

January 19, 2010
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 6:32 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte (arrived 6:43pm), Sefcik, Gross, Sheridan, Walling, Kovacs, Mayor Bergen (arrived 6:38pm). Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright.

RESOLUTION 49-10

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**
- **Litigation** – Tax Appeal

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 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. Kovacs, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Sheridan, Walling, Kovacs
Nays:
Absent: Councilwoman Bolte (arrived at 6:43PM)
Abstain:

Council went into Closed Session at 6:34 P.M. and this meeting was reconvened at 7:07 P.M.

Mayor Bergen called the meeting to order at 7:07 P.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 Bolte, Sefcik, Gross, Sheridan, Walling, Kovacs, Mayor Bergen. Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright.

OATH OF OFFICE

Councilwoman Christian Bolte

Christian Bolte was sworn in by Assemblyman Wisniewski. Her son held the Bible.

Mayor spoke of Council Committee appointments.

Councilmembers Kovacs and Walling voiced their objections.

Mayor gave floor to Council President Joe Sheridan.

Mr. Sheridan stated there was a plan to not have committee liaisons until after the January 12th Election out of respect for Ms. Bolte and Mr. Burlew. Mr. Sheridan wanted to come to a middle ground between what was passed at the January 1st meeting and the rest of the Council. Mr. Sheridan announced the names of the liaisons and the committees.

Resolution No. 44-10 Council Committees

Mr. Kovacs mentioned that he has never served on the Finance Committee

Motion made to accept these committees by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Sefcik, Bolte, Sheridan, Mayor Bergen

Nays: Councilmembers Gross, Walling, Kovacs

Absent:

Abstain:

. Mayor broke the tie on Council Committees by voting "yes".

Mayor Bergen feels any objection to these committees is two-faced since what is being done here is the same as what was done on the 1st. Mr. Walling asked Mr. Sheridan why he was not put on the Police Committee.

Resolution No. 45-10 Appointment of Borough Attorney – John Wisniewski

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

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

Nays:

Absent:

Abstain:

Mr. Walling asked whether the Attorney has ever been told by the Mayor to not prepare a report.

Resolution 46-10 Appointment of Borough Auditor – Robert Morrison

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

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

Nays: Councilmembers Walling, Kovacs

Absent:

Abstain:

Resolution No. 47-10 Special Legal Counsel (as needed)

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

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

Nays:

Absent:

Abstain:

Resolution No. 48-10 Special Engineering Services (as needed) Water Sewer Special Projects

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs (except T&M)

Nays: Councilmember Walling

Absent:

Abstain:

Taking a look with the Planning Board to put a solar farm on the Aeromarine site – to advance the costs to be paid by the applicant.

Mayor asked whether anyone had questions of Gordon Litwin (our redevelopment attorney) so that he may leave. No questions were asked and Mr. Litwin left at 7:40 PM

APPROVAL OF MINUTES

November 24, 2009 – Regular Meeting

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

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

Nays:

Absent

Abstain: Councilmembers Gross, Sefcik

INTRODUCTION OF ORDINANCES

1. Ordinance – Fingerprinting Process for Keyport Fire Department Members

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER 3-33.7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH REGARD TO FINGERPRINTING

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, 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 February 2, 2010 moved by Mr. Sheridan, second by Ms. Sefcik

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

Nays:

Absent:

Abstain:

2. Ordinance – Amending 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, NJ IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Walling

Nays: Councilmember Kovacs

Absent:

Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on February 2, 2010 moved by Ms. Sefcik, second by Mr. Sheridan

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

Nays:

Absent:

Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for membership in the Keyport Fire Department's Liberty Hose from George J. Walling, Jr. (contingent upon State approval)

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

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

2. Letter from Monmouth County Park System notifying the Borough of a \$52,000 grant award for Keyport Skate Project through the Monmouth County Municipal Open Space Grant Program

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

3. Request from the Keyport Fire Department for donation in the form of an ad in the program book for the Keyport Volunteer Fire Department's 40th Annual Firemen's Ball

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

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

4. Application for a Street Opening Permit from NJ Natural Gas for 75 Elizabeth Street for the purpose of an oil conversion

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

5. Application for a Street Opening Permit from NJ Natural Gas for 30 Perry Street for the purpose of an oil conversion

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 December 2009
2. Tax\Water\Sewer Collector's Report for December 2009
3. Monthly Report for Building Department for December 2009
4. Property Maintenance Report for December 2009
5. Keyport Recreation Commission minutes for December 2009
6. CDC/NPP Council Report for Sept/Oct. 2009 and Nov/Dec 2009

On file in Borough Clerk's office for review.

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

COMMITTEE REPORTS

Councilwoman Bolte: no report

Councilwoman Sefcik: Finance, Grants and Redevelopment: no report

Councilman Gross: Health and Recreation: Mr. Gross reached out to the Police department to set up a meeting.

Councilman Sheridan: Fire, First Aid & Emergency Services: Mr. Sheridan read reports of Fire Department and First Aid calls. New ambulance is now in service. First Aid Captain Krohe received a letter thanking the First Aid on behalf of Hazlet First Aid Squad for Keyport's response to their calls.

Councilman Walling: Police – no report

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs reported that there were quite a few water main breaks in January (three of them)

- working on manhole by Division Street
- using a lot of water and DPW believes the leak has been found in the water tank.

