

May 19, 2009
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Council President Sheridan called the meeting to order at 6:34 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte (arrived at 6:36 PM), Sefcik, Hill, Sheridan, Kovacs, Walling, Mayor Bergen (arrived at 6:55 PM). Others present: Borough Administrator Ms. Wright, Borough Attorney, Eric Winston.

RESOLUTION 136-09

1. Resolution #136-09 Closed Session Meeting Personnel, Contract Negotiation

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, Mayor and Council of the Borough of Keyport are of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel:

- Police Department
- Work Week Reduction

Contracts - Central Jersey Council of Governments

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall, for the purpose of discussing the above-mentioned items.

BE IT FURTHER RESOLVED that discussions on Personnel and Contract Negotiations be conducted at said Closed Session shall be disclosed when the matters discussed are resolved and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Walling, seconded by Mr. Kovacs

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Walling, Kovacs

Nays:

Absent:

Abstain:

Council went into closed session at 6:37 PM and this meeting was reconvened at 7:30 PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATIONS

Non-Profit Organization of the Year - The Keyport Ministerium Food Pantry

President's Award - Cliff Moore, Keyport IHOP

Northern Monmouth County had its Crystal Beacon Awards which the Mayor attended. Two organizations received Crystal Beacon Awards to promote goals and values.

Mayor presented a Certificate of Appreciation to Cliff Moore of IHOP - President's Award and Isaiah Cooper of the Keyport Food Ministerium - Non Profit Organization of the Year Award.

PROCLAMATION

Mayor read Big Brothers Big Sisters Proclamation. Mayor asked Carla Cefalo to speak about what we are doing with Big Brothers Big Sisters. IHOP is donating 10% of their proceeds to this organization. Big Brothers Big Sisters is having a Casino Night at Asbury Park Convention Hall on June 11th.

Mr. Sheridan asked that their link be put on our website.

WATERFRONT PARK PROJECT

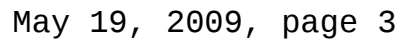
Don Norbut gave an update on the Waterfront Park Project:

- contract award in October
- March 26th was original contract completion date
- Preconstruction meeting in December
- CAFRA permit was outstanding and contract language referred to that
- Received CAFRA permit in January
- Notice to proceed issued to contractor March 20th
- New contract completion date was established - July 20th
- Project was split into two phases - Eastern half due first then proceed with Western portion
- Phase I original completion date was April
- Ground at old DPW area did not have same fill as other areas. Material was softer - mulch and organic material
- Ran across old sewer treatment plant - knew it was there but did not know the full extent of how things were closed.
- Were running into concrete tanks and walls. No additional cost
- Found a large chlorine mixing tank that had a hole in one corner of it - over ten feet deep and full of ground water
- Recommending cover of tank be removed, drained and filled with clean fill material
- Project has now come to a halt
- Wanted to have ground water tested which caused another week's delay
- Trying to get cheaper fill from Pederson's Marina
- Need 1,000 - 1,500 cubic yards of dredge material
- Work is now delayed six weeks or so.

Then will move into Phase II - set up to be a 90-day contract period. Working with Excel and BDA program to try and get funding for the fill on the Western end of the project to raise the grade. All openings and piping in the tank need to be found.

Would like to focus on Phase I before focusing on Phase II. Then parking will be available. Don't know what will be found as the tank is abandoned. New completion date is end of September beginning of October.

Mr. Kovacs asked how long ago public hearing was; two years. Mr. Kovacs expressed his unhappiness with the fact that it took this long for the engineers to find this out. Was core-testing done on that site; no. BDA will cover up to 75% of the cost of that replacement fill.



Resident asked what happens if we don't get the BDA funding for the fill. Hoping the site, being a designated BDA site, will be accepted for funding.

Nays:
Absent:
Abstain:

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licensees presently issued. (Ord. #12-81, §1, New; Ord. #4-90, §1; Ord. #8-91, SI; Ord. #10-92, §I; Ord. #3-99, §1)

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Motion to Open Public Hearing moved by Mr. Sheridan, second by Mr. Hill with ayes by all present.

There being no more comments or questions from the public, the meeting was closed at 8:12 P.M.

