March 15, 2011
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, 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 McLeod called the meeting to order at 7PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia (arrived at 7:01PM), Mayor McLeod. Others present: Borough Administrator Ms. Wright, John T. Lane, Borough Attorney

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

CONSENT AGENDA

(All resolutions listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.)

R94-11 Payment of Bills
R95-11 Appointing Isaiah Cooper to the Monmouth County Division on Aging, Disabilities & Veteran's Services
R96-11 Calling on the State Legislature and the Governor to Exempt the Reserve for Uncollected Taxes from the 2% Cap
R97-11 Temporary Capital Budget
R99-11 Authorizing Agreement with Kiwanis Club – Use of Firemen's Park for Sunday Flea Market

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:01P.M.

Mr. Lane, 51 First Street, asked for an explanation of Resolution 98-11. Mr. Lane asked for what and why of COLA Ordinance.

Administrator Wright explained the COLA Ordinance is a cap waiver that allows us to bank

Ms. Sefcik asked about the Kiwanis Agreement

Ms. Wright stated that the changes to the resolution are the dates are from April 3rd to December 11, 2011 ending time is 3PM. If condition #& is not met, Borough Administrator has the authority to resolve issue with notification to Council.

Motion to amend resolution made by Ms. Sefcik, second by Mr. Sheridan with ayes by all present.

There being no more comments or questions from the public, the meeting was closed to the public at 7:04 P.M.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

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

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Abstain:
Absent:

APPROVAL OF MINUTES

February 1, 2011 – Work Session

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

Roll Call Vote: Ayes: Councilmembers Sefcik, Bolte, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

KEYPORT BUSINESS ASSOCIATION 2011 BUDGET HEARING AND ADOPTION

The Clerk reads the budget by Title:

KEYPORT BUSINESS ALLIANCE 2011 BUDGET

Motion was made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present to open the Hearing to the public for comments or questions at 7:08 P.M.

There being no more comments or questions from the public, the hearing was closed at 7:08P.M.

R100 -11 Resolution Approving BID Budget and Levy for 2011

Motion to approve made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Chamberlain, Sheridan, Ambrose, Toglia
Nays: Councilmembers Bolte, Sefcik
Abstain:
Absent:

Ms. Bolte spoke of KBA 2009 audit particularly the account procedures.

Auditor spoke of:

- Segregation of duties – not possible due to lack of personnel.
- Formal system of documentation needs to be implemented

Ms. Bolte spoke of concerns with calendar approval. Some events are budgeted for but many not happen.

- Certified audit by statute has not been recorded since 2005 – that is required under state statute
- $35,000 worth of help not identified in this budget

Ms. Sefcik mentioned that Keyport Fest and Haunted House are most likely not happening, but are being budgeted for. Hard to have objective conclusions as to profits and losses of events.

Mr. Sheridan mentioned that he did go to the last visual meeting. The largest expense was the mini-park. Mr. Sheridan feels the KBA could provide a better breakdown. Mr. Sheridan mentioned that he feels the KBA now has an impressive website.

Ms. Bolte stated that the KBA has spent over $650,000 on the mini-park over the last five years; she feels that she would like to see apportion of the money used for façade grants to help business owners.

Mr. Sheridan would like to move the budget but would like KBA to respond to the accounting suggestions and how they plan to address them.

Mayor stated that the amount collected is limited taxation, not subject to general taxation. Most of the line items are fairly small.

Ms. Bolte said that Monmouth County Guides and visitor guides have been included but money has not been spent on them in five years.

Mayor would like Mr. Lane to check that this is a legal organization.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #6-11 – COLA Rate Ordinance

The Clerk reads the Ordinance by Title:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion was made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present to open the Hearing to the public for comments or questions at 7:27 P.M.

Isora Rocano, 326 First Street, asked for an explanation of the Ordinance.

Administrator explained that it has to do with appropriate cap. Our budget is currently $600,000 below. Should we need to exceed this cap, it can be used later, so the savings is not lost. Cost could be used in an emergency.

There being no more comments or questions from the public, the hearing was closed at 7:29 P.M.

Motion to adopt Ordinance was made by Ms. Sefcik, second by Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

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

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain

INTRODUCTION OF ORDINANCES

1. ORDINANCE - Landlord Registration

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XII, BUILDING AND HOUSING, SECTION 12-14.3 Definitions, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Ms. Bolte asked about 13 units affected by change in ordinance – spoke of monies paid in 2010 will be credit in 2011.

