Approved 4/18

September 4, 2001
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Graham called the meeting to order at 7:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #277-01, 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. Water Plant
2. Police Department
3. Public Works Department

Litigation
1. Garbage Contract

Labor Relations
1. PBA

Contract Negotiations
1. Interlocal with Matawan
2. Purchase of Property
3. Lease of Office Space
4. Sale of Borough 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, 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. Merla, seconded by Mr. Pedersen

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

Council went into closed session at 7:11 P.M. and this meeting was reconvened at 8:04 P.M. On Roll Call the following were present: Councilmembers Ashmore, Merla, Atkins, Bergen, Pedersen. Absent: Councilman Antonucci

Mayor Graham called the meeting to order at 8:13 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:14 P.M. Jerry Green, purchased property on the corner of Waverly and Second Streets three years ago and there is a drainage problem that exists; when there are heavy rains, the basement floods and his tenants cannot park. Mr. Green said that he understands the financial aspect, but he asked that this problem be addressed and asked what immediate plans there were to remedy the problem. There are basins on both sides (Waverly and Second) and toward Union Beach. The area ices in the winter and could be a liability problem. Mayor Graham said that he spoke with John Kriskowski, Borough Engineer. This area was inspected a couple of years ago and the problem has become more serious. Mr. Kriskowski said that Phase I would be to clean out the pipes, but there is more than that involved. He asked Mr. Green how long the water stands after a rain; Mr. Green was not sure, but that George Sappah, Public Works Superintendent, cleaned the basins and did a great job. Mr. Bergen said that the water does not stay there very long. The Borough has to set priorities, but will look at it. Mr. Green said that he pays taxes and has not had the full utilization of the property. Mr. Merla asked Mr. Pedersen if Oswald Sewer could TV the line; Mr. Pedersen said that this was done a month or so ago. There was crushed rock and sand and there is a collapsed area. Mr. Green said that the water come through his basement. Mr. Pedersen said that Public Works could run the jet through and find the break and where the pipe is, high or low. Mr. Kriskowski said that this would not be a big job. Mr. Pedersen said that he would have Public Works run the jet through on each end and asked that Mr. Kriskowski meet him on the site to find the depth of the pipe. Mr. Green said that there is a traffic problem on First Street. Mr. Kriskowski said that he will locate the plans and estimates for Third and Waverly and Second and Waverly; funding is based on amount as to priority. There was discussion about the Agendas and Public Participation, as well as, a time limit. Mr. Bergen said that a Work Meeting is to discuss work for listing items on the Regular Meeting Agenda. Motion to list a Public Participation on this Agenda moved by Mr. Merla, seconded by Mr. Pedersen with Ayes by all present. Mr. Pedersen said that the public should direct questions or statements to Mayor and Council and not debate on the floor. On the Work Meeting Agenda, the Public Participation portion will be at the beginning of the meeting and at the end. On the Regular Meeting Agenda, the Public Participation portion will be listed before the Resolutions. The Meeting was closed to the public at 8:35 P.M.

HEARING ON ORDINANCE

1. Ordinance #13-01, Bond Ordinance Amending Bond Ordinances #7-99 and #6-00 Washington Street

The Clerk reported that the Ordinance was published, as introduced in the Courier, issue of September 6, 2001, that the Affidavit of Publication was on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk reported that the Supplemental Debt Statement was approved by the Division of Local Government Services and is on file in her office.

The Clerk read the Ordinance by Title:

AN ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF $200,000 (INCLUDING A GRANT IN THE AMOUNT OF $170,000 FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) FOR VARIOUS ROAD IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF KEYPORT AND APPROPRIATING $200,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF $28,500 IN BONDS OR NOTES OF THE BOROUGH OF KEYPORT TO FINANCE THE SAME

BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

<u>Section 1.</u> The improvement or purpose described in Section 3 of this Bond Ordinance has heretofore been authorized to be undertaken by the Borough of Keyport, in the County of Monmouth,

