

Approved 8/19/08

March 4, 2008
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Bergen called the meeting to order at 6:33 P.M. and the Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION 97-08

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:

1. Personnel:
 - DPW
 - Municipal Court - Prosecutor's position
2. Contract Negotiations

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 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, second by Mr. Ortman

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

Nays: None
Abstain: None
Absent: None

Mayor Bergen called the meeting to order at 7:15 P.M. and Borough Clerk Valerie Heilweil read the Sunshine Law.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Mayor Bergen read the Proclamation "NEA's Read Across America"

APPROVAL OF MINUTES

Minutes of the Regular Meeting September 19, 2006.

Motion to accept by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. **Ordinance No. 10-08 - Fee for use of Lighting at Cedar Street Field**

The Clerk reads the Ordinance by Title:

**AMENDING BOROUGH OF KEYPORT ORDINANCE 11-1
CEDAR STREET PARK**

WHEREAS, pursuant to N.J.S.A. 40:48-1 The Power to Adopt Public Ordinances for Public Health, Safety and Welfare of the Municipality as residence is coterminous with the power of the legislature, and

WHEREAS, the Mayor and Borough Council wish to amend Ordinance 11-1 to add a section requiring a fee for the use of the lights for the athletic facilities at Cedar Street Park, and

WHEREAS, the fees for the use of lights for said athletic facilities will help defray the cost of electricity and the maintenance of the lighting system.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance 11-1 entitled **CEDAR STREET PARK** is hereby amended by adding the following section:

11-1.3(a) Permit Required for Use of Athletic Facility Lights. No person shall use the athletic facility lights without first securing a permit for the use thereof from the Borough Clerk or person designated therefore.

11-1.3(b) Fee for Use of Athletic Facility Lights. The fee for use of the Cedar Street Park Athletic Facility lights shall be \$100.00 per season, or any portion thereof, for teams or organizations registered to use the facility. Said fee shall be made payable to the Borough of Keyport and submitted to the office of the Borough Clerk.

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 to Introduce by Mr. Walling, second by Mr. Hill

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

Nays: Councilmembers: Kovacs, Sheridan

Abstain: None

Absent: None

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 6, 2008, issue, for a Hearing to be held on March 18, 2008 issue moved by Mr. Walling, second by Mr. Ortman

2. **Ordinance No. 11-08 - Setting Salary Range for Alternate Borough Prosecutor**

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH OF KEYPORT ORDINANCE NO. 23-05
FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS
AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J.
IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

WHEREAS, the Mayor and Borough Council wish to amend Ordinance No. 23-05 fixing the salaries of the various officers, clerks and employees of the Borough of Keyport to create the position of Alternate Municipal Prosecutor.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance No. 23-05, Section 2 is hereby amended as follows:

<u>Alternate Municipal Prosecutor</u>	<u>\$500.00</u>	<u>\$2,500.00 annually</u>
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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.

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Motion to introduce moved by Mr. Sheridan, second by Mr. Ortman

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

Nays: None

Abstain: None

Absent: None

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 6, 2008, issue, for a Hearing to be held on March 18, 2008 issue moved by Mr. Walling, second by Mr. Sheridan

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance No. 08-08 - Permitted Number of Club Liquor Licenses

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of February 21, 2008, that the Affidavit of Publication is on file in her office, and that copies were posted on the Bulletin Board and made available to the public.

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING
THE BOROUGH OF KEYPORT ORDINANCE 6-3.4
LICENSE FEES; MAXIMUM NUMBER**

WHEREAS, the Mayor and Council of the Borough of Keyport support clubs that promote benevolent, charitable, fraternal, social, religious, recreational and athletic activities or similar purposes within the Borough; and

WHEREAS, the Mayor and Council of the Borough of Keyport find that the maximum number of club licenses set by Borough Ordinance to be inadequate; and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to increase the number of club licenses within the Borough of Keyport; and

WHEREAS, N.J.S.A. 33:1-12 grants municipalities, subject to the rules and regulations of the Division of Alcoholic Beverage Control, the authority to issue club liquor licenses; and

WHEREAS, there is no State law governing the number of club licenses that may be issued, however, pursuant to N.J.S.A. 33:1-40, the Borough may limit the number of club licenses by ordinance; and

WHEREAS, the Mayor and Borough Council wish to amend a section of Ordinance 6-3.4 to increase the number of club license that may be issued in the Borough of Keyport from five (5) to six (6); and

NOW THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that:

The Code of the Borough of Keyport, Ordinance 6-3.4 entitled **License Fees; Maximum Number**, is hereby amended as follows:

6-3.4 License Fees; Maximum Number. The maximum number of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

Class of License	No. of Licenses
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Plenary Retail Consumption License	12
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Plenary Retail Distribution License	1
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Club License	5 <u>6</u>
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The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licenses presently issued. (Ord. #12-81, \$1; New; Ord. #4-90, \$1; Ord. #8-91, SI; Ord. #10-92, SI; Ord. #3-99, \$1)

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.

