

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.

Mayor Bergen called the meeting to order at 6:30 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs, Mayor Bergen. Others present: Mr. Ryback, Borough Attorney and Borough Administrator Ms. Wright.

RESOLUTION 123-10

TITLE: CLOSED EXECUTIVE SESSION

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 Issues – Police Department Grievance – Asserting Claim for compensation for, or use of, Borough Vehicles to commute to and from work by the Police Department Personnel

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 discussion on Personnel 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: Sheridan, Seconded by: Bolte

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

Council went into Closed Session at 6:30 P.M. and this meeting was reconvened at 7:20P.M.

Mayor Bergen called the meeting to order at 7:20P.M. and the Borough Clerk read the Sunshine Law Notice. The Pledge of Allegiance was said and there was a moment of silence.

On Roll Call the following were present: Councilmembers Gross, Sefcik, Bolte, Sefcik, Sheridan, McPeek, Kovacs, Mayor Bergen. Others present: Mr. Ryback, Borough Attorney, Ron Gardner, Borough Auditor and Borough Administrator Ms. Wright.

PUBLIC COMMENT PORTION

Set tax levy for school budget but school board can do whatever they think is appropriate to cut tax levy. School Board has option to appeal.

Ms. Bolte stated that three Councilmembers were presented with Board of Ed members, recommendation of cutting \$225,000

Ron Gardner, Borough Auditor – General Fund Levy 8,516,418.00 was 8,291,418.00

Proposed cuts are:

reprojected surplus as of 9/30/2010 school received a small increase in extraordinary aid. School used records from December 2009 – Auditor used records from May 2010

- will have additional funds in surplus that were unknown – should be used to offset taxes
- two retirements were announced subsequent to budget preparation which generates a savings of \$60,000
- Health benefits – budget over budgeted for this
- Funded positions of \$100,000 were not recognized

Auditor – Items were reviewed with the Board and they were in agreement as far as where the auditors were coming from. Confident adopting resolution will not affect school district operations or quality of education.

Although Council can recommend certain line items be cut, school does not have to follow those recommendations but would simply have to cut the budget any way they want in the amount recommended.

The meeting was opened to the public for comments or questions at 7:20 P.M. moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present

Stephanie Barrett, 299 Broad Street, is concerned her son will be in a class of 30 – which is too much. Also feels that specials will be lost.

Tammy Natacola, Hurley Street, feels system is wrong the way it is currently set up, but she doesn't have money to pay for rising costs.

Mayor stated there will be a slight reduction in school taxes with this reduced budget

Andrew Lois, 16 Clark Street, lives and teaches in town, feels taking away money from the budget will result in a less effective school system which would affect property values negatively.

Tina, 125 Osborn Street, spoke highly of teachers in the district – willing to pay so long as her child's education is in tact.

Cerelle White, 90 Fulton Street, lives in town and a social worker in school district. Feels cut will be damaging to her child's education.

Sharon Borelli, 41 Van Dorn Street, resident and music teacher – concerned about kids with special needs who may not do well in a large classroom. Suggested combining Superintendent of Union Beach and Keyport

Resident, 227 Second Street, concerned about taking away band & chorus. Children will not have a well-rounded musical education

Jennifer Henning, 102 Main Street, doesn't want people to have to pay out of pocket for programs for their children. Concerned new people will not want to move into Keyport knows property values are based on the reputation of the school.

Jamar White, 90 Fulton Street, concerned about teachers being cut resulting in less education

Student spoke of having piano and band programs as well as Gifted and talented.

Student, Main Street, feels extracurricular classes are needed

Juliann Gallo, Student at Central School, does not feel cuts are a good idea

Student, 231 Atlantic Street, spoke of a teacher who inspired her

Student, 15 Walnut Street, thinks no one should take money away from a child's education

Sam Minor, grandfather of five, not against teachers. Feels cuts in Administration need to be made.

Paula McGloghlin wishes people would come to school board meetings.

Sabrina, 215, Division Street, spoke of her two children in the school

Felicia Brown, spoke of her son in the school system

Maureen, 22 Myrtle Avenue, asked why teachers didn't save their jobs by the suggestions that were being made.

Councilwoman Bolte spoke of two days without pay plus a 1.5% for health benefits. Would have saved \$190,000

Valerie Rogers explained that would 186 days and paid for 184.

Mike Lane, 51 First Street, voted against the school budget that has increased 66% over the over the last ten years. This is the time of change, asked where does it stop?