New Jersey (the "Borough") as a general improvement. For the improvement of purpose described in Section 3 hereof, there is hereby appropriated the supplemental amount of $200,000, such sum being in addition to the $650,000 appropriated therefor by bond ordinance of the Borough finally adopted May 16, 200 (the "Prior Ordinance"), and including the sum of $1,500 as the additional down payment for the improvement or purpose required by the Local Bond law. The additional down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of $28,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued consist of varius road improvements, including reconstruction, repaving and drainage improvements to Washington Street, together with all purposes necessary, incidental and appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is $337,250 including the $308, 750 of bonds or notes authorized by the Prior Ordinance, and the $28,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is $850,000, including the $650,000 appropriated by the Prior Ordinance, and the $200,000 appropriated herein.

Section 4. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matter in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(d) An aggregate amount not exceeding $260,000 for items of expense listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose. Of this amount, $200,000 was estimated for these items of expense in the Prior Ordinance, and an additional $60,000 is estimated therefor herein.

(e) The Borough reasonably expects to commence the purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of NJSA 40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this Bond Ordinance by the Borough Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completion, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19.

Section 11. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make is consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The Hearing was opened to the public for comments or questions at 8:38 P.M. There being none, the Hearing was closed at 8:38 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted in the Courier, issue of September 6, 2001 moved by Mrs. Atkins, seconded by Mr. Pedersen with Ayes by all present.

<u>INTRODUCTION OF ORDINANCE</u>

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 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

WHEREAS, the Mayor and Council of the Borough of Keyport, with the support and approval of the Board of Fire Chiefs, find it in the best interests of the Borough to no longer condition membership in the Fire Department upon the requirements of the New Jersey State Fireman's Association, General Relief Fund; provided, however, that members not qualifying for benefits under said Fund acknowledge same in writing.

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, a municipal corporation of the State of New Jersey, located in Monmouth County, thereof as follows:

<u>Section 1.</u> Section 3-33.1 of Chapter III, Article II ("Fire Department") of the Revised General Ordinances of the Borough of Keyport is hereby amended to read as follows:

3-33.1 Application; Confirmation; Requirements for New Members; Removal

a. *Application.* A prospective member (male or female-herein referred to as he or his) shall make application to the company which the applicant desires to join. The application shall be on a Department approved standard application form. All applicants must sign a "Release of Information" form as adopted by the Fire Department. Each applicant shall be found to be physically fit to perform the duties of the type of membership being applied for.

b. *Confirmation.* Upon applicant's approval by the Company for active membership, such applicant, shall after approval of the applicant's membership by the Chief of the Fire Department and confirmation by the Borough Council, become a member in good standing of Department. The name of each new member shall be entered on a roll of firemen kept by the Borough Clerk.

c. *Requirements for New Members.*

1. Within ninety (90) days of becoming an active member of the Keyport Fire Department, every new member shall attend a class in bloodborne pathogens and forthwith receive the series of inoculations for Heptatis B.

2. Within two (2) years of becoming an active member of the Keyport Fire Department, every new member shall attend and pass the Level I Firefighters Training Course at the Monmouth County Fire Academy or an equivalent course. Extensions may be granted for good cause.

d. *Removal*. Any member may be removed for just cause at any time by recommendation of the Complaint Board of Review and action of the Borough Council pursuant to the procedure set forth in Section 3-39 of this Article.

e. *Classes of Membership*. There shall be two (2) classes of membership in the Keyport Fire Department as defined by NJSA 15:8-1 et seq. Active, or Line Operations Membership, and Reserve or Associate Membership as defined by the New Jersey State Division of Fire Safety. Individual companies may establish non-firematic classes of membership, which will not lead to active membership in the Keyport Fire Department, nor any form of membership as described herein or by NJSA 15:8-1 et seq.

