Approved 9/17/02

September 3, 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.

Council President June Atkins called the meeting to order at 7:02 P.M. and read the Sunshine Law Notice. Mayor Graham arrived at 7:05 P.M.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer, Stalter. Absent: Councilman Bergen (arriving at 7:06 P.M.). Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #292-02, 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. Compensatory Time
2. Public Works and Police Departments Policy
3. Audit Recommendations
4. Court Personnel

Litigation
1. Magic Touch vs. Keyport

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

Contract Negotiations
1. Garbage Contract
2. New Municipal Complex
3. Fire Museum Lease

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 Mr. Hyer, seconded by Mr. Stalter

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

Council went into closed session at 7:05 P.M. and this meeting was reconvened at 8:20 P.M. with the Closed Meeting to continue after the Resolution portion of this Agenda.

Mayor Graham called the meeting to order at 8:26 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:27 P.M. There being none, the Meeting was closed to the public at 8:27 P.M.

Mr. Merla said over the last three weeks, there were three Councilmembers in the Hospital (Mrs. Ashmore, Mrs. Atkins and Mr. Bergen); thank goodness everything turned out O.K for all of them.

APPEARANCE AND DISCUSSION

Joanne Staeger, Main Street, made a presentation regarding Keep Kids Alive, Drive 25. Mrs. Staeger said there were three incidents in her life which led her to traffic safety concerns. She was hit and her parents have been hit by cars. Mrs. Staeger said in 1973 her brother was killed at 16 years old when he was riding his bike. A gentleman in Nebraska started a Program "Keep Kids Alive, Drive 25". She is looking for seed money ($1,000.00) for 50 signs, decals, keychains, etc. in conjunction with the Police Department and she has approached the Keyport Kiwanis. Cars are driving 65 mph on Highways 35 and 36. Keyport should step up enforcement, penalties, education, etc. She said she was not here for funding, but asked this program be discussed with others. Keyport is a town for cruising and there should be signs posted to slow cars down. The "Keep Kids Alive, Drive 25" signs can only be put on private property. She distributed literature.

INTRODUCTION OF ORDINANCES

1. Ordinance #24-02, Salary Ordinance - Fire Inspector

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 hourly salary ranges are hereby fixed and determined for the following part time officers and employees effective September 19, 2002:

	MINIMUM SALARY	MAXIMUM SALARY
Fire Inspector	$10.00 per hour	$20.00 per hour

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 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 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 Mrs. Atkins, 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 September 5, 2002 for a Hearing to be held on September 17, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.

2. Ordinance #25-02, Amend Fire Prevention Ordinance

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

SUPPLEMENTING CHAPTER XIII, FIRE PREVENTION

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Chapter XIII, Fire Prevention, is hereby repealed and replaced and supplemented as follows:

SECTION 1. Declaration. The Mayor and Council of the Borough of Keyport declare that based upon the recommendation of the Fire Official of the Borough of Keyport, it is necessary that the Fire Prevention Ordinance of the Borough of Keyport be amended and supplemented to properly incorporate revisions of the Uniform Fire Safety Act as contained in NJSA 52:27D-192 et. seq. and the New Jersey Uniform Fire Code NJAC 5:70 et seq. and to provide a current schedule of fees relative to inspections conducted by the Fire Official. The Mayor and Council declare that these revisions are necessary to update the Fire Prevention ordinance within the Borough of Keyport.

SECTION 2. Title. Borough Ordinance Chapter XIII, Fire Prevention, is hereby amended and supplemented as follows:

13-1. UNIFORM FIRE SAFETY ACT.

13-1.1 Local Enforcement. Pursuant to Section II of the Uniform Fire Safety Act, P.L. 1983, c. 383, NJSA 52:27D-192 et seq. the New Jersey Uniform Fire Code, NJAC 5:70 et seq shall be locally enforced in the Borough of Keyport.

13-1.2 Agency Designation. There is hereby established within the Fire Department a Fire Prevention Bureau which shall be the local enforcing agency.

13-1.3 Duties. The Fire Prevention Bureau shall enforce the Uniform Fire Safety Act, the Uniform Fire Code in all buildings, structures and premises within the boundaries of the Borough, other than owner-occupied one or two family dwellings, and such buildings, structures and premises as maybe otherwise excluded from such enforcement by statutes of the State of New Jersey and shall faithfully comply with the requirements of said Act and regulations. Penalties assessed by the Bureau shall be as enumerated in the Uniform Fire Code, NJAC 5:70-2.12 or the equivalent section.

13-1.4 Life (and) Hazard Uses. The Fire Prevention Bureau shall carry out the periodic inspection of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

13-1.5 Organization. The Fire Prevention Bureau shall be part of the Fire Department and shall be under the direct supervision and control of the Fire Official who shall report to the Board of Fire Chiefs.

