

January 24, 2012
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, 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 McLeod called the meeting to order at 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, McPeck, Sheridan, Ambrose, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney, Gordon Litwin (arrived 7:09pm) Absent: Councilwoman Tomczak

APPROVAL OF MINUTES

November 22, 2011 – Regular

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

Roll Call Vote: Ayes: Councilmembers Bolte, Sheridan Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain: Councilman McPeck

PRESENTATION

The Butterfly Project of Keyport; A 2012 Public Art Event – by The Arts Society of Keyport (ASK)

Maryann McKay – President Arts Project received a grant to purchase 23 fiberglass butterflies. Will be given back to the community as public art. This project is to be completed by June 9-10, 2012 Garden Walk. Branson Missouri and Chicago have similar projects. Twenty-three butterflies, five are mosaic. Will be displayed Sunday, February 19th at Trinity and sold at the silent auction.

(7:09 Attorney Gordon Litwin arrived)

Building and Grounds Committee will participate in the placement of the butterflies.

PUBLIC HEARING ON APPLICATION FOR A PERSON-TO-PERSON TRANSFER,

Person-to-Person Transfer, of Olini Merla Inc. t/a Bulkhead Bar and Grille to Timber Hill Associates II, LLC, t/a Burlew's Seafood/Steak – License No. 1322-33-011-009

Ed Burlew appeared with his attorney Walter Luers. Mr. Litwin swore in Ed Burlew.

Councilwoman Bolte asked about his initial January 2011 application and the reason for the first amended application.

Mr. Burlew responded that the first amendment was to change Mr. Burlew's address to 1006 Beach Drive.

Councilwoman Bolte asked how long he has lived at that address. Mr. Burlew stated he built the house eleven years ago. Said he spends most of his time spent in Keyport. He has lived at various Keyport addresses in order to take care of his sick mother and sick sister. He now lives back at 1006 Beach Drive in Cliffwood.

Councilwoman Bolte asked him about the cost of the license. Twenty-five thousand dollars. She mentioned what a good deal it was and Mr. Burlew concurred. She then asked him whether he felt he was trustworthy. Mr Burlew responded he felt he was.

Councilman Toglia expressed that he felt that the Government should be helping small businesses. A vacant bar on the Waterfront is not good business. He revealed that Mr. Burlew is one of his clients. He has sold him health insurance.

Attorney Litwin recommended that Councilman Toglia neither participate in the hearing, nor vote on the application, due to this conflict.

(7:33PM Councilman Toglia left the dais.)

Mr. Luers brought up the fact that Mayor McLeod had represented Mr. Burlew.

Attorney Litwin stated that was over ten years ago and does not seem to be an on-going conflict.

At 7:40PM, Motion was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to open the Hearing to the public for comments or questions on the person-to-person transfer of the license.

MD Abramowitz stated Mr. Burlew owns multiple addresses which brings money to the town.

Elmer Graham Jr., 22 St. Peters Place, stated Mr. Burlew has done a lot for Keyport and should be granted the license.

Tim Sharp, 33 Pershing Place, hopes Mr. Burlew will turn this business from a moth to a butterfly. Recommends moving forward and doing the right thing for the town.

Bob Burlew, 64 Chandler Ave, stated Ed Burlew is his brother. Feels it is bad politics to hold this application up.

Warren Chamberlain, 73 St Peters Place, feels we should be worrying about drugs being sold in this town instead of this liquor license. Feels Mr. Burlew should be granted this license.

Nancy Smalling, 107 Maple Place, agreed that we want a business open at that location but Council must use diligence in granting the approval.

There being no more comments or questions from the public, the hearing was closed at 7:49 P.M.

Mayor explained that he has stayed away from this because of his past relationship with Mr. Burlew, which had been more amicable when the initial application was filed.

