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, 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 7:01 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL
On Roll Call the following were present: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney Gordon Litwin

As a courtesy to those around you, please silence your cell phones

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES
January 1, 2013 – Reorganization meeting

Motion to approve made by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia
Nays:
Absent:
Abstain:

COUNCIL HEARING ON VACANT COUNCIL SEAT

Mayor McLeod swears himself in. Mayor McLeod read a statement of facts submitted to Borough Attorney last week regarding the list of Republican Nominees

Mayor McLeod submitted the first letter of nominations received to the Attorney who gave it to the Borough Clerk.

Mayor McLeod submitted a second letter of nominations received to the Attorney who passed it to the Borough Clerk.

The Mayors opinion is that the Republican Municipal Committee had failed to take any action to fill the vacancy under the Municipal Vacancy Law since the Committee did not choose the names on the letters submitted. The letters submitted to the Clerk are invalid due to the Republican Municipal Committees failure to submit a letter from the Committee.

Attorney Litwin swore in Harry Aumack of 52 Kearney Street. Mr. Aumack is the Vice Chairman of the Keyport Republican Committee.

Mr. Aumack agreed the Mayor's statements were true and accurate.

Attorney Litwin stated the Committee would have had to have an actual meeting with discussion and that was not done in this instance.

Councilman Toglia asked "What names will be submitted?"

Attorney Litwin responded that any name can be nominated.

Councilwoman Tomczak asked if any other Committee members were present.

The meeting was opened to the public for comments or questions at 7:17 PM moved by Mr. McPeek, second by Ms. Tomczak with ayes by all present.

Warren Chamberlain, 73 St. Peters Place, stated if he was sent and email he never saw it.

Mayor McLeod, stated that he had the email receipt.

Mr. Chamberlain stated that no one called him.

Mayor McLeod showed Mr. Chamberlain an email dated December 9, 2012 from Mr. Chamberlain stating he would be interested in the Council seat if Mr. Howe was not interested.

Ed Burlew, 59 W. Front Street, stated that he is available for the seat. Asked why Council doesn't just pick a name and choose someone.

Attorney Litwin, responded that we are establishing for the record that what appeared on January 1st was not correct.

Ed Burlew, asked why this needed to be done in open session. What is the point of this?

Attorney Litwin, this is to make sure that we are following law.

Ken Howe, 127 Chingarora, was sworn in by the Attorney. Said that the statute says three names were submitted by the Republican Chairperson. Mr. Howe does not believe Council should determine if names were submitted correctly. It should be determined by Freehold.

Michael Lane, 51 First Street, spoke in defense of Republican Chairman Bob Burlew. He has lost one of his homes, he has been working continuously in Union Beach. Asked for leeway in light of the times.

John McCleaster, 97 Perry Street, has heard four names being tossed around but only sees one of those here tonight.

There being no more comments or questions from the public, the meeting was closed to the public at 7:30 PM moved by Ms. Tomczak, second by Mr. McPeek with ayes by all present.

Councilman Toglia, stated that he knows Ken Howe and feels half the battle is having someone who wants the position. Asked Council to reconsider Ken Howe.

Councilwoman Tomczak, once it was brought to Councils attention that the list was not valid, Council had to consider that. This is an unusual turn of events. When you are filling a vacancy, you are taking on the roll of the voters.

Councilman Toglia, we need to make sure the law has been followed. Ken Howe wants it and I believe he would work hard.

Attorney Litwin, urged that this is not a political matter. It is a matter of carrying out election law.

Mayor McLeod, asked for a motion.

Motion made to nominate Kenneth Howe moved by Toglia, second by McPeek
Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia
Nays:
Absent:

RESOLUTION R62-13 – Making an Appointment to the Council Seat Vacated by Evelyn Ambrose – Kenneth Howe

Motion to approve made by Mr. Toglia, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia
Nays:
Absent:

Borough Clerk Valerie Heilweil swore in Kenneth Howe as the new Councilmember.

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.)

Mayor McLeod read resolutions on the Consent Agenda and gave explanations for those which were not self-explanatory.

