

approved 5/6/2008

December 18, 2007
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.

Mayor Bergen called the meeting to order at 7:33P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Ortman, Bolte, Hill, Walling, Hassmiller, Mayor Bergen. Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Valesi.

RESOLUTION

1. Resolution #313-07, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel

1. Disciplinary Action - Building Department Employee

Litigation

1. K. Hovnanian - May 6th Special Meeting
2. Municipal Building
3. Lease for DPW

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

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 for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Sheridan, seconded by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:
Abstain:
Absent:

Mayor Bergen called the meeting to order at 8:03 P.M. and read the Sunshine Law Notice.

APPROVAL OF MINUTES

October 17, 2007 Minutes - Closed
December 4, 2007 - Closed

Offered for adoption by Mr. Sheridan, seconded by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:
Abstain:
Absent:

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Ortman, Bolte, Hill, Walling, Hassmiller. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Borough Administrator Valesi.

HEARING ON ORDINANCE

1. Ordinance #24-07, Prohibiting boat storage in general commercial zone with certain exceptions

The Clerk read the Ordinance by Title:

**AN ORDINANCE PROHIBITING THE STORAGE OF BOATS IN THE GENERAL
COMMERCIAL ZONE OF THE BOROUGH OF KEYPORT**

BE IT ORDAINED, by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport be and is hereby amended and supplemented to provide as follows:

Section 1. No person shall be permitted to store any boat or boats outside in the general commercial zone except at licensed marinas and/or boat storage facilities.

Section 2. All Ordinances and/or provisions thereof inconsistent with the provision of this Ordinance shall be and are hereby repealed as to the extent of any such inconsistencies.

Section 3. If any section, subscription, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon passage and publication according to applicable law.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading on October 16, 2007 and will be considered for final passage and adoption at the meeting of the Mayor and Council, Borough of Keyport, County of Monmouth, State of New Jersey, to be held Monday, November 5, 2007 beginning at 8:00PM in the Municipal Complex, Council Chambers, 70 West Front Street, Keyport, NJ, when objections, if any, to the passage of same will be received.

Offered for adoption by Mr. Walling, seconded by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:
Abstain:
Absent:

Motion was made and carried to Open Public Hearing at 8:04 P.M.

Mike Lane - what would be the fine for violation?

Motion was made and carried to close public hearing at 8:06PM

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, December 20, 2007 issue moved by Mr. Sheridan, seconded by Mr. Ortman, with Ayes by all present.

2. Ordinance #26-07, Adding an Additional Handicapped Space and Deleting a Handicapped Parking Space

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING ' 7-5 SCHEDULE XXI
(PARKING AREA FOR HANDICAPPED PERSONS) OF TRAFFIC
REGULATIONS OF THE BOROUGH OF KEYPORT**

WHEREAS, the Mayor and the Borough Council are aware that the present Traffic Ordinances allow for handicapped parking on certain streets at certain times in certain areas of the Borough, and

WHEREAS, the Borough Police Department has produced recommendations as to appropriate handicapped parking in the Borough of Keyport, and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature, and

WHEREAS, pursuant to N.J.S.A. 39:4-197 the Borough of Keyport may designate as restricted parking spaces for use by persons who have been issued a special vehicle identification card by the New Jersey Motor Vehicles Commission. Now therefore

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that ' 7-5 Schedule XXI of the Revised Ordinances of the Borough of Keyport are amended by adding the following;

Name of Street	Side	Location
Warren Street	Northwest	40 feet from the northwest corner of the intersection of Warren Street and Division Street

and by deleting the following;

Name of Street	Side	Location
First Street	East	Beginning 50 feet east from the extended easterly curbline of Spring Street and continuing 22 feet east there from.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Motion was made and carried to open public hearing at 8:07PM. Seeing no one, motion was made and carried to close the public hearing at 8:07PM.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:
Abstain:
Absent:

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, December 20, 2007 issue moved by Mr. Walling, seconded by Mr. Ortman, with Ayes by all present.