Mr. Lane spoke of his children who are educated and have no pension system and pay \$600 monthly for health benefits. Asked Council to vote for these cuts.

John Kennedy, 104 Chingarora Avenue, wife is a retired teacher, resents what Mr. Lane said about teachers. Doesn't want the \$225,000 cut.

Sandra Shevlin, asked for clarification of suggested budget cuts. After clarification felt numbers don't reflect losing any teachers. Prays Board of Education takes those recommendations. High School is in the fourth year of not making its indicators.

Auditor gave explanation, based on additional information that was found after original budget was struck.

Peter Henning, 102 Main Street, Board of Ed President, spoke about water in the basement at the school and the things that were cut so that there isn't any surplus for emergencies

Jennifer Henning stated she is tired of hearing about differences in the private sector

Eileen - Math teacher in Central School – worked in the private sector before and now's works harder for less money.

There being no more comments or questions from the public the meeting was reconvened at 8:39 PM

Resolution No. 124-10 Authorizing Change to School Budget

Offered for adoption by: Bolte, Seconded by: Sheridan

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

The meeting was adjourned for a brief break and reconvened at 8:48 PM

PUBLIC HEARING

On the contents of an application to be submitted to the Monmouth County Community Development Program

Trevor Taylor spoke regarding this program – West First, Chingarora, West Second, Luppatatong curb improvement, upgrade storm sewer inlets and replace water main to 6" (from 4") \$250,000 is the maximum grant we can get so it will be a two phase application

Mayor asked if application can be made and then scaled back

Have to reconstruct Luppatatong in order to get the curb

West First - \$133,000 cost

Sewer additional \$45,000

West Second - \$70,000 to mill and overlay

Chingarora can be milled and overlaid and new curbs

Lines are in good condition but would like to go from 4" to 6". Sewer work will be done on Chingarora.

Mayor recommends going with a scaled down project – thinks \$800,000 is a lot since we have other streets that need work, but stated council can do whatever they want.

Mr. Sheridan – had 35 water main breaks this past year. Were they located in a central area?

Administrator will check with the DPW Superintendent but doesn't think they are.

Ms. Bolte feels \$800,000 is a lot and only addresses a section of town.

Mayor wants to: Reconstruct West First Street and mill and overlay of Chingarora, Luppataong, and West Second Street total \$365,000 will include one trench cuff.

The meeting was opened to the public for comments or questions at 9:03 P.M. moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present

Mike Lane will we repair bulkhead at Cedar Street Park; asked how it will be paid for.

Joseph Wedick, Therese Street, asked what is the age of pipes that need to be replaced; 75-80 years old.

There being no more comments or questions from the public the meeting was reconvened at 8:39 PM

Motion on application was made by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

At 9:05PM Mayor excused himself and Council President Sheridan took over.

AMENDMENT TO 2010 MUNICIPAL BUDGET

2. Resolution No. 125-10 Amending the 2010 Municipal Budget

The Clerk reads the Amendment

Offered for adoption moved by Mr. Kovacs, second by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

ADOPTION OF 2010 MUNICIPAL BUDGET

3. Resolution No. 126-10 Adopting the 2010 Municipal Budget

The Clerk reads the Budget by Title:

2010 MUNICIPAL BUDGET OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, FOR THE YEAR 2010

Offered for adoption moved by Mr. Kovacs, second by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays: Councilman Gross

Absent:

Abstain:

At 9:08PM Mayor returned to the meeting.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #6-10 – Escrow Fees for Non-Planning Board Construction Applications

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 25:1-20 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH
REGARD TO ESCROW FEES FOR NON-PLANNING BOARD
CONSTRUCTION APPLICATIONS**

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 9:09P.M.

Mike Lane asked about the not to exceed \$500, how is that determined?

Mayor explained Zoning Officer would confer with engineer to see what would be needed. Mr. Lane thinks that the Ordinance could be clarified. Applications which change the footprint could be included.

Mayor – Only applies to zoning applications that do not need to come before any other board.

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

Motion to adopt Ordinance made by Ms. Sefcik second by Mr. Sheridan with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

2. Ordinance # 7-10 – Subcode Fees

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 12-1 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH
REGARD TO SUBCODE FEES**

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 9:15P.M.

Mike Lane made comments on the ordinance, \$50.00 to replace part of fence that needs replacing? \$30 to move outlets?

There being no more comments or questions from the public, the hearing was closed at 9:17P.M.

