

June 1, 2010
Keyport, New Jersey

Minutes of the Work 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 6:34 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, Mc Peek, Mayor Bergen. Others present: Borough Attorney, John Wisniewski and Borough Administrator Ms. Wright

RESOLUTION No. 135-10

1. Resolution #135-10 Closed Session Meeting Personnel, Litigation, Contracts

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:

Litigation – Dayback v. Keyport Police, Police Matters
Contract – Acacia Financial Group
Tax Appeal Status Update

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 Contract Negotiations, Litigation, and 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: Mr. Sheridan, Seconded by: Mr. McPeek

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

Council went into closed session at 6:34 PM and this meeting was reconvened at 7:45PM

ROLL CALL

On Roll Call the following were present: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, Mc Peek, Mayor Bergen. Others present: Borough Attorney, John Wisniewski, Borough Administrator, Ms. Wright

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

April 6, 2010 – Work Session

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

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

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:47P.M.

There being no more comments or questions from the public, the meeting was closed at 7:47 P.M.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #10-10 – Abandoned Property

The Clerk reads the Ordinance by Title:

AN ORDINANCE OF HE 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

The meeting was opened to the public for comments or questions at 7:48 P.M. moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present

Mike Lane – any expectations as to the size of the list.

Attorney Wisniewski – mirrors state law: most meet criteria

- unoccupied for six months and
- in need of rehabilitation
- construction incomplete (or)
- a nuisance

Mr. Lane asked what motivates this ordinance, any analysis of cost involved. No.

Mayor stated he does not know that we have a big problem, but thought of this when working on 75 Manchester project.

Joe Wedick if contaminated property is taken over, whose responsibility would it be to clean up? Borough not obligated to clean-up if they take it over. Property owner would be responsible.

Mayor – would have environmental due diligence before taking over. Not exercising imminent domain to take over property.

Attorney – Borough would have the ability to remediate – could take control but would not have to clean-up

Mayor – would do a Preliminary Assessment (PA) on any property looking to take over

There being no more comments or questions from the public the meeting was reconvened at 8:00 PM

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

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

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

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Designated smoking areas at Waterfront Park

The Clerk reads the Ordinance by Title:

**AN ORDINANCE OF THE BOROUGH OF KEYPORT IN MONMOUTH COUNTY,
AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT, BY ADDING CHAPTER 4-26 PROHIBITING SMOKING AT
WATERFRONT PARK EXCEPT IN DESIGNATED AREAS**

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

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 June 15, 2010 moved by Mr. Sheridan, second by Ms. Sefcik

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

2. Ordinance – Amend Salary Ordinance

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND
EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

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

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 June 15, 2010 moved by Mr. Sheridan, second by Mr. McPeek

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

2. RESOLUTION No. 136-10 AUTHORIZING BID BUDGET NOTICE

2a. Authorizing Introduction and Approval of Business Improvement District Budget Notice

Motion to introduce moved by Mr. Kovacs, second by Mr. Sheridan

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 June 15, 2010

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

COMMUNICATIONS AND PETITIONS

1. Letter from Susan A. Montanti of the Children's Miracle Network Fundraiser requesting permission and assistance to conduct a Fundraiser either September 25 or October 2, 2010

Motion to forward to KBA moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present

2. Application for a Social Affairs Permit from the Keyport Cultural Celebration Committee (KCCC) for the International Food & Music Festival to be held on June 26, 2010 (Rain date 6/27/10)

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

3. Letter from Monmouth County Mosquito Extermination Commission regarding Memorandum of Agreement

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

4. Application for a Raffle License from the Organization for the Unity of the Puerto Ricans of Keyport, NJ Inc. for an Off-Premise 50/50 cash raffle to be held August 7, 2010

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

5. Request from Brittany Vino and James Prevost to use the Keyport Waterfront Park gazebo for their wedding to be held August 21, 2010 at 4PM

Motion to forward to Administrator, Mr. Sheridan mention Snapper contest on that same day, moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

6. Thank you letter from the US Census Bureau

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

UNFINISHED BUSINESS

Ms. Bolte thanked everyone for Grand Opening. The survey had 600 responses, will have results.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- cleaning service started (trying for six months) this afternoon
- landlord registration report due to Mr. McPeek
- instituted Monday morning reports from mechanic as to what vehicles are off the road
- memo on purchasing to go out
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ATTORNEY'S REPORT

Reported in closed – status of litigation

NEW BUSINESS

Mr. Kovacs would like to bill NJ Turnpike Authority for our police officers response to accidents.