Motion to Open Public Hearing at 8:03 P.M. moved by Mr. Sheridan, second by Mr. Kovacs with Ayes by all present.

Motion to Close Public Hearing at 8:03 moved by Mr. Ortman, second by Mr. Walling with Ayes by all present.

Motion to Adopt moved by Mr. Kovacs, second by Ms. Bolte.

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

Nays: None
Abstain: None
Absent: None

Motion was made and carried authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 6, 2008, issue, for a Hearing to be held on March 18, 2008.

KBA 2008 BUDGET HEARING AND APPROVAL

2. Resolution No. 98-08 Authorizing the Borough Clerk to Read the 2008 Business Improvement Budget by Title

WHEREAS, the Borough Clerk heretofore posted a complete copy of the approved 2008 Budget in accordance with R.S.40A:4-8(la, lb); and

WHEREAS, copies of said Budget were available to each and every person requesting the same during the week prior to this Hearing and at the time of this Hearing; and

WHEREAS, a Budget Summary was advertised in the Courier on February 21, 2008 said Budget Summary was published in accordance with N.J.S.A.40A:4-6.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the 2008 Budget was advertised, posted and distributed, be read at the Public Hearing by Title.

Motion to Open Public Hearing at 8:33 P.M. moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

Art Olsen said reduced bid assessment by 25%. Tried maintaining fiscal discipline. Feels Councilwoman Bolte is doing a phenomenal job.

Mr. Olsen gave a summary of things being done and a list of accomplishments.

Cliff Moore IHOP owner would like to use: Visit Keyport.com Every business in town will have its own web page. Will have a training session to learn how this website functions. Business owners will have a face-to-face to set up website; will sell banner ads, feels website will pay for itself within two years. It should be up and running by mid-April. Keyport online or Keyport KBA will initially feed into this new site.

Chief Tom Mitchell talked about visual improvements, street scape plan - West Front Street, Phase II - Mini Park. Meeting is planned this month to bring back to KBA Board and then Council.

Bob Ludwig, asked questions regarding site. Mayor mentioned this is about the budget. "Maybe they can meet with you?"

John Ambrose said it sounds great. What was the historical impact on the increase in parking in Princeton? Mr. Moore said it will benefit service oriented businesses as well.

Al DeGrassia, 23 Osborne Street, will the upcoming event be listed on this website? Yes, as well as the calendar.

Rowland Seckinger, 60 Walnut Street, excited about possibility of visual improvements. Would like to see no more trash on West Front Street - "A pretty lady with a dirty face."

Mike Lane feels tremendous progress from last year's efforts to this year's effort.

Art Olsen thanked to various people. Are there any questions from Council?

Mr. Walling thanked KBA for their hard work and more professionalism.

Ms. Bolte asked what was left at the end of 2007; about \$6,000. Mr. Olsen said they had \$30,000 surplus beginning in 2007. Ms. Bolte said now reduced to \$15,000 on 2008 budget. Mr. Olsen stated that the most successful event was "Santa coming to town." Ms. Bolte states that she is worried KBA is going to sell themselves short. Some money did not get spent. Taking from one line item to give to another line item. Borough winds up with the events that KBA does not do because people expect the event to happen (i.e., Memorial Day Parade). KBA now has an Administrator that will put in about 10 hours a week (Joe Wedick). He works as an outside consultant, will he get a 1099.

Ms. Bolte would like to see a line item for supplemental police costs to take some burden off the Borough. Got some numbers for events' costs from Chief for Police Department costs. Also, get some numbers for supplemental cleaning. Thinks the town is "more filthy" than it has been in years.

Mr. Olsen has a problem with KBA paying to have sidewalk swept. Ms. Bolte would like to see money allocated towards that anywhere there is pedestrian traffic and an overall view. It's a perception issue. Thinks website is a great idea.