Motion to adopt Ordinance made Mr. Sheridan by second by Ms. Sefcik with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Sheridan, Kovacs, McPeek
Nays: Councilwoman Bolte
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

3. Ordinance # 8-10 – Certificates of Occupancy

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 12-1 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT
WITH REGARD TO CERTIFICATE OF OCCUPANCY**

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 9:18P.M.

Mike Lane asked about expedited Certificate of Occupancy, saw he was in error.

There being no more comments or questions from the public, the hearing was closed at 9:20P.M.

Motion to adopt Ordinance made Mr. Sheridan by second by Ms. Sefcik with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Bolte, Sefcik, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

4. Ordinance # 9-10 – Landlord Registration

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 12-14.7 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT WITH REGARD TO LANDLORD REGISTRATION FEES**

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 9:20P.M.

Mike Lane – If landlord fails to register do we have penalties?

Mayor replied that penalties do apply; up to \$2,000. Must give 10 day notice to correct.

Bob Burlew, 64 Chandler, \$1,250-\$2000 is UCC. Should be pushing Local Ordinance

Bob McLeod, stated each day is a separate fine.

There being no more comments or questions from the public, the hearing was closed at 9:24P.M.

Motion to table the Ordinance made Mr. Sheridan by second by Mr. McPeek with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Bolte, Sefcik, Sheridan, Kovacs, McPeek
Nays:
Absent:
Abstain:

INTRODUCTION OF ORDINANCES

1. Ordinance – Abandoned Property

The Clerk reads the Ordinance by Title:

**AN ORDINANCE OF THE BOROUGH OF KEYPORT IN
MONMOUTH COUNTY, CREATING CHAPTER 12-17 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH
REGARD TO ABANDONED PROPERTY**

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
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 January 15, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek
Nays: Councilmember Kovacs
Absent:
Abstain:

2. Ordinance – Bond Ordinance for Beers Street, Phase III

The Clerk reads the Ordinance by Title:

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BEERS STREET PHASE III IN
AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING \$330,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$105,000
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Motion to introduce Ordinance moved by Mr. Sheridan, second by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, 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 January 15, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs
Nays:
Absent:
Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for a Raffle License from Keyport Cultural Celebration Committee for an off-premise Super 50/50 cash raffle to be held on September 18, 2010 (rain date 9/19/2010) to benefit skate Group. Ms. Bolte requests Borough fees be waived
2. Application for a Raffle License from Keyport Cultural Celebration Committee for an on-premise 50/50 cash raffle to be held on June 26, 2010

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

3. Application for a Raffle License from Board of Fire Wardens for carnival games to be held nightly from July 26 – July 31, 2010

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

4. Application for a Raffle License from the Leukemia & Lymphoma Society for an on-premise 50/50 to be held on June 12, 2010

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

5. Application for a Social Affairs Permit from the Keyport Fire Department for the Fireman's Fair to be held nightly from July 26 – July 31, 2010

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

6. Memo from Keyport High School regarding Senior Farewell Night – June 17, 2010

Motion to receive and file moved by Mr. Sheridan, second by Mr. Kovacs with ayes by all present.

7. Request from American Legion Raritan Post 23 for funds to purchase floral arrangements at the various monuments for the Memorial Day Services

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

8. Letter from Cub Scout Pack 364 requesting the use of Beach Front Park for their promotional ceremony on Monday, June 21st from 5:30 – 8:30PM

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

9. Letter from St. Joseph's Church requesting permission to have a firework display at their baseball fields on Friday evening, May 29th with rain dates of 5/29/10 & 5/30/10)

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for April 2010
2. Tax\Water\Sewer Collector's Report for April 2010
3. Building Department Monthly Report for April 2010
4. Property Maintenance Report for April 2010
5. Board of Health Treasurer's Report for April 2010 and Minutes of the April 13, 2010 Meeting
6. Municipal Court's Monthly Cashbook Report for April 2010

On file in Borough Clerk's office for review.

