

November 10, 2009
Keyport, New Jersey

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 6:30 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Hill, Sheridan, Walling, Kovacs. Others present: Borough Administrator Ms. Wright, Borough Attorney, Eric Winston. Absent Mayor Bergen (arrived at 7:00PM)

RESOLUTION 241-09

1. Resolution No. 241-09 Closed Session Meeting Personnel, Contract Negotiation

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

- Grievances – Work Week Reduction

Attorney-Client Privilege

- DTV Resolution

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 Personnel and Attorney-Client Privilege 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. Hill

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

Nays:

Absent:

Abstain:

Council went into closed session at 6:34 PM and this meeting was reconvened at 7:09 PM

Mayor Bergen called the meeting to order at 7:09 P.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 Bolte, Sefcik, Hill, Sheridan, Walling, Kovacs, and Mayor Bergen. Others present: Mr. Winston, Borough Attorney, Mr. Fallon, CFO and Borough Administrator Ms. Wright.

Mayor Bergen congratulated Council Elect Gross.

INTRODUCTION OF ORDINANCES

1. Ordinance – Amendment to Borough’s Recycling Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING THE BOROUGH OF KEYPORT ORDINANCE 16-6 *et. seq.* PERTAINING COLLECTION OF RECYCLING MATERIAL

WHEREAS, the County of Monmouth has revised and updated its solid waste management plan to integrate the “Electronic Waste Management Act” *N.J.S.A. 13:19-99.94 et. seq.*; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed and analyzed the latest revisions to the Monmouth County Solid Waste Management Plan and seek to incorporate the changes into the Borough’s ordinances; 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, Ordinance 16-6.1 entitled **Mandatory Separation of Recyclable Materials for Collection and Recycling**, is hereby amended as follows:

- (i) On or after January 1, 2010, pursuant to the “New Jersey Electronic Management Act” *N.J.S.A. 13:19-99.94 et. seq.* no computers, monitors, televisions, telephone or related electronic hardware may disposed as solid waste.
- (j) No liquids of any type may be placed with recyclables or solid waste for disposal. No liquids, which include but are not limited to chemicals, paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products may be placed with recyclables or solid waste disposal (“hazardous waste exclusion”).
- (k) Any fair, convention or other special event, whether held indoors or outdoors and sponsored by public or private agencies, is required to provide appropriate labeled containers for all solid waste and/or recyclables reasonable expected to be generated and discarded by vendors, participants or other visitors to that even, and arrange for its proper disposition.
- (l) Any business or institution is required to inform its employees and/or cleaning service which is responsible for the collection and disposition of solid waste and recyclables generated at the business or institution of the proper method of disposal of solid waste and recyclable materials.
- (m) The private company or public agency providing dumpsters, rolloff or any other containers to business, institutions, demolition job sites for pickup by the collector-hauler shall be responsible for clearly marking such containers as “trash” or for specific “recyclables, as may appropriate.
- (n) Business manufacturing or selling products made of or packaged in any item mandated for recycling must provide labeled and accessible containers for recycling employees and customers and arrange for its proper disposition.
- (o) All public and/or non-profit or other institutions are required to provide labeled and accessible recycling containers for all employees, students and visitors in all buildings and facilities, and arrange for its proper disposition.

- (p) **Designated recyclables placed at curbside for collection are to be placed in a rigid container with a secure lid, not to exceed thirty-two (32) gallons. Recyclables shall not be placed in plastic bags.**

16-6.2 Definitions

Batteries: shall mean automotive and household ~~“wet” and “dry”~~ button cell batteries.

16-6.8 Violations and Penalties

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any rule or regulation promulgated pursuant thereto, shall be punishable upon conviction thereof, by the General Penalty established in Section 1-5 of this Code, except that the maximum fine or penalty for the failure to comply with Section 16-6.1 paragraphs ~~a and b~~ through p, or any rule or regulation promulgated pursuant thereto, shall not exceed fifty (\$50.00) dollars. As an alternate penalty, a convicted person may be ordered to perform community service in the recycling program, for a period not to exceed ninety (90) days.

