

December 15, 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 6:34 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

### **ROLL CALL**

On Roll Call the following were present: Councilmembers Bolte (arrived 6:39pm), Hill, Sheridan, Kovacs, Walling. Others present: Mayor Bergen, Borough Administrator Ms. Wright, Borough Attorney, Eric Winston.

### **RESOLUTION 266-09**

1. Resolution # 266-09 Closed Session Meeting

**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 – A & K lawsuit
- Personnel - General

**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 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. Sheridan, seconded by Ms. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Sheridan, Walling, Kovacs  
Nays:  
Absent: Councilman Hill (Arrived 6:50PM)  
Abstain:

Council went into closed session at 6:34PM and this meeting was reconvened at 7:00PM

### **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

### **APPROVAL OF MINUTES**

October 29, 2009 – Special  
November 10, 2009 – Work Session

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

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

**PUBLIC HEARINGS/ADOPTION OF ORDINANCES**

**1. Ordinance #13-09 - Increase in Zoning Ordinance Fees**

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING  
THE BOROUGH OF KEYPORT ORDINANCES REGARDING  
THE COLLECTION OF ZONING FEES**

**WHEREAS**, it has been determined by the Mayor and Council of the Borough of Keyport that it is necessary to amend the fees of various zoning fees; and

**WHEREAS**, the Mayor and Council of the Borough has determined that the current fees should be increased, where noted; 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 conterminous with the power of the legislature.

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

The Code of the Borough of Keyport, the following sections are hereby amended and/or created.

**25:1-15.16 FENCES AND WALLS**

**(g) The fee for a zoning permit to install or reconstruct a fence or wall shall be ~~twenty five (\$25.00)~~ Fifty (\$50.00) dollars for a residential permit, Seventy Five (\$75.00) Dollars for a commercial permits, and One Hundred and Fifty (\$150.00) Dollars for an industrial permit, in accordance with the Building Subcode Fees set forth in Chapter XII, Building and Housing, of the Revised General Ordinances of the Borough of Keyport, subsection 12-1.6**

**25:1-27 TEMPORARY STORAGE CONTAINER/PORTABLE ON DEMAND STORAGE**

**Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings indicated:**

**TEMPORARY STORAGE CONTAINER**

**(1) Outdoor containers commonly referred to as "pods" and/or similar containers used for the temporary storage of home furnishings and/or personal items on a temporary basis during a time of home repair, construction, renovation or relocation.**

**(2) Permit procedure. Prior to the delivery or use of any temporary storage container on residential property, an application must be made to the Borough of Keyport for a permit allowing for the delivery and use of such temporary storage container. Permits issued shall allow for the use of such temporary storage container for a period of ninety (90) days. Permit placard must be displayed on unit facing street view.**

**(3) Fees. There shall be a permit application fee of Twenty-Five (\$25.00) Dollars. An extension may be granted for an additional ninety (90) days for a fee of Fifty (\$50.00) Dollars.**

**(4) Enforcement. This subsection may be enforced by the Borough of Keyport or Keyport Police Department, Zoning Officer, Construction Code Official or such other employee.**

(5) Violations and penalties. Any person, corporation and/or entity violating or neglecting to comply with any provision of this subsection shall be subject to a fine of up to Two Thousand (\$2,000) dollars. Each and every day such violation or noncompliance exists shall constitute a separate offense and an additional fine shall be imposed.

#### 25:1-28 DUMPSTERS AND OTHE CONATINERS

(1) Any person who wishes to park, stop or permit a roll-off container, dumpster, or other container on any public street or sidewalk, or on any private property, must first obtain a permit therefore from the Zoning Office. The fee for said permit for each container shall be a non refundable fee of Thirty (\$30.00) dollars for the first ninety (90) days. The roll-off container, dumpster or other container must be removed from site at the end of this period, unless otherwise approved by the Zoning Office, in its sole discretion, and the payment of a new permit fee.

(2) Any person who wishes to park, stop or permit a roll-off container to remain on a public street must first notify the appropriate police officer in the Keyport Police Department. Such notification must take place at least twenty four (24) hours prior to the location of the roll-off container, dumpster or other container to enable the Police Department to inspect the location and to make sure of the location and installation of flashing devices on that particular container.

