

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 6:33 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 (arrived 6:36 PM), Walling, Mayor Bergen. Others present: Borough Administrator Ms. Wright, Borough Attorney, Eric Winston.

**RESOLUTION 118-09**

1. Resolution #118-09 Closed Session Meeting Contract Negotiation, 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:

LITIGATION

Aeromarine

PERSONNEL

Police Dispatch

CONTRACTS

Employee Contract  
Computer Contract  
Beer Street Residents

**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 6:35 PM and this meeting was reconvened at 7:14 PM

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

**PRESENTATION**

Findings of the committee review of the Keyport Business Association

Ms. Bolte established a report with supplements. Mr. Kovacs read some of the report. Ms. Bolte continued reading the report. Review committee found several issues. Ms. Sefcik read recommendations. Ms. Bolte read the bylaws. Mr. Kovacs read recommendations of redrawing the districts. Highway business owners feel unrepresented.

Mayor thanked the Committee for their efforts.

Mr. Sheridan stated he sat in on meeting with Red Bank Mayor Menna and was impressed. Did any BIDS have no professional management? He did speak with Highlands whose BID management is made up of volunteers.

Not many BIDs were run by volunteers. Committee stated that they could not find another one besides Highlands. Most had a professional Director part-time.

Mr. Sheridan asked why ten businesses were invited but only five came; asked if more time was necessary. Ms. Bolte stated it was a favor to ask from outside BIDs especially if they were already happy with how their BID was run. Nothing was asked about our own BID. Just wanted to find out how other BIDs are run.

Mayor asked about the Division of Districts. Mr. Kovacs stated that Red Bank has more than one BID district. There would be both combined and separate pieces of the budget.

Ms. Sefcik - April 1<sup>st</sup> meeting where our BID was invited was just to fill in the blanks. Who's doing what?

Mr. Sheridan asked if the recommendations were discussed. Ms. Bolte replied the major focus was on the website and the marketing of the website. The entire Board was invited and a list of questions was provided beforehand. The Committee did ask for minutes and contracts but did not report on it since they did not receive it.

Art Olsen handed out Article III. Mr. Olsen stated he feels as though the Board is composed properly according to the By Laws.

Every year we had a commercial property owner.

Mr. Olsen explained: First election three and one  
October 2006 - three and one  
One in 2007

Mr. Olsen stated that he will have Cliff Moore ask somebody to be a representative. 2006 By Laws were changed to present a signature with seven signatures to be on the ballot.

Ballots were four days late. Mr. Olsen apologized for that. Only one member not in compliance for lack of attendance.

Terry Musson never received any compensation for being Treasurer; she has received no compensation for her service as Treasurer. Mr. Olsen stated he reviewed and approved every bill as recommended by the auditor. Report says yellow book audit is not required according to their auditor.

Mr. Olsen thanked the committee for all the effort they put into it.

Larry Vecchio stated he feels the money in the budget will never overcome the media coverage of the problems between the Council and the KBA.

Ms. Bolte read some letters from current Board members written in previous years stating issues at the time.

Ed Burlew was escorted out of the room for calling names to the Mayor and Council.

The meeting was opened to the public for comments or questions at 7:56 P.M. regarding this issue only.

John Olsen stated he attended the meeting that Pat Menna spoke at. Mr. Olsen asked why the Committee didn't take residential, industrial or marinas in the business district.

Ms. Sefcik stated they felt they did not fall within the zone.

Mr. Olsen stated fees were cut and the Borough has some extraordinary fees that prohibit new business that he would like Mayor and Council to consider.

Joseph Wedick mentioned that the materials asked of the KBA were presented the day before the April 1<sup>st</sup> meeting. Ms. Bolte replied that the committee still has not received them.

Sandra Shevlin, commercial property owner and property owner in the downtown stated she finds it hard to hunt down the KBA meetings. Feels that if the Borough requests information and cannot get it how can she, as a property owner, expect to get anything. Feels "no outreach" is an understatement and feels she is not received at all. Ms. Shevlin has two suggestions:

1. Does not have to bid large capital improvement projects. Friends of Board members get the jobs and there is no economic strategy. Doesn't think it is good business to give the work to anyone without getting prices.
2. Streetscape - concerned that the streetscape is not being decided by the right people. Ms. Shevlin feels creative people should be asked. Thinks the organization should be nullified if changes cannot be made. Absolute power corrupts absolutely.

