

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 6:35 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. Others present: Mayor Bergen, Borough Administrator Ms. Wright, Borough Attorney, Eric Winston. Absent: Councilman Walling

RESOLUTION 207 - 09

1. Resolution No.207 - 09 Closed Session Meeting: Personnel, Contract Negotiation, Potential 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:

- Personnel
Police
- Contract Negotiations
PERC
- Potential Litigation
Police Department

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, Potential 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. Hill

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

Council went into closed session at 6:35PM and this meeting was reconvened at 7:32 PM

Mayor Bergen called the meeting to order at 7:32 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, Kovacs. Others present: Mayor Bergen, Mr. Winston, Borough Attorney, Mr. Fallon, CFO and Borough Administrator Ms. Wright. Absent: Councilman Walling

APPROVAL OF MINUTES

August 18, 2009 - Regular

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

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

Nays:

Absent: Councilman Walling

Abstain:

PROCLAMATION

Put the Brakes on Fatalities Day – October 10, 2009

PUBLIC HEARING ON THE 2009 MUNICIPAL BUDGET

Motion was made by Councilman Sheridan and carried by Councilwoman Sefcik to open the hearing to the public at 7:36 PM.

Isora asked what tax rate will be; how much will her taxes go up. Property that was assessed at \$240,000 taxes will go up \$72.00 a year according to Tom Fallon.

Isora asked about the lay-off of the two police officers. Mayor stated that the lay-off plan will be implemented with a week.

Sam Minor asked about the taxes.

Isora asked who negotiated the last police contracts. Mayor replied that it was an arbitrator who decided.

Mike Lane, 51 First Street, received a copy of the budget, asked if there were any changes; no.

CFO – Budget increase is three cents of 4.3%

Mike Lane – 5 ½ cents per hundred if one includes the Open Space Tax.

Resident asked who the arbitrator is . Resident feels the Union has to work with the town.

Joe Ruth, KPBA President 223 – talked about the last council meeting. Talked about the lay-off of one officer. Asked about what is going to happen to the other Lieutenant. Mr. Ruth asked if they were laying off one police officer; Ms. Sefcik replied yes, that is in the budget.

Mayor stated we can't tell between now and the end of the year what will happen.

Joe Ruth asked if there will be an amendment proposed to keep the police officer; no.

Mayor stated the number in the budget reflects the lay-off of one officer. If we don't take that action we will have to transfer money from another line item.

Motion was made by Councilwoman Bolte at 8:02PM and carried by Councilwoman Sefcik to close this public hearing.

ADOPTION OF 2009 MUNICIPAL BUDGET

1. Resolution No. 208-09 Adopting the 2009 Municipal Budget

The Clerk reads the Budget by Title:

**2009 MUNICIPAL BUDGET OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, FOR THE YEAR 2009**

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

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

Motion authorizing the Clerk to publish the Budget Summary as adopted

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

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

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance No. 10-09 - Political Sign Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING THE BOROUGH OF KEYPORT ORDINANCE 25:1-17(B) PERTAINING TO POLITICAL SIGNS

WHEREAS, the Mayor and Council of the Borough of Keyport ("Borough") find that the placement of political sign in the Borough of Keyport may be unsafe to pedestrians and motorists and aesthetically undesirable; and

WHEREAS, the Mayor and Council of the Borough of Keyport ("Borough") are desirous of amending the Borough's ordinance which regulates the placement of political signs on public property including rights of way in order to protect the health, safety and welfare of the residents of the Borough of Keyport; 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; and

WHEREAS, the Mayor and Borough Council wish to establish a policy regulating political sign installation and removal on all private property in the Borough of Keyport;

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

The Code of the Borough of Keyport, Ordinance 25:1-17(b)(12) entitled **Signs in Residential Districts, *Temporary Signs***, is hereby amended as follows:

- (12) **Temporary signs and posts for advertising public functions or fund-raising events for charitable, religious, educational or civic organizations or groups, shall be permitted for a period of thirty (30) days prior and during the event and shall be removed within five (5) days after the event. The sign shall be non-illuminated, not larger than twelve (12) square feet in area, not exceeding eight (8') feet in height and may be erected flat against the building or freestanding. ~~Political signs and banners for any election, general election, primary election, school board election or special election, shall be permitted in all residential zones for a period of thirty (30) days prior to any such election and such political signs shall be removed within forty eight (48) hours following such election.~~**

The Code of the Borough of Keyport, Ordinance 25:1-17(d) entitled **General Regulations**, is hereby amended to add a new section as follows:

NEW SECTION

Political signs and banners for any election, general election, primary election, school board election or special election, shall be permitted only on private property for a period of thirty (30) days prior to any such election and such political signs shall be removed within forty-eight (48) hours following such election. Political signs shall not be permitted on public property, which shall include all publicly owned property, rights of way and everything affixed thereto or thereover. Political signs shall not be placed on private property without the permission of the owner or occupant thereof.

- (i) **“Political sign” is defined as any sign or banner that displays or advocates for or against any person who is a candidate who will or who has appeared on the election ballot in any election or sign or banner for or against any issue related to any election.**
- (ii) **“Candidate” is defined as any individual(s) seeking election to any public or party office of the United States, the State of New Jersey or of a county, municipality, or school district thereof.**
- (iii) **Presumption Created; Responsibility for Observance. There is hereby created a presumption that any political sign was constructed or installed at the request or direction of the person whose candidacy such sign advertises or publicizes and such person shall be responsible for observance of this section. The candidate identified in the political sign shall have forty-eight (48) hours to remove the sign after being notified to do so by the Borough.**
- (iv) **Penalties. Any person(s), candidate as outlined in section iii above, entity, firm or corporation or other group or person that is found guilty of violating any part of the provisions of this section shall be subject to any penalty set forth in Section 1-5 of the Revised General Ordinances. Each incident shall count as a separate violation.**

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 was made by Councilman Sheridan and carried by Councilwoman Sefcik to open the hearing to the public at 8:03 PM.

Motion was made by Councilwoman Bolte at 8:04PM and carried by Councilman Hill to close this public hearing.

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

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

COMMUNICATIONS AND PETITIONS

1. Email from Susan Montanti, Broker Associate of Re/Max Action Realty requesting permission to hold a fundraising scavenger hunt on or about October 17th

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

2. Letter from Keyport Fire Department Secretary advising that Robert L. Aumack was nominated as a candidate for the position of Third Assistant Chief in the Keyport Fire Department

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

3. Application for membership in the Keyport's Eagle Hose Fire Department from Jonathan Borsar (contingent upon State approval) and letter advising Council that Eagle Hose has accepted the resignation of Michael Handler.

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for August 2009
2. Tax\Water\Sewer Collector's Report for August 2009
3. Monthly Report for Building Department for August 2009
4. Property Maintenance Report for August 2009
5. Minutes of the Keyport Recreation Commission Meeting of August 6, 2009
6. Board of Health Treasurer's Report for August 2009
7. CDC/NPP Report for June, July and August 2009
7. Municipal Court's Monthly Cashbook Report for August 2009

On file in Borough Clerk's office for review.

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

COMMITTEE REPORTS

Councilwoman Bolte: Police: Ms. Bolte spoke of Chief's transition. Met with Administrator and master gardeners in the Garden club about the Rutgers rain garden program at the waterfront.

Councilwoman Sefcik: Buildings, Grounds and Library: Ms. Sefcik read the library report. There is an herb garden outside the Library.

Councilman Hill: Health and Recreation: Mr. Hill gave a special thanks to Chris Matarese and Sophia Lamberson for the work with the skate park. Mr. Hill mentioned the Country Jamboree on October 10 and 11th.