R57-12 Resolution – Approving Person-to-Person Transfer to Timber Hill Associates II, LLC, t/a Burlew's Seafood/Steak

RESOLUTION NO: 57-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF AN ALCOHOLIC BEVERAGE LICENSE FROM THE PREMISES KNOWN AS THE BULKHEAD BAR & GRILLE

WHEREAS, Timber Hill Associates II, LLC, trading as Burlew's Seafood/Steak, has filed an application for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1322-33-011-009, heretofore issued to Olini & Merla, Inc., trading as Bulkhead Bar & Grille, for premises located at 59A West Front Street, Keyport, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, consent to the transfer has been received from Olini & Merla, Inc., trading as Bulkhead Bar & Grille, and has been filed with the Borough Clerk; and

WHEREAS, proof of publication has been submitted to the Borough Clerk's Office of the Borough of Keyport of the notice of application for the said person to person transfer; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, a hearing on this application was conducted by the Mayor and Council on January 24, 2012, at which William Luers, Esq. and Edward Burlew appeared on behalf of the applicant, Timber Hill Associates II, LLC; and

WHEREAS, the Mayor and Council found good cause to hold the hearing on January 24, 2012, forty (40) days following the second publication of notice of the proposed transfer, because of the number of intervening holidays and there further being no prejudice arising from the scheduling of a hearing on said date; and

WHEREAS, the Mayor and Borough Council further finds that to the extent that the Mayor and Borough Council can conduct an investigation and review of the submitted documents, the applicant is qualified to be licensed under the applicable New Jersey Statutes and Regulations and Borough Ordinances.

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

1. Effective January 31, 2012, application for the transfer of the aforesaid Plenary Retail Consumption License to Timber Hill Associates II, LLC, trading as Burlew's Seafood/Steak, is hereby approved.

2. The Borough Clerk is hereby directed to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Timber Hill Associates II, LLC, trading as Burlew's Seafood/Steak, effective January 31, 2012."

3. The Borough Clerk is further directed to notify the New Jersey Division of Alcoholic Beverage Control of the disposition of the subject application and submit to it a copy of this resolution.

Offered for adoption by: Ms. Ambrose, Seconded by: Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain:

(Councilman Toglia returned to the dais)

CONSENT AGENDA

(All resolutions listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.)

- R72-12 Payment Of Bills
- R73-12 Placing a Lien on 138 Broad Street (Block 60, Lot 15) for Costs Associated with Remediation Property Maintenance Violations
- R74-12 Application for a Raffle License from Keyport First Aid Squad for Pull-Tab Raffle
- R75-12 Application for Bingo License from Keyport First Aid Squad for Thursdays from March 15th, 2012 through March 14, 2013
- R76-12 Application for Raffle License from Keyport Indians, Inc. for an Off- Premise Merchandise Raffle to be held on October 8, 2012
- R77-12 Authorizing the Borough to Pay Outstanding Bills incurred by the Keyport Business Alliance (KBA)
- R78-12 Authorizing Payment Plan – Rooke
- R79-12 Authorizing Payment Plan – Hye

January 24, 2012, page 3

- R80-12 Amending Resolution 46-12 – Annual Meeting Notice
- R81-12 Volunteer Tuition Credit Program

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:56 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

There being no more comments or questions from the public, the meeting was closed to the public at 7:58P.M. moved by Mr. McPeck, second by Mr. Sheridan with ayes by all present.

Mayor reads rules of Conduct for Council Meetings.

Councilwoman Bolte asked the Mayor to explain where funds will come from to pay outstanding KBA bills.

Administrator Wright explained that two vendors have approached the Council to have these outstanding KBA bills paid. KBA has been asked for an accounting of all their bills but the Borough has not received that. The Borough will pay until we get a final accounting from KBA to reimburse the Borough.

Mayor McLeod - payment will be made out of Borough funds but will be reimbursed; fourteen hundred and fifty dollars (\$1450). Mayor directed the vendor to complete his task as stated in the contract.

APPROVAL OF RESOLUTIONS

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

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Abstain:
Absent:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance 1-12 – Organizational Structure of Police Department

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER III, POLICE AND FIRE DEPARTMENTS, ARTICLE I, POLICE DEPARTMENT, SECTION 3-3.2, ADMINISTRATIVE DIVISION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to open the Hearing to the public for comments or questions at 8:05P.M.

