

APPROVED June 24, 2008

June 4 2007
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 7:02 P.M. and the Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Hassmiller, Hill, Walling, Ortman. Others present were Mr. Valesi, Borough Administrator and Mr. Wisniewski, Borough Attorney. Absent: Councilwoman Bolte (arrived 8:09 P.M.).

RESOLUTION

1. Resolution # 165-07, Closed Session Meeting - Personnel, Litigation

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. Personnel

1. Temporary Part-Time Employee (Building Department)
2. Promotion Finance Department Employee
3. Municipal Clerk's Review
4. Police Captain's Recommendation

B. Litigation

1. Magic Touch Construction v. Borough of Keyport

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. Ortman, seconded by Mr. Sheridan

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

Nays:

Abstain:

Absent:

Council went into closed session at 7:05 P.M. and this meeting was reconvened at 8:20 P.M.

Mayor Bergen called the meeting to order at 8:20 P.M. and the borough Clerk read the Sunshine Law Notice.

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

Nays:

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

NAVES

The Mayor presented awards to the following volunteers.

Easter Egg Hunt: Nicki Francis, Coordinator, Virginia Maldonado, Spanish American Club Liaison, Carlos Maldonado, Spanish American Club Liaison, Nancy Jones, Eleanor Wilson, Kiwanis Liaison, Denise Nellis and George Strang

Step Up Program: Maggie Cunningham, Coordinator, Denise Nellis, Cerelle White, Steve Reed, School Liaison, and George Strang

INTRODUCTION OF ORDINANCE

1. Ordinance # 14-07, Amending Liquor License Fees

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, SECTION 6-3.4 LICENSE FEES MAXIMUM NUMBER OF THE ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, The Mayor and Council of the Borough of Keyport wish to increase the Borough's liquor license fees, and

WHEREAS, pursuant to N.J.S.A. 33:1-12 municipal liquor license fees may be increased twenty percent (20%) from that charged in the preceding license year or five hundred dollars (\$500.00), whichever is lesser, for plenary retail consumption licenses and plenary retail distribution licenses and can set the license fee for a club license at not more than one hundred and eighty eight dollars (\$188.00).

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter VI, Section 6-3.4 of the Revised Ordinances of the Borough of Keyport is amended as follows;

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

Class of License	Annual License Fee		No. of Licenses
Plenary Retail Consumption License	\$1,634.16	<u>\$1960.99</u>	12
Plenary Retail Distribution License	\$1,092.96	<u>\$1311.55</u>	1
Club License	\$150.00	<u>\$165.00</u>	5

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licensees presently issued. (Ord. #12-81, \$1, New; Ord. #4-90, \$1; Ord. #8-91, \$1; Ord. #10-92, \$1; 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.

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

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

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Easter Egg Hunt: Nicki Francis, Coordinator, Virginia Maldonado, Spanish American Club Liaison, Carlos Maldonado, Spanish American Club Liaison, Nancy Jones, Eleanor Wilson, Kiwanis Liaison, Denise Nellis and George Strang

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

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

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

Nays:

Abstain:

Absent:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, June 7, 2007 issue, for a Hearing to be held on June 19, 2007, for a Hearing to be held on June 19, 2007 moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

2. Ordinance # 15-07, Business Improvement District (BID)

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS
IMPROVEMENT DISTRICT, SECTION 21 OF THE
ORDINANCES OF THE BOROUGH OF KEYPORT**

WHEREAS, The Mayor and Council of the Borough of Keyport wish to amend Chapter XXI, Business Improvement District, Section 21 in order to more accurately reflect the requirements of the enabling statute, and

WHEREAS, N.J.S.A. 40:56-68b requires that one of the Borough's required findings for a special improvement district state that a special assessment shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this Act and to exercise the powers given to it by municipal ordinance, and

WHEREAS N.J.S.A. 40:56-80 requires that monies collected for a Business Improvement District be credited to a special account from which the Mayor and Council may incur costs for said District though not specifically provided for by line item, now therefore

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter XXI, Section 21 of the Revised Ordinances of the Borough of Keyport is amended as follows:

Section 21-3c is hereby deleted and replaced with the following language as set forth in N.J.S.A. 40:56-68b:

That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this Chapter and to exercise the powers given to it by this Chapter.

Section 21-9f is hereby deleted and replaced with the following language;

Monies appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. Pursuant to N.J.S.A. 40:56-80(e), the Mayor and Council may incur the annual costs of improving, operating and maintaining a Business Improvement District during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining

REPEAL 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.

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

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

Nays: Councilman Walling
Abstain:
Absent:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, June 7, 2007 issue, for a Hearing to be held on June 19, 2007, for a Hearing to be held on June 19, 2007 moved by Mr. Hassmiller, second by Mr. Sheridan with Ayes by all present.

3. Ordinance # 16-07, Adding a Handicapped Parking Space

The Clerk reads 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
Main Street	Southeast	20 feet from the Southeast corner of the <u>intersection of Main Street and Jackson Street</u>

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.

