

August 17, 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 6:54P.M. Clerk Valerie Heilweil read the Sunshine Law Notice. *Mayor Bergen arrived 6:55p.m.*

ROLL CALL

On Roll Call the following were present: Councilmembers Sefcik, Bolte, Sheridan (arrived 7:31pm), Kovacs, Mc Peek, Mayor Bergen (arrived 6:55) Others present: Borough Attorney, Richard Rybak and Borough Administrator Ms. Wright Absent: Councilman Gross

RESOLUTION No. 176-10

1. Resolution #176-10 Closed Session Meeting Personnel, Litigation, Attorney-Client Privilege

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:

- A & K

Personnel:

- DPW Employee Milowski
- Police Secretary position

Attorney-Client Privilege:

- Street Sweepings
- BID Ordinance
- Landlord Registration Ordinance

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, Personnel and Attorney-Client Privilege be conducted at said Closed Session and 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: Ms Bolte

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

Nays:

Absent: Councilman Gross

Abstain:

Council went into closed session at 6:55 PM and this meeting was reconvened at 8:02PM

ROLL CALL

On Roll Call the following were present: Councilmembers Sefcik, Bolte, Sheridan, Kovacs (arrived 8:03), Mc Peek, Mayor Bergen. Others present: Borough Attorney, Richard Rybak, Borough Administrator, Ms. Wright Absent: Councilman Gross,

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:05 P.M.

Mark Oldhauser – owns property at 6 Oyster Creek spoke of wind turbine in Union Beach, asked for help in supporting the opposition of wind turbines

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Bob Ludwig, clarified that his communication and petition on the agenda is from him as secretary of the Environmental Commission, not as an individual

There being no more comments or questions from the public, the meeting was closed at 8:13 P.M.

APPROVAL OF MINUTES

June 15, 2010 - Regular

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #14-10 - Amend BID Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS IMPROVEMENT DISTRICT, SECTION 21 OF THE ORDINANCES OF THE BOROUGH OF KEYPORT

Motion was made by Mr. McPeck, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 8:14P.M.

Ed Burlew makes the recommendation that Council not pass this Ordinance tonight.

Kathleen Shaw, 95 Elizabeth Street, gave her credentials and experience as a volunteer and former employee. Has an analysis of private and public funding. Ms. Shaw mentioned the adversarial relationship between public and private sector, feels the ordinance is to measure its quality of public/private partnership.

No annual reports being submitted to qualify what is being done. No demonstrated working partnership with the Borough, promotes politics, feels it warrants the governing body to look into this.

Dr. Curry, business owner and property owner. Thinks it would be good for the Borough to take over the money that the KBA does not use. Ms. Curry stated that she supports the ordinance.

Mike Lane, 51 First Street. Feels a lot of the volunteerism went away and money went for paid consultants. Feels this KBA has changed the Borough with its mini-park and landscaping, asks that Council not implement this ordinance.

Mayor explained that any money not spent would have to be returned to the KBA budget to offset the tax.

Chris Fernicola, does not approve the ordinance amendment. Feels dollars should go for more marketing for the merchants.

Ann Boyce, 74 Elizabeth Street, owns commercial property at 42 Broad Street, asked what the money the Borough takes back from the KBA will be used for

Ed Burlew, spoke of the Mayor showing up at the KBA meeting last night. Also, spoke of \$40,000 put aside to put into mini-park improvements, which he says the Mayor does not support.

Sandra Shevlin spoke of her experience as a member of the KBA

Mike Lane asked the council to hold off until after the KBA election.

Council gave their explanation as to why they support the amendment or not.

There being no more comments or questions from the public, the hearing was closed at 9:13 P.M.

Motion to adopt Ordinance made by Ms. Sefcik second by Mr. McPeek

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

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

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

COMMUNICATIONS AND PETITIONS

1. Application for membership in the Keyport Fire Department/Liberty Hose from Darnell McDonald (contingent upon State approval)

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

- 2 NJ League of Municipalities Notice regarding “9/11 First Responders’ Fundraiser” to be held at Trinity Restaurant on Thursday, August 19th from 7-9PM

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

3. Letter from Monmouth County Park System regarding an extension of the execution of the Municipal Open Space Grant Agreement (Keyport Skate Park Project) from July 21st to October 15, 2010

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

4. Request to change the date of the Keyport Elk’s picnic, and the closing of the road behind the Elk’s Lodge, from September 11th to August 28th

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

5. Application for a Raffle License from Keyport Senior Citizens Advisory Committee for an On-Premise 50/50 cash raffle to be held on October 15, 2010
6. Application for a Raffle License from Keyport Senior Citizens Advisory Committee for a Tricky-Tray to be held October 15, 2010

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

7. Application for a Raffle License from the Keyport Cultural Celebration for a Tricky-Tray to be held October 9th and 10th, 2010 from 11AM-6PM
8. Application for a Raffle License from the Keyport Cultural Celebration Committee for an On-Premise 50/50 Cash Raffle to be held October 9th and 10th, 2010 from 11AM-6PM

