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

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

Absent: Councilman Bergen

9. Resolution #298-01, Adoption of Computer Use Policy

WHEREAS, the Mayor and Council of the Borough of Keyport seek to establish a policy to cover the use of computers, e-mail account, Internet access, telephones and other office equipment provided to Borough Employees ("Computer Use Policy"); and

WHEREAS, said policy is to amend the present "Employee Handbook of the Borough of Keyport" ("Employee Handbook") for Borough employees; and

WHEREAS, the Borough has distributed a draft policy to union representatives, who have been afforded an opportunity for comment; and

WHEREAS, the Borough Attorney has reviewed said draft and found it to be legally sufficient.

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

1. The attached Computer Use Policy, amending the "Employee Handbook of the Borough of Keyport," is hereby amended.
2. The Borough Clerk/Administrator shall distribute copies of the attached policy to all Borough employees.

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

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

Absent: Councilman Bergen

10. Resolution #299-01, Purchase of Photocopy Machine

WHEREAS, it is necessary to replace the current photocopy machine in the Borough Clerk/Administrator's office; and

WHEREAS, the Chief Financial Officer has certified the availability of Funds under Bond Ordinance #10-01.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough Clerk/Administrator is hereby authorized to purchase a Savin 2055DP Digital Imaging System Photocopier in the amount of \$13,200.00 (which includes maintenance and supplies for one year) under State Contract #A83333 from Stewart Industries, 45 East main Street, Suite 208, Freehold, New Jersey 07728.

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

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

Abstain: Councilman Merla

Absent: Councilman Bergen

11. Resolution #300-01, Resolution in Response to the Attack on America

WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C. and a fourth into the countryside of Pennsylvania; and

WHEREAS, thousands of innocent people, both American and visitors to our shores, were killed and injured as a result of these wicked and reprehensible attacks, including the passengers and crews of the aircraft, workers in the World Trade Center and the Pentagon, bystanders, tourists and rescue workers; and

WHEREAS, these attacks were the deadliest assaults ever launched against the United States, and by targeting symbols of

American strength and success, were clearly intended to intimidate our nation and weaken its resolve.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that we do condemn and denounce the terrorists who planned and executed this devastation, as well as their cowardly sponsors and accomplices; and

BE IT FURTHER RESOLVED that we extend our deepest condolences to the victims of these heinous and ungodly actions, as well as their families and their friends; and

BE IT FURTHER RESOLVED that we commend the heroic actions of the passengers and crews of the aircraft, the rescue workers, the volunteers, the local officials and so many of the victims, themselves, who responded to these tragic events with courage, compassion, determination and skill; and

BE IT FURTHER RESOLVED that we thank those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks; and

BE IT FURTHER RESOLVED that we support President Bush, his Cabinet, our Armed Forces, our Federal, State and local law enforcement agencies and Congress in their efforts to bring justice to the perpetrators of these attacks, and to their accomplices and sponsors; and

BE IT FURTHER RESOLVED that we stand ready, with Governor DiFrancesco and his Administration, to share whatever of our resources may be needed for the rescue and recovery efforts in New York and in Washington, as well as with any agencies charged with the investigation of this mass murder and the apprehension of the responsible parties; and

BE IT FURTHER RESOLVED that we declare September 14, 2001 a Day of National Unity and Mourning, to be so observed in an appropriate manner by the citizens of Keyport; and

BE IT FINALLY RESOLVED that copies of this resolution be forwarded to Governor DiFrancesco, Senators Torricelli and Corzine, our State Legislators and the New Jersey State League of Municipalities.

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

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

Absent: Councilman Bergen

12. Resolution #301-01, Award Proposal for Fencing/Main Street Ballfield and Playground

WHEREAS, it is necessary to replace the fencing at the Main Street Ballfield and Playground; and

WHEREAS, quotes have been obtained; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the proposal submitted by Ferrara Fence, Inc, 12 Oregon Avenue, Middletown, N.J. 07748 in the amount of \$9,400.00 is hereby accepted.

BE IT FURTHER RESOLVED that the Borough Clerk/Administrator is hereby authorized to sign the Acceptance of Proposal.

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

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

Absent: Councilman Bergen

13. Resolution #302-01, Authorize Fourth and Partial Payment to Ace Manzo, Inc. - Washington Street Project

WHEREAS, the Borough Engineer has submitted and recommended payment of the Fourth and Partial Payment for the above project; and

WHEREAS, funds are available for this payment as per the Certificate of Availability of Funds attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Fourth and Partial Payment in the amount of \$31,521.11 is hereby approved.

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

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

Abstain: Councilman Merla

Absent: Councilman Bergen

ADJOURNMENT

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

Time of Adjournment: 9:08 PM

Respectfully submitted,

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

Allyson M. Cinquegrana
per Allyson M. Cinquegrana RMC
Deputy Borough Clerk