Section 2. Section 3-33.2 of Chapter III, Article II ("Fire Department") of the Revised Ordinances of the Borough of Keyport is hereby amended to read as follows:

3-33.2 Membership Requirements. No person shall hereafter become a member of the Fire Department unless having attained the age of eighteen (18), a citizen of the United States and a resident of the Borough for one (1) year. Applicants shall be physically fit to perform the duties of a fireman as evidenced by a certificate to that effect by a practicing physician of the State of New Jersey

Any member of the Fire Department who shall cease to reside within the corporate limits of the Borough shall immediately cease to be a member of the Department. However, a member shall not be deemed to be a resident without the corporate limits of the Borough if that person removes himself from the Borough and takes residence in the Borough of Union Beach, Borough of Matawan, Township of Aberdeen or Township of Hazlet, or maintains employment within the corporate limits of the Borough of Keyport. Any active member who ceases to reside within the corporate limits of the Borough and or takes residence in any of the aforesaid municipalities shall be entitled to make application for and to hold the office of Chief Engineer, First or Second Lieutenant, Captain, Assistant Chief or Chief of the Fire Department.

Any active member of the Fire Department shall not be continuously absent from his municipality of residence, or alternatively, his employment if within the corporate limits of the Borough, for a period longer than one (1) month without written permission of the member's company. Any member so absent without permission shall be liable to removal from the Department rolls by a majority vote of the Borough Council.

An active member of the Keyport Fire Department shall not be an active member of any other Fire Department. This shall not be construed to apply to a career firefighter.

Membership in the Keyport Fire Department shall not guarantee participation in the New Jersey State Fireman's Association, General Relief Fund. Any applicant or member who does not meet the physical, age and other requirements established by said Association may not be eligible to participate in the General Relief Fund and must execute and return a form signed by the Chief to the Borough Administrator acknowledging no entitlement to any benefits provided thereunder.

Section 3. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistencies.

Section 4. If any section, subsection, clause of phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the 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 after final passage and publication as required by law.

At the Fire Department meeting, Mr. Litwin was commended for his time and work on this Ordinance.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of September 6, 2001 for a Hearing to be held on September 18, 2001 moved by Mr. Merla, seconded by Mr. Pedersen with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Project Linus NJ, Inc. to hold their Blanket Blitz during Make a Difference Day, October 27, 2001, Senior Center.

   Wendy Tooker, Senior Center Director, O.K.'d use of the building.

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

2. Requests from Historical Society for Jersey Central Traction Company's 100th Anniversary event, September 8th and 9th.

   Mr. Merla said that there is a conflict, the VFW is also holding their Picnic. He recommended asking the County if their tables could be held and used. George Sappah, Public Works Superintendent, has the County phone number.

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

3. Request from Bayshore Gospel Center to hold a free outdoor concert, September 29th, 5-7 PM, Beach Park.

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

4. Letter from Jerry Green regarding a drainage problem on Second Street near Waverly Street.

   Motion to refer to the Public Works Committee moved by Mr. Merla, seconded by Mr. Pedersen with Ayes by all present.

5. 2002 Calendar Raffle Application from St. Joseph PTA

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

UNFINISHED BUSINESS

1. **Permit Parking/Broad Street.** Mayor Graham said that the residents can park in the Borough lot. The tenant live in a Commercial zone and are eliminating parking spaces. There was discussion on whether to issue parking permits or not. The Mayor said that the West Front Street residents could also request permits to park. Mrs. Atkins asked about allowing permit parking in the Parking lot. Mr. Merla made a motion to list this matter on the next Work Meeting Agenda, seconded by Mrs. Atkins with Ayes by all present.

2. **Home Based Business Act.** Mr. Bergen said that this Act would restrict the Borough's rights and to regulate traffic. The State League of Municipalities is opposed to the bill. In residential zones, it would grandfather in businesses. Mr. Bergen requested that a Resolution be listed to oppose this Act; it create a problem with what exists. Mrs. Atkins agreed and opposes the Act. Motion to list a Resolution opposing the Act on the September 18th Agenda moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

3. **Maple Place Bridge Inspection.** The County submitted their response. It was requested that the County be contacted and asked to schedule the inspection before or after the Country Jamboree is held. There was discussion on how the County will do the work.