Councilman Sheridan: Fire, First Aid & Emergency Services: Mr. Sheridan read the First Aid and Fire Department calls. Thanked all those involved in the 5K race. Blood Borne pathogen training is needed for First Aid and Fire Department. Thanked those for the car show and Macabee Mansion.

Administrator Wright asked the number of those who require training.

Councilman Walling: Finance, Grants and Redevelopment: Absent

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs would like George Sappah to be appointed as an alternate for the Recycling Committee. Recycling Ordinance needs to be updated and adopted by November.

Mr. Kovacs needs the 2008 tonnage report and asked about \$3.00 refund per ton (over charge) from County and asked about Recycling Grant. Mr Kovacs asked about the Green Team. Mentioned there will be branch pick-up this week.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Recycling Grant for \$20,000. Proposing we go for two dumpsters and aluminum can crushers (solar powered)
- Electricity bid – entertain submission of the bid and be prepared to accept it.
- Participating in Shared services meeting
- Rain Garden – Solicited proposals
- NJ Sustainable Community designation
- Roof for Library - will put together a grant

Mr. Kovacs asked about our water plant; when did the Borough stop using our water. Mr. Kovacs heard it was September 1st.

Mr. Sheridan asked about the Waterfront Park schedule. Administrator stated it should be complete in approximately one month.

UNFINISHED BUSINESS

Ms. Bolte spoke about alternative funding for the Skate Park – applied for Tony Hawk grant – up to \$25,000 - not a matching grant. Resolution authorizes application of that grant.

Mayor spoke about the need to adopt KBA budget and the recommendation of review committee for a licensed KBA director. This creates a line item for \$20,000. Will require a public hearing.

Handicap ramps at the streetscape.

Mayor stated there isn't any plan to hire the Director this year. Recommends there be no budget amendment so the Borough taxpayer is reimbursed. Feels it is not the time to make an amendment.

Ms. Bolte asked if the committee report is then irrelevant. Ms. Bolte spoke of the hours spend and the lawsuit filed. Spoke of expenses for legal fees in defending the lawsuit. Says we are handing over money to a group that doesn't have to follow recommendations or provide documents.

Mayor wants to get money back to the Borough that needs to be recouped.

NEW BUSINESS

RESOLUTIONS

3. Resolution No. 209-09 Authorizing Reduction of Water Bill – Keyport Auto Mart
4. Resolution No. 210-09 Self-Examination of Budget
6. Resolution No. 211-09 Statement of Opposition to Offshore LNG Port Facilities in the NJ/NY Clean Ocean Zone
8. Resolution No. 212-09 Authorizing Mayor to Sign Agreement with Sergeant Dixon
9. Resolution No. 213-09 Authorizing resolution for Tony Hawk Skate Park Grant
10. Resolution No. 214-09 George Sappah as Alternate Member for Recycling Committee

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

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

Resolution did not pass need majority of the full governing body.

5. Resolution No. 215-09 Approving BID Budget and Levy for 2009

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

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

7. Resolution No.216-09 Accepting the Proposal of and Authorizing Mayor to Execute Contract with T&M Associates to Provide Engineering, Contract Administration and Inspection Services for Waterfront Park

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

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

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:38 PM

Resident – husband just became a member of the American Legion. She is concerned there is only one handicap spot and for people's well-being.

Mayor – 14 to 15 parking spaces will be put behind there and 5 to 6 will be handicap spaces. That is all part of the plan. He will be setting up a meeting with the American Legion.

Isora asked if there is an Emergency Evacuation plan; yes. We have an Emergency Management Team.

Mike Lane asked about the BID budget – is whole assessment in November bill or have they been collecting it; they have been collecting it. Mr. Lane asked about the T&M Resolution.

Mr. Lane asked about the sidewalks and alleys being paved; how it is being funded. Mayor replied that it is funded as part of the regular Green Acres Grant.

Mr. Lane asked for a commitment on the Open Space Resolution he drafted for next year's election. Mayor stated it can't go on until Next year's budget.