Mayor mentioned cut in State Aid of \$370,000 - a 30% cut in Keyport's level of State Aid. Need to sit down and see how additional Police costs can be met.

Ordinance for Cedar Street Field, Mr. Sheridan thinks that \$100 a month is a lot and would like \$100 a season.

Motion to Close Public Hearing at 8:44 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

3. Resolution No. 99-08 - Approving Bid Budget and Levy for 2008

WHEREAS, the Business Improvement District has submitted the attached Budget for the Year 2008, and

WHEREAS, the Budget has been properly advertised and a hearing has been held,

NOW THEREFORE BE IT RESOLVED, that the Levy for the Business Improvement District for the year 2008 be \$150,000.00 (One-Hundred Fifty Thousand Dollars).

Offered for adoption moved by Mr. Walling, second by Mr. Hill

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

Nays:

Abstain:

Absent:

COMMUNICATIONS AND PETITIONS

1. Request for Raffle License from BPOE #2030 Keyport-Matawan (Elks Club) for a Pull-Tab Machine from March 26, 2008 - March 25, 2009

Motion to Receive and File moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

2. Request for Raffle License from Liberty Hose Co. #3 for Games of Chance to be held July 14-July 19, 2008

Motion to Receive and File moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

3. Request for Raffle License from Keyport Hook and Ladder Co. for an On-Premise 50/50 cash raffle to be held July 14-July 19, 2008

Motion to Receive and File moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

4. Request for Raffle License from Board of Fire Wardens for Games of Chance to be held July 14, 2008-July 19, 2008

Motion to Receive and File moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

5. Request from St. Joseph's Church to use Borough picnic benches for their parish fair to be held Wednesday, May 28th thru Sunday, June 1st, 2008

Motion to receive and File subject to not being needed for other events moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

6. Request from St. Joseph's Church for a portion of Geran Street, from Woolley Street to Broadway, to be closed during their parish fair during the following days and hours: 5/28 and 5/29 from 6PM - 11PM, 5/30 from 6PM - 11:30PM, 5/31 from 4PM - 11:30PM and 6/1 from 4PM - 10:30PM

Motion to Refer to Chief Mitchell to handle traffic moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

7. Request from St. Joseph's Church for approval to hold fireworks display on church property on May 30th, 2008 (rain dates May 31st or June 1st)

Motion to Refer to Fire Department and Police Chief moved by Mr. Kovacs, second by Ms. Bolte with Ayes by all present.

8. Letter from Darnell McDonald, President of Keyport First Aid Cadet Squad, requesting a donation from the Borough - Mr. Sheridan spoke - great group of people "family-type atmosphere."

Resolution to donate \$250.00 moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

UNFINISHED BUSINESS

Mr. Sheridan would like meeting on temporary skate park. Mayor Bergen will look at two potential spots.

ADMINISTRATOR'S REPORT

Administrator Valesi: Mr. Valesi reported that they are receiving bids on March 12th. We will have quotes on March 13th for revaluation process. American Legion Drive will not be open to traffic until road is topped and approved by DEP probably in May. Promenade should be opened by end of week. Working on a final punch list.

Boat ramp tank removal project will be a three week project. Will look into relocating gazebo. DEP should have indication on what we are opening at the end of the week. Will try to direct pedestrians on where they need to go.

Mr. Kovacs concerned about losing boat ramp revenue. Mayor, there is no charge from March 1st to May 1st.

Mr. Sheridan asked about tank remediation. "Are we using street sweeping fill?" No; that will be used under parking lot.

Administrator states that the building will eventually be replaced by another building. Option A start on March 24th, dependant upon weather holding out as is.

Mr. Kovacs asks about holdup on Cedar Street. Administrator stated winter was a holdup; decided we can get a better product in March. Mr. Kovacs asked whether we will be starting again this month on Cedar Street, yes. Plans are dependant on what contractor wants to do.

ATTORNEY'S REPORT

NEW BUSINESS

Mr. Sheridan, Easter Egg Hunt is Saturday, March 15th from 1 to 4 at the Central School and the Tricky Tray is Saturday at 6:30 P.M. Tickets are \$8.00 at the First Aid Ladies Auxially.