4. **Yacht Club Moorings.** Mr. Merla said that a letter was sent to the Yacht Club with an invoice regarding moorings. The Yacht Club is on notice.

5. **Outside Police Work.** Mr. Merla asked about increasing the contractor pay for the Police. Mr. Bergen said that this will be

addressed at the same time as the part time employees salaries are addressed.

6. **Major's Lounge.** Mr. Merla asked what was going on with the old Major's Lounge property. Mayor Graham said that a subdivision was approved and has been sold to another person. Mr. Litwin said that a Developer's Agreement is required and paperwork is needed. Mrs. Poling said that the realtor was advised to clean the property.

7. **Leaf Bags.** Mrs. Atkins asked if the leaf bags were ordered; Mr. Pedersen said that they were. Hazlet will store the bags and the Borough will retrieve them. A letter will go out to the residents before pick up begins.

8. **Backhoe.** Mrs. Atkins asked about the backhoe. Mr. Litwin said that the specifications are being finalized.

9. **Fencing/Playgrounds.** Mr. Pedersen said that Mr. Antonucci has received the fencing proposals for the playground by Broad Street; he has received two quotes. Mr. Litwin requested that a third quote be obtained. A resolution will be listed on the September 18^{th} Agenda.

10. **Third and Fulton Streets.** Mrs. Atkins said that the culvert by the Henry Hudson Trail has filled up and the County should be called. Mr. Merla said that he will discuss this matter at the Monmouth County Mosquito Commission.

11. **Grease Trap Ordinance.** Mr. Bergen asked about this ordinance. Mrs. Poling advised that this is a Board of Health Ordinance and they were requested to introduce at the September Board of Health meeting.

12. **Senior Center Grant Money.** Mr. Bergen asked if there was a meeting with Wendy Tooker. Mrs. Atkins and Mrs. Poling met with her. She is seeking proposals for repair of the steps and ramps.

13. **Main Street Park.** Mrs. Ashmore said that balls are being hit over the fence and a ball went over onto the Henry Hudson Trail and people are using the trail. Netting should be put up. Mr. Antonucci will be asked to discuss this with the Recreation Commission. Mr. Pedersen said that the netting should blend in with the fencing. Mr. Kriskowski said that he will check with his firm.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. A street light was requested for Center Street. There was discussion on the matter and if the cost of $259 or $327 is a one time fee. There would be some maintenance. Mrs. Poling is to request a recommendation from GPU as to wattage etc. A motion was made by Mr. Pedersen for Mrs. Poling to request a waiver of the Promotional Examination for Superintendent of Public Works, seconded by Mr. Merla with Ayes by all present.

ENGINEER'S REPORT

Mr. Kriskowski reported on the following. He is waiting on the Department of Transportation regarding the Washington Street design. Phase II coring test results were done; final payment should not be made until the test results on paving are received. The Philadelphia Office submitted an application for the Bulkhead to the state on August 31^{st}.

ATTORNEY'S REPORT

Mr. Litwin reported on the following. The case of Raymond Weber vs. the Borough (Luppatatong Avenue - 1990) regarding a crane that was a concern. Foundation was installed in 1999. Mr. Weber was issued a permit to build and nothing happened so a stop work order was issued. The Monmouth County Board of Appeals upheld the Borough's decision. Mr. Weber appealed to the Superior Court who ruled in the Borough's favor on August 22^{nd}. All briefs were filed in the RCG Construction case. Reply briefs from RCG and Maharaj were received. Oral argument has not been scheduled; hopefully in October.

NEW BUSINESS

1. **Broad Street Drop Off Zone.** Motion to prepare an Ordinance moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

2. **Request for Handicapped Parking Space/108 Church Street.** Motion to list an Ordinance on the September 18th Agenda moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

3. **Assembly Bill A3474/Amends Tort Claims Act.** Motion to Receive and File moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

4. **Fire Department Donations.** Jim Bishof donated $2,908.17 toward the Fire Chief's vehicle. Unlimited Autos has donated a Dodge van for the first responders and a Ford Minibus for the Ladies Auxiliary. Mr. Merla said that all 4 Fire Chiefs should sign off first. A resolution accepting the donations will be listed on the September 18th Agenda.

