

Approved 10/7/08

June 10, 2008
Keyport, New Jersey

Minutes of the Work 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 6:37P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #160-08 Closed Session Meeting - Potential Litigation, Personnel

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:

A. Litigation

- 13 East Third Street (Potential)
- Schiebel suit

B. Personnel

- Building Department
- Police Department Grievance

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 Personnel 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: Sheridan, Second by: Ortman

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

Nays:
Abstain:
Absent:

Council went into Closed Session at 6:37 P.M. and this meeting was reconvened at 7:16 P.M.

Mayor Bergen called the meeting to order at 7:16 P.M. 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 Kovacs, Sheridan, Hill, Bolte, Ortman, Walling, Mayor Bergen. Others present: Mr. Ebner, Borough Attorney and Borough Administrator Valesi.

PRESENTATIONS

Certificates of Recognition to Police Explorers

Patrolman Sober explained the Police Explorer program, Brianna Hedges (received the Directors award, missed total overall score by one point) and William Cruz.

APPROVAL OF MINUTES

- November 6, 2006 - Work Session
- April 14, 2008 - Regular
- April 14, 2008 - Closed Session
- May 29, 2008 - Special - CDBG Application
- May 29, 2008 - Special - DTV Hearing

Motion to approve moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present except for November 6, 2006 minutes where Councilmembers Kovacs, Bolte, Hill Abstained.

PUBLIC HEARING/ADOPTION OF ORDINANCE

- 1. Ordinance #17-08 - Bond Ordinance Amending Bond Ordinance #9-06

The Clerk reads the Ordinance by Title: "BOND ORDINANCE AMENDING BOND ORDINANCE #9-06 OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, FINALLY ADOPTED MAY 16, 2006, IN ITS ENTIRETY"

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Keyport, in the County of Monmouth, State of New Jersey on June 10, 2008 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE #9-06 OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY FINALLY ADOPTED MAY 16, 2006, IN ITS ENTIRETY

Purpose(s): The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes		Period of Usefulness
a) Reconstruction of Warren Street and Coluco Place and drainage improvements to Green Grove Avenue from Warren to Third Street, including all work and materials necessary therefor and incidental thereto.			\$245,000 (\$150,000 NJDOT Grant is expected to be received and a down payment is not required for these purposes)	20 years

b) Improvements to Theresa Avenue Park and Beach Park, including, but not limited to, rehabilitation and expansion of the parks for recreational and access purposes, including all work and materials necessary therefore and incidental thereto.

\$105,000	\$ 99,000	15 years
-----------	-----------	----------

TOTALS

<u>\$350,000</u>	<u>\$344,000</u>
------------------	------------------

Appropriation: \$350,000

Bonds/Notes Authorized: \$344,000

Grants (if any) Appropriated: \$150,000 of which is expected to be received from the New Jersey Department of Transportation

Section 20 Costs: \$125,000

Useful Life: \$150,000 of which is expected to be received from the New Jersey Department of Transportation

Section 20 Costs: \$125,000

Useful Life: 18.56 years

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of May 15, 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.

Motion to Open Public Hearing at 7:21 P.M. moved by Mr. Walling second by Mr. Ortman with Ayes by all present.

Motion made to close hearing at 7:21 P.M. moved by Mr. Walling second by Mr. Ortman with Ayes by all present.

Motion to adopt Ordinance moved by Ms. Bolte second by Mr. Walling with Ayes by all present.