R63-13 Payment Of Bills
R64-13 Emergency Installation of Retaining Wall for Maple Place Pump Station
R65-13 Granting a Taxicab Owner and Driver License to Keyport Yellow Taxi for the Year 2013
R66-13 Approving Tow Truck Operator Application – M & M Auto
R67-13 Authorizing Side-by-Side Recycling Collection
R68-13 Authorizing Extention of Leave for DPW employee
R69-13 Authorizing Execution of MOU
R70-13 Appointing Member to the 2013 Board of Directors of Keyport BID, Inc.
R71-13 Appointing Members to Serve on the Monmouth County Multi-Jurisdictional Core Planning Group
R72-13 Placing Lien on 138 Broad Street for DPW Labor and Materials to Board Up after a House Fire
R73-13 Resolution Correcting Resolution 8-13 to Add Ansell Grimm & Aaron as Special Redevelopment Counsel

R74-13 Authorizing Shared Service Agreement to Provide Registrar and Deputy Registrar of Vital Statistics
R75-13 Ratifying Re-Advertisement for Proposals for Consulting Engineering Services, Environmental
R76-13 Amending 2013 Temporary Budget
R77-13 Adopting 2013 Temporary Capital Budget
R78-13 Authorizing the Acceptance of the Proposal from Don Norbut of T & M Associates to Provide Supplemental Contract Administration and Construction Observation Services Related To Municipal Building South Wall Façade Masonry Restoration

INTRODUCTION OF KEYPORT BID INC. BUDGET

Cliff Moore and Stuart Koperweis came forward to talk about the budget.

RESOLUTION R79-13 – Business Improvement District Budget Notice

Motion to approve made by Mr. Sheridan, second by Mr. Toglia

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:47 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Mayor McLeod read Rules of Conduct at Public Meetings.

George Walling, 54 Second Street, apologized to Councilwoman Tomczak. Thought she would have been an extension of Ms. Bolte but he is pleased that she is not.

Councilwoman Tomczak, stated that she would have taken that as a compliment.

George Walling, spoke about an instance where the Mayor called a meeting of the Council at the Yellow Rose to speak about Carla, a former employee who was let go.

Ed Burlew, 59 W. Front Street, asked whether an electrician has been hired or does it need to go out to bid to repair the lights at the Waterfront Park. Feels it is dangerous.

Administrator Wright, explained she just received a structural report two weeks ago.

Councilman McPeek, suggested JCP&L mount their lights to face Waterfront as temporary lighting.

Ed Burlew, asked about the three remaining buildings that need to be demolished:

- Ye Cottage Inn
- Bayside Bar
- Historical Museum

Administrator Wright, explained she just received a structural report on the museum two weeks ago.

Ed Burlew, asked how much time will the Borough give to either rebuild or remove.

Jennifer Henning, 102 Main Street, asked about the building at 45 Beers Street.

Mayor McLeod, stated that permits were denied. Applications have been put in but have all been rejected. Next step would be for them to go before the Planning Board.

Elmer Graham Jr., 22 St. Peters Place, congratulated Councilman Howe. Asked with which town we were doing shared services for Registrar; Union Beach. Asked that temporary budget resolutions be put on the website.

Richard Clay, Highway 35, owns about five buildings. Said he has fees for permits of $231.00 Asked if fees would be waived.

Mayor McLeod, replied that it will be discussed tonight.

Artie, asked that the Flea Market be extended due to the current times.

Michael Lane, 51 First Street, would like a status update added to Unfinished Business for the following:

- Elizabeth Street water tower
- Concrete on Waterfront Park
- Electronic billboard

Mr. Lane also spoke about the bulkheads on First Street.

Ed Carew, 64 Broadway, noticed Up The Creek has been demolished.

Dennis Fotopoulos, 77 Beers, asked whether bulkheads Mr. Lane was referring to are public or private; private.