Mayor Graham said that the Agenda should be predictable and if anyone has something they would like listed, it should be forwarded to the Borough Clerk.

Mr. Pedersen said that the Baykeepers Association would like to make a presentation; he will advise them to contact Mrs. Poling.

Mr. Bergen asked that a proposal for the Waterfront be listed on the September 18th Agenda.

Mr. Merla reported on the following. Property is being vandalized at the corner of East Front and Church Streets (bricks are coming out). There are skateboarders that are playing in the street and there will be an accident. The port-o-john at American Legion Drive was vandalized and a brick put through a West Front Street restaurant window; no one has seen anything. People should be made accountable. Broad Street between First and East Front Streets, benches are being broken; should signs be posted? Bikes and cars have been stolen. Mayor Graham asked that everyone keep their eyes open and report anything suspicious. Mr. Bergen asked about the Specials patrolling the area; Chief Gajewski said that they can only have four Specials. Mr. Merla said that there are new drivers and residents and there have been problems with the hydrants. They will be painted white with reflective beads. The Fire Department will put aluminum over the "out of service" hydrants. A six year old girl lost her life on Highway 36. The Fire Department and Police Department would like to hand out reminders to passengers (when vehicles are stopped at a traffic light) to put on their seat belts. A homeowner at the corner of Maple Place and Division Street reported trash coming from the 7-11 store; the BID will discuss the placement of garbage containers.

Mr. Merla requested that the Bulk Sticker Ordinance be placed on the September 18th Agenda; he is not in favor of the Ordinance and it is not being enforced. He did a comparison of this year vs. last year and revenues are down. There were 18 volunteers who applied and have spent less than $200. The Tonnage reports are higher than last year; there is more garbage and less permits. This subsidizes the profits of Absentee Landlords. He requested a resolution be listed on the September 18th Agenda to abolish Ordinance #16-97 as it is not working. The Garbage men took carpets; one sat out for 27 days. The Recycling Ordinance should be abolished and another ordinance created to target. Mr. Bergen said that you cannot target. Mr. Merla said that when people move, they should not be issued a Certificate of Occupancy until the property is cleaned up; the cost of a C of O should be increased. Mayor Graham said that he would like to see the research that was done and the Ordinances should be enforced better. Mr. Merla asked why landfill costs are up. Mr. Bergen said that if the Recycling Ordinance is eliminated the landfill fees will be more. $15,000 reduces taxes by ½ cent. Bulk items should be paid for. Persons who use the service the most should pay. The Recycling Committee recommended the fees. Mr. Merla said that the ordinance is not being enforced and new positions were created; the Assistant Recycling Coordinator position should be eliminated. It is time to make this Ordinance work. Mr. Merla asked who enforces the Ordinance; Mr. Bergen said several people. Mr. Merla said if the Ordinance is abolished, the Borough will have clean streets. This matter and the matter of Landlords registration will be listed on the next Work Meeting agenda for discussion. Mr. Pedersen said that Mr. Merla has not come to a Recycling meeting to discuss abolishing the Ordinance; Mr. Merla was invited to attend the next meeting. Mr. Merla said that Mr. Pedersen made a recommendation to issue three permits and nothing was done.