(3) No person shall park, leave or station a roll-off container or other container on any public street or part thereof between the hours of 6:00 p.m. and 7:00 a.m. without installing a working flashing signal to the roll-off container. Said flashing signal shall be visible to the public and any vehicles traveling in either direction on the public roadways.

(4) Violations and penalties. Any person, corporation and/or entity violating or neglecting to comply with any provision of this subsection shall be subject to a fine of up to Two Thousand (\$2,000.00) Dollars. Each and every day such violation or noncompliance exists shall constitute a separate offense and an additional fine shall be imposed.

#### 25:1-29 ZONING FEES

Fees for zoning permits shall be determined as follows:

(1) Every application for a zoning permit shall be accompanied by a payment made payable to the Borough of Keyport in accordance with the following schedules.

(2) For each zoning application (includes variance, conditional use, appeal from decision of Administrative Officer or Construction official or interpretation of a zoning map or ordinance) to the Zoning Officer not accompanied by a subdivision or site plan application, the fee shall be Twenty Five (\$25.00) dollars.

(3) A zoning permit fee of Fifteen (\$15.00) Dollars per One Thousand (\$1,000.00) Dollars of contribution costs, minimum of Forty Dollars (\$40.00) shall be charged for the construction or alteration of driveways, patios, aprons, curbs, walkways, sidewalks, asphalt and concrete slabs.

(4) A zoning permit fee of Five (\$5.00) Dollars per One Thousand (\$1,000.00) dollars of contribution costs shall be charged for the construction or alteration of decks, additions, accessory structures and pools.

(5) The fee for a zoning permit to install or reconstruct a shed shall be Fifty (\$50.00) dollars.

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 Open Public Hearing at 7:02 PM was moved and carried with ayes by all present.

There being no more comments or questions from the public, the meeting was closed at 7:02PM.

Motion to Adopt Ordinance moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Walling,  
Nays: Councilman Kovacs  
Absent:  
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted, in the Asbury Park Press by Mr. Sheridan, second by Mr. Hill

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Walling,  
Nays: Councilman Kovacs  
Absent:  
Abstain :

### **COMMUNICATIONS AND PETITIONS**

1. Application for membership in the Keyport Fire Department Hook & Ladder Company from Albert Cataldo, Jr. (contingent upon State approval) and resignation of Albert Rosato (deceased) as an active member

Motion to receive and file moved by Mr. Sheridan, second by Mr. Kovacs with ayes by all present.

2. Application for a Street Opening Permit at 30 Perry Street for the purpose of installing a sewer lateral

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

3. Letter from the Borough of Union Beach regarding a County Vehicle Washer

Motion to go with Union Beach moved by Mr. Kovacs, second by Mr. Sheridan with ayes by all present.

4. Application for a Bingo License from St. Joseph Church for bingo to be held Sundays from January 3, 2010 – December 19, 2010

5. Application for a Bingo License from St. Joseph Church for bingo to be held Wednesdays from January 6, 2010 – December 15, 2010

6. Application for a Raffle License from St. Joseph Church for an On-Premise 50/50 Cash Raffle to be held during Sunday and Wednesdays bingo

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

7. Letter from the US Census Bureau, Freehold Office, requesting the use of our facility for the upcoming Census 2010; fifteen hours per week between March 19, 2010 and April 19, 2010

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

### **REPORTS OF DEPARTMENTS**

1. Borough Clerk's Monthly Report for November 2009
2. Tax\Water\Sewer Collector's Report for November 2009
3. Monthly Report for Building Department for November 2009
4. Property Maintenance Report for November 2009
5. Board of Health Treasurer's Report for October 2009 and minutes of the November 10, 2009 meeting
6. Municipal Court's Monthly Cashbook Report for November 2009

On file in Borough Clerk's office for review.

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

### **COMMITTEE REPORTS**

Councilwoman Bolte: Police: Ms. Bolte had nothing to report, wished all a happy holiday

Councilwoman Sefcik: Buildings, Grounds and Library: Ms. Sefcik gave library report. Library will be closed the day after Christmas.

Councilman Hill: Health and Recreation: Mr. Hill reported that the Recreation Holiday Lighting Contest is 6:30PM Friday night. Mr. Hill also reported on the Keyport Youth Athletic League.

Councilman Sheridan: Fire, First Aid & Emergency Services: Mr. Sheridan read the Fire Department report and gave names of the new Chiefs. Mr. Sheridan thanked First Aid for Breakfast with Santa.