(Mayor will have a letter drafter saying we intend to charge)

Ms. Bolte wants to also see about charging for the grass cutting on the islands

Keyport was a participant in a PBA case regarding 1.5% fee for all municipal employees for health benefits. Judge Feinstein ruled against the in junction.

RESOLUTIONS

3. Resolution No. 137-10 Authorizing Execution of 911 Communications Center Shared Services Agreement
4. Resolution No. 138-10 Approving an Interlocal Government Transfer with the Township of Marlboro and Authorizing the Mayor to Execute the Necessary Transfer Agreement on Behalf of the Borough of Keyport – Held until after closed session
5. Resolution No. 139-10 Authorizing a Wedding to Be Held on August 21, 2010 at Waterfront Park Gazebo
6. Resolution No.140-10 Requesting Approval of Items of Revenue and Appropriation – NJSA 40A:4-87 (NJ Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund)
7. Resolution No. 141-10 Requesting Approval of Items of Revenue and Appropriation – NJSA 40A:4-87 (NJ Clean Communities Program)
8. Resolution No.142-10 Requesting Approval of Items of Revenue and Appropriation – NJSA 40A:4-87 (NJDEP Hazardous Discharge Site Remediation Fund SI Funding Aeromarine Project)
9. Resolution No. 143-10 Payment of Bills
10. Resolution No. 144-10 Retaining Acacia as financial advisor for landfill redevelopment project
11. Resolution No. 145-10 Appoint Temporary Part-time Assistant Property Maintenance Officer
12. Resolution No. 146-10 Deputizing Mayor and interested Councilmember's (Bolte, McPeck and Sefcik) as Property Maintenance task force

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:18P.M.

Mike Lane – spoke of liquor license renewals on Bulkhead & Uptown bars. Also, spoke of doors not being closed when they should be.

Attorney said ownership arrangement needs to be clarified and documented. Mike Lane state there is no less agreement between Robinson/Merla and the license holder.

Sam Minor spoke of the Waterfront Park Ordinance allowing smoking only in certain areas; want to know who enforces it? What about the dog waster, feels the ordinances are not being enforced.

Mike Lane said the Waterfront Park Borough Opening was great. Council took lead on Ordinance prohibiting smoking in cars with kids. Happy about smoking ordinance on Waterfront Park

Tom Mitchell, 11 West Front St, Business owner at the last meeting made a proposal for expansion of mini-park; any action on that?

Mayor wants to be in compliance with ADA requirements, gave to Engineer.

Ms. Bolte pointed out that Tom Mitchell is not on the Board of the KBA. No letter of support from KBA. Ms. Bolte feels if the KBA wants to build something, they should have a plan to maintain it.

Teresa Bolte, 65 Elizabeth Street, spoke of the KBA website and money being spent to upgrade but she has not seen any upgrade of the site. Mentioned Jo-Jo Merla being on the Board; can a convicted felon be on the Board.

Attorney replied yes.

Teresa Bolte asked about the Cheryl Hill property. Will that ever be fenced in? Attorney stated they are going to court with an order to show cause.

Motion made to have a five minute recess at 9:03pm, then go into closed was moved and carried.

There being no more comments or questions from the public the meeting was closed at 9:01 PM

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent:

4. Resolution No. 138-10 Approving an Interlocal Government Transfer with the Township of Marlboro and Authorizing the Mayor to Execute the Necessary Transfer Agreement on Behalf of the Borough of Keyport – Held until after closed session

Offered for adoption by: Ms. Sefcik, Seconded by: Mr. Sheridan

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

Nays:

Absent:

Abstain:

11. Resolution No. 145-10 Appoint Temporary Part-time Assistant Property Maintenance Officer

Offered for adoption by Ms. Sefcik, seconded by Mr. Sheridan

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

Nays: Councilman Kovacs

Abstain:

Absent:

ADJOURNMENT

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