Motion to Adopt Ordinance moved by Mr. Sheridan, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
 Walling, Kovacs

 Nays:
 Absent:
 Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted, in the Asbury Park Press for a Hearing to be held on June 23, 2009 moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
 Walling, Kovacs

 Nays:
 Absent:
 Abstain:

1. Bond Ordinance - Multi-Purpose including Improvements to Beers Street, Maple Place Streetscape and Routes 35 & 36 Jug handle

The Clerk reads the Ordinance by Title:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF
THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$1,425,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$598,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF**

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:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Keyport, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,425,000, including the aggregate sum of \$635,000, representing grants from the New Jersey Department of Transportation (the "State Grants"), \$187,114, representing a Community Development Block Grant (the "CDB Grant" and, together with the State Grants, the "Grants") and including \$4,886 as the several down payments for the improvements or purposes required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Sections 3(a) & (c) hereof is being partially funded by

the State Grants. The down payments have 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 cost of the several improvements or purposes not covered by application of the several down payments and the Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$598,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Providing for Phase II improvements to Beers Street, including all work and materials necessary therefor and incidental thereto.	\$580,000 (including a \$225,000 NJDOT Grant)	\$355,000	15 years
b) Providing for streetscape improvements to Maple Place, including all work and materials necessary therefor and incidental thereto.	\$275,000 (including a \$187,114 CDB Grant)	\$83,000	10 years
c) Providing for Route 35 and Route 36 jug handle improvements, including associated improvements to various Borough streets as listed on file in the office of the Clerk, and including all work and materials necessary therefor and incidental thereto.	\$570,000 (including a \$410,000 NJDOT Grant)	\$160,000	15 years
TOTALS	\$1,425,000	\$598,000	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 matters in connection with

notes issued pursuant to this 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 the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time 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 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$598,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$265,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion to introduce Ordinance moved by Mr. Sheridan, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling, Kovacs
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on June 23, 2009 moved by Mr. Sheridan, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling, Kovacs
Nays:
Absent:
Abstain:

2. Ordinance - Pay-to-Play to include the Keyport Cultural Celebration Committee (pulled from agenda)

COMMUNICATIONS AND PETITIONS

1. Letter from Tabitha Bradley regarding upcoming season of Keyport Ghost Tours

Motion to refer to Administration moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

2. Memo from Keyport High School's Principal, Dr. Miguel Hernandez regarding Senior Farewell Night

Motion to receive and file moved by Ms. Bolte, second by Mr. Hill with ayes by all present.

3. Letter from Keyport Central School regarding an award to be given to a 7th grade Central School graduate

Motion to approve moved by Mr. Sheridan, second by Mr. Hill with ayes by all present.

4. Application for membership in the Keyport Fire Department/Fire Patrol from Timothy Pfleger (contingent upon State approval) and letter advising Council that Fire Patrol has accepted the resignation of Jay Gordon

Motion to approve moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

5. Request from Keyport Fire Department for a Social Affair Permit for the Firemen's Fair of July 27th through August 1st, 2009

Motion to approve moved by Mr. Sheridan, second by Mr. Walling with ayes by all present.

6. Letter from Joe Vecchio, St. Joseph Fair Chairman, requesting an additional Firework date for Sunday, May 31, 2009 to honor their 129 year school history

Motion to refer to Fire and Police moved by Mr. Kovacs, second by Mr. Sheridan with ayes by all present.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for April 2009
2. Tax\Water\Sewer Collector's Report for April 2009
3. Monthly Report for Building Department for April 2009
4. Property Maintenance Report for April 2009
5. Minutes of the Keyport Recreation Commission Meeting of April 2, 2009
6. CDC/NPP Office - April 2009
7. Municipal Court's Monthly Cashbook Report for April 2009

On file in Borough Clerk's office for review.

Motion to approve all reports as read, moved by Mr. Kovacs, second by Mr. Sheridan with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Police: Ms. Bolte reported on the following:

- Hybrid car in service - on rotation no light bar yet
- Would like update from Chief on Streetscape
- Is there a volunteer at waterfront park
- May 23rd 2PM Memorial Day Parade
- May 30th Garden Club Plant Sale 8 AM to 2 PM
- June 6th - Community Garden Open House 10 AM

Councilwoman Sefcik: Buildings, Grounds and Library: Ms. Sefcik read the Library report. Library will participate in town wide yard sale. Adding additional three hours a week for the summer.

Councilman Hill: Health and Recreation: Mr. Hill had no report

Councilman Sheridan: Fire, First Aid & Emergency Services: Mr. Sheridan read the First Aid and Fire Department call report. Support super 50/50.

Councilman Walling: Finance, Grants and Redevelopment: Mr. Walling asked about Finance Committee decision – Mayor thinks Committee can decide who chair should be.