3. Ordinance #27-07, Authorizing Keyport Fire Museum Education Association to Lease Municipal Property

The Clerk read the Ordinance by Title:

**AN ORDINANCE OF THE BOROUGH OF KEYPORT
AUTHORIZING LEASE OF MUNICIPAL REAL PROPERTY TO
THE KEYPORT FIRE MUSEUM EDUCATIONAL ASSOCIATION**

WHEREAS, the Mayor and Council of the Borough of Keyport recognize the important public purpose of a Fire Museum located in the Borough of Keyport to help educate the public about the honorable, courageous and selfless public service of firefighters and the history of the Keyport Volunteer Fire Department; and

WHEREAS, the citizens of the Borough of Keyport as well as visitors will benefit from the educational experience provided by the museum; and

WHEREAS, the Borough of Keyport may lease real property, not needed for public use, for nominal consideration to nonprofit corporations for a public purpose without public bidding pursuant to N.J.S.A. 40A:12-14; and

WHEREAS, N.J.S.A. 40A:12-15(g) defines a purpose for which leases for a public purpose may be made as any civic or historic programs or activities by duly incorporated historical societies; and

WHEREAS, the Borough Business Administrator is hereby designated as the officer responsible for enforcement of the conditions of the lease; and

WHEREAS, The Keyport Fire Museum Educational Association is a nonprofit corporation of the State of New Jersey under N.J.S.A. 15A:1-1 et seq.; and

WHEREAS, The Keyport Fire Museum Educational Association shall annually submit a report to the Business Administrator setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and proof of the continued valid corporate existence and tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, if in the opinion of the Borough of Keyport Business Administrator, subject to approval of the Mayor and Council, the leasehold is not being used for a valid public purpose the lease shall be immediately void.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that the Business Administrator is hereby authorized to negotiate and execute a lease agreement between the Borough of Keyport and the Keyport Fire Museum Educational Association for a five year term for the consideration of one dollar (\$1.00) per year with such terms as the Business Administrator determines are in the best interests of the Borough of Keyport.

Motion was made and carried to open public hearing at 8:08PM. Seeing no one, motion was made and carried to close the public hearing at 8:08PM

Offered for adoption by Mr. Sheridan, seconded by Mr. Hill

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:

Abstain:

Absent:

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, December 20, 2007 issue moved by Mr. Ortman, seconded by Mr. Sheridan, with Ayes by all present.

COMMITTEE REPORTS

Councilman Ortman; Police: Mr. Ortman asked Captain Mitchell for an update on progress of recruits at the Academy. The Graduation for these recruits is Wednesday. Capitan Mitchell reported that two new recruits (Johnson & Wheeler) will be training with officers for 1 ½ month.

Councilwoman Bolte; Finance: NPP meeting is January 8th at 7:00 PM in the Council Room. A plan has been put together for a five (5) year grant for the target area.

We are forming a Garden club in January; this club will meet the second Wednesday of the month at 7PM

Researching travel and tourism grant; still possible - County Art Council Grant. (501C3 - Charitable Organization)

Councilman Hassmiller; Building & Grounds/Library: Library Board meeting - Mr. Sheridan went in his place; Marilyn Viray.

Councilman Hill; Health/Recreation/Parks: Mr. Hill reported that the summer recreation program budget was accepted. Tomorrow night is recreation's second Parents' Night Out from 6pm - 8 pm.

Councilman Sheridan; Fire. Mr. Sheridan updated felt that the Fire Department election went well. Congratulations to the new Chief. The Borough lost out on an ambulance grant. First Aid had Toys for Tots - Jersey Drive.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling thanked Mr. and Mrs. Seckinger, for their work as property maintenance officers. Public works has a plan for the leaf problem.