Chief Casaletto feels the Ordinance goes against state statute.

Mayor read the language (NJSA 40A:14-118) in the Ordinance that came directly out of the language of the Statute.

Mayor explained that the Borough Administrator is the Executive or Administrative Officer charged with executive responsibilities of the Municipality. Stated he is very precise when it comes to the law and that he feels Chief has misrepresented the law by taking it out of context.

There being no more comments or questions from the public, the hearing was closed at 8:09 P.M

Motion to adopt Ordinance was made by Ms. Ambrose, second by Mr. McPeck.

Roll Call Vote: Ayes: Councilmembers Bolte, McPeck, Sheridan, Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan second by Ms. Ambrose with ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance – Recycling Committee

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING SECTION 16-6, MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND RECYCLING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

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

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on February 7, 2012 was made by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for a Street Opening Permit for a 3 X 3 opening at 56 Division Street for the purpose of an emergency gas leak – (work commenced and completed on December 13th, 2011)

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

2. Notice from the NJ Conservation Foundation regarding their 2012 NJ Land Conservation Rally to be held on Saturday, March 10th at Brookdale Community College

Motion to receive and file and refer to Environmental Committee and Green Team with ayes by all present.

3. Letter from Green Grove Apartments Property Manager regarding “resident only” parking on Williamson Street and 8th Avenue

Wayne Jordan, Property Manager, and Chris, Regional Vice President, at 99 Green Grove. Residents have come to him expressing their frustration at not being able to park on Williamson Street and 8th Avenue. They have one hundred and sixty-four apartments with one hundred and eighty parking spots. Sixteen spots are not assigned to a specific apartment.

Councilwoman Bolte stated Chief Mitchell made this “resident only” parking to handle the overflow from the Green Grove apartments, which made it difficult for residents of Williamson and Eighth to park. Ms. Bolte asked for an accounting of the spots needed.

Mayor stated that the Administrator will speak to the Police Committee Chair and look into expanding the permitting.

Motion to receive and refer to Business Administrator and Police Committee with ayes by all present.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for December 2012
2. Tax/Water/Sewer Collector's Report for December 2012
3. Building Department Monthly Report for December 2012
4. Board of Health Treasurer's Report for December 2012

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. Bolte with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Buildings/Grounds/Library: Ms. Bolte reported she will be scheduling a walk-thru of the library and Senior Center. Someone is coming to fix flag lights and spiket at the Senior Center. Ms. Bolte stated she has issues with the garbage company, would like to sit down and fix some of those issues.

Councilman McPeek: Health and Recreation: Mr. McPeek reported that Recreation had its first meeting of the year and they have lots of great ideas. Recreation is looking at renting space at St. Joseph's Gym.

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan stated that they had their first finance committee meeting. Impressed with Ms. Bolte and Ms. Ambrose; they bring a lot of experience. March 6 will be the Budget Introduction and April 3 the Adoption of Budget. December 15th is the Candlelight House Tour

Administrator Wright – DEP Open Space Grant due February 15th. Waiting on DOT Grant for Osborne Street.

Councilwoman Tomczak: Police: Absent.

Councilwoman Ambrose: Public Works/Recycling/Property Maintenance: Ms. Ambrose met with Superintendent Sappah. Got a tour of all the buildings. Also met with Construction Official Burlew to see how the Construction Department can be made more profitable.

Councilman Toglia: Fire/First Aid/Emergency Services: Mr. Toglia stated he had a meeting January 18th with Fire Departments. Saw what it takes to keep fire houses compliant. Will be taking a tour of all firehouses.

UNFINISHED BUSINESS - None

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Surveys have started to come in. Due date is January 30th. Our website is set up for polling. Can do one or two questions
- Kiosk
- 138 Broad Street – property maintenance official brought this to Administrator's attention.
- Mold in staircase – range from \$4,800 to \$7,800 to remediate.
- Water infiltration in squad room - tarp has been removed. PEOSHA has been advised. Continuing with south wall façade repairs.
- Benjamin Terry Park – waiting for warm weather to pour cement.
- DEP money available for a stairway at Benjamin Terry Park, \$56,000
- Borough was approached by a vendor to put solar panels on Water Plant roof in exchange for discounted electricity. We would own the panels after fifteen years.