13-1.6 Appointments, Term of Office, Removal

a. Fire Official. The Fire Official shall be certified by the State and appointed by the Mayor and Council of the Borough. The Board of Fire Chiefs shall recommend persons to be appointed to the Mayor and Council which recommendations shall be advisory only. In no event shall the offices of the Fire Official and Fire Chiefs be held simultaneously by the same persons.

b. Term of Office. The Fire Official shall serve a term of one (1) year, provided, if the position is subject to Department of Personnel appointment, there shall be no term of office.

c. Inspectors and Employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor and Council. The Board of Fire Chiefs shall recommend persons for such appointments, which recommendation shall be advisory only. All life hazard use inspectors shall be certified by the State of New Jersey.

d. Removal from Office. Fire Official, inspectors and other employees of the local enforcing agency shall be subject to the removal of the Mayor and Council for inefficiency and misconduct. Each person to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

13-1.7 Board of Appeals. Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by an order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Monmouth County.

13-1.8 Additional Required Inspections and Fees. In addition to the inspections and fees required pursuant to the Act and regulations of the Department of Community Affairs the following additional inspections and fees shall be required.

a. Except as indicated below, for inspections required by local ordinance, but not under the Uniform Fire Code. Thefollowing shall be included as part of Subchapter 2 of the Uniform Fire Code. See attached Schedule A. Fee: Minimum Twenty Five Dollars ($25.00).

b. These non life hazard use inspections shall be conducted on (an annual basis) a schedule determined by the Fire Official.

c. All businesses operating within the Borough of Keyport must obtain, complete and return, along with the fee indicated below on an annual basis, an Emergency Notification Information Form; and all businesses shall meet all standards of the New Jersey Uniform Fire Code and the Fire Prevention Ordinances of the Borough of Keyport. The present fee as fixed by this Ordinance shall be Twenty Five Dollars ($25.00).

d. The submission of the Emergency Notification Information Form shall be by a deadline set by the Fire Official and any inspection which maybe required, shall be conducted at a time and in a manner within the discretion of the Fire Official.

e. All non owner occupied multiple family dwelling units, which include common and public areas, of all buildings shall be inspected on a schedule determined by the Fire Official. The present fee as fixed by this ordinance shall be: Minimum: Fifty Dollars ($50.00) per building.

13-1.9 Permits. The permit fees shall be as established by the Uniform Fire Code.

13-1.10 Fees. Fees required for registration and inspection of Non Life Hazard Uses not specifically set forth herein, shall be established in accordance with "Schedule A" as set forth in the within ordinance.

13-2 Additional Fees

a. Use or storage of paints, oils, varnishes or similar flammable liquids in excess of five (5) gallons, or where such use or storage is for the purpose of sale or use in business or industry: Thirty Five Dollars ($35.00). This fee does not apply to storage or use subject to life hazard use registration or State permit requirements.

b. Use of a flame producing device to heat a tar or asphalt kettle: Thirty Five Dollars ($35.00)

13-3 Storage and Handling of Hazardous Materials. The storage and handling of hazardous materials shall be in accordance with the Uniform Fire Code.

13-4 Permits for New Material, Processes or Occupancies. The Mayor and Chief of the Fire Department and the Fire Official shall act as a committee to recommend to Borough Council any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code. The Fire Official shall post any such recommendations in a conspicuous place in his/her office and distribute copies to interested persons. Any new requirements shall be established by duly promulgated ordinance of Borough Council.

13-5 Fire Lanes.

a. The Fire Official may designate fire lanes on public property, street, roadway and/or private property which the public is invited to or which is devoted to public use, if it is necessary to provide safety for the public and to provide proper access for fire department operations in the event of an emergency.

b. Whenever a determination has been made for the fire lane designation pursuant to subsection (a) above, the Fire Official shall notify the owner of the property, in writing, by mail or by hand delivery of such notice, specifically describing the area designated and the reason for making the designation.

c. The marking of fire lanes on private property shall be the responsibility of and at the expense of the property owner and shall be accomplished within 30 days of the receipt of the notification. All fire lanes on public streets and roadways shall be painted by the Department of Public Works.

d. The Fire Official, Fire Chief, any police officer, parking violations officer or any person designated, in writing, by the Fire Official shall enforce this section. The Fire Official shall file with the Borough Clerk and Municipal Court Clerk the written designation of any person designated to enforce this section. Failure to file the designation shall not invalidate any summons issued by the designated person.

e. Violations of this section of the Code shall be subject to the general penalty provisions set forth in Chapter 1, General Penalty, with the minimum penalty as One Hundred Dollars ($100.00).

