

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 Joe 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 Gross, Sefcik, Bolte, Sheridan, McPeek (arrived 6:50PM), Mayor Bergen (arrived 6:43PM). Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright. Absent: Councilman Kovacs

RESOLUTION 198-10

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:

Litigation – Workman's Comp Claim, Boat Ramp
Personnel Issues – Police Dept., Municipal Court
Attorney-Client Privilege – Attorney Opinion

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, Attorney Client Privilege, 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: Sefcik, Seconded by: Gross

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

Nays:

Absent: Kovacs, McPeek

Abstain:

Council went into Closed Session at 6:36 P.M. and this meeting was reconvened at 7:19P.M.

Mayor Bergen called the meeting to order at 7:19PM 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, Sheridan, McPeek (arrived 6:50PM), Mayor Bergen (arrived 6:43PM). Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright. Absent: Councilman Kovacs

PROCLAMATION

The Mayor read the Proclamation for Teressa Erickson on her 100th Birthday. It was accepted by her daughter, Elizabeth Walling.

PUBLIC HEARING ON SKATEPARK PROJECT

Mayor Bergen explained that Borough of Keyport was successful in receiving a grant last year from Monmouth County Open Space for the Skate Park. Since that time the Borough had an opportunity to look at a different location. Through discussions with members of the school board this became an option that hadn't been for a while but, unfortunately, you cannot transfer the application from one site to the next and the County requires that a new application be made. This

is changing the site from the Division Street location to the basketball and tennis court location immediately adjacent to the High School on the corner of Jackson and Division Streets. This would keep all recreations activities in one area.

The Borough Administrator explained that this property provides more room and would allow us to add more elements to the skate park.

At 7:25PM motion was made by Councilman Sheridan and carried by Councilman McPeck to open to the public for comments or questions.

Mike Lane, 51 First Street – feels this location is an improvement over the previously selected location.

At 7:26PM motion was made by Councilman Sheridan and carried by Councilwoman Bolte to close the public hearing on the Skate Park Project.

Resolution 199-10 Authorizing the Open Space Trust Fund Application
Motion made by Councilman Sheridan, Second by Councilman Gross

**RESOLUTION 199-10
AUTHORIZING APPLICATION FOR OPEN SPACE TRUST FUND**

WHEREAS, the Monmouth County Board of Chosen Freeholders had approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Keyport desires to obtain County Open Space Trust Fund in the amount of \$156,266.84 to fund the Keyport Skate Park Project to be located at a location known as Block 72, Lot 3, corner of Division Street & Jackson Street, Keyport, New Jersey; and

WHEREAS, the total cost of the project including all matching funds is \$156,266.84; and

WHEREAS, the Borough of Keyport has care, custody and control of said property through a leasehold agreement for a period of more than 25 years.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH OF KEYPORT THAT:

1. The Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The Borough of Keyport is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. The Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

Offered for adoption by Mr. Sheridan, Second by Mr. Gross

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

Nays:

Absent: Kovacs

Abstain:

Motion for a 30 second recess at 7:28 PM was made and carried.

Motion to reconvene was made at 7:29 PM

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:29 P.M.

Marc Oldheimer, 6 Oyster Creek, Keyport asked about the resolution he requested be passed regarding wind turbines.

Motion was made and carried to add wind turbine resolution to the agenda.

Mike Lane, 51 First Street, experienced side effects of new management at the Bayside. Wants to know if this will be discussed prior to the permits being voted on. Brought up Merla issue.

Attorney spoke of ABC regulations. Person convicted of a crime of moral turpitude can apply annually for a rehabilitation employment permit. September 9th an application was filed by Mr. Merla but documents were missing from application. It was expected that he would reapply but he has not done so yet. Also, no list of employees has been submitted. If there is proof that Mr. Merla is working there, that would be a violation of the law.

Nathan Scali, new manager at Bayside addressed some of the issues raised:

- Did have a band
- Definition of hours – band would only be from 2-6
- Corporate structure change has been filed
- Stated Mr. Merla is not an employee there at this time
- Has list of employees

Ms. Sefcik asked how this is a special event when it is every weekend in October. Mr. Scali replied that they hired a special cook for the ribs that will be served.