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

9. Application to film a Motion Picture from Prudential Productions

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

10. Letter from Jim White regarding Landlord Registration Ordinance

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

11. Memo from Robert Ludwig regarding Termination of NY/NJ Baykeeper Oyster Farming

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

12. Letter from Walter Luers, representing the KBA, regarding the Amendment to the BID Ordinance

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

13. Proposal for Membership from the Fire Department in order to meet the new timeliness requirements for membership to the NJ Fireman's Relief Association – 90 day window rather than 6 months

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

14. Request from Recreation Commission for Street Closings for the Keyport 5K race on September 25th

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for July 2010
2. Tax\Water\Sewer Collector's Report for July 2010
3. Building Department Monthly Report for July 2010
4. Property Maintenance Report for July 2010
5. Municipal Court's Monthly Cashbook Report for July 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. McPeck with ayes by all present.

COMMITTEE REPORTS

Councilman Gross: Police: Absent

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik reminded everyone about the 5K race

Councilman Bolte: Public Works/Recycling/Property Maintenance: No Report

Councilman Sheridan: Fire/First Aid/Emergency Services: Mr. Sheridan read Fire Department and First Aid reports, mentioned that the Fireman's fair was the second most successful ever. Thanked all for the Spanish American Festival

Councilman Kovacs: Finance/Grants/Redevelopment: No report

Councilman McPeck: Buildings/Grounds/Library: Mr. McPeck reported that the Senior Center had repairs done to seam pipes.

UNFINISHED BUSINESS

Ms. Bolte asked about the striping by the Town & Country

ADMINISTRATOR'S REPORT

Ms. Wright reported that Union Beach is requesting the use of tables for their Lobster Fest motion to approve was made and carried with ayes by all present

ATTORNEY'S REPORT

DISCUSSION

Open Space Tax Referendum – Mayor gave an explanation of the Open Space Tax and how it came about, what it's used for and what would happen were it reduced.

Mr. Sheridan appreciated the Mayor's explanation and would now move to pass this.

Ms. Bolte asked about the Police Consolidation Referendum (non-binding). Mayor explained that a consolidation of services could reduce salary & pension costs. Attorney stated that resolution has to precisely state the question.

Motion made by Ms. Bolte/Ms. Sefcik to add resolution #13

RESOLUTIONS

2. Resolution No. 177-10 Appointing Chris Bennett to the Recreation Commission
3. Resolution No. 178-10 Liquor License Renewal – DTV Pizza, t/a Lucky 27
4. Resolution No. 179-10 Declaring Surplus Property
5. Resolution No. 180-10 Authorizing submission of Grant Application and Execution of Grant Contract with the NJDOT for Improvements to Division Street and Osborn Street project
6. Resolution No. 181-10 Authorizing Settlement Agreement – A & K Litigation
7. Resolution No. 182-10 Authorizing approval for Submission and Execution of Grant Agreement to NJ DOT for Broad Street Improvement Project
8. Resolution No. 183-10 Approve Wedding at Waterfront Park Gazebo – Aumack/Bandy
9. Resolution No. 184-10 Authorizing Withdrawal from Contract for Local Health Services with the Monmouth County Regional Health Commission #1 and Notifying Monmouth County Board of Chosen Freeholders of the Borough's Intent to Participate in the Monmouth County Board of Health System
10. Resolution No. 185-10 Awarding Black Rock Enterprises, LLC, the Contract for Improvements to Beers Street Phase III and Authorizing Execution of the Contract Documents
11. Resolution No. 186-10 Authorizing the Purchase of Firefighter Turn Out Gear
12. Resolution No. 187-10 Bills List
13. Resolution No. 188-10 Authorizing Police Consolidation referendum question to be sent to County in a form approved by Borough Attorney

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 10:17 PM

Ed Burlew, spoke of parking lot at Ye Cottage Inn which is owned by the Borough. Was closed during Snapper contest and Fireman's Fair. Mayor had said he would have lot surveyed. Mayor stated that he wants a letter written to Ye Cottage Inn.

Bob Ludwig, 50 Beers Street. Observed at Waterfront Park that there were bikes on the walkway, fishing in front of no fishing signs and a dog off a leash

Mayor mentioned a missing and broken cap stone.

Nancy Carew, 64 Broadway. Asked about NPP Program funding and funding for flower containers on West Front Street. Ms. Carew mentioned the condition of Fireman's Park

Terry Bolte, 65 Elizabeth Street, thanked all for adoption of ordinance, mentioned condition of Cheryl Hill property.

Mike Lane, asked what A&K Litigation was – Mayor explained it was Municipal Building litigation. Mr. Lane stated he appreciated the dialog on Open Space.

Joe Ruth, Keyport PBA President, asked about the roof on municipal building, mentioned Green Durango being declared surplus was donated. Asked why we don't donate it.

There being no more comments or questions from the public the meeting was closed at 9:12 PM

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent: Councilman Gross

ADJOURNMENT

Motion to adjourn the meeting at 10:41 PM was made and carried with ayes by all present.