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

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

Nays:
Abstain:
Absent:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, June 7, 2007 issue, for a Hearing to be held on June 19, 2007, moved by Mr. Sheridan, and carried with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Invitation to Participate in the First Annual Keyport Fest 5K Race - Sponsored by the Keyport Recreation Commission and the Spanish American Club and In Coordination with the Jersey Shore Running Club - Saturday, September 22, 2007 at 9AM

Motion to refer to Capitan Mitchell and the Recreation Commission moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

2. Application for membership in the Keyport Fire Department/Eagle Hose Company from Elise H. Kmetz (contingent upon State approval) and letter regarding resignation of R. Bruce Ely, as an active member.

Motion to refer to Approve moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

3. Letter from Monmouth County Board of Chosen Freeholder, regarding the Monmouth County 2007 Resurfacing Program, indicating that the County will be paving West Front Street and First Street in 2007

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

ADMINISTRATOR'S REPORT

Mr. Valesi reported on the following. Bids for the Cedar Street Construction are 29% lower than Engineer estimate. Mayor Bergen mentions about the possible sidewalk improvement program and would like to look into that before the contract is awarded. The decking on the Pier project will commence. The Revaluation tax map has now gone out to Hatch Mott.

Mayor Bergen thanked Administrator, Borough Clerk and Police Capitan for Keyport Government Day.

NEW BUSINESS

Mr. Sheridan thanked KBA for Parade. He spoke about the Osprey Nest at Cheesequake Park.
KBA budget hearing will be July 17, 2007.

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:49P.M.

Dick Currier, Kiwanis Club, was asked by Administrator to come and speak with Council regarding flea market during bulkhead construction. Mayor would like to end flea market earlier to reduce Sunday traffic on waterfront in July. Mayor feels that they should try ending earlier one time and see how it goes.

Councilman Walling stated that this was not on the agenda and feels

Kiwanis Club will write to Mayor and Council as to what they could do as far as closing earlier. Council decided to leave it until 3:30PM this week.

Leo Mania, 71 Washington Street, Secretary Kiwanis, they raise \$20,000 a year and gives back to town.

Al DeGrassi, asked Mayor to explain Liquor License Ordinance. Would also like recycling center to be open more than six (6) hours a month. With summer laborers we plan to open the center more during the summer.

Bob Ludwig, 50 Beers Street spoke about the flea market. He also asked for Environmental Appointments. Mayor Bergen read names of Environmental Commission Appointments Kathleen Shaw, Barbara Granda, Teresa Bolte.

Larry Vecchio spoke regarding KBA budget. Felt those elected should cut the budget; Mayor explains how the tax assessment rate is struck and the differences between the state statute and the current ordinance. No new powers are created by the Ordinance that the Borough does not currently have. Council sets what the goals of the group are. Once approved goes to County Tax collector to strike the tax rate. Mr. Olsen stated he does not see where borough has the power the Mayor says the Borough has.

Larry Vecchio would like new businesses, when applying for CO's, to be added to KBA data base.

Art Olsen is working on database for residents who wish to be notified of events.

Mike Lane, 51 First Street, spoke about revaluation map. He would like to know if it will identify properties of illegal conversions. Wants residents warned to change it back or go before Planning Board. Mayor replies that he feels it would give time to residents to convert back only temporarily during the inspection for revaluations. Code Enforcement Office should inspect those properties that are plainly obvious. Mike Lane is concerned residents who converted illegally will be given a free pass.

Mike Lane asked about the Pay-to-Play Ordinance. There being no more comments or questions from the public, the public comment portion on the meeting was closed at 9:33 P.M.

RESOLUTIONS

166-07 Resolution Authorizing Introduction and Approval of Business Improvement District Budget Notice

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

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

Nays:

Abstain:

Absent:

167-07 Payment of Bills

168-07 Approving the Application for \$27,312 Grant for DEDR Funds

169-07 Authorizing Tax Collector to Attach Certain Municipal Charges Against Property Identified as Block 45, Lot 6, more commonly know as 172 Main Street, Keyport, New Jersey, in favor of the Borough of Keyport (Municipal Water Account)

170-07 Placing a Lien on 172 Main Street for the Costs Associated with Weed and Brush Removal

171-07 Authorizing the Hiring of a Part-Time Case Worker for the Keyport Senior Center

172-07 Supporting Renewal of the Garden State Preservation Trust

- 173-07 Authorizing the Hiring of Temporary Part-Time Employee for Assessor/Code Enforcement Office.
- 174-07 Promotion of Borough Employee from Clerk to Tax Clerk
- 175-07 Establishing a New Petty Cash Fund
- 176-07 Referring Proposed Resolution Amending Designation of the Borough of Keyport as an Area in Need of Rehabilitation for the Review and Recommendations of the Unified Planning Board (draft Resolution to be adopted following review and recommendations by Planning Board)
- 177-07 Appoint Temporary Lieutenant through December 31, 2007-Sergeant George Casaletto
- 178-07 Appoint Temporary Lieutenant through December 31, 2007-Sergeant Anthony Gallo

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

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

Nays:

Abstain:

Absent:

ADJOURNMENT

Motion to Adjourn the meeting moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

Time of Adjournment 9:34P.M.