Mr. Bergen said that he contacted the Ferry Service's attorney regarding a Special Meeting. There were no objections to the Planning Board. Mayor Graham said that there is a rumor that we lost the Ferry Service; he contacted Mr. Cummins and everything is fine. The Ferry Service was offered a Planning Board date in July, but they were not ready. Mr. Bergen said that biggest problem is State approval. Mr. Merla said the applicant should be made aware of what is needed prior to the meeting and when departments are asked to review the plans. Mr. Kriskowski said that they always fax this to the applicant and the attorney. Mr. Merla said that there is a 10 day submittal date prior to a meeting and it would have paid for a Special Meeting to be held. Mayor Graham said that the Ferry Service did not request a Special Meeting and departments are always notified to review plans; there is a Planning Board Memo dated August 30th. Mr. Kriskowski said that with plans, everyone is notified that they are available and comments are requested. Mayor Graham said that landscaping would make the property better looking; these are benign comments and the Planning Board is doing their job; they are looking out for the Borough and they review the application to make sure it conforms with the Ordinance. Mr. Merla said that the Planning Board should represent the Borough as a whole and not as groups. Mr. Litwin said regarding DEP approvals, the license for a pier extension went to the Tidelands Counsel who will not approve the license unless the DEP approve the LURP Application; there were 12 calls made to expedite the matter. Nothing else can be done until the LURP has been approved. Mr. Bergen said per the Ferry's attorney, the Planning Board's requests have been reasonable.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 10:35 P.M. for comments or questions. Mary Allen, Maple Place, said there are cars which are continuously parked; Mrs. Poling said that there is an Ordinance on the books that states no more than 48 hours. With regard to the Major's property, Mrs. Allen said that it is so overgrown that the sidewalks are blocked; Mrs. Poling said the realtor was advised to have the property cleaned. Mr. Poling was assured by the purchaser that he will clean all of the sidewalk areas and then the lot. Mr. Kriskowski said that Mr. Langan has been bringing dirt into the property for grading. Karen LaPorte, Luppatatong Avenue, asked about the Recycling property. Mayor Graham said that there was nothing new; the Borough will take the property and look for an alternative site for recycling. Mrs. LaPorte would like to build a garage and asked about having an easement removed. Mr. Litwin said right now the Borough does not own the property, Mr. Kutschman does. Mr. Kriskowski said that if there is a storm drain, there could be a need for pipe. Mr. Pedersen said that he and Mr. Sappah will pull maps and inspect the site. John McEwan thanked the Police for assisting them with the call on a rock that was thrown through their window. Jerry Green said that Certificate of Occupancy, Recycling and Property Maintenance all require enforcement. The meeting was closed to the public at 10:48 P.M.

RESOLUTIONS

2. Resolution #278-01, Special Meeting-Water/Sewer Utility

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:

Tuesday, October 9, 2001, 7 PM in the Keyport Senior Center, 110 Second Street, Keyport, New Jersey for the purpose of discussing Water/Sewer Utilities 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 Keyport Senior Center, 110 Second 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.

The Bond Counsel will be asked to attend this meeting to explain what is involved on the financial end.

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

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

3. Resolution #279-01, Authorize Application for a Community Affairs Grant/New Municipal Building - $230,000.00

WHEREAS, the Borough of Keyport desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $230,000.00 to carry out a project to Finance, in part, the costs of a New Municipal Building.

BE IT THEREFORE, RESOLVED that the Borough of Keyport does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, do further authorize the execution of the grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Keyport and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names and titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

KEVIN GRAHAM, MAYOR

JUDITH L. POLING, BOROUGH CLERK/ ADMINSTRATOR

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

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

4. Resolution #280-01, Authorize Application for a Community Affairs Grant/Repairs to Senior Center - $25,000.00

WHEREAS, the Borough of Keyport desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $25,000.00 to carry out a project to effectuate repairs to the existing Senior Center Building.

BE IT THEREFORE, RESOLVED that the Borough of Keyport does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, do further authorize the execution of the grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Keyport and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names and titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

KEVIN GRAHAM, MAYOR

JUDITH L. POLING, BOROUGH CLERK/ ADMINSTRATOR

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

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

Absent: Councilman Antonucci

5. Resolution #281-01, Authorize Application for a Community Affairs Grant/Purchase a Building for the Fire Department Educational Center-$70,000.00

WHEREAS, the Borough of Keyport desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $70,000.00 to carry out a project to purchase a building for the Fire Department Educational Center.