RESOLUTIONS

4. Resolution No. 100-08 Approving Temporary Capital Budget
5. Resolution No. 101-08 Authorizing Payment Plan
6. Resolution No. 102-08 Authorizing Payment Plan
7. Resolution No. 103-08 Authorizing Refund of 100% Disabled Veteran's Taxes
8. Resolution No. 104-08 Appointing Library Board Member
9. Resolution No. 105-08 Authorizing Releasing the Performance Guarantee for Valley National Bank
10. Authorizing Monmouth County Mosquito Extermination Commission Aerial Surveillance and Treatment Program for the Year 2008 **(PULLED)**
11. Resolution No. 106-08 Authorizing a Donation to Support the Keyport Ministerium Food Pantry
12. Resolution No. 107-08 Payment of Bills
13. Resolution No. 108-08 Appointing Prosecutor upon receipt of letter of resignation Joe Lombardi
14. Resolution No. 109-08 Resolution to approve KBA event calendar
15. Resolution No. 110-08 Resolution to donate \$250 to Keyport First Aid Squad Cadets

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

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

Nays:
Abstain:
Absent:

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

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:18 P.M.

Cliff Moore stated that any fundraising can be done in front of his restaurant. Ten per cent of IHOP proceeds money goes back to any non-profit organization. Just need Tax ID number. IHOP gets least response from Keyport.

Al DeGrassi, 23 Osborne Street, regarding Beach Street parking; when building next to park is knocked down where is the electrical service going?

Administrator Valesi said the power will be disconnected by the end of the week. Mayor said permanent site will not be done by the summer. We will have to look at a temporary site. Mr. Valesi stated that electric there will remain, part of Option A. Big Gazebo will stay, and little one will have to be moved.

Rowland Seckinger, Environmental Commission Chairman, would like to see what Mosquito Commission is going to use. Fire Museum/Historical Society is opened Saturday's 1-5 P.M. and Sunday 10 A.M. - 2 P.M. Will have one hundred children from local schools from viewing State's Antique Collection - early 1800's Coast Guard.

As a fisherman - more specific about "eventually" hopes to have something there this summer.

Mayor replied maybe a tent. Only way we can afford a new building is as part of a Park program. Hope to start project in the fall.

Paula Monisturski, 8 Warren Street, it sounds like Keyport is an exciting town. What do you do to attract new businesses?

Mayor not sure if KBA has anything. Ms. Monisturski asked what does the Borough do? Mayor it's hard to attract new businesses. The Borough can only help market it. Need a marketing plan to determine what to do otherwise it is just a scattered approach. Just said we are experiencing a 30% cut in state aid. A good marketing plan is \$40,000 to 50,000.

Cliff Moore came to Keyport as an outsider from California. We have to feel better about ourselves. Perception is that it is a dirty town. County came in to clean and did a poor job. Mr. Moore is willing to make donations to downtown and on the highway.

Mayor hopes that re-opening of waterfront will build that excitement. Mayor explained Carla Cefalo position as NPP Program part of a grant.

Paula Monisturski, 8 Warren Street, concerned about the perception of the town. Suggested she bring this to a Council Meeting. Neighbor is turning his property into a commercial area without applying for permits. Feels zoning department is not following through. Doesn't understand why neighbor was not issued a summons. Ms. Monisturski says she has been assured by the Mayor, but her neighbor says he is a personal friend. Feels Mayor should step aside on this issue. Ms. Monisturski wants to be assured that this will be followed up on.

Mr. Walling said he will take ownership of this. Ms. Bolte asked Mr. Valesi for a complete report to Council. They received permit for sidewalk and deck, not for shed, etc.

Bob Ludwig spoke about a potential safety hazard at the Stop & Shop entrance - duck tape over a row of lights - no junction box.

Mike Lane, great progress on redevelopment pay-to-play but that is only half of it. Would like pay-to-play for professionals as well; gave an example from Matawan.

Mike Lane would like to eliminate political contributions from professionals.

Mayor said issue in Matawan was not pay-to-play.

Mike Lane, Beach Park had a problem with the coastal permits. Should look into that right away in order to rebuild. Not all those within 200 feet were notified of Beach Park improvements (on the waterside).

At the last Council meeting council referred to Planning Board - Hudson Pointe - will Class I and Class II members be observers or participate in the planning board process? Mayor, yes they will participate. Mayor and Council only do not participate in a use variance. Only when Unified Board is sitting as a zoning board does the Mayor and Councilmember not participate. Hudson Pointe is not a use variance.

There being no one further from the audience who wished to be heard, the meeting was closed at 8:55 P.M.

ADJOURNMENT

Motion to Adjourn meeting at 8:56 P.M. was moved by Mr. Sheridan and carried with Ayes by all present.