Mr. Lane asked about County Dispatch, Mayor said he is waiting for the County to give us a proposal for evaluation.

Mr. Lane asked about separate budget for the KCCC. Mayor stated it is a self-funded entity.

Joe Ruth asked when the lay-off plan adopted is going to take effect. Administrator Wright replied next Friday, October 9th.

Mr. Ruth asked when will the Borough certify the Lieutenant's list, Ms. Wright said we don't certify but it has been requested to get a list of eligibles. Mr. Ruth asked when it was requested; today. Mr Ruth asked if Borough plans to have a Captain and a Lieutenant.

Ed Burlew, 59 West Front Street, spoke of \$220,000 previous KBA budget which has now been reduced. Asked why ADA ramps have to be paid for by KBA? Said KBA reduced their budget while the Borough increased their Budget.

Mayor said KBA offered to fund the trees and sidewalks. KBA came to Borough with a plan for a streetscape and, once there is a plan and sidewalks are touched, handicap ramps then must be brought up to code.

Mr. Burlew said that the handicap ramps have nothing to do with KBA.

Joe Wedick, 17 Therese Street, passing the KBA budget tonight in order to collect money put out by Borough to KBA- said municipality is just the collecting agent. That is the sole function of the municipality to the KBA. When will payments to the KBA be forthcoming?

Ms. Bolte stated to Mr. Wedick that being a paid administrator for the KBA, she was sure he is looking for his check. Ms. Bolte said there are questions that are not being answered.

Mayor stated only way money gets legally collected is after the Borough adopts the budget. If no budget is adopted, there will be no assessment on your tax bill.

Mr. Wedick stated the Borough has no right to hold the KBA money. Attorney confirmed the law and the statute.

Tony Gallo, Keyport PBA, totally disheartened by the actions of the Governing Body. Feels there is a lack of communication and respect. Feels Mayor and Council are destroying the Police Department. He spoke about coming out number one on the Sergeant's and Lieutenant's tests and the Council's delay in promotions.

Spoke of civil service requirements for temporary appointments. Spoke of charges filed against him and how he was never rice noticed.

Ms. Sefcik stated it is a number's game due to no increase in revenue and the current economy.

Mayor defended his position toward the Police department; said 2006 charges were not issued by any member of this Council.

Joe Ruth said there are charges pending against him as well from this 2006 incident. Mr. Ruth hopes to get a letter dismissing the charges.

Former resident and Councilmember spoke about Council voting to demote an officer; asked what the choice to demote one was based on.

Ms. Sefcik said no decision has been made at this point.

Isora said she feels it is unfortunate to have all this animosity.

Resident made the suggestion of consolidation to save money.

Tom Fallon, CFO explained without the BID budget, November tax bills cannot be sent. CFO explained what will happen; there will be no BID assessment. What was paid will be charged to our surplus.

Mr. Sheridan asked if the budget is amended less than 10% do we have to hold a special meeting; no.

Mayor wondered if there is an amendment that can get four votes. The Mayor talked about amending the ordinance and holding the money.

Mr. Kovacs made a motion to dissolve the KBA as of January 1st. Mayor said that it must be introduced by Ordinance. Mayor asked what it would take to pass a budget of some kind. Ms. Sefcik said their events do not create any revenue.

Budget amendment does increase the budget for the executive director role.

Mr. Kovacs asked Ms. Bolte if she would agree to make a motion to have the attorney draft an Ordinance to do away with KBA. Mayor suggested that we amend the budget downwards to give them \$100,000.

Ms. Bolte asked for a meeting with the attorney. Ms. Bolte made a motion to adopt the BID budget to meet with the Attorney and review committee, Mr. Sheridan second the motion

A second vote was taken on Resolution No. 215-09 Approving BID Budget and Levy for 2009

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

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

There being no more comments or questions from the public, the meeting was closed at 9:57 P.M.

APPROVAL OF RESOLUTIONS

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

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

.ADJOURNMENT

At 10:20 P.M. Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.