13-6 RAPID ENTRY SYSTEMS

a. The words "building" and/or "structure" as used in this Ordinance means any building and/or structure which has an automatic fire suppression system or fire alarm system, except one family dwelling, which are not included.

b. The owner, tenant, and/or occupant of said buildings and/or structures are required to have installed on the same, a rapid entry box and key system to allow access to the same and access to boiler rooms, sprinkler control valves, electrical rooms, elevators and elevator control rooms, and other locked areas of the premises as may be required by the Keyport Fire Prevention Bureau, in which the building or structure is located, the said Bureau to make said determination on the basis of immediate need for access in the event of a fire alarm or what appears to be a possible fire emergency.

c. The said Fire Prevention Bureau shall prescribe specifications as to the required rapid entry box and key system and location.

Section 3. 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.

Section 4. 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.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

SCHEDULE A

NON LIFE HAZARD USES

(A) In addition to the registrations required by the Uniform Fire Code, the following non life hazard shall register with the Bureau of Fire Prevention. These uses shall be inspected as designated by the Fire Official and pay an annual fee, plus any permit uses.

A. Assembly.

A-1	Eating establishment under 50	$ 25.00
A-2	Take out food service (no seating)	$ 25.00
A-3	Church or synagogue	$ 25.00
A-4	Recreation centers, multi purpose rooms, etc fewer than 100	$ 50.00
A-5	Court rooms, libraries, fraternal organizations, condominium centers fewer than 100	$ 50.00
A-6	Senior citizen centers fewer than 200	$ 50.00

B. Business/Professional

B-1	Professional Use 1&2 story less than 5,000 square feet per floor	$ 50.00
B-2	1&2 story more than 5,000 square feet less than 10,000 square feet per floor	$ 75.00
B-3	1&2 story more than 10,000 square feet	$100.00
B-4	3 to 5 story less than 5,000 square feet per floor	$100.00
B-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet per floor	$150.00
B-6	3 to 5 story over 10,000 square feet per floor	$200.00

C. Retail (mercantile)

M-1	1 & 2 story less than 5,000 square feet per floor	$125.00
M-2	1 & 2 story more than 5,000 square feet less than 10,000	$150.00
M-3	1 & 2 story more than 10,000 square feet per floor	$175.00
M-4	3 to 5 story more than 5,000 square feet less than 10,000 square feet	$200.00
M-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	$225.00
M-6	3 to 5 story over 10,000 square feet	$250.00

M with the exception of hardware store 3,000 square feet, retail store over 12,000 square feet are life hazard uses.

D. Manufacturing (factory)

F-1	1 & 2 story less than 5,000 square feet per floor	$100.00
F-2	1 & 2 story more than 5,000 square feet less than 10,000 square feet per floor	$125.00
F-3	1&2 story more than 10,000 square feet	$150.00
F-4	3 to 5 story less than 5,000 square feet per floor	$175.00
F-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	$200.00
F-6	3 to 5 story over 10,000 square feet	$250.00

F exception life hazard uses.

E. **Storage S-1 (moderate hazard S-1, low hazard S-2)**

S-1	1 & 2 story less than 5,000 square feet per floor	$100.00
S-2	1 & 2 story more than 5,000 square feet less than 10,000 per floor	$150.00
S-3	1 & 2 story more than 10,000 square feet	$200.00
S-4	3 to 5 story less than 5,000 square feet per floor	$250.00
S-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	$300.00
S-6	3 to 5 story over 10,000 square feet	$350.00

S exception life hazard uses.

F. **Residential (Common Areas)** Fee is for each building

R-1	1 to 4 units	$ 50.00
R-2	4 to 8 units	$100.00
R-3	9 to 20 units	$150.00
R-4	21 to 50 units	$300.00
R-5	for each additional unit	$ 5.00

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

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

3a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of September 5, 2002 for a Hearing to be held on September 17, 2002 moved by Mr. Stalter, seconded by Mr. Merla with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Ann Situ regarding US Congress passing Resolution 188 supporting Falun Gong.

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

2. Township of South Brunswick Resolution urging changes to the Migratory Bird Treaty Act.

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

3. Letter from Andrew Willner, Baykeeper, requesting to make a supplementary presentation regarding waterfront pump station building for Baykeeper offices.

   Motion to list for Appearance and Discussion on the October 1st Agenda moved by Mr. Merla, seconded by Mr. Bergen with Ayes by all present.

4. Letter from Clean Ocean Action to hold their annual Fall Beach Sweep Clean up on October 26, 2002.

   Motion to refer to the Environmental Commission for input moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

5. Request from Sidney Becnel to make beautification improvements along Block 127, Lot 25.

   Motion that the Administrator write a letter requesting Mr. Becnel to clarify specifically what he wants to do if permission is granted moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

6. Request from Keyport Fire Department to use Firemen's Park from October 3rd through October 6th to set up for the 125th Anniversary and clean up.