Motion authorizing the Clerk to publish the Ordinance as adopted, in the Courier, June 12, 2008 issue 2008 moved and carried with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Report from Robert Ludwig, Corresponding Secretary, Keyport Environmental Commission, regarding the Keyport Spring Beach Sweep

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

2. Letter from KBA Coordinator, Joseph Wedick requesting that their Calendar of Events be listed at the Mini Park and inviting the Mayor and Council to attend their upcoming 6th Annual Antique & classic Car Show at Keyport Plaza on 6/13/08 in order to judge the entries and take part in awarding both the Mayor's Trophy and Council Trophy

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

3. Letter from Bayshore Christian Fellowship Assembly of God requesting permission to hold their June 22nd service on the front lawn of the church

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

4. Letter from Espresso Joe's requesting the use of the Keyport Mini Park and Borough electricity for acoustic music shows on June 20th, July 11th and July 25th from 7PM - 9:15PM

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

5. Letter from Cub Scout Pack 364 Committee Chairwomen requesting the use of Beach Front Park on Monday, June 23rd from 6-8:30PM

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

6. Application for a Raffle License from the Keyport Fire Museum for the International Food and Music Festival to be held June 28 & June 29, 2008:

- A. On-Premise 50/50 Cash Raffle
- B. Games of Chance Raffle

Motion to approve moved by Mr. Sheridan, second by Mr. Hill

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

Nays: Kovacs
Abstain:
Absent:

7. Application from Knights of Columbus to Amend Raffle License 17-08 - Jesus the Lord Church. Date has been changed from 7/19/08 to 8/31/08. Prize has been changed from a 42" Flat Screen TV to a 32" Flat Screen TV.

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

8. Letter from John Olsen, Harbor Commission, requesting authorization of Hans Pedersen and Sons to install two safety pilings at the Borough boat ramp

Motion to approve and refer to Administration moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

9. Letter from Keyport Cub Scout Pack 364 requesting the use of Beach Street Park on Saturday, June 14th for a ceremony to retire old American flags

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

UNFINISHED BUSINESS

Councilman Walling stated that Harbor Commission sold the float to Highlands for \$2000 and did receive the check. Received a display case for free, which is hanging on the fishing pier.

Councilman Sheridan spoke about the location for the Skate Park, East Front Street or Division Street. Mr. Valesi replied that 35' x 85' is a bit narrow, spoke to adjacent property owners and did a mock-up.

Mr. Valesi, Egress issues are the main problems. Mr. Valesi stated he is concerned on how cars will get around and the safety of the children. Mr. Valesi stated that there will not be a lot of parking.

There was discussion of the Flea Market in the Fireman's parking lot.

Councilman Ortman asked the Council whether they are all on same page in regard to flea market. Mayor asked questions about indemnification of the Borough. Chief Mitchell answered that there are cones are set up at the end of the third row. Chief Mitchell does not think pedestrian and vehicle traffic area problem. Mr. Valesi stated that there needs to be more cooperation and organization as to how it is run. Mr. Kovacs replied that the Kiwanis helped get the borough the parking lot. He further stated that he went there on Sunday and found no one there from Kiwanis. Mayor Bergen stated that he feels someone from Kiwanis should be there.

ADMINISTRATOR'S REPORT

Administrator Valesi reported on the following:

- CDBG application was submitted last week and accepted. Asking for \$250,000, cost is around \$325,000.
- Friday - final waterfront walk through would be end of Bulkhead project.
- DEP allowed us to pump water from our wells till 2013. Have full diversion. In 2011 - 2012 can renegotiate. Taking steps to become a very efficient utility.
- Elizabeth Street tank is off-line right now.
- Will be providing a report on NJ Transit Bus Schedules - adding a stop to 817 line runs down West Front Street to stop at Beers and West Front.
- Preliminary analysis of our FEMA flood maps, working on draft ordinance from FEMA, we are well within the time frame.

ATTORNEY'S REPORT

Mr. Wisniewski distributed to Council a copy of Judge Hurley's decision on the pay-to-play ordinance in Monroe Township.

NEW BUSINESS

Ms. Bolte mentioned the following events: Antique Car Show is on the 16th, Town Wide Yard sale is on the 14th and the Central School Plant sale is on the 14th. There will also be a FEMA Bayshore meeting on Friday, from 2-8 PM.

Ms. Bolte asked about the renewal of liquor licenses; it will be listed for action on 24th. There may need to schedule a hearing for the Uptown and Bulkhead.

