

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.

Council President Sheridan called the meeting to order at 6:34 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

### **ROLL CALL**

On Roll Call the following were present: Councilmembers Gross, Sefcik (arrived 6:43), Bolte (arrived 6:44), Sheridan, McPeek, Kovacs, Mayor Bergen (Arrived 6:44). Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright.

### **RESOLUTION 99-10**

#### **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:

Personnel: Police Department  
Contract: Union  
Board of Health

**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 Contract Negotiations, and Personnel 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. Gross, Seconded by: Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

Council went into Closed Session at 6:40 P.M. and this meeting was reconvened at 7:14 P.M.

Mayor Bergen called the meeting to order at 7:14P.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 Gross, Sefcik, Bolte, Sefcik, Sheridan, McPeek, Kovacs, Mayor Bergen. Others present: Mr. Wisniewski, Borough Attorney and Borough Administrator Ms. Wright.

### **PRESENTATION**

To the Keyport First Aid Squad for winning the Holiday Heroes Blood Drive Contest – Collected 67 pints of blood winning group for 2009-2010. May 7<sup>th</sup> will be another blood drive. Every donor received Nets game tickets.

## **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 7:18 P.M. moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present

Mike Lane asked to have Ordinances summarized.

Councilman McPeek explained Backflow Prevention Ordinance. Mayor explained ordinance to be introduced.

There being no more comments or questions from the public the meeting was reconvened at 7:24 PM

## **PUBLIC HEARINGS/ADOPTION OF ORDINANCES**

### **1. Ordinance #4-10 – Backflow Prevention**

The Clerk reads the Ordinance by Title:

#### **AN ORDINANCE TO IMPLEMENT BACKFLOW PREVENTION DEVICE REGISTRATION**

The meeting was opened to the public for comments or questions at 7:25 P.M. moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present

Mike Lane – if he replaced backflow device on his water heater, does he need a permit; Mayor replied yes, as part of the administrative code.

Mr. Lane asked if the Borough has a database to track it. Is this an Ordinance we can implement and enforce or just more paperwork?

Mayor stated we don't know yet. Borough will not be doing certification will get.

There being no more comments or questions from the public the meeting was reconvened at 7:31 PM

Motion to adopt Ordinance made by Ms. Sefcik second by Mr. Sheridan with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek  
Nays:  
Absent:  
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek  
Nays:  
Absent:  
Abstain:

### **2. Ordinance #5-10 – COLA Ordinance**

The Clerk reads the Ordinance by Title:

#### **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

The meeting was opened to the public for comments or questions at 7:33 P.M. moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present

There being no more comments or questions from the public the meeting was reconvened at 7:33 PM

Motion to adopt Ordinance made by Mr. McPeek second by Mr. Sheridan with ayes by all present.

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

Nays:

Absent:

Abstain:

### **INTRODUCTION OF ORDINANCES**

#### **1. Ordinance #6 - 10 – Escrow Fees for Non-Planning Board Construction Applications**

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 25:1-20 OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
KEYPORT WITH REGARD TO ESCROW FEES FOR NON-PLANNING  
BOARD CONSTRUCTION APPLICATIONS**

Motion to introduce Ordinance moved by Mr. Sheridan, second by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, 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 18, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs

Nays:

Absent:

Abstain:

#### **2. Ordinance # 07-10 – Subcode Fees**

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING 12-1 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF KEYPORT WITH  
REGARD TO SUBCODE FEES**

Ms. Bolte asked where this Ordinance came from?

Administrator Wright replied the Construction Official. Ms Bolte state she is not in support of raising fees for the residents. Fees were last raised in 2002.

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, 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 18, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs  
Nays:  
Absent:  
Abstain:

### 3. Ordinance # 08-10 – Certificates of Occupancy

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING 12-2.3 OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH  
REGARD TO CERTIFICATES OF OCCUPANCY**

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

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, 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 18, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs  
Nays:  
Absent:  
Abstain:

### 4. Ordinance – Water Restrictions (Tabled)

The Clerk reads the Ordinance by Title:

**AN ORDINANCE OF THE BOROUGH OF KEYPORT IN MONMOUTH COUNTY,  
AMENDING THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF KEYPORT, BY AMENDING CHAPTERS 4-16 AND  
14.1.16 WITH REGARD TO WATER RESTRICTIONS**

4a. Motion to Introduce: 2<sup>nd</sup>: Roll Call: Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

4b. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on May 18, 2010

MM: 2<sup>nd</sup>: Roll Call: Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

### 5. Ordinance #09-10– Landlord Registration Fees

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER 12-14.7 OF THE  
BOROUGH OF KEYPORT WITH REGARD TO  
LANDLORD REGISTRATION FEES**

Mayor stated that he is opposed to this Ordinance.