Mayor confirmed that they will receive credit for 2011.

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

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose Toglia
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 April 12, 2011was made by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain

2. **BOND ORDINANCE - Improvements to Benjamin Terry Bulkhead and other waterfront facilities due to March 2010 storm damage**

The Clerk reads the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE FIREMEN'S PARK BOARDWALK, THE BENJAMIN TERRY PARK BULKHEAD AND THE WILLIAM A. RALPH PIER, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $725,000 THEREFOR (INCLUDING A $565,868 CONTRIBUTION FROM INSURANCE PROCEEDS) AND AUTHORIZING THE ISSUANCE OF $150,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

Ms. Bolte asked why we are bonding when we got insurance money; thought we would also be receiving FEMA money.

Administrator replied we anticipate that we will receive enough money from the insurance to pay for full project. Not receiving any FEMA money at this time. FEMA only pays for what's not insured.

Ms. Bolte stated Resolution 101-11 is short according to T&M Proposal. Not to exceed should be $104,350 – not $60,750 20% of overall costs going to engineering fees. Would like Administrator to negotiate the engineer costs.

Administrator – taking out construction, administration and , she will negotiate that.

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

Roll Call Vote: Ayes: Councilmembers, Chamberlain, Sheridan, Ambrose Toglia
Nays: Councilmember Bolte
Absent: Councilmember Sefcik
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on April 12, 2011 was made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent
Abstain

R101-11 Resolution Accepting T & M Proposal for Engineering Design, Construction Administration and Observation Services for 2010 March Storm Damage Project – Various Waterfront Locations, et. al.

Title will re be revised to read engineering design services.

Motion to approve made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Chamberlain, Sheridan, Ambrose, Toglia
Nays: Councilmember Bolte
Abstain: Councilmember Sefcik
Absent:

3. **BOND ORDINANCE - Various Road Improvements – Division St., West First St., West Second St., Chingarora Ave., and Luppatatong Ave – NJ DOT Grant Project**

The Clerk reads the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $900,000 THEREFOR (INCLUDING A $250,000 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND A $194,559 GRANT FROM

THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF $445,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

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

Roll Call Vote: Ayes: Councilmembers Chamberlain, Sheridan, Ambrose Toglia
Nays: Councilmembers Bolte, Sefcik,
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on April 12, 2011was made by Mr. Sheridan, second by Ms. Ambrose

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain

R102-11 Resolution Accepting T & M Proposal for Engineering Design, Construction Administration and Observation Services for 2011 Community Development Block Grant Project (CDBG) – West First Street, et. al. (with correction)

Motion to approve made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays: Councilmember Bolte
Abstain:
Absent:

Ms. Bolte – Now therefore be it resolved,….West Front Streetscape – should read West Frond Street

Ms. Sefcik asked the Mayor to talk about the project

Mayor application to obtain a Community Development Grant for various streets. Application was done before Mayor was in office.

Administrator – application was done by Trevor Taylor and Administrator Wright.

R103-11 Resolution Accepting T & M Proposal for Engineering Design, Construction Administration and Observation Services for NJ DOT Grant Project

Motion to approve made by Mr. Sheridan, second by Ms. Ambrose

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays: Councilmember Bolte
Abstain:
Absent:

Ms. Bolte went over corrections to resolutions which references CDBG and West Front Streetscape. Ms. Bolte is concerned that since we scaled back the project the grant money may be scaled back.

Administrator thinks that we are getting $250,000 and the Borough will be funding the remainder.

4. BOND ORDINANCE - USDA Grant & Loan Project for Sewer Utility Improvements

The Clerk reads the Ordinance by Title:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE #8-09 (WHICH PROVIDES FOR SANITARY SEWER SYSTEM UPGRADES) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATEOF NEW JERSEY, ON SEPTEMBER 1, 2009, TO

INCREASE THE APPROPRIATIONTHEREIN BY $1,900,000 AND TO INCREASE THE AUTHORIZIATION OF BONDS ANDNOTES THEREIN BY $1,900,000

Ms. Sefcik asked Administrator to explain the process

Administrator explains that we have $700,000 in Grant money, $1.2 million in loan – over 40 years at 2%

Must expend the grant first and then get the loan. It is a loan. $800,000 will be paid with the grant.