   Mrs. Atkins said the Fire Department is sending letters to residents along the parade route.

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

7. Letter from WFI regarding VoiceStream equipment on the water tower.

   They would like to increase 6 lines to 12 lines. Mr. Merla asked if they would post Escrow monies.

   Motion to refer to the Borough Engineer, Borough Attorney and Borough Administrator moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

8. Letter from VFW Post 4247 Ladies Auxiliary advising they are unable to run the annual Halloween Parade and requesting another organization take over.

   Police Chief Gajewski said the PBA would take over this event.

   Motion to Accept with regret and refer the matter to Keyport Recreation Commission moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

9. Request from Courtney Wald, Monmouth Conservation Foundation, to make a presentation on September 17th.

Ms. Wald will be asked to submit information regarding this matter prior to the September 17th Meeting.

Motion to list this matter on September 17th under Appearance and Discussion moved by Mr. Merla, seconded by Mr. Bergen with Ayes by all present.

10. On Premise Draw Raffle Application from St. Joseph PTA (10/17/02)

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

UNFINISHED BUSINESS

1. **Acquisition of Block 33, Lot 57**. Mr. Merla said he spoke with the Borough attorney and he would like to meet with Mr. Kain and Judith Cannon, Tax Assessor. There are Real Estate taxes owed.

2. **Willow Street.** Mr. Kain said he, Mr. Freda and Mrs. Poling met with the residents regarding the vacation of Willow Street. Half of the residents on St. Peters Place side did not want this done and the other half of the residents on the St. George side agreed that this should be done. Surveys, deeds easements and drainage were discussed. Residents were asked to absorb the cost of the vacation and use their own surveyor. Three properties on St. Peters side said yes (one property who would be landlocked said no) and two properties on the St. George side said yes (to mid block). Mr. Merla asked where the street drains. Mr. Kain asked if Mayor and Council would approve the vacation of this street. Mr. Freda asked if there were any adverse reasons not to. Mr. Bergen made a motion to O.K. the street vacation as long as the residents bear the costs, seconded by Mr. Merla with Ayes by all present.

3. **Bulkhead Project/Roadway/Green Acres Application.** Mayor Graham said a meeting was held in Trenton; he, Mrs. Poling, Mr. Freda and Mr. Gardella attended. Green Acres encouraged an alternate plan. Mr. Freda gave an overview of the meeting. Green Acres does not favor a roadway; they would like a park with small parking lots on either end. The Borough can apply for funding at any time. There were discussions on the current right of way vs. the proposed. The Borough wants to obtain more than give back. The Mayor said a decision has to be made. The new State Administration is making diversions harder. Green Acres would like to see a park vs. parking lot. Mr. Merla said Council should get input from other organizations (Smart Growth, Environmental Commission, Harbor Commission). Mr. Merla said he would not support Green Acres concept. Green Acres and the communities needs do not coincide (they are denying access to the waterfront); Green Acres idea would hurt the businesses by denying parking. The Waterfront area is Green Acres property, the Borough maintains it. There would be a 2% loan with restrictions. Mr. Freda said that is Green Acres Program; they did not say the Borough has to make a park with two parking lots, but Keyport has to meet their standards. Mr. Bergen said people are enjoying the waterfront more, but it is dangerous with the roadway as it is. Mr. Merla said in the 1960's the businesses gave up their Riparian Rights and they may take exception to this. Mr. Freda said a walkway could be made for emergency vehicles or a roadway could be made narrow enough to contend with the diversion or the roadway could be made one way (west to east). Mr. Merla said the Planning Board, Harbor Commission and Smart Growth should give input and a plan developed with a compromise and sent to Green Acres. Mr. Freda asked how he should proceed. Mr. Bergen asked if Mr. Freda if he could design that the road so it goes all of the way through. This matter should be held until the other groups give their input. Mr. Freda said the road could be built with land diversion. The road could be taken out of permitting. The bulkhead is separate. The Army Corp of Engineers would like a higher bulkhead.

4. **Trap Rock-Escalation/De-escalation.** Mr. Merla made a motion to Receive and File this matter, seconded by Mr. Bergen with Ayes by all present.

5. **MCCD Presentation.** Mrs. Atkins said she attended the Monmouth County Community Development meeting last Wednesday; she pleaded with the Board to allow Keyport to make their presentation even though all current grant funds have not been expended. They allowed Keyport to make their presentation (Richard Gardella made the presentation).

