

April 20, 2009  
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 6:32 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

**ROLL CALL**

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Hill, Sheridan, Kovacs, Walling, Mayor Bergen. Others present: Borough Administrator Ms. Wright, Borough Attorney, Eric Winston.

**RESOLUTION 113-09**

1. Resolution #101-09 Closed Session Meeting Contract Negotiation, 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:

**LITIGATION**

Tropical 8

**CONTRACT NEGOTIATION**

Interlocal with Matawan

**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 Litigation and Contract Negotiations 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 Mr. Walling

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

Nays:

Absent:

Abstain:

Council went into closed session at 6:32 PM and this meeting was reconvened at 7:00 PM

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

**PROCLAMATION**

Mayor Bergen read Older American's Month Proclamation

**PRESENTATION**

On behalf of the Recreation Commission to Keyport IHOP for their support and generosity with the Recreation Commission's 5K Race

**APPROVAL OF MINUTES**

1. April 14, 2009 - Special

Offered for adoption by Mr. Sheridan, seconded by Walling

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

Nays:

Absent:

Abstain:

2. April 17, 2006 - Closed Session

Offered for adoption by Mr. Sheridan, seconded by Walling

Roll Call Vote: Ayes: Councilmembers Sheridan, Walling

Nays:

Absent:

Abstain: Bolte, Sefcik, Hill, Kovacs

**KBA 2009 BUDGET HEARING**

2. Resolution No. 114-09 Authorizing the Borough Clerk to Read the 2009 Business Improvement Budget by Title

Motion made by Mr. Sheridan, second by Ms. Bolte

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

Nays:

Absent:

Abstain:

The meeting was opened to the public for comments or questions at 7:05 P.M.

There being no more comments or questions from the public, the meeting was closed at 7:06 P.M.

List at next meeting for adoption.

**INTRODUCTION OF ORDINANCE**

**1. Ordinance - Amend Liquor License Fees**

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, SECTION 6-3.4 LICENSE FEES 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 plenary Retail Consumption License at not more than Twenty-Five Hundred Dollars

(\$2,500) and can set a club license at not more that 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.** The annual license fees for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

Class of License	Annual License Fee	
Plenary Retail Consumption License	<del>\$2353.18</del>	<u>\$2500.00</u>
Plenary Retail Distribution License	<del>\$1573.86</del>	<u>\$1888.63</u>
Club License	\$188.00	

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, SI; Ord. #10-92, §I; 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.

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

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,  
Walling, Kovacs  
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 May 19, 2009

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

**COMMUNICATIONS AND PETITIONS**

1. Letter from Espresso Joe's requesting the use of the Mini Park on July 17<sup>th</sup> from 7-9PM for Christian music bands

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

2. Application for a Raffle License from Keyport Hook and Ladder for an On-Premise 50/50 Cash Raffle to be held nightly from July 27, 2009 through August 1, 2009

3. Application for a Raffle License from Liberty Hose Co. No. 3 for a Big Wheel to be held nightly from July 27, 2009 through August 1, 2009

4. Application for a Raffle License from Board of Fire Wardens for Carnival Games to be held nightly from July 27, 2009 through August 1, 2009

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

5. Application for a Raffle License from Raritan Baykeeper, Inc., d/b/a NY/NJ Baykeeper for an Off-Premise Merchandise Raffle to be held September 18, 2009

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

6. Application for a Raffle License from Kiwanis Club of Keyport, Inc. for an Off-Premise 50/50 Cash Raffle to be held September 15, 2009
7. Application for a Raffle License from Kiwanis Club of Keyport, Inc. for an Off-Premise 50/50 Cash Raffle to be held June 30, 2009 to benefit Chelsey Moyer

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

#### REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for March 2009
2. Tax\Water\Sewer Collector's Report for March 2009 and 2008 Annual Report
3. Monthly Report for Building Department for March 2009
4. Property Maintenance Report for March 2009
5. Minutes of the Keyport Recreation Commission Meeting of March 5, 2009
6. CDC/NPP Office - March Council Report 2009
7. Board of Health Minutes for March 10, 2009 and Monthly Report for February 2009
8. Municipal Court's Monthly Cashbook Report for March 2009

On file in Borough Clerk's office for review.

Motion to approve all reports as read, moved by Mr. Sheridan, second by Mr. Walling with ayes by all present.

#### COMMITTEE REPORTS

Councilwoman Bolte: Police: Ms. Bolte reported that the Police Department applied for a grant to secure two positions which are part of a lay-off proposal plan.