Motion to introduce Ordinance moved by Mr. Kovacs, second by Mr. Gross

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, 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 18, 2010 moved by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, McPeek, Kovacs  
Nays:  
Absent:  
Abstain:

## 6. Ordinance – Abandoned Property - Tabled

The Clerk reads the Ordinance by Title:

**AN ORDINANCE OF THE BOROUGH OF KEYPORT IN MONMOUTH COUNTY, CREATING CHAPTER 12-17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH REGARD TO ABANDONED PROPERTY**

- 6a. Motion to Introduce: 2<sup>nd</sup>: Roll Call: Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek
- 6b. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on May 18, 2010
- MM: 2<sup>nd</sup>: Roll Call: Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek

### COMMUNICATIONS AND PETITIONS

1. Application for a raffle license from the Keyport Senior Citizens Advisory Committee for a 50/50 cash raffle to be held on July 9, 2010 between 3PM-5PM
  2. Application for a raffle license from the Keyport Senior Citizens Advisory Committee for a tricky-tray raffle to be held on July 9, 2010 between 3PM-5PM
- Motion to approve moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.
3. Application for a raffle license from the Keyport Indians, Inc. for an off-premise merchandise raffle to be held October 11, 2010 at 8PM
- Motion to approve moved by Mr. Sheridan, second by Mr. Kovacs with ayes by all present.
4. Application for a raffle license from St. Joseph Church for an off-premise 50/50 cash raffle to be held May 30, 2010 at 10PM
- Motion to approve moved by Mr. Kovacs, second by Mr. McPeek with ayes by all present.
5. Application for a raffle license from Keyport Hook and Ladder Co. for an on-premise 50/50 cash raffle to be held nightly from July 26, 2010-July 31, 2010 from 6PM to 12 midnight
- Motion to approve moved by Mr. Sheridan, second by Mr. Kovacs with ayes by all present
6. Application for membership into the Liberty Hose Company from David W. Quinn (contingent upon State approval)
- Motion to approve moved by Mr. Sheridan, second by Mr. Kovacs with ayes by all present
7. Application for a Social Affairs Permit from St. Joseph Church for a church fair to be held nightly from May 26-May 31, 2010 from 12 Noon – 12 Midnight
- Motion to approve moved by Mr. Kovacs, second by Mr. Sheridan with ayes by all present
8. Email regarding NY/NJ Baykeeper Upcoming Events
- Motion to receive and file moved by Mr. Sheridan, second by Mr. Gross with ayes by all present.
9. Request from Arts Education Center to place an ad in the Middlesex County Arts High School yearbook in celebration of their 30<sup>th</sup> Annual Student Festival
- Motion to refer to Recreation Commission moved by Mr. Sheridan, second by Mr. Gross with ayes by all present.

10. Notice of Snapper Contest to be held Saturday, August 14, 2010 at the Keyport Pier/Bulkhead from 10AM-12Noon (Rain date of August 15<sup>th</sup>)

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

11. Petition to Extend Licensed Premises from The Bayside Grill for a benefit for a retired Police Officer with Cancer to be held on May 1<sup>st</sup> between 12 Noon and 12 Midnight (May 8<sup>th</sup> rain date)

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

12. Email request from Michael Handler for a fundraising motorcycle wash to be held with Consolidated Fire Company to benefit the "Wounded Warrior Project" on Saturday July 10, 2010 (Rain date July 11th) from 10AM-4PM. He is further requesting the Borough's permission to close First Street from Broad to Church as well as the use of the gazebo at Beach Park and use of the Borough picnic tables

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

13. Request to use the jail section of the Old Municipal Building for the purpose of shooting a video and an Application to film a motion picture during the first week of May

Motion to refer to Administrator moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

14. Letter from St. Joseph Church requesting the closing of Geran Street for their annual parish fair to be held from Wed., May 26<sup>th</sup> to Monday, May 31<sup>st</sup>.

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 2010
2. Tax\Water\Sewer Collector's Report for March 2010, Property Maintenance Report for March 2010
3. Property Maintenance Report for March 2010
4. Board of Health Treasurer's Report for March 2010 and minutes of the March 9, 2010 meeting
5. Municipal Court's Monthly Cashbook Report for March 2010

On file in Borough Clerk's office for review.

Motion to receive and file all reports as read, moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

### **COMMITTEE REPORTS**

Councilman Gross: Police: Mr. Gross read the police report

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik thanked the Recreation Commission for the Easter Egg hunt. Gearing up for the Summer Recreation Program

Councilman Bolte: Public Works/Recycling/Property Maintenance: Ms. Bolte reported on the following:

- thanked DPW for the leaf and branch days
- thanked DPW for their help with the Rain Garden, scheduled for planting this Thursday at 11a.m.
- first rain garden on Waterfront in New Jersey
- Shredding day
- Beach clean up
- met with DPW and Police regarding snow road amendments. No parking during snow storms
- new procedure for Special Events – needs to set up maintenance plan. Effective January 1, 2011. Only electric expenses set up for 2010, wants that to go back to applicant
- maintenance plan for Waterfront Park 90% done

Mayor stated we need a plan for security at the Waterfront Park. Would like Council to take some action on it.