Mr. Walling stated that a letter from Joe Wedick, KBA arrived at 5:10 PM, looking to bring Gallagher into town on September 5th. Mayor motioned to authorize pending approval. Ms. Bolte asked to move to approve? No one else to use mini-park for September 5th.

Mr. Ortman mentioned Click It or Ticket, 348 seat belt summons were issued. Board of Education wants to recognize Chief Mitchell, Hafner and Casaletto. Mr. Ortman also stated that there were 993 summons issued in May and that arrest and summons are way up from last year.

Mayor asked about designating a new Drug Alliance liaison, maybe this will be able to fall under Police or Grants.

RESOLUTIONS

2. Resolution #161-08 Authorizing Donation to Sunshine House
3. Resolution #162-08 Authorizing Exemption of Taxes - Clark
4. Resolution #163-08 Authorizing the Borough of Keyport Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72
5. Resolution #164-08 Approving Neighborhood Preservation Program Workplan
6. Resolution #165-08 Authorizing Emergency Sewer Repairs
7. Resolution #166-08 Opposing Proposed Legislation S-1137 Which Expands the Scope of Negotiations with respect to Public Employees Collective Bargaining

8. Resolution #167-08 Authorizing Monmouth County Mosquito Extermination Commission Aerial Surveillance and Treatment Program for the Year 2008
9. Resolution #168-08 Authorizing Submission of Grant Application for Keyport Alliance to Prevent Alcoholism and Drug Abuse
10. Resolution #169-08 Payment of Bills

PUBLIC COMMENT PORTION

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

Mike Lane asked about the status of Aeromarine RFQ. Has a developer been selected? What is the status? Mayor responded that they had a preliminary meeting and he is hoping to get BDA work started.

Mr. Lane asked whether the Mayor would like to have representative from Citizen's Campaign on pay-to-play issue? Mayor replied yes.

He spoke about garages with second floor living space: zoning for RA district allows for only three feet from property line. Would like an Ordinance making set back 15 feet when there is living space in an accessory building.

Mayor stated that he is more concerned with the roof elevation. Can't live in an accessory structure.

Mike Lane spoke about 75 Manchester LLC. At the last meeting it was said that Borough professionals will present a plan. Mr. Lane thinks it should be available for public review prior to the meeting. Does a plan exist? Mayor replied that it does not, might not be available until the day of the meeting. The public will have an opportunity after it is presented to respond to it.

Angelo (resident), Beers Street, asked Mr. Walling about waterfront usage. Councilman Walling responded Ordinance #23-07 does state Administrator can set the rules. He would just ask that Harbor Commission get the rules as well in the future.

Administrator Valesi stated that he submitted a draft about 1 ½ months ago to Harbor Commission and did not hear anything back. Feels restrictions should be made initially then things can be made less restrictive.

Angelo, Beers Street, felt that eliminating the fishing area eliminates one of Keyport's key resources.

Mike stated he feels the only thing Keyport has that can't be put on the highway is the waterfront. Feels Council is stifling the use of waterfront.

Bob Ludwig is worried kids will fall into the water, should put up protection rails. Deadlines relating to FEMA public interaction period started 50 days ago. Length of period is 90 days not six months. Mr. Ludwig mentioned that Ms. Bolte said there is a meeting on Friday in Keansburg regarding this topic. Mr. Lane felt that it would be an opportunity to talk to FEMA people on a one-on-one basis. Mr. Ludwig mentioned that he was concerned that DTV had no affidavit done by 51% owner. Ruben Bea is only a 49% owner. Feels an affidavit is needed from the corporation stating he has the right to represent the corporation. Mr. Ebner stated it can be corrected. Mr. Ludwig mentioned that authorization needs to come before hearing.

There being no one further from the audience who wish to be heard, the meeting was closed at 8:49 P.M.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda moved by Mr. Sheridan, second by Mr. Ortman with Ayes by all present.

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

Nays:
Abstain:
Absent:

ADJOURNMENT

Motion to Adjourn the meeting at 8:51 P.M. was made and carried with Ayes
by all present.