Engineer Norbut: Mr. Norbut had no report

Attorney Wisniewski: Mr. Wisniewski had no report

Administrator Report: Reported on Waterfront project-base on western side of Broad Street

Option A - all bulkhead work done. Structural work complete. Tank removal at the Boat Ramp. Resolution added to move forward on Waterfront Park with T&M. Preliminary review meeting for Beach and Therese Parks with T&M

Contract negotiations options being reviewed Wednesday; PBA negotiation meeting is set January 10th.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for November 2007.
2. Tax/Water/Sewer Collector's Report for November 2007.
3. Monthly Report for Building Department for September and October 2007.
4. Board of Health Treasurer's Report for October and November 2007 and Minutes of October 16th and November 13th Meetings.
5. Keyport Property Maintenance report for November 2007.
6. Municipal Court's Monthly Cashbook Report for November 2007.
7. Keyport Recreation Commission Minutes of November and December 2007.

All reports are on file in Borough Clerk's Office for review.

Motion to Receive and File all reports as read, moved by Mr. Walling, second by Mr. Ortman, with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Application for Street Opening Permit at 12 Luppataong for the purpose of installing a sewer line to new construction

Motion to refer, moved by, second by, with Ayes by all present.

2. Application for Street Opening Permit at 19 Division Street from NJ Natural Gas Company for the purpose of an oil conversion

Motion to, moved by second by with Ayes by all present.

3. Letter from Interfaith Neighbors regarding Senior Nutrition Site Report

Motion to receive and file moved by Mr. , second by Mr. , with Ayes by all present.

4. Results of Keyport Fire Department Election

Motion to receive and file moved by Mr. Ortman, second by Mr. Hill, with Ayes by all present.

5. Letter from Keyport Business Alliance requesting approval of tentative calendar of events. Ms. Bolte requests approval with the exception of the Italian festival.

Motion to receive and file moved by Mr. Sheridan, second by Mr. Ortman, with Ayes by all present.

6. Application from St. Joseph Church for Off-Premise 50/50 Cash raffle from to be held nightly from May 28, 2008 - June 1, 2008

Motion to approve moved by Mr. Sheridan, second by Mr. Hassmiller, with Ayes by all present.

7. Application from St. Joseph Church for Off-Premise 50/50 Cash raffle from to be held nightly June 1, 2008

Motion to approve moved by Mr. Sheridan, second by Mr. Hassmiller, with Ayes by all present.

8. Application from St. Joseph Church for On Premise Non-Draw Raffle Carnival Games to be held nightly from May 28, 2008 - June 1, 2008

Motion to approve moved by Mr. Sheridan, second by Mr. Hassmiller, with Ayes by all present.

9. Application from Eagle Hose Fire Company for Off-Premise Cash Raffle to be held July 19, 2008

Motion to receive and file moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

10. Application from St. Joseph PTA for Bingo License to be held Sundays from January 6, 2008 to November 23, 2008

Motion to receive and file moved by Mr. Sheridan, second by Mr. Ortman, with Ayes by all present.

11. Application from St. Joseph Church for Bingo License to be held Wednesdays from January 2, 2008 to December 17, 2008

Motion to receive and file moved by Mr. Sheridan, second by Mr. Hassmiller, with Ayes by all present.

12. Proposal to Implement a Seasonal Volunteer Park Ranger Program from Tim Regan

Motion to turn over to Police Department and Administration moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

13. Application for Street Opening Permit at 24 Prospect Street for the purpose of oil conversion.

Motion to refer to Administration moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

14. Application for Street Opening Permit at 317 Beers Street for the purpose of oil conversion.

Motion to Refer to Administration moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

15. Application for Street Opening Permit for 496 Route 36 (opening will be on Broad) for the purpose of retiring gas service.

Motion to Refer to Administration moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

16. Application for Street Opening for 64 Washington Street for the purpose of Emergency Gas Leak Repairs (work performed 12/7/07)

Motion to Refer to Administration moved by Mr. Sheridan, second by Mr. Hill, with Ayes by all present.