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

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose Toglia
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 April 12, 2011was made by Mr. Sheridan , second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain

R98-11 Resolution Authorizing Application to Local Finance Board for Waiver of Down Payment on USDA Sewer Improvements

Motion to approve made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Abstain:
Absent:

COMMUNICATIONS AND PETITIONS

1. Letter from Jesus the Lord Church requesting approval for two processions during their Holy Week celebration: Palm Sunday Procession – April 17th from 11:15AM-12Noon and Good Friday Procession, April 22nd, from 4:15pm to 4:45pm

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

2. Application for a Social Affairs Permit from the Keyport Fire Department for their Annual Firemen's Fair to be held July 18th-July 23rd

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

3. Email from Monmouth Arts Council regarding Monmouth Arts Salon to be held at Trinity Restaurant on Wednesday, April 13, 2011. Co-Hosted by the Art Society of Keyport

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

Ms. Sefcik – will do a walk at water front of mosaic project.

4. Request from the Wetlands Institute/NJ Marine Education Association to use the Waterfront Park facilities on Tuesday, October 4th for a Teacher's Workshop

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

5. Communication from Espresso Joe's requesting to use the mini-park, electricity and a waiver of Certificate of Insurance for the 4th Annual "Keyport Twilight Concert Series" starting Fridays and Saturdays in May through August from 7-9PM

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

Mayor mentioned sewer line issue at mini-park.

Ms. Sefcik is concerned about waiving of insurance. Administrator explained why the Borough would need them to provide insurance.

Mr. Toglia feels we are getting a lot of bang for the buck.

Sonny from Espresso Joe's explained that it cost about $20 a show to extend his insurance.

Administrator explained the issue with a 6' sanitary sewer line at the mini-park which needs repair and would disrupt any use of the park. Administrator feels it would create a liability to waive insurance.

Mr. Toglia would like to find a creative way to help since the Borough gets something from it, may approach KBA.

Robert Bergen if he is not deriving income or selling tickets he may be able to be under the Borough's insurance.

Administrator responded that this is not a Borough event.

6. Letter from the Keyport First Aid Squad requesting approval for the use of Firemen's Lot on March 27th from 7-9PM for an extrication drill between the First Aid and a company of the Fire Department

   Motion: 2nd: Ayes: Nays:

7. Email from Keyport Recreation Commission requesting permission to hold the Fifth Annual KeyportFest 5K on Saturday, September 24, 2011

   Motion: 2nd: Ayes: Nays:

8. Application for a Street Opening Permit from NJ Natural Gas for two openings at 21 Kearney Street for the purpose of renewing gas service

   Motion: 2nd: Ayes: Nays:

9. Request from Keyport Fire Department for approval to proceed with a new monument and improvements to Firemen's Park

   Motion: 2nd: Ayes: Nays:

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for February 2011
2. Tax/Water/Sewer Collector's Report for February 2011 and 2010 Annual Report
3. Building Department Monthly Report for February 2011
4. Property Maintenance Report for February 2011
5. Board of Health Monthly Treasurers Report for February 2011
6. Municipal Court's Monthly Cashbook Report for February 2011
7. Minutes of the Keyport Recreation Commission meetings of January 6th and February 3rd, 2011
8. Keyport Environmental Commission 2010 Annual Report

Motion: 2nd: Roll Call: Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia

COMMITTEE REPORTS

Councilwoman Bolte: Public Works/Recycling/Property Maintenance

Councilwoman Sefcik: Health and Recreation:

Councilman Chamberlain: Fire/First Aid/Emergency Services:

Councilman Sheridan: Police:

Councilwoman Ambrose: Finance/Grants/Redevelopment:

Councilman Toglia: Buildings/Grounds/Library:

DISCUSSION

Council Liaison to Historical Society

UNFINISHED BUSINESS

ADMINISTRATOR'S REPORT

ATTORNEY'S REPORT

PUBLIC COMMENT PORTION

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

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

Motion made by Mr. Sheridan, second by Ms. Ambrose with ayes by all present

CLOSED SESSION

R104-11 Closed Session Resolution:

RESOLUTION NO. 104-11
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:

§ Sale of Borough Property
§ Boat Ramp Insurance Claim

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 Sale of Borough Property and Boat Ramp Insurance Claim 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: Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Came out of closed session at 10:45 PM

ADJOURNMENT

Motion to adjourn was made and carried at 10:45 pm