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

COMMITTEE REPORTS

Councilman Gross: Police: no report

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik mentioned that Recreation will be having a skate expo, Board of Health is possibly moving to the County

Councilman Bolte: Public Works/Recycling/Property Maintenance: Ms. Bolte reported on the following:

- Grand Opening for Waterfront Park is scheduled for May 22nd at 12 noon
- Rain Garden is completed
- punch list @waterfront Park
- discuss smoking policy at Waterfront Park – need designated areas
- litter problem on Sundays at Waterfront Park
- leaf and branch this week. DPW doing a good job

Councilman Sheridan: Fire/First Aid/Emergency Services: Mr. Sheridan reported on the following:

- Read First Aid calls
- May 1st was Fire Department inspection, thanked Mayor and Mr. Kovacs for coming
- Fire Department vehemently opposed to their 20% cut in budget – need additional money

Councilman Kovacs: Finance/Grants/Redevelopment: Mr. Kovacs reported on the following:

- Approved budget tonight – thanked Susie, Tom and Ken for all hours put in

Councilman McPeck: Buildings/Grounds/Library: Mr. McPeck reported on the following:

- Fire Museum open for the season
- Steamboat Dock museum open through Labor Day
- Senior Center – almost to their 400 member mark
- Library – Fire alarm installed, read library circulation report

UNFINISHED BUSINESS

Ms. Sefcik – ASK recycling bins – 1st bin almost done, will be ready for Waterfront Opening Saturday.

Mr. Kovacs – Bethany Towers is no longer part of Bethany Manor

ADMINISTRATOR'S REPORT

Ms. Wright would waive report in interest of time.

ATTORNEY'S REPORT

No Report

RESOLUTIONS

4. Resolution No. 127-10 Authorizing Cleaning Contract, effective June 1st
5. Resolution No. 124-10 Authorizing Change to School Budget
6. Resolution No. 128-10 Authorizing Salary for Non-Union Employees
7. Resolution No. 129-10 Exercising Option for Solid Waste Contract
8. Resolution No. 130-10 Authorizing Excel Environmental Resources, Inc. to Apply for Grant Funding
9. Resolution No. 131-10 Accepting a Grant from the Hazardous Discharge Site Remediation Fund Public Entity Program Through the New Jersey Economic Development Authority and the Department of Environmental Protection
10. Temporary Capital Budget (pulled)
11. Resolution No. 132-10 Authorizing Payment to Jads Construction Inc.
12. Resolution No. 133-10 Accepting NJDOT Grant for \$225,000 for Beers Street, Phase III
13. Resolution No. 134-10 Bills List

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:47P.M.

Joe Ruth, Local PBA – Layoff of one officer in budget; yes. When is this effective, Administrator needs 45 day notice once approved by Civil Service Commission.

An Officer plans to transfer asked if Borough will hold that up.

Mayor asked that municipality to have municipality that he is going to contact us.

Joe Ruth asked about resolution reducing Chief's salary. Is Officer in Charge receiving differential; yes.

Administrator Wright – bumped up prior Chief's salary

Joe Ruth asked about second in command; receiving Lieutenants salary. Any plans to fill the Chief's position? Asked if changing way health insurance is funded has been looked into.

Matt Salvatore, State delegate for PBA, thinks 17 officers is an accident waiting to happen; a dangerous situation.

Mayor – no proposal to eliminate officers on the road

Sam Minor – believes a dog was shot on Sunday. Felt officer should not have shot the dog at that location; could have ricocheted

Richard Gato – behalf of Sandpiper Association regarding March 17th letter from Wisniewski asking for an update of where we are at.

Mayor – application has been filed to use the existing foundation. Attorney will file an Order to Show Cause requiring foundation be removed. Will be filed within 30 days.

Mike Lane mentioned Longview Ventures plan for 32 units turned down and now approved for 26 units. Great to see those changes. Site triangle?

Administrator Wright stated she has been busy. Ms. Bolte asks that it needs to be taken care of by next meeting; asked reduction of school budget numbers. Ms. Bolte asks Council to look at legislative reform, also for an update on expense sheet for Waterfront Park on website.

New sidewalk is spalding at Library.

Joe Ruth, regarding Mr. Minor's story about dog. Dog was returned to owner.

Tom Mitchell – submitted KBA plans to expand Mini Park.

There being no more comments or questions from the public the meeting was closed at 10:23 PM

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Ms. Sefcik, second by Mr. Sheridan

Roll Call: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Abstain:

Absent:

6. Resolution No. 128-10 Authorizing Salary for Non-Union Employees

Roll Call: Ayes: Councilmembers Gross, Sefcik, Bolte, Kovacs, McPeek

Nays:

Abstain: Councilmember Sheridan

Absent:

ADJOURNMENT

Motion to adjourn was made by Mr. Kovacs, second by Mr. McPeek with ayes by all present at 9:53 PM.