- FEMA claim – Hurricane Irene – final worksheets have been submitted – expect payment any day now.
- Red Light Enforcement Vendors – wondering if Council is interested in an RFP.
- Skate Park – Would like to inform the County to release the money to someone else.
- Spoke about the DCA requirement for the Borough to do safety self-inspections of Borough playgrounds. Awaiting an Engineer's report for scope and fees.

Councilwoman Bolte asked about getting an air-quality test for the mold in the staircase.

ATTORNEY'S REPORT

Mr. Litwin stated he reviewed bidding documents for USDA Grant for sanitary sewer project.

Mayor – reiterated that a yellow light means stop within fifty feet of the light. Red Light cameras extend the eyes of the Police Officers. Suggested going forth with a RFP of the two vendors.

Councilwoman Bolte has a concern about staffing the Police Department to view the films, in order to send violations.

Councilman Toglia agreed with the Mayor on going out for RFPs for Red Light Cameras.

DISCUSSION

1. Discussion regarding P.L. 2011, c. 202 – Annual School Election

School Elections can be moved to November. One of the issues would be that one would lose the right to vote on the budget unless the Board of Education was going over cap. Council was not in favor of moving the School Election.

2. Authorizing the Clerk to Advertise for RFP for Waterfront Park Kiosk

Administrator explained two options: either the Borough would purchase a kiosk or the vendor would have their own kiosk. Part of the RFP would be to provide a menu.

3. Authorizing the Clerk to Advertise for RFP for Power Purchase Agreement for discounted electric to include installation of solar panels and roof repair

Administrator reported SRecs are not part of the equation to pay for the cost of the panels.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:06 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

John Kovacs, 33 8th Street, spoke of the men who represented Green Grove apartments. They were to go before Planning Board for added parking but they never followed up on it. Wish he knew about this before hand because he would have had all the neighbors here.

Warren Chamberlain, 73 St. Peters Place, spoke of a phone call he received from the Mayor blasting him for hanging around the undesirables. He has known the Mayor for 34 years and feels that was not honorable.

Mayor asked if any of this involved Borough business. Mr. Chamberlain continued to be disrespectful to the Mayor so the Mayor asked Police Chief Casaletto to escort Mr. Chamberlain out.

Chief Casaletto did escort him out.

Nancy Carew, 64 Broadway, asked viability of a solar panel once it becomes ours. Administrator replied five to ten years

Dennis Fotopoulos, 77 Beers Street, personally feels that Council has become a forum for getting things done. Spoke of costs that would be incurred for up keep and replacement of the solar panels. Ask Administrator how many proposals she has looked into. He feels purchasing the panels is more beneficial to the Borough than the lease.

Barbara Hassmiller, IUOE Local 68 representatives, asked about committee that Mr. Sheridan said would be formed to speak with the Union.

Councilman Sheridan stated the Committee has been formed and has had its first meeting.

Ms. Hassmiller asked when Union would be advised and how they can get a meeting with that Committee.

Attorney Litwin stated he believes that committee is still defining its role.

Mayor stated the Union will be notified once Committees purpose and procedure are ironed out.

Elmer Graham, Jr., St. Peters Place – in favor of holding the School Board Election in November with the General Election. Feels it would encourage more people to vote in the school election.

There being no more comments or questions from the public, the meeting was closed to the public at 9:27P.M. moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

At 9:28PM, motion to go into closed session after a short break was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

CLOSED SESSION

R 82-11 - Closed Session **Resolution:**

RESOLUTION NO. 82-11 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 Dept. Grievance
- Potential Litigation
 - KBA
- Attorney Client Privilege
 - Personnel Select Committee

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, 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. Toglia

Roll Call Vote: Ayes: Councilmembers Bolte, Mc Peek, Sheridan, Ambrose, Toglia
Nays:
Absent: Councilwoman Tomczak
Abstain:

Mayor and Council returned to open session at 10:09PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 10:10 pm