6. **Library Funding.** Mr. Bergen said there is restriction in funding for the Library. Ms. Claude Salomon advised the Mayor and Council that the State asked them to consider expanding the library hours to 45 hours. The Library Board held a Special Meeting last Monday (8/26) and the Trustees voted to expand the hours to 45. Additional funding will be needed for 2003 ($12,000-15,000 in salaries, etc.). The Library will decide the hours and will advise (Saturday and additional evening hours).

7. **Health Insurance.** Mayor Graham said the State Health Plan begins on October 1st. Borough Council had to be offered Health Benefits; Council should discuss this. The Mayor felt it was inappropriate for Councilmembers to take Health Benefits at the taxpayers expense. He said he sees Council as volunteers and they get a salary. Health Insurance is a benefit for the Borough employees and Councilmembers should not take the benefits. A poll was taken and all Councilmembers are not taking Health benefits. Mr. Merla said in other municipalities Borough officials opted out and got cash. Mr. Merla asked Council as a group. Years ago Councilmembers opted in and this paid for the benefits. Mr. Merla did a survey last year. Mr. Bergen made a motion that a Resolution be prepared that benefits are not available to Councilmembers, seconded by Mr. Merla with Ayes by all present.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. Per William Cerase, Property Maintenance Officer, 154 First Street is abandoned property; he asked if Public Works could clean the grounds. A lien should be placed on the property. Mr. Hyer made a motion to contact a landscaper, seconded by Mr. Merla with Ayes by all present. Receipt of Bids for the Catamaran Lease were held on August 30th at 2 PM and no bids were received. Mr. Bergen made a motion that the Catamaran Lease be rebid. The lease is to begin October 1st, seconded by Mr. Merla with Ayes by all present. She distributed a status report from John Kriskowski, former Borough Engineer. Regarding the Bulkhead Project, he met with Ben Kaiser, Bill Dixon, Gene Keller and Debbie Voebel , NJDEP Coastal Engineering Group on August 22nd to discuss the status of the bulkhead project, permitting, etc. No additional comments were received from the Army Corp of Engineers (ACOE) related to the Bulkhead design. The NJDEP would like to incorporate ACOE requirements/comments into the bulkhead design to avoid wasted construction costs and to possible recoup some of the bulkhead construction costs with Federal dollars. Subsequent to the NJDEP meeting, Mr. Kriskowski's office contacted Stuart Chase and Christina Rasmussen, ACOE, to find out the status of the Corp's review. The ACOE will not require the Borough or NJDEP to meet their proposed bulkhead elevation requirement at this time; instead they will evaluate the ability of the proposed bulkhead to accommodate future bulkhead elevation changes if and when the ACOE plans are implemented. Comments and recommendations by the ACOE should be completed by September 30th. With regard to Cedar Street Park Lights, they were installed by Lucas Electric the week ending June 15th; site remediation work and light fixture realignment work was performed during the week ending August 3rd. Lucas Electric has installed three new timers for the park lights (Change Order #1). Final payment has been requested for the original contract and Change Order #1. Schoor DePalma will perform a final inspection prior to any recommendation for payment. As of this date, Lucas Electric has not provided a formal quote to perform the additional work requested and approved at an August Council Meeting (timers on ballfield lights). After discussion with Roy Jimenez, Recreation, Lucas has indicated that the original proposal of $1,800.00 remains valid.

ENGINEER'S REPORT

Mr. Freda did not have anything else to report except that with the Monmouth County Community Development presentation, you rarely get what you seek.

ATTORNEY'S REPORT

Mr. Kain had nothing further to report.

NEW BUSINESS

1. **Hillsdale/Streets and Sidewalks Ordinance.** Mr. Merla said utilities cannot deface the street, curbs and sidewalks; there is a better way than ink. The Borough Attorney and Borough Engineer should review this matter further. Mr. Bergen made a motion that the Borough Attorney prepare an Ordinance with exceptions as approved, seconded by Mrs. Atkins with Ayes by all present.

2. **Part Time Construction Code/Fire Prevention Clerk.** Mr. Merla said the new Landlord Registration Ordinance has created an additional amount of paperwork and there is a need for additional staff; there is space available. He asked the Council to consider a part time clerk; it was not budgeted for, but there is money available. The Clerk could work 15 hours per week. This matter should be listed on the October 1st Agenda.

3. **Pinebelt Project.** Mr. Merla said residents are not happy with this project. Mr. Freda said he and his firm are doing inspections and looking the project over; an inspection was done today. Mr. Merla said there would be a run off onto Mr. Prendergast's property.

4. **Beach Park.** Mr. Hyer said Union Beach sand raked Beach Park. He requested a letter of thanks be sent to Union Beach's Mayor and Council and Superintendent of Public Works.

5. **9/11.** Mr. Merla said the response to the upcoming memorial event has been overwhelming. Churches and the Department of the Army have responded. A letter was received from Governor McGreevey that he will not be able to attend.