There being no more comments or questions from the public, the meeting was closed to the public at 8:14 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

APPROVAL OF RESOLUTIONS

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #1-13 – Bond Ordinance – Various Improvements to Waterfront Structure & Facilities Damaged during Hurricane Sandy

The Clerk reads the Ordinance by Title:

BOND ORDINANCE FOR IMPROVEMENTS AND REPAIRS TO THE WATERFRONT STRUCTURES AND FACILITIES DAMAGED DURING HURRICANE SANDY IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATEING $1,400,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF $1,330,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

1a. Motion to introduce was made by Mr. Sheridan, second by Mr. Toglia

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held February 5, 2013

Motion moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

1c. **RESOLUTION R80-13 –** Authorizing Waterfront Park Electric and Lighting Repairs Related to Hurricane Sandy

Councilwoman Tomczak asked whether the Administrator has requested proposals from other Engineers.

Administrator Wright replied that due to the design being nearly complete and time being of the essence, she had not.

Councilwoman Tomczak reminded the Administrator that she had a conversation that other proposals should be solicited.

Administrator Wright stated that Councilwoman Tomczak had talked with her stating conditions were unsafe at Waterfront Park. Ms. Wright said she was trying to get this done as quickly as possible. There are not to exceed numbers.

Councilwoman Tomczak feels Council has only one quote from which to make the decision.

Councilman McPeek asked whether the electrical work will be the same or improved?

Administrator Wright replied that incidental mitigation is included in this project.

Motion made to table until February 5th meeting moved by Sheridan, second by Lamberson
Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:

1d. **RESOLUTION 81-13 –** Authorizing Advertisement for Bids/Proposals For Outdoor Lighting and Electrical Restoration Work in Keyport Waterfront Park

Motion made to table until February 5th meeting moved by Tomczak, second by Toglia with ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Retirement letter from Sergeant Richard B. Ely, Jr., effective July 1, 2013

Motion made to accept with regret moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

2. Letter from Resident Frank Mongiello of 313 Main Street requesting two temporary parking passes

Motion to approve made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

3. Request for Social Media Approval from Fire Chief Robert Aumack for a Facebook webpage called Station 22, Keyport Fire Department

Motion to approve made by Mr. McPeek, second by Ms. Tomczak with ayes by all present.

4. Email from Clean Ocean Action regarding their “Wave of Action” day planned for Saturday, January 19th. They would like approval for clean-up of Benjamin Terry Park or an alternative Location

Motion to approve and forward to the Environmental Commission for suggestion of an alternate location between Brown's Point Marina to Pederson's Marina made by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

5. Letter from Keyport Fire Department requesting approval to hold the 2013 St. Patrick's Day Parade on Saturday, March 23, 2013

Motion to approve and forward to the Police, BID, DPW and Administrator made by Ms. Tomczak, second by Mr. McPeek with ayes by all present.

6. Letter from KBBC Executive Director regarding KBBC election results

Motion to approve and receive and file made by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

REPORTS OF DEPARTMENTS

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

Motion to approve made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

COMMITTEE REPORTS

Councilman Toglia: Buildings/Grounds/Library: Mr. Toglia reported on the following:

- Looking for volunteers at the library to discard books.

Ed Carew came up to talk about the library.

Councilwoman Lamberson: Health and Recreation: Ms. Lamberson reported on the following:

- Recreation met this week. They are trying to devise a mission statement.

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan reported in the following:

- Still needs budget input from the Police Department and Fire Department
- Historic Museum has items stored at DPW Rollo Place – next meeting at First Aid.

Councilman Sheridan thinks Mr. Howe will do a fine job but would like to apologize to Mr. Strang.

Councilwoman Tomczak: Police: Ms. Tomczak reported on the following:

- Started tracking monthly statistics for the Police Department
- Was able to establish the volunteer Auxiliary Police Force
- Mentioned retirement of Sgt. Ely and other possible retirements
- Attended a meeting of the Bayshore Mayors – setting up a Strike Force Team

Councilman McPeek: Fire/First Aid/Emergency Services: Mr. McPeek reported on the following:

- Thanked Chief McCleaster on his service in 2012 and for his work during Hurricane Sandy
- Spoke of budget meeting January 25th
- Mentioned Fire Department calls:
  - 2011 Fire Department