Chris Fornicola, Front Porch, stated he feels the streetscape should have waited in this recession. Mr. Fornicola stated that he is concerned about trees that were removed. Thinks it could have been planned differently.

Mayor stated he held at least three meetings.

Mr. Fornicola felt that \$100,000 put into streetscape should have been used for a better parking situation. Parking is an issue that could have been corrected. Mr. Walling pointed out that Mr. Fornicola bartered for the \$6,500 he supported the Borough with.

Mike Lane stated that the presentation was given by a certified planner who did the plan for Red Bank. Mr. Lane feels it was not a blind alley. Mr. Lane asked about map, District One has a set of residential streets; are residential properties being included; no only the random commercial properties in that area.

Ms. Sefcik stated this was only a suggestion.

Mike Lane, agreed with Pat Menna's position that Marinas should not be part of the BID. Marinas bring in business and we should insure their survival. Mr. Lane asked Council to move the Marina's out of the BID. Mr. Lane commented on the KBA election process.

Andy Wilner, Osborne Street, ran a non-profit business in town - does not recall every getting anything about running for election of KBA or meeting dates.

Mike Reedy, business owner and a property owner for 20 years. Mr. Reedy stated he never received a notice of any KBA meeting. Thinks there should be a limit on running again once you are in office. Thinks a diversity of ideas and more people to contribute is a good thing. If marinas are dropped from the BID can the owners still be on the KBA?

Terry Bolte, Clever Hen, feels three or four Board members do not have her best interest as a business owner. Ms. Bolte stated that she had a problem with the old KBA but was at least allowed to voice her concerns which she cannot do now. Feels it is a bad time to have taken the trees down.

Chief Mitchell addressed Sandra Shevlin; Mayor asked that Chief Mitchell address the Council.

Sandra's husband asked to give a bid on trees and never received anything. Disputed \$100,000 cost for mini-park more like \$80,000.

Chief feels police have been more than patient with Front Porch owner parking illegally when he is not loading or unloading.

Sandra Shevlin stated \$63,118 in 2007 and \$54,500 also budgeted for Mini Park.

Chief Mitchell replied \$54,500 was for the second phase which has not been done yet.

Ms Shevlin stated she feels she does have the best interest of Keyport at heart. Feels Chris Fornicola of the Front Porch should be utilized for his creative talents.

Ms. Bolte asked Mr. Olsen and Mr. Vecchio if they will follow through with the recommendations. Their response was that it will be brought back to the Board.

Mr. Kovacs expressed his unhappiness with Ms. Bolte nagging at the Board.

Mr. Walling asked if the committee had the meeting recorded. Ms Bolte replied no, they were for her own notes. Mr Kovacs stated she did express at the presentations that the meetings were being recorded.

There being no more comments or questions from the public, the meeting was closed at 8:40 P.M.

**APPROVAL OF MINUTES**

- |                                     |  |
|-------------------------------------|--|
| 1. January 6, 2009-Closed Session   | January 1, 2009-Reorganization Meeting |
| 2. February 10, 2009-Closed Session | February 10, 2009-Work Meeting         |
| 3. February 17, 2009-Closed Session | February 17, 2009-Regular Meeting      |
| 4. March 3, 2009-Closed Session     | March 3, 2009-Work Meeting             |
| 5. March 17, 2009-Closed Session    | March 17, 2009-Regular Meeting         |
| 6. March 24, 2009-Closed Session    | March 24, 2009-Special Meeting         |
| 7. March 31, 2009-Closed Session    |  |
| 8. April 7, 2009-Closed Session     | April 7, 2009-Regular Meeting          |

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

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

Nays:  
Absent:  
Abstain:

January 20, 2009-Closed Session  
January 20, 2009-Regular Meeting  
April 14, 2009-Closed Session

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

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

Nays:  
Absent:  
Abstain: Sefcik

March 31, 2009-Special Meeting (pulled until amendments are made).  
Mr. Walling wants it added that the Mayor called him a disgrace under  
his attorney's advice.

Offered to amend the minutes made by Mr. Walling, second by Mr.  
Sheridan.

#### COMMUNICATIONS AND PETITIONS

1. Letter from Espresso Joe's requesting the use of the downstairs  
stage area, mobile stage & electricity for benefit concert on  
Saturday, July 11<sup>th</sup>, from 12Noon to 6PM. (Rain date July 12<sup>th</sup>)

June 13<sup>th</sup> - day of Merchants Mart

Motion to approve and refer to Administration and Buildings and  
Grounds moved by Mr. Sheridan, second by Mr. Bolte with ayes by all  
present.