Councilwoman Sefcik: Buildings, Grounds and Library: Ms. Sefcik had no report.

Councilman Hill: Health and Recreation: Mr. Hill reported that the 2009 Easter Egg hunt was a success. Approximately 300 kids were there. The 5K race is scheduled for September 12<sup>th</sup>.

Councilman Sheridan: Fire, First Aid & Emergency Services: Mr. Sheridan read First Aid and Fire Department calls. Thanked those who worked on the Easter Egg Hunt. This Saturday 9AM to Noon is the beach clean up at Beach Park.

Mayor asked that no dumpsters go in new lot, keep them on the street.

Councilman Walling: Finance, Grants and Redevelopment: Mr. Walling asked about his position on finance committee; Mayor will look at it again after budget.

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs reported that the recycling committee discussed clothing bin ordinance. Sample shows \$25.00 - recycling discussed range of \$25 to \$75. DPW trucks have been ordered.

Clothing Bin Ordinance was discussed.

Mayor would like to suggest a fee of \$500 in order to keep from being scattered throughout the town. Ms. Bolte asked if a limit could be included. There is a Recycling meeting next Monday. Will discuss ordinance more at the meeting. Recycling Committee and Finance Committee get together and report back.

#### **ADMINISTRATOR'S REPORT**

Administrator Wright reported on the following:

- Garbage bids received
- Waterfront Park moving along. Temporary parking at boat ramp.
- April 10<sup>th</sup> - parks fertilized
- Cutting to begin
- CDBG - Maple Place
- Transportation Enhancement Program Grant

Mayor talked about Waterfront Park. Construction Company must provide shop drawings. Mr. Kovacs feel that engineer should have done that. Attorney explained why it is being done this way.

Ms. Bolte asked if the streetscape is scheduled for April 28<sup>th</sup>; yes.

#### **ATTORNEY'S REPORT**

Mr. Winston had no report.

#### **NEW BUSINESS**

Mr. Sheridan asked about the Environmental Commission appointment? Mayor stated he would like to leave it open until the end of the year.

Mr. Kovacs asked about the KBA liaison.

#### **RESOLUTIONS**

3. Resolution No. 115-09 Honoring Our Troops and "Support Our Troops Day"
4. Resolution No. 116-09 Payment of Bills
5. Resolution No. 117-09 Appoint John Kovacs as KBA liaison

#### **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 7:30 P.M.

Resident - when clothes bins are placed who will pick up and keep it clean. Concerned about people dumping.

Mayor stated that the owner of the bin would be responsible and would be subject to a fine.

Nancy Carew, 64 Broadway, asked what types of trees will be placed at streetscape.

Ms. Bolte stated that recommendations came from the Master Gardener program.

Mike Lane, 51 First Street, asked about the program to repave First Street. Mayor replied that he feels there are some problems with

sections of curbing - will be part of this year's road paving project.

Mr. Lane asked what defines the legal number of units on a lot; where is that defined? Mayor stated it should be in the zoning ordinance. Zoning and pre-existing non-conforming units. Mayor stated Code Enforcement officer should check number of units allowable.

Mr. Lane asked if we will put together evaluation of illegal conversions, yes.

Mr. Lane - Tropical 8 - conditions were imposed. Now advertising pool tables and fight night. Mayor replied this is under investigation.

Kishore asked about the Kayak rental. Mayor stated it is moving forward.

Mike Lane stated that tax payers are paying tax dollars for riparian rights for the land under the water. Feels she will need approval from the First Street residents. Mayor explained that she is not proposing to moor any boats out there.

Resident asked about plans to put minutes and budget report on the web. Mayor replied that we are trying to get as much stuff on the website as possible.

Kishore stated he would like Ordinances and legal notices put on the website.

Mr. Lane would like NJDEP notices online and listed on agenda.

Isaiah Cooper suggested a link to the DEP website.

Resident asked about negotiating interest on projects we bond for. Mayor explained how bond process works.

There being no more comments or questions from the public, the meeting was closed at 7:51 P.M.

#### **APPROVAL OF RESOLUTIONS**

Motion to accept, receive and file moved by Mr. Sheridan, second by Ms. Bolte

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Hill, Kovacs, Sheridan, Walling

Nays:

Abstain:

Absent:

#### **ADJOURNMENT**

Motion to adjourn was made and carried at 7:51.