6. **Fire Museum.** Mr. Merla said this is considered a Borough building.

7. **Agenda Resolutions.** Mr. Merla said there are two Resolutions on the Agenda; one pertaining to a Deferred Comp Plan and the other authorizing credit card payments to the Court. He thanked Mr. Fallon for all of his work.

8. **Clerk of the Works Reports.** Mrs. Ashmore said guidelines should be established for Clerk of the Works reports; they are not professional. Ned Gaunt, Architect, should be called if needed. Follow up reports are needed when problems occur as to what has been or has not been done to correct the problem. Any change made is a change order and must be approved by Mayor and Council.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 10:25 P.M. Ken Marr, Jr., Fire Chief, reported that the American Legion Post #23 donated 10 flashlights for the FAST team which is used a lot. Eton Dorr, Aeromarine, said 10 windows were broken in the beach house. Two years ago the windows cost $10,000. He redrew plans; two drawings were submitted two months ago and he has not received a response. Building permits are needed. Mr. Bergen asked that Paul Reinhold submit a report on this project, as well as all outstanding permits for the next meeting. Mayor Graham said Mr. Dorr's property is a Class I property and needs State approval. Mr. Dorr said the DEP CAFRA regulations should be looked at; this is a high sensitive migratory area. Mr.

Prendergast said he attended Planning Board meetings on Pinebelt. They are working seven feet from his property. Mr. Prendergast's garage was flooded even though they put up plastic; they are backfilling and he does not want it. Mayor Graham said the Borough Engineer will inspect the site to make sure the project is done according to the Planning Board's approval. Mr. Freda said he would look at elevations and run off. Robert Ferry, Fire Patrol, thanked Council for the meeting about their various issues and requested that the matters be resolved by next month (all requirements were met in the last year). Mitch Meyerson said the West Furniture site is an immediate hazard; the facade is falling off, the windows are broken, there is glass everywhere and there is an old wood sign. William Cerase, Property Maintenance Officer, notified Mr. Dublesky about the condition of 42-44 East Front Street. Mr. Dublesky said the windows are on order and a nasty response was given regarding the wood sign. Mr. Merla said a site inspection should be made. Mayor Graham said the Property Maintenance Officer and Construction Code Official should work together. Tracey Dell thanked Mayor and Council for authorizing the readvertisement of the Catamaran Lease. Joanne Staeger asked about the Green Acres roadway project and asked how Council could move forward with a lawsuit. Mr. Kain said the Borough can move forward and work out a plan. Mrs. Staeger suggested a Special Meeting be called for brainstorming ideas to have something ready for February 2003. Mr. Freda said a balance has to be found and asked if he should prepare concepts. Mr. Merla said not now; groups should give their input first. Mr. Parker said business owners may have common law access. Terry Musson, Third Street, asked if the Borough is exercising control over property that is in dispute in the American Legion Parking Lot. Mayor Graham said the Borough considers it to be Borough property. Mr. Merla said the millings are temporary. Mr. Parker said he is creating drawings for Andrew Willner, Baykeeper, and asked if this scheme takes out the pump house? The meeting was closed to the public at 11:00 PM.

RESOLUTIONS

2. Resolution #293-02, Commemorate the First Anniversary of the Terrorist 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, including Americans of every heritage 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 Borough of Keyport, that we extend our deepest condolences to the victims of these heinous and ungodly actions, as well as to 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 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 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 our President, 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 McGreevey and his Administration to share whatever of our resources may be needed for the on-going recovery efforts, 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 the Borough of Keyport does so hereby designate September 11, 2002 as "Always Remember Day" in commemoration of the innocent victims and the intrepid heroes of the terrorist attack on the United States which took place on September 11, 2001; and be it further

RESOLVED, that all persons within this municipality are urged to honor these victims by appropriate displays of our flag and of red, white, and blue ribbons, and that a copy of this resolution be sent to the New Jersey State League of Municipalities.

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

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

3. Resolution #294-02, Authorize Mayor and Borough Clerk to execute 2003 SCAT Contract

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 2003 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 2003 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. Hyer, seconded by Mr. Stalter

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

4. Resolution #295-02, 2002/2003 Liquor License Renewal - Daniel Langan

WHEREAS, application for renewal of certain plenary retail consumption, plenary retail distribution and club licenses has been made to the Mayor and Council of the Borough of Keyport as hereinafter set forth; and

WHEREAS, the Borough Clerk reports that in each and every instance notice of renewal has been published by the Alcoholic Beverage Control; and

WHEREAS, the Borough Clerk further reports that the requisite fee by each and every applicant has been paid and is in her office; and

WHEREAS, the Borough Clerk reports that each of the applicants has received approval from the Keyport Building Inspection Department and that all pertinent Ordinances of the Borough of Keyport have been complied with by each of the applicants.