2. Letter from Keyport Fire Department requesting the use of the  
parking lot at the corner of American Legion Drive and West Front  
Street for them to hold their 43<sup>rd</sup> Annual Fireman's fair. Also asking  
permission to close American Legion Drive between 6:00PM and  
Midnight on Monday through Saturday

3. Letter from Keyport Fire Department requesting the suspension of the  
two-hour parking ordinance in the center of the business district  
during the week of the Fireman's Fair, July 27<sup>th</sup> through April 2<sup>nd</sup>

4. Letter from Keyport Fire Department requesting the use of public  
works equipment during the period of July 24<sup>th</sup> through August 2<sup>nd</sup> for  
moving garbage and equipment to and from the parking lot at the  
corner of American Legion Drive and West Front Street, under the  
supervision of the Supt. of Public Works. Fire Department will make  
arrangements and pay for a dumpster for the removal of the garbage

5. Letter from the Keyport Fire Department requesting the use of picnic  
tables and the portable stage from July 25<sup>th</sup> through August 2<sup>nd</sup>

6. Letter from Keyport Fire Department requesting permission to close  
American Legion Drive on July 30<sup>th</sup> from 5:00PM to 11:30PM to park  
apparatus from visiting towns

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

7. Letter from Brite Futures Learning Center requesting permission to use part of parking lot by American Legion on Front Street at Fireman's Park for their graduating children on June 12<sup>th</sup> from 3 to 4 PM

Motion to approve and refer to Administration moved by Mr. Kovacs, second by Ms. Bolte with ayes by all present.

8. Letter from St. Joseph Church for a Social Affairs Permit for their Annual Fair from May 27<sup>th</sup> thru May 31<sup>st</sup>

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

9. Request for Raffle License from Keyport Business Alliance for an On-Premise 50/50 Cash Raffle to be held on 6/12, 6/25, 7/2, 9, 16, 23,30, 8/6,13,20,27, 9/3, 12, 2009

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

10. Letter from Bayshore Little League requesting approval to install field equipment boxes at Main Street and Cedar Street ball fields

Motion to approve and refer to Administration and recreation moved by Mr. Sheridan, second by Mr. Hill with ayes by all present.

Mr. Sheridan would like to know the sizes of the boxes.

11. Letter from Keyport Garden Club requesting permission to use the Keyport Mini-Park to hold their annual plant sale fundraiser on Saturday, May 30, 2009 from 9AM - 2PM (Members need access from 7AM-4PM)

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

12. Thank-you letter from Keyport Garden Club for waiving permit fees and monthly water charges for the Keyport Garden Club's Community Garden

Dennis from the Garden Club stated he is growing food for the food Bank. Nancy Carew, Garden Club president thanked council for all those permits.

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

#### **UNFINISHED BUSINESS**

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

Ms. Wright reported on the following:

- Elizabeth Street tank is now empty
- Has contract for web cams
- Recycled chips will be delivered tomorrow
- Waterfront Park
  - poured curbs
  - reviewed plans
  - areas need to be filled in at old public works site. Has slowed construction this past week.

Mayor would like to schedule a special meeting to review the plans of the Waterfront Park.

Mr. Sheridan asked when the parking lot would be finished. Mayor replied the target date is still July 4<sup>th</sup>. Administrator added that they are still taking dredge material from the spoil site.

**ATTORNEY'S REPORT**

Attorney had no report.

**NEW BUSINESS**

Mr. Walling asked for a motion to tighten up the Pay-to-Plan Ordinance to include the KCCC. Would like to remove Marinas from the BID

Ms. Bolte replied this must be done by Ordinance - cannot do by resolution.

Mayor asked if Attorney can draw up those ordinances. May need a number of amendments on the KBA ordinance. Mr. Walling decided to hold off on this one but will still go ahead with the pay-to-play.

Mr. Sheridan stated Saturday was the Fire Department annual inspection. Thanked Christian, John & George for coming out. Would like the swine flu info added to the website.

Administrator stated that we have the Monmouth County Health Department link on the website.

Mr. Sheridan wants to know what the procedure is to get something on the website. Would have liked Fire Department annual inspection to have been added to website.

Administrator stated it needs to go through her office.