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs reported on the following:

- Hydrant flushing
- Leaf and branch pick up
- Draft of Bin Ordinance

Ms. Sefcik mentioned that Green Team Grant went on compiling email list.

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- Elizabeth Street water tank inspected
- Electric problem fixed at water plan
- Central Jersey Council of Governments – being formed for the purpose of entering into shared services and exploring interlocals. Looking at animal control and archiving. Would like the Borough to join now for a cost of \$300.00. Thirty-five of fifty-two towns joined.

Mr. Sheridan asked about the cement on the Promenade issue on Bulk head and then Cedar Street. Mr. Sheridan asked about having approved open session minutes on the website.

Moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

Administrator Wright mentioned unpaid internship and getting on Georgian Court list to have an intern.

ATTORNEY'S REPORT

Mr. Winston reported that he is working on BID Ordinance to exclude marinas – will get on agenda as soon as possible.

UNFINISHED BUSINESS

Mr. Sheridan thanked Bayshore Watershed Council for clean up of Luppatatong Creek – 25 volunteers including Councilwoman Sefcik.

NEW BUSINESS

None

RESOLUTIONS

Ms. Sefcik made the motion to pull resolution No. 2

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan
 Nays: Councilmembers Walling, Kovacs
 Absent:
 Abstain:

2. Approving Bid Budget and Levy for 2009

Offered for adoption by Mr. Walling, seconded by Mr. Kovacs

Roll Call Vote: Ayes: Councilmembers Walling, Kovacs, Sheridan
 Nays: Councilmembers Bolte, Sefcik, Hill, Mayor
 Absent:
 Abstain:

3. Resolution #137-09 Authorizing the Hiring of Temporary Part Time Summer Laborers
4. Resolution #138-09 Authorizing Request for Proposals for the Award of a Contract for Computer Tech Services through a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5, et. seq.
5. Resolution #139-09 Approving submission of grant application and execution of a grant agreement with the New Jersey Department of Transportation for the Beers Street Phase III Improvement Project
6. Resolution #140-09 Approving Temporary Capital Budget
7. Resolution #141-09 Supporting Amendment to Binding Arbitration Statute
8. Resolution #142-09 Supporting the New Jersey Senate Bill No. S-1622 and Urging the Passage of Same by the New Jersey Legislature and Governor Jon D. Corzine
9. Resolution #143-09 Payment of Bills

Offered for adoption by Mr. Sheridan, seconded by Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
 Nays: Councilmembers Walling, Kovacs
 Absent:
 Abstain:

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:40 P.M.

Paul, 107 Maple Place asked for more details on the Bond Ordinance, asked about Maple Place Streetscape. Ms. Sefcik responded that location is over the ramp by the Town & Country for Community Development Block Grant for streetscape and handicap accessibility. Paul asked about lowering speed limit on Maple Place.

Mike Lane, 51 First Street asked about the following:

- FEMA flood maps will be adopted in Middletown September 25, 2009. Borough needs to pass ordinances that comply with new regulations.
- First Street repaving - Mayor stated he can't get the company to call back
- White plume being discharged - DEP says a pollen event. Administrator stated that the DEP believes it to be due to heavy rain. Baykeeper has been notified - reported to hazardous discharge DEP

Mr. Lane, regarding liquor license fee discussion - talked about Tropical 8 being a restaurant. Focus has changed at that establishment. No longer adhering to the conditions. Mayor explained that they are coming up for renewal. ABC violations will be considered at that time. Mike Lane asked about records and what is allowed on the property. Says there is no centralized record keeping. Mayor explained official record is the zoning ordinance. Nothing should be permitted that is not allowed under the zoning.

Sandra Shevlin asked about the trees planted on the streetscape. A usual specification for a municipal tree is five to six feet limbed up. One tree is 26 inches and another is 38 inches limbed up. Showed a purple leaf plumb she planted in her own yard fifteen years ago. Feels the trees are not appropriate for the streetscape. Any inspection required for these trees since it is on a county road? Ms. Shevlin asked who's running Memorial Day Parade; Carla

There being no more comments or questions from the public, the meeting was closed at 9:14 P.M.

APPROVAL OF RESOLUTIONS

Motion to accept, receive and file moved by Mr. Sheridan, second by Mr. Walling

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan
Nays: Councilmembers Kovacs, Walling
Abstain:
Absent:

ADJOURNMENT

Motion to ajourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 9:19 PM.