BE IT THEREFORE, RESOLVED that the Borough of Keyport does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, do further authorize the execution of the grant agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Keyport and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names and titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

KEVIN GRAHAM, MAYOR

JUDITH L. POLING, BOROUGH CLERK/ ADMINSTRATOR

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

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

6. Resolution #282-01, Award Newspaper Recycling Contract

WHEREAS, the five (5) year contract between the Borough of Keyport and Garden State Paper Company, LLC (f/k/a Garden State Paper Recycling Corporation) for the purchase and sale of recycled newspapers collected in the Borough expired on August 31, 2001; and

WHEREAS, the Borough has again solicited and received price quotations from companies that market post-consumer newspapers ("PCN") for the purchase of same; and

WHEREAS, the Garden State Paper Company, LLC, 155 Getty Avenue, Paterson, New Jersey 07503 has offered to pay the Borough for its PCN the sum of Thirty Dollars ($30) per ton (dependent upon quality) for up to thirty (30) tons of PCN per month, delivered to its plant located at 1000 Port Carteret Road, Carteret, New Jersey, on the condition that the Borough enter into a five (5) year agreement which is hereto attached; and

WHEREAS, the above price quotation of the Garden State Paper Company was the lowest and otherwise most advantageous price quotation received by the Borough; and

WHEREAS, this matter is not subject to public bidding requirements in accordance with NJSA 40A:11-5(s); and

WHEREAS, the Mayor and Council have reviewed said matter; and

WHEREAS, funds are available for said award.

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

1. Garden State Paper Company, LLC, 155 Getty Avenue, Paterson, New Jersey 07503 is hereby awarded the contract for the purchase and sale of recycled newspapers collected in the Borough, at a price of Thirty Dollars ($30) per ton, subject to the terms and conditions set forth in the attached agreement.

2. The Borough Clerk is authorized to enter into an agreement, in the form attached hereto, and to otherwise take such steps as may be required to implement said

action.

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

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

7. Resolution #283-01, Authorize Interlocal with Matawan Borough, Construction Inspection Services

WHEREAS, the Interlocal Services Act, NJSA 40:8A-1 et seq., encourages municipalities to combine services in order to effect economies in government costs and provides legal authority and procedures to effectuate such agreements; and

WHEREAS, the Borough has negotiated and the Borough Attorney presented a four (4) year contract for the Borough of Matawan to provide construction inspection services to the Borough of Keyport with Keyport to pay Matawan for said services at the rate of seventy (70%) percent of the fees collected for said construction inspection services commencing September 1, 2001 for a period of four (4) years; and

WHEREAS, this Agreement will effectuate economy by using existing employees and facilities provided by Matawan; and

WHEREAS, in accord with NJSA 40:8A-4, said proposed contract is available and open to public inspection at the office of the Keyport Municipal Clerk, Keyport Borough Hall, 18-20 Main Street, Keyport, New Jersey between the hours of 9 AM-4PM.

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

1. That the Mayor and Borough Clerk are authorized to execute the proposed Interlocal Services Agreement with the Borough of Matawan providing construction inspection services as set forth in said Agreement.

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

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

8. Resolution #284-01, Appoint David Rooke as Licensed Waste Water Collection System Operator and Licensed Water Distribution System Operator

WHEREAS, the Borough of Keyport is presently in need of the professional services of a duly licensed "Wastewater Collection System Operator" and "Water Distribution System Operator"; and

WHEREAS, these professional services include the preparation and filing of all reports, performance of all services required by the State of New Jersey and other regulatory bodies of persons so licensed; and

WHEREAS, David Rooke has offered these professional services for which he is qualified, pending additional licensing, for a cost of $5,500 per license per annum; and

WHEREAS, the Borough has reached an Agreement with the International Union of Operating Engineers, Local 68-68A-68B to allow for the retention of these professional services from David Rooke, in accordance with the Memorandum of Agreement attached hereto; and

WHEREAS, the Chief Financial Officer has certified that funds for same are available.

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

1. The Borough of Keyport hereby retains the professional services of Licensed Waste Water Collection Systems

Operator and Licensed Distribution System Operator from David Rooke, for a term of September 5, 2001 through December 31, 2001 at a rate of $5,500 per annum for each license.