Councilman Sheridan: Fire/First Aid/Emergency Services: Mr. Sheridan read the Fire Department and First aid call report

Councilman Kovacs: Finance/Grants/Redevelopment: No report

Councilman McPeek: Buildings/Grounds/Library: Mr. McPeek reported that the Senior Center held a volunteer luncheon on April 7<sup>th</sup> and the Steamboat Museum and Monmouth County Society tours are May 1<sup>st</sup> and 2<sup>nd</sup>. Mr. McPeek stated that the Flag pole was removed at the Steamboat Museum.

Ms. Bolte wants a procedure for changes to leased Borough owned property.

### **UNFINISHED BUSINESS**

Mr. Gross – Police Department Dodge Durango needs \$2,000 worth of work, \$1500 repairs and \$500 for tires. This was donated in November 2008 has 153,000 miles. Mr. Gross recommends keeping it and doing the work. Mechanic said we could get a few more years out of it.

Mayor spoke of Police department cars becoming a personal use issue. Wants to sit down and see what we have, what it is being used for and what we need. Wants a breakdown as what we have spent on each car.

Mr. Kovacs asked if Beers Street Phase I is complete. Mayor replied yes; resident has sever main collapse since road was done.

Mayor wants FEMA assistance information on website 1-800-FEMA office in Leonardo.

### **ADMINISTRATOR'S REPORT**

Ms. Wright reported on the following

- Disaster declaration – put in a request for assistance. Met with FEMA, insurance adjuster and engineer
- CDBG – originally scheduled for tonight 5/18 at 5:30 PM public hearing at 7PM
- Route 35/36 and Maple Place streetscape moving forward
- Way fair signage – to second lowest bidder
- Aberdeen meeting on Thursday regarding Bridge

### **ATTORNEY'S REPORT**

No Report

### **RESOLUTIONS**

2. Resolution No. 100-10 Authorizing Adjustment to Water/Sewer Account – McGee
3. Resolution No. 101-10 Authorizing Reduction of Sewer Fees Due to Leak – Albrecht
4. Resolution No. 102-10 Authorizing Reduction of Sewer Fees Due to Leak – Reedy
5. Resolution No. 103-10 Authorizing Adjustment of Water/Sewer Bill Due to Inside and Outside Meter Mismatch – Levine
6. Resolution No. 104-10 Accepting the Proposal of and Authorizing Mayor to Execute Contracts with T&M Associates to Provide Design and Engineering Services fore Route 35/36 Jug Handle Improvements
7. Resolution No. 105-10 Authorizing Agreements Between Borough and Property Owners with Regard to Sidewalk Improvements
8. Resolution No. 106-10 Authorizing Change Order for Improvements to Beers Street–Phase II
9. Resolution No. 107-10 Authorizing Change Order for Route 35/36 Jughandle Improvements
10. Resolution No. 108-10 Authorizing Preliminary Assessment for 17 Division Street
11. Resolution No. 109-10 Authorizing purchase of Wooden Dock for William Ralph Pier
12. Resolution No. 110-10 Payment of Bills
13. Resolution No. 111-10 Authorizing letter from Board of Health to Monmouth County Health Commission #1 stating we may be ending contract within six months
14. Resolution No. 112-10 Authorize Contract for Wayfair signs
15. Resolution No. 113-10 Suthorize auditor to look at School Budget

### **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 8:40P.M.

Sam Minor asked about free sidewalks in front of Day Funeral, what about First Street. Mr. Minor asked how many tickets are given out for dog owners not picking up after their dogs.

Mike Lane, 51 First Street, asked about the site triangle and Bridge MA-14

Administrator responded.

Mr. Lane said flooding on First Street has been fixed but flooding by the Bridge has not. Mayor stated that is one of the lowest points in Keyport. Mr. Lane asked about the concrete dock.

Mayor spoke of defeated school budget, asked Council whether we want to authorize the auditor to look at the budget. Mr. Sheridan suggested the Council authorize Tom Fallon our CFO look at the budget. Mayor stated that may be a conflict. Attorney said there are different certifications for a school.

Ms. Sefcik makes a motion to authorize the auditor, Mr. Sheridan seconds, not to exceed \$2500.00

Mike Lane, feels defeated by 60% to 40% is a strong message. Wants to look at class size. Spoke of his experience in the private industry and how he worked 40 years before he could retire.

There being no more comments or questions from the public the meeting was closed at 9:18 PM

### **APPROVAL OF RESOLUTIONS**

Motion on the Consent Agenda made by Mr. Sheridan, second by Ms. Sefcik

Roll Call: Ayes: Councilmembers Gross, Sefcik, Bolte, Sheridan, Kovacs, McPeek  
Nays:  
Abstain:  
Absent:

### **ADJOURNMENT**

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 9:19 PM.