UNFINISHED BUSINESS

RESOLUTIONS

1. Resolution #314-07 Authorizing Approval of Fire Department's Ladder Truck Repair
2. Resolution #315-07 Authorizing Execution of SCAT Agreement
3. Resolution #316-07 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Recreational purposes pursuant to P.L.1999,c.292
4. Resolution #317-07 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Donations for Civic Maintenance and Beautification Pursuant to N.J.S.A. 40A:5-29
5. Resolution # 318-07 Approving Contribution to Keyport Indians Pee Wee Cheerleaders
6. Resolution #319-07 Authorizing Non-Union Employee Salaries
7. Resolution #320-07 Accepting Proposal of and Authorizing T&M Associates to Conduct Design and Permitting Services for the Waterfront Park
8. Resolution #321-07 Payment of Bills
9. Resolution #322-07 Authorize Borough Attorney to file counter claim against Birdsall
10. Resolution #323-07 Authorize 501C3 Corporate for Borough's 100th Centennial Anniversary

Offered for adoption by Mr. Walling, seconded by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Sheridan, Ortman, Bolte, Hill,
Walling, Hassmiller

Nays:
Abstain:
Absent:

All resolutions are on file in Borough Clerk's Office for review.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 8:32P.M.

Councilman Walling asked about the curb in front of the museum. "Is that going to be a problem?" Mr. Valesi reported that the best geometric entrance he could get low impact road designed to be 24 ft wide-now 27 ft wide.

Mayor Bergen wished everyone a healthy, happy prosperous new year! Looking forward to a better next year.

Mr. Hassmiller - civilians donated money to food bank totaling \$360.00 to Isaiah Cooper.

Mike Lane, 51 Beers Street, would like to thank all for their efforts, "What is the closing date Aeromarine RFQ? " - January 9th

Mike Lane, status on Pay-to-Play? Wisniewski responded that towards beginning of year should introduce the ordinance.

What is the timeframe on T&M work? End of January or beginning of February it should go out to bid. Actual construction should begin after Labor Day.

Mr. Valesi replied he is hard-pressed to get out to bid by February, more like June/July.

Mayor - we will have a better answer from the Engineer once approved for the work.

Mr. Lane - suggested the Borough might want to think about how to involve Smart Growth Committee and Harbor Commission in that short time frame?

Asked whether there is a lawsuit still going on this building? Yes, had a settlement with one of the defendants.

Borough Attorney - regarding Defino case - Birdsall filed for delay damages regarding monies owed to them for work done for Planning Board.

Mr. Ludwig, 50 Beers Street, Asked the status on approvals for PA phase of Aeromarine.

Mr. Valesi, access agreement with their attorneys not yet signed by property owners.

Apollo Sewer? Still waiting for permissions, Country Side, Longview, and Sherry Hill litigations are against Planning Board.

Mr. Mongiello, 313 Main Street, there is water on Jackson & Main? Part of Cedar Street design - award has been made to do the work

John Olsen, Harbor Commission, Promenade pushed off to Spring? Mr. Valesi, said yes, fits in to tanks at the boat ramp about 2 ½ weeks of work after remobilize. Concentrating on getting base contract complete.

Mike Lane, what is Longview Ventures complaint? Looking to change their approval

Action states Planning Board was unreasonable - arbitrary and capricious.

Councilman Ortman - Asked about property revaluation. Mr. Valesi, second round of tax map updates, RFP - reval contracts asking state to give condition approval of our tax maps - maps must be done before assessments are put in place. Reval should go to bid in about a 45 day period.

Mr. Valesi; said at a 41% ratio, currently hammered with tax appeals (to the tune of \$100,000 this year).

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 9:13PM.

ADJOURNMENT

Motion was made and carried to adjourn at 8:57 PM.