2. The retention is conditioned upon David Rooke performing all of the duties and responsibilities of the Licensed Waste Water Collection System Operator and Licensed Distribution System Operator in accordance with all laws and regulations pertaining to same, and the obtaining of all necessary licenses to perform said duties.

3. The Mayor and appropriate Borough Officials are authorized to execute any necessary documents pertaining to same.

4. This action is approved without competitive bids, nor the solicitation of competitive price quotes, in accordance with state law.

5. A notice of this award shall be advertised as required by law.

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

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

9. Resolution #285-01, Rent Increase/Public Works Facility

WHEREAS, the Borough of Keyport has previously entered into an Agreement with Earl T. Swift 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, Mr. Swift has notified the Borough that he is 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, 2001 the monthly rent of $4,684.35 shall be increased by $33.29 for a new monthly rent of $4,717.64.

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

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

10. Resolution #286-01, Authorize Legal Representation for Detective Kevin Cassidy

WHEREAS, there exists a need for the services of an attorney to defend a member of the Police Department in a criminal proceeding arising out of his official duties; and

WHEREAS, in accordance with NJSA 40A:14-155, the Borough is obligated to assume responsibility for defense costs where a criminal complaint against a member of the Police Department is disposed of, in its entirety, in a manner favorable to said member; and

WHEREAS, the maximum amount of the contract is $500 and funds are available in the current budget as certified by the Borough Treasurer.

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

1. Michael J. Pappa, Esq., of the law firm of Rudnick, Addonizio, Pappa and Comer, of Hazlet, New Jersey, be and hereby is retained to defend Detective Kevin J. Cassidy who is named defendant in a complaint filed in the Union Beach Municipal Court.

2. Mr. Pappa shall receive an hourly rate of $125 per hour and a maximum fee of $500 for said representation.

3. This Contract is awarded without competitive bidding as a professional service pursuant to NJSA 40A:11-2(6) and that a notice of this Contract shall be printed once in an official newspaper of the Borough.

4. The Borough reserves the right to recover from Detective Cassidy all costs hereby incurred in the event that the criminal complaint is not disposed of, in its entirety in a manner favorable to Detective Cassidy.

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

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

11. Resolution #287-01, Chapter 159: Legislative Grants

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive $70,000, $230,000 and $25,000 from the N.J. Department of Community Affairs-Special Legislative Grant and wishes to amend its 2001 budget to include these amounts as revenues and offsetting appropriations.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2001 in the sums of $70,000, $230,000 and $25,000 which are now available as revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

NJ DCA - Special Legislative Grant - Fire Dept. Education Center	$ 70,000
NJ DCA - Special Legislative Grant - New Municipal Building	230,000
NJ DCA - Special Legislative Grant - Senior Center Building	25,000

BE IT FURTHER RESOLVED that like sums of $70,000, $230,000 and $25,000 be and the same is hereby appropriated under the captions of:

(A) Operations - Excluded from "CAPS" - Public and Private Programs Offset by Revenues:

NJ DCA - Special Legislative Grant - Fire Dept. Education Center	$ 70,000
NJ DCA - Special Legislative Grant - New Municipal Building	230,000
NJ DCA - Special Legislative Grant - Senior Center Building	25,000

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

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

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

12. Resolution #288-01, Patrolwoman Shannon Fischer, Leave of Absence

WHEREAS, the Mayor and Council approved a Leave of Absence for Ptl. Shannon Fischer as per Resolution #163-01, copy attached; and

WHEREAS, Ptl. Fischer has advised the Borough that she will not be returning to work on September 13, 2001, but will be returning to work on October 1, 2001 as per doctor's orders.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Ptl. Shannon Fischer's Leave of Absence is hereby extended as follows:

5. Said Leave of Absence is extended to October 1, 2001 without pay for the duration of any temporary disability leave awarded to Ptl. Fischer by the State.

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

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

13. Resolution #289-01, Payment of Bills

See full copy of Resolution as pages 17-19 of these minutes

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

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

ADJOURNMENT

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

Time of Adjournment: 10:55 P.M.

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