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 Ordinance moved by Mr. Walling, 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 November 24, 2009 moved by Mr. Kovacs, second by Ms. Sefcik

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

2. Ordinance – Escrow Fund for Amendments to Redevelopment Plan

The Clerk reads the Ordinance by Title:

ORDINANCE FOR THE CREATION OF AN ESCROW FUND PERTAINING TO CONSIDERATION OF A REQUEST FOR AN AMENDMENT OF A REDEVELOPMENT PLAN FOR AN AREA DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, the governing body of the Borough of Keyport is the redevelopment entity designated to proceed with the redevelopment of an area designated as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”);

WHEREAS, as the redevelopment entity, the governing body has, upon the adoption of a redevelopment plan, certain powers and authority under the Redevelopment Law, including, but not limited to the power to prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for carrying out redevelopment projects;

WHEREAS, under the Redevelopment Law, the governing body, upon the adoption of a redevelopment plan, is further empowered to enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, soundings or test borings;

WHEREAS, under the Redevelopment Law, the governing body, upon the adoption of a redevelopment plan, is further empowered to do all things necessary or convenient to carry out its powers;

WHEREAS, under the Redevelopment Law, the governing body is further authorized to direct the Planning Board to prepare an amendment or revision to a redevelopment plan for a designated redevelopment area;

WHEREAS, there may be instances where the governing body requires financial assistance to investigate the grounds for a possible amendment to or revision of a redevelopment plan by hiring professional planners and other consultants to conducting further investigations and tests upon (and by entering) a designated redevelopment area, and for other related professional services; and

WHEREAS, the governing body desires to establish a procedure by which a party requesting an amendment to or revision of a redevelopment plan can provide sufficient funds to be placed in escrow to cover the costs associated with the investigation and preparation thereof, the funds for which are otherwise unavailable to the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

1. Whenever it shall be necessary or convenient to carry out its powers under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("the Redevelopment Law"), the governing body shall be empowered to establish an escrow account to fund investigations into and the preparation of possible amendments to and revisions of a redevelopment plan that has been previously adopted under the Redevelopment Law, in accordance with the terms and conditions herein.

2. Such an escrow account may only be funded by the following persons or entities seeking an amendment or revision of the subject redevelopment plan: (1) the owner(s) of a majority of the land mass included in the designated redevelopment area; or (2) a contract-purchaser(s) of a majority of the land mass included in the designated redevelopment area, provided each contract-seller grants written consent for same (each a "Depositor").

3. The amount deposited into the escrow account shall be as agreed upon by the governing body and the Depositor, and may be replenished as needed or as otherwise specified by the parties.

4. Whenever an amount of money in excess of \$ 5,000.00 shall be deposited into an escrow account by a Depositor, the money, until released or applied to the purposes for which it is deposited, including the Depositor's portion of the interest earned thereon, except as otherwise provided in this section, shall continue to be the property of the Depositor and shall be held in trust by the governing body.

5. The governing body shall deposit it in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The governing body shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit.

6. The governing body shall not be required to refund an amount of interest paid on a deposit which does not exceed \$ 100.00 for the year. If the amount of interest exceeds \$100.00, that entire amount shall belong to the Depositor and shall be refunded to the Depositor by the governing body annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the governing body may retain for administrative expenses a sum equivalent to no more than ten percent (10%) of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

7. Prior to the acceptance of any deposit monies, the governing body shall enter into a written agreement with the Depositor that, without limitation, identifies the designated redevelopment area, and contains representations that (1) the money is to be held and expended in accordance with this Ordinance, (2) the acceptance of any deposit money does not ensure or suggest that the governing body will ultimately prepare or adopt an amendment or revision to the subject redevelopment plan, and (3) except in instances where the Depositor has already been designated as the redeveloper for the designated redevelopment area in accordance with the Redevelopment Law, the acceptance of any deposit money does not ensure or suggest that the Depositor or any party of Depositor's choosing shall be designated as the redeveloper of the designated redevelopment area. In no event shall the governing body enter into such an agreement or accept such monies prior to the designation of the subject area as an area in need or redevelopment and the adoption of a redevelopment, both in accordance with the Redevelopment Law.

8. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof.

9. This Ordinance shall take effect immediately upon adoption and publication according to law.

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

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 November 24, 2009 moved by Mr. Sheridan, second by Mr. Hill

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

Mayor Bergen stated that this matter is being referred to the Planning Board. The cost of that review would then be borne by the developer. Would cover cost of any application we refer to the Planning Board.

COMMUNICATIONS AND PETITIONS

- 1 Application for a Bingo License from Keyport First Aid Squad for bingo to be held on Thursday evenings between March 2010 and March 2011
2. Request from Keyport First Aid Squad that the Borough waive licensing fees for bingo and raffle licenses for 2010
3. Application for a Raffle License from Keyport First Aid Squad Inc. for a Pull-tab Machine to be licensed from March 11, 2010 through March 10, 2011

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

4. Letter from Keyport Business Alliance requesting approval for a tree lighting event to be held on November 28, 2009 between 5PM-8PM. Also requesting the closing of Front Street between Beers and Broad for this event

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

Mayor spoke of a local tree that Mr. Goldstein may have available for this purpose. Refer to the KBA.

5. Letter from the O'Steen Family requesting the park be named in honor of their son

Motion to refer to a committee to look at this, moved by Mr. Sheridan, second by Mr. Walling with ayes by all present

6. Letter from Jesus the Lord Church requesting approval of their procession on Sunday, December 13th at 2PM as they celebrate the Feast of Our Lady of Guadalupe

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

UNFINISHED BUSINESS

Councilwoman Bolte asked Administrator about binoculars and bike racks. Must figure out where they should go. Parks and Recreation committee and Harbor Commission should decide where they should go.

Ms. Bolte would like a committee for a maintenance plan for the Waterfront.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Water heater at the Senior Center needs to be replaced. Cost not to exceed \$3,200. Hoping to wait until after 2010 budget.
- Hatch Mott MacDonald – report will be due in December
- Spoke of a deteriorated man hole and the options available. Get three quotes and get USDA to fund it.
- Spoke about who is attending the League of Municipalities
- Monmouth County using other than salt but it is more expensive. Working with Matawan on this. Spoke of the covering on the salt tent.

Mayor spoke about things blowing in if we did not cover the front. Councilman Walling recommended that the Mayor speak with the DPW Superintendent.

Motion that two gates be put up made by Mr. Walling, second by Mr. Kovacs

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

There is a concern about chains and pulleys rusting. Mayor stated he will meet with George Sappah and someone in the Chemistry department at the High School.

Ms. Bolte stated she needs more information.

Mr. Sheridan read an email about a fire hydrant and asked the Administrator about it. The Administrator replied that the hydrant will be made to grade. A discussion ensued regarding the hydrant.

NEW BUSINESS

Mr. Walling talked about the Harbor Commission buying a new ramp. The concrete one is damaging the Pier. The approximate cost would be \$9,000.00. New Pier would be made out of wood. Mayor mentioned that the concrete ramp was promoted by the Engineer.

Discussion Items:

1. Criteria for Waiver of Senior Citizen Center Membership Fees

Waiver – Administrator wonders if Council would consider a Waiver for residency and income. Senior Center director would like out-of-towners to pay since it is reasonable and they are getting a great service. Mayor asked for a Government established standard.

Ms. Sefcik suggested approaching Bethany Manor to see if they can help. Ms. Sefcik felt it is unfortunate that one of the Senior Buildings is in Hazlet but their taxes are going to Hazlet and they have the opportunity to provide this service to their residents.

Senior Center Director is recommending \$10,400.

2. Increase Zoning Fees – refer to Finance Committee

Mayor would like it referred to the Finance Committee.