Administrator Wright feels it is necessary to have a leak detection company come in. Asked Council to approve an emergency purchase (B&W) to have a contractor do the work to repair water main leak.

UNFINISHED BUSINESS

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- Preconstruction meeting – road paving project – USDA
- Uniform monthly reports from all departments
- Need a resolution to enter an agreement for damages to police vehicle by a third party
- Bill list on website after approval

Mayor spoke of getting together a budget. Mayor wants a total preliminary budget.

ATTORNEY'S REPORT

Mr. Wisniewski reported on the following:

- 21 tax appeals, 4 residential
- Prepared amendment to Ordinance on Fingerprinting
- Resolution for property damage to Police Car
- Salt Interlocal with Matawan
- Registrars agreement with Union Beach

Ms. Bolte stated that the Police Manual had been approved asked if we could get manual from the Attorney and give it to Councilman Gross.

RESOLUTIONS

2. Resolution No. 50-10 Authorizing Adjustment of Water/Sewer Fees – Brainard/Flannery
3. Resolution No. 51-10 Authorizing Adjustment of Water/Sewer Fees – Rezac
4. Resolution No. 52-10 Authorizing Adjustment of Water/Sewer Fees - Zweiacher
5. Resolution No. 53-10 Authorizing Execution of Escrow Agreement Pertaining to the Aeromarine Redevelopment Area
6. Resolution No. 54-10 Authorizing Leak Detection Survey for Water Distribution System
7. Resolution No. 55-10 Salary Resolution
8. Resolution No. 56-10 Payment of Bills
9. Resolution No. 57-10 Authorizing Emergency repairs for Water Main leak
10. Resolution No. 58-10 Citizen Reimbursement for Damage to Police Car

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:03 P.M.

Jennifer Henning, 102 Main Street, spoke of the conduct of some of the Council members. Feels they need to move past their differences.

Isadora Rocano reminded the Council that they are there to help the residents.

Tricia Knutsen, 153 Division St, found behavior appalling – encouraged all to not vote for Mr. Walling.

George Walling Jr. thanked Council for their approval of his Fire Department membership. Mr. Walling asked the Mayor to address the rumors of going to County Dispatch.

Polled the Council on their feelings on going to the County for dispatch.

Ms. Bolte thinks it is in the future but does not see it happening right now.

Ms. Sefcik feels she does not have enough information to make a decision on that yet. Ms. Sefcik must consider it as a cost savings for the good of the taxpayer.

Mr. Gross needs more information before he can answer.

Mr. Sheridan has been pushing for a spread sheet of expenses.

Mr. Walling feels it is not feasible. Has a copy of the spreadsheet. Wondered why other Councilmembers did not get a copy? Administrator Wright stated because it is not complete.

Mr. Kovacs feels that dispatchers do more than just dispatching.

George Walling Jr asked who would be paying for the criminal background check. Mayor explained that is why we are introducing this Ordinance. Not sure who would pay.

Edna Bergen Cattrell, 252 Beers Street, congratulated Councilwoman Bolte. Ms. Cattrell told Councilman Walling that he should be ashamed of himself. Ms. Cattrell asked who paid for PBA's political literature. Doesn't feel donations to the PBA should be used for political action.

Mayor spoke of Police Department writing letters to senior citizens telling them their safety would be in jeopardy and telling them whom to vote for.

Peggy Hayes, First Street, congratulated Councilwoman Bolte and feels Councilman Walling should be reprimanded.

Eleanor Cosgrove, 72 First Street stated she was disappointed in Councilman Walling's behavior. Ms. Cosgrove asked what happened to video taping the meetings and putting them on TV. Ms. Cosgrove feels that would help the conduct.

Resident of 24 First Street, thanked DPW for their response to his home.

Bob Ludwig, 50 Beers Street, feels Keyport Police Department may not have sent out the flyers since there was no return address.

Councilwoman Bolte stated the Police Department has accepted responsibility.

George Walling, Jr. stated he is proud of his father for standing up for what he believes.

Kristie, 289 Main Street, feels he did it in an inappropriate way.

Bob Kelly, 115 Broadway, thanked Council and Mayor Bergen for the waterfront.

Peggy Hayes asked about the fingerprinting ordinance.

Mayor explained that fingerprinting is now done through an outside agency. Ordinance would waive this for volunteer Firemen. Background checks will be done, just no fingerprinting.

Sam Minor, doesn't see why PBA took sides. Doesn't feel it was appropriate. Mr. Minor talked about the arbitrator working on the Police Contract.

Mike Lane, 51 First Street, talked about Matawan's agenda for meetings. Matawan has a public portion at the beginning as well as another session at the end.

- The County repaved First Street Mr. Lane is concerned about site triangles at Church, Atlantic and First.
- Escrow for Aeromarine – glad study is being done. Mr. Lane would like a cost benefit analysis and a risk analysis.
- Thinks agenda should be redone to focus on the financials.

Jennifer Henning, Main Street, spoke of crosswalks impeding traffic. She also requested the answer as to who paid for PBA political literature.

There being no more comments or questions from the public, the meeting was closed at 8:48 P.M.

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent:

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 8:48 PM.