Councilwoman Bolte and Mayor Bergen asked Mr. Scali a few questions

Bob Ludwig, 50 Beers Street, has problems with the applicant regarding proper conduct. Feels noise is being used as an attraction to the business. Feels the noise was beyond the bounds of acceptability. Mr. Ludwig stated that he would like Council to withhold approval of any of these applications. After Mr. Scali spoke, Mr. Ludwig asked that approval granted only if they agree to follow the guidelines of the noise ordinance.

Mike Lane, asks that applicant be required to stop the band from playing at 9PM. Mr. Scali replied the music will only be played from 2-6pm.

Motion made for the October 10th permit was made by Ms. Sefcik, second by Mr. Sheridan with ayes by all present. With the agreement that the music is to stop at pm and outside alcohol will be only till 9PM.

There being no more comments or questions from the public the meeting was closed at 8:27 PM

APPROVAL OF MINUTES

September 7, 2010 – Work Session
August 17, 2010 – Closed Session

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

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

COMMUNICATIONS AND PETITIONS

1. Letter from Broad Street resident regarding noise from the Car Wash at the corner of Route 36 and Broad Street

Mayor will talk to owner

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

2. Application for Extension of Premises Permit for Kurtis Enterprises, t/a Bayside Bar & Grill, for an event to be held on October 3, 2010

After discussion Council did not authorize for approval.

3. Application for Extension of Premises Permit for Kurtis Enterprises, t/a Bayside Bar & Grill, for an event to be held on October 10, 2010

Motion to approve moved by Ms. Sefcik, second by Mr. Sheridan

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

4. Application for Extension of Premises Permit for Kurtis Enterprises, t/a Bayside Bar & Grill, for an event to be held on October 17, 2010
5. Application for Extension of Premises Permit for Kurtis Enterprises, t/a Bayside Bar & Grill, for an event to be held on October 24, 2010
6. Application for Extension of Premises Permit for Kurtis Enterprises, t/a Bayside Bar & Grill, for an event to be held on October 31, 2010

After discussion Council did not authorize for approval.

7. Email from Environmental Commission President regarding Beach clean-up to be done by Avalon Bay Communities, Inc. on September 24th at 10AM

Motion to receive and file, notify Public works and Lt. Casaletto and refer to Administrator moved by Mr. Sheridan, second by Ms. Sefcik

8. Letter from Keyport Yacht Club regarding their support of the Keyport Harbor Commission's recommendation to purchase additional "no wake" buoys

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

9. Letter from The Wetlands Institute requesting the use of the gazebo, grassy area and beach at the Waterfront Park on Friday, October 22nd from 8AM-11AM. Further requesting the use of picnic tables and the waiving of the \$100 fee

Motion to refer to Administrator to get insurance certificate, moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

10. Petition to Extend Licensed Premises from Bulkhead Bar & Grille for Saturday, September 25, 2010

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for August 2010
2. Tax\Water\Sewer Collector's Report for August 2010
3. Building Department Monthly Report for August 2010

4. Property Maintenance Report for August 2010
5. Board of Health Treasurer's Report for July and August 2010 and Minutes of the Board of Health Meeting of June 8, 2010
6. Municipal Court's Monthly Cashbook Report for August 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. McPeek with ayes by all present.

COMMITTEE REPORTS

Councilman Gross: Police: Mr. Gross reported on the following:

- shared services for gas – had meeting with Administrator and County the savings is not as great as what was thought
- looking into a new police car

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik reported on the following:

- reminder that the Keyport 5K is this Saturday at 8:30 am. Registration is available on-site
- movie screening by Recreation postponed until the Spring
- Summer recreation was successful
- Volleyball was a success as well

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

- NPP is wrapping up. Wayfair signs have been installed. All through grant money.
- Thanked Ed and Nancy Carew for post office strip area
- Meeting with DPW for garbage can issues
- Beers Street Phase II project proceeding
- 5K – Recreation Commission dedicated the race to State Trooper Scott Graham. Tee-shirts will be for sale and monies donated to the Graham family.