Mr. Sheridan spoke of fingerprinting requirement for firefighter personnel. Would like fingerprinting waived but would still do an in-house name check. Mr. Sheridan had a draft resolution that would suspend a portion of our Ordinance. In past, fingerprinting was done at no cost. Now goes to an outside vendor. Mayor says Ordinance must be amended. The Ordinance can't be amended by resolution.

Councilman Walling: Finance, Grants and Redevelopment: Mr. Walling spoke of Monday night's Finance meeting. Mr. Walling spoke of losing his mother-in-law and thanked those for their condolences.

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs read property maintenance report. Spoke of unimproved property where owner had a court date but did not show.

### **ADMINISTRATOR'S REPORT**

Administrator Wright spoke about taking Resolution No. 6 off the agenda. CO has never been issued. Mayor stated to leave it on and make subject to final CO.

Ms. Wright reported on the following:

- leaf pick up
- new ambulance First Aid Squad. Will be insured under Borough
- Sewer line back up on Division Street related to USDA project. Would like it to be a priority
- Any more than patch will require a bid for road improvements

Councilwoman Bolte asked about maintenance plain for Waterfront. Administrator will get something from George Sappah.

Mayor Bergen reports Waterfront Park has been opened since last week. Mayor Bergen wished all a happy & healthy Holiday season.

### **ATTORNEY'S REPORT**

Nothing to report.

### **RESOLUTIONS**

2. Resolution No. 267-09 Establishing a Rain Garden on the Waterfront

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,  
Nays: Councilman Walling, Kovacs  
Absent:  
Abstain :

3. Resolution No. 268-09 Authorizing Contract Award to Replace Sanitary Sewer Manhole at 155 Division Street
4. Resolution No. 269-09 Authorizing the Mayor to Execute an Agreement with the County
5. Resolution No. 270-09 Authorizing the Borough to Enter an Interlocal Agreement for the Storage of Salt with the Borough of Matawan
6. Resolution No. 271-09 Authorizing Final Payment and Change Order for Library Bathroom- subject to final approvals by inspectors
7. Resolution No. 272-09 Authorizing Budget Transfer

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

8. Resolution No. 273-09 Authorizing the Award of Contract subject to USDA Approval – Rt. 35/36 Jughandle

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,  
Nays: Councilman Walling, Kovacs  
Absent:  
Abstain :

9. Resolution No. 274-09 Authorizing the Award of Contract subject to USDA Approval – Beers Street Phase II

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Kovacs  
Nays: Councilman Walling  
Absent:  
Abstain :

10. Resolution No. 275-09 Authorizing the Award of Contract subject to CDBG Approval – Maple Place Streetscape

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Kovacs  
Nays: Councilman Walling  
Absent:  
Abstain :

11. Resolution No. 276-09 Payment of Bills

12. Resolution 277-09 A&K Settlement

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

**PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 7:26 P.M.

Tim Sharp, 33 Pershing Place – would like candidates to commit to a date for a town hall type debate.

Ms. Bolte read Ed Burlew's response to her request for a debate. Ms. Bolte asked Mr. Burlew to reconsider.

Mr. Sharp asked Mr. Burlew if he would commit to a date – Mr. Burlew replied “no”.

Bob Burlew, 64 Chandler, asked about final decision on fingerprinting ordinance for Fire Department. Attorney Wisniewski explained that Ordinance would have to be amended.

Isaiah Cooper, 135 Atlantic Street, asked about the Fire Department background checks and whether there is a record on file.

Mr. Sheridan and Mr. Kovacs explained that many of the new Fire Department members are only 18 years old or so may not have had a background check before.

Robert Russo, 22 Gullway – clarified water problem – an inactive line that the borough had disconnected.

Administrator Wright explained that they tried to shut it off at the curb but couldn't locate the line.

Mike Lane – Happy Holiday to Council and thanked Councilman Hill. Mr. Lane spoke about the crosswalks at First and Broad. He asked about police report on that. Mr. Lane spoke of Rain Garden having vegetation of significant height. Asked how people will walk through the rain garden.

Ms. Bolte explained there will be three sections to walk through.

There being no more comments or questions from the public, the meeting was closed at 7:39 P.M.

**APPROVAL OF RESOLUTIONS**

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

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

**ADJOURNMENT**

Motion to adjourn was made by Mr. Sheridan, second by Mr. Hill with ayes by all present at 7:40 PM.