**RESOLUTIONS**

2. Resolution No. 119-09 Authorizing the Disposal of Certain Personal Property Not Needed for Public Use - Regarding Recreation Equipment, Public Works Vehicles, First Aid Squad Bus
3. Resolution No. 120-09 Authorizing Reduction in Water/Sewer Bill Due to a Leak - Walsh
4. Resolution No. 121-09 Authorizing Tax Adjustment for Widow of a Veteran Deduction and Surviving Spouse Deduction
5. Resolution No. 122-09 Authorizing Grant Agreement for Sustainable NJ - Walmart Grant
6. Resolution No. 123-09 Authorizing Emergent Temporary Appropriations
7. Resolution No. 124-09 Supporting Senate Bill S-2266 Recovering Certain Costs and Fees from ABC Licenses Charged with Violations
8. Resolution No. 125-09 Supporting the Click It or Ticket Mobilization of May 18 - May 31, 2009
9. Resolution No. 126-09 Approving BID Budget and Levy for 2009

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

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

10. Resolution No. 127-09 Approving the Halls of the Borough's Municipal Building be Available for Display by Local Artists
11. Resolution No. 128-09 Amending Resolution #82-09 Passed at Borough of Keyport Council Meeting of March 3, 2009 to Include Reference to Fees for Additional Water Meter to Be Used for a Public Purpose
12. Resolution No. 129-09 In Opposition to a Proposed Diversion of Funds from the Emergency Medical Technician Training Fund

13. Resolution No. 130-09 Authorizing Emergency Repairs to Repair an Electrical Problem at the Borough's Water Plant
14. Resolution No. 131-09 Authorizing Approval to Submit a Grant Application and Execute a Grant Agreement with NJDOT for the Broad Street Streetscape, Phase 1 Project
15. Resolution No. 132-09 Payment of Bills
16. Resolution No. 133-09 Provide reimbursement to residents on Beers Street
17. Resolution No. 134-09 Award new Garbage Contract
18. Resolution No. 135-09 Extend Borough Administration temporary appointment at three months intervals for six months

Offered for adoption by Ms. Bolte, seconded by Ms. Sefcik

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

**PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 9:03 P.M.

Isaiah Cooper, Keyport Food Pantry, thanked the Garden Club for the food they are to contribute. Has had an increase in number of families served.

Mr. Cooper stated he is concerned about standing water by the condos on Atlantic Street and Coluco Place by the Hudson Trail. Mosquitoes are an issue there.

John Olsen, would like Chief and Mayor to attend Harbor Commission meeting to discuss parking.

Sandra Shevlin asked if the company that did the work on Beers Street still under bond. Ms. Shevlin stated that her driveway cracked, 314 Beers Street, would like it fixed.

Implication that she was upset about trees being removed because her husband did not get the job. Ms. Shevlin stated he offered the town the ability to get wholesale trees. Ms. Shevlin stated that this is untrue that he did not respond.

Chief Mitchell said he did not say anything about Ms. Shevlin's husband.

Tom Baldino, business owner, stated he understood that utility lines were to have been buried and now they are not.

Mayor replied that he thought conduit would go underground. Cost was \$200,000 from Phone Company and \$200,000 for electric. Tried to cut some of those costs.

Mr. Baldino stated he is also Treasurer of community Church and they are doing a community garden - would also like to get free water.

Mr. Lane spoke regarding Beach Park and parking of trailers on the grass. Scared about parking cars where kids are playing. Would like some type of barrier.

Mike Reedy spoke about water filter that had brown liquid at the bottom of it.

Mayor stated that the water is being tested.

Andy Wilner feels the process of discussing KBA was informative tonight. Feels there must be strategic planning before a Director is hired. Thinks you need someone who does non-profit strategic planning as a condition of approval of the budget.

Ms. Sefcik stated that DBAT would include some of that strategic planning.

Lois Reilly, Osborne Street, takes her grandchildren to Beach Park. Any scheduled maintenance for the beach.

Mr. Sheridan replied that it was just cleaned.

Mayor states there are two beach clean-ups done yearly.

Ms. Reilly feels that twice a year is not enough. Would like it to happen more frequently.

Carlos Maldonado asked what is being planned for the right side of Beach Park. An open sandy area with no fence.

Mayor - split rail fence that we have left over could be put there.

There being no more comments or questions from the public, the meeting was closed at 9:34 P.M.

#### **APPROVAL OF RESOLUTIONS**

Motion on the Consent Agenda made by Ms. Bolte, second by Ms. Sefcik with the exception of numbers 9 and 18.

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

#### **ADJOURNMENT**

Motion to adjourn was made at 9:39 PM by Mr. Sheridan, second by Mr. Hill with ayes by all present.