Councilman Sheridan: Fire/First Aid/Emergency Services: Mr. Sheridan read the Fire Department and First Aid calls

- Fireman's convention – Fireman won an award as did the First Aid won for "Best Looking Ambulance"
- Thanked Lt. Casaletto for allowing him to go on a DUI check

Councilman Kovacs: Finance/Grants/Redevelopment: Absent

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

- thanked the Garden Club for work at Post Office. Also for maintaining Library beds and highway signs
- Keyport Historical society – fashion show at Yacht Club on October 2nd
- October 4th – ship wreck images at Steam Boat Dock Museum

DISCUSSION

NJ SmartStart Buildings – Direct Install

UNFINISHED BUSINESS

Moving Anchor to highway – Mayor stated he will have a meeting run by Historical Society. There is no general consensus of the Historical Society.

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- Beers Street Phase III project underway, moving ahead with drainage issues
- Entered into an agreement with Legion Apartments access to parking lot
- Administrative Secretary out on disability
- Denise Nellis to be taking over Planning Board
- Sump pump ordinance on website
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ATTORNEY'S REPORT

Made in Closed session

RESOLUTIONS

3. Resolution No. 200-10 Authorizing Adoption of Revised 457 Deferred Compensation Plan
4. Resolution No. 201-10 Amending And Correcting Resolution 112-10 Which Awarded Contract For New Wayfinding Signage To Allied Environmental Signage
5. Resolution No. 202-10 To Extend Operation of Keyport Water Treatment Plant
6. Resolution No. 203-10 Bills List
7. Resolution No. 204-10 Support Union Beach in Opposing Wind Turbines

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:56 P.M.

Ed Carew spoke about the wind turbine resolution. Not sure why we should be against windmills but we do need to look for an alternative energy.

Mark Oldheimer gave more wind turbine information

Sam Minor agrees with Mr. Oldheimer that we do need to find other forms of energy

Nancy Carew stated that many people do not want the anchor moved

Ed Burlew asked about the Ye Cottage Inn Parking lot wants to know what has been done

Mayor stated that a letter has been sent; asked administrator to look into it

Ed Burlew asked about mini park plans. Want to know what is being done.

Mayor responded that Council has to approve whether or not they want it done.

John Merla, 806 4th Street, Union Beach, asked about occupancy level of this room since occupancy level was brought up earlier. Asked about residential sump pumps, are they tied into the sewer system during the road improvement projects.

Mayor explained that the Stormwater can no longer be disposed of in the Sanitary Sewer System.

Mr. Merla has a question of the Police Commissioner. Have you asked to have all establishments check to see that they have employee lists, checked if they are citizens, etc? Mr. Gross replied no. Do you know who the Direct liaison between this Borough and the ABC? Mr. Gross replied Tony Gallo.

Attorney explained that the Governing Body is the liaison to the ABC.

Mr. Merla said he did apply for his permit to work, and the application has been resent. Mr. Merla asked Ms. Bolte if she is conducting any investigation.

Ms. Bolte replied no; Mr. Merla asked if she was filming him. Ms. Bolte replied yes.

Terry Bolte, 65 Elizabeth Street, this is someone who maintained his innocence and was convicted

Bob Ludwig, Environmental Commission could not come to an agreement on the wind turbine issues. Also, mentioned Bayside does not have an unlimited right to create noise during the daytime.

Mike Lane, would like Council to ask Mr. Merla direct questions. Also, asked about revised 457 Deferred Compensation Resolution. Spoke of degradation of the Bay.

Barbara, 79 First Street, thinks anchor looks good where it is.

There being no more comments or questions from the public the meeting was closed at 9:46 PM

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent: Councilman Kovacs

7. Resolution No. 204-10 Support Union Beach in Opposing Wind Turbines

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

Nays: Councilwoman Bolte

Abstain:

Absent: Councilman Kovacs

ADJOURNMENT

Motion to adjourn was made by Mr. Sefcik, second by Mr. Gross with ayes by all present at 9:47 PM.