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

RESOLUTIONS

2. Resolution No. 242-09 Authorizing Acceptance of a Grant for Funding of the Bayshore DWI Saturated Patrols
3. Resolution No. 243-09 Authorizing Promotion of Sergeant George Casaletto to Lieutenant
4. Resolution No. 244-09 Authorizing Promotion of Sergeant Anthony Gallo to Lieutenant
5. Resolution No. 245-09 Authorizing Salary Resolution for Police Chief Thomas Mitchell

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

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

Nays:

Absent:

Abstain:

6. Resolution No. 246-09 Accepting the Proposal of and Authorizing Mayor to Execute Contract with CME Associates to Provide Engineering and Planning Services for Maple Place Streetscape Bid, Construction and Administration Proposal
7. Resolution No. 247-09 Accepting the Proposal of and Authorizing Mayor to Execute Contract with CME Associates to Provide Engineering and Planning Services for Beers Street Phase II, Construction and Administration Proposal

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

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

Nays:

Absent: Councilman Walling

Abstain:

8. Resolution No. 248-09 Authorizing Advertisement of Request for Proposals for Professional Service for 2010
9. Regarding The Charges Against DTV Pizza – pulled
10. Resolution No. 249-09 Payment of Bills
11. Resolution No. 250-09 Authorize Director to come up with a process for the Senior Center Waiver

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

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 7:55 P.M.

Ms. Medero – a resident of the Towers stated that they are one complex; they are all members of Bethany Towers. All of the seniors housing is subsidized. Ms. Medero stated that none of them know anything about the waiver. She feels that \$50.00 is a lot of money to come out of one check.

Mayor stated they will look at the possibility of making payments rather than paying all at once. Mayor asked that the Administrator call and confirm with Bethany – is the entire complex subsidized?

Peggy Hayes, 5 First Street, Feels that those with subsidized housing should not have to pay to use the Senior Center whether they live in Keyport or not. Thinks the \$10,400 limit is too low. Also feels that all the towers are under one complex.

Resident stated that most of the seniors in the Towers are from Keyport.

Mayor said that no one who cannot afford the fee will be denied.

Mike Lane – stated that the Tower is in Hazlet and that Hazlet has a tremendous tax base. Mr. Lane feels that Hazlet should contribute. Keyport taxpayers should be protected.

Mr. Lane spoke about putting together a tax reassessment committee. Mayor stated he has a meeting with the Tax Assessor next week. Mayor will speak with the Tax Assessor about recommendations now that the appeals are over. Mayor said we can expect a plan by the end of this year.

Mr. Lane – spoke of someone (Mr. Corbett) getting a 10% discount that the Borough Officials said he would get. Now the Borough is spending money to fight it; asked if the Council was aware of it. Mayor explained there is no cost to the Borough associated with this.

Mr. Lane said there were calls to residents on First Street the evening before the hearing and Mr. Corbett was the only one home.

Peggy Hayes stated she lives on First Street and never received a call and she was told by the assessor there was no such thing.

Mayor asked Attorney Winston to speak about how the tax appeal procedure works.

Eleanor Cosgrove, First Street, understood that Maple Place residents received a 10% discount for high traffic volume. Were only those on First Street who filed an appeal offered the 10% discount due to the high traffic volume?

Frank Mongiello, 313 Main Street, as a member of the Harbor Commission he would like to volunteer to work towards having the binoculars placed at the Waterfront Park.

Would like to know what is happening at the corner of Main and Jackson regarding the icing conditions Mr. Mongiello feels that they are dangerous.

Mayor responded that that is part of Beers Street Phase II and the DOT road improvement project.

Mike Lane asked about Resolution #9 DTV penalty – Mayor explained that resolution is being pulled.

There being no more comments or questions from the public, the meeting was closed at 8:51P.M.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda moved by Mr. Walling, second by Ms. Bolte

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

Nays:

Abstain:

Absent:

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present at 8:53 PM.