NOW, THEREFORE, BE IT RESOLVED that plenary retail consumption licenses be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2002 and ending June 30, 2003, up application filed by:

1322-33-012-003 Daniel Langan

BE IT FURTHER RESOLVED that all licenses renewed herein, except Package Stores, but including Retail Consumption Licenses, Retail Plenary Distribution Licenses and Club Licenses, shall have exit and entrance doors to Licensed premises closed during all business hours.

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

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

5. Resolution #296-02, Person to Person Transfer of Liquor License 1322-33-012-003 (Langan to Schwartz)

WHEREAS, application has been made to the Mayor and Council of the Borough of Keyport for transfer of Plenary Retail Consumption License #1322-33-012-003 issued to Daniel Langan, Post Office Box 129, Port Monmouth, New Jersey 07758 as a Person to Person transfer to Jolie S. Schwartz, t/a Keyport Liquor License, Inc. at 83 Waterman Avenue, Rumson, N.J. 07760; and

WHEREAS, the Borough Clerk reports that the application is in order, that the applicant is qualified to be licensed according to all standards, established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33, that the applicant has disclosed and the authority reviewed the source of all funds used in the purchase of the license and the licensed business and the requirements of notice and of publication have been met, with the second publication having been May 13, 2002; and

WHEREAS, all investigations and inspections have been made and are in order; and

WHEREAS, the Mayor and Council are not aware of any circumstances or provisions of law or local ordinance which would prohibit the transfer of the license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the application of Jolie S. Schwartz, 83 Waterman Avenue, Rumson, N.J. 07760 for transfer of Plenary Retail Consumption License #1322-33-012-003 from Daniel Langan, Post Office Box 129, Port Monmouth, N.J. 07758 for the year 2002/2003 is hereby granted.

BE IT FURTHER RESOLVED that the aforementioned transfer is hereby effective September 4, 2002.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to execute the endorsement of transfer.

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

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

6. Resolution #297-02, Payment of Bills

See full copy of Resolution as pages 15-17 of these minutes

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

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

7. Resolution #298-02, Special Meeting/Harbor Commission regarding Ferry Service

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the Governing Body on the following dates and times:

Monday, September 23, 2002 at 7:30 P.M. in the Central School All Purpose Room, Broad Street, Keyport, N.J. for the purpose of discussing the following matters:

A Joint Meeting with the Harbor Commission to discuss the Ferry Service and any other business which may come before the Governing Body; and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Central School All Purpose Room, Broad Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be mailed forthwith to the Asbury Park Press, the Courier and the Two River times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the bulletin board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings scheduled or revisions thereof, and any advanced written notice of any regular, special or rescheduled meetings of the Governing Body as required by law.

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

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

8. Resolution #299-02, Establish a Deferred Compensation Plan

WHEREAS, the Borough of Keyport has agreed to the establishment of a Deferred Compensation Plan to be made available to all employees and elected officials pursuant to Section 457 of the Internal Revenue Code of 1986, as amended, *except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law NO. 104-188)*; AND

WHEREAS, the rationale for the adoption and implementation of a Deferred Compensation Plan is to attract and retain qualified employees, as well as, provide enhanced retirement security to eligible employees and elected officials; and

WHEREAS, certain substantial tax benefits could accrue to employees and elected officials.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Keyport is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service *except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457.* The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service Purposes, the Ruling of another employer is not to be considered precedent; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Keyport that, it hereby maintains a Deferred Compensation Plan for the voluntary participation of employees and elected officials; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Keyport that, it hereby adopts a Deferred Compensation Plan provided by the Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent (12-PD-LINCOLN-072595); and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, has agreed to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will provide, for the benefit of the participants and Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that in accordance with NJAC 5:37-7.1(a) the Borough of Keyport solicited proposals for Deferred Compensation Plan and Service Agreement from many providers of deferred compensation services. The vendors responding to the request for proposals were Lincoln National Life Insurance Company and Lincoln Financial Group, its agent. The Chief Financial Officer reviewed all of the proposals submitted from the responding companies. Lincoln National Life Insurance Company was selected based on the rationale contained in the memorandum of the Chief Financial Officer, dated August 21, 2002 (copy attached) that Lincoln National Life Insurance Company was best qualified to provide the plan; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, in the selection of a provider pursuant to NJAC 5:37-5.7.

BE IT FURTHER RESOLVED that the Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance company and Lincoln Financial Group, it's agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Borough of Keyport to the program; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to serve as the "Administrator" of the plan, represent the Borough of Keyport and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Borough of Keyport that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the Chief Financial Officer will submit all necessary documents to the Director of the Division of Local Government Services in the State Department of Community Affairs for approval.

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

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

9. Resolution #300-02, Amend Public Works Facility Lease with ETS Property, Inc/Increase in Monthly Lease Payment

WHEREAS, the Borough of Keyport has previously entered into an Agreement with ETS Property, Inc. for the lease of certain property and premises known as 120 Francis Street, Keyport, N.J.; and

WHEREAS, Paragraph 29 of said Lease provides for an increase in rent due to an increase in municipal taxes; and

WHEREAS, ETS Property, Inc. has notified the Borough that they are exercising this option cited in Paragraph 29 of said lease resulting in a monthly rent increase of $33.29, as set forth on the attached Schedule A.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that effective September 1, 2002 the monthly rent of $4717.64 shall be increased by $33.29 for a new monthly rent of $4750.93.

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

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

10. Resolution #301-02, Authorize Advertisement for Receipt of Bids - 6 Yard Dump Truck

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:

PROCUREMENT OF A SIX YARD DUMP TRUCK

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

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

11. Resolution # 302-02, Dedicating and Officially naming the area by the Boat Launching Ramp - "Gloria Mundrane Waterfront Observation Area"

WHEREAS, Gloria Mundrane worked for the Borough of Keyport in the Police Department and served as Zoning Board Secretary until her untimely passing in 1995; and

WHEREAS, family members have been maintaining and caring for the area of the anchor by the Boat Launching Ramp.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Keyport officially names the area by the Boat Launching Ramp the "Gloria Mundrane Waterfront Observation Area; and

BE IT FURTHER RESOLVED that the Mayor appoint a citizens committee to raise private funds for the design, purchase and installation of a permanent memorial at the site.

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

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

12. Resolution #303-02, Set Salary/Fire Inspector

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with Salary Ordinance #24-02 that:

SECTION I. The following salaries are hereby established for the indicated positions effective September 19, 2002 or date of hire or transfer, whichever is later:

Fire Inspector	$15.00 per hour

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

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

13. Resolution #304-02, Authorize Tax Collector to conduct Annual Tax Sale for 2001 delinquent taxes October 18, 2002

WHEREAS, there remains on the records and books of the Borough of Keyport delinquent taxes, water/sewer charges owing as of December 31, 2001; 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 Council of the Borough of Keyport that the Tax Collector is authorized to conduct a tax lien sale for 2001 delinquent taxes, utility and other Municipal Charges on or before December 31, 2002.

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

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

14. Resolution #305-02, Appoint Substitute School Crossing Guard - June Silva

WHEREAS, there is a need to fill Substitute School Crossing Guard positions; and

WHEREAS, funds are available in the 2002 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that June Silva is hereby hired as a Substitute School Crossing Guard, effective September 4, 2002 at the salary in effect as per the current Salary Ordinance and Salary Resolution.

BE IT FURTHER RESOLVED, that this appointment will expire on December 31, 2002.

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

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

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

Ashmore, Hyer, Stalter

15. Resolution #306-02, Authorize Agreement with NOVA Information Services for Ladco Leasing for Municipal Court to accept Credit Card for payments of Municipal Court Fines & Financial Obligations

WHEREAS, the New Jersey Supreme Court has adopted R. 7:14-4(c) which authorizes Municipal Courts to accept electronic payments for fees, costs, penalties, service charges and other judicially imposed obligations, pursuant to procedures established by the Administrative Director of the Courts; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules for Government Electronic Receipt Acceptance with NJAC 5:30-9.1 et seq.; and

WHEREAS, the Municipal Court of the Borough of Keyport has determined it would be beneficial for the Municipal Court of the Borough of Keyport to accept electronic payments; and

WHEREAS, the Borough will lease the necessary electronic equipment, including maintenance agreement, through Nova Information Systems for Ladeo Leasing; and

WHEREAS, Nova Information Systems will provide the necessary training and processing of the transactions as per their agreement.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, does hereby approve the entering into an agreement with Nova Information Systems for the acceptance of credit cards in the Municipal Court of the Borough of Keyport.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Keyport, authorize the Borough Administrator to enter into a lease agreement for the electronic equipment and maintenance through Nova Information Services for Ladeo Leasing.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth that the Municipal Court of the Borough of Keyport is hereby authorized to accept electronic payments, effective October 1, 2002 for court imposed obligations permitted under R: 7:14-4(c).

BE IT FURTHER RESOLVED that a copy of the within Resolution be forwarded to the following:

A. Municipal Court Administrator
B. Nova Information Systems
C. Chief Financial Officer
D. Borough Auditor

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

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

Council went into closed session at 11:15 P.M. and this meeting was reconvened at 11:45 P.M. On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer, Stalter.

ADJOURNMENT

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

Time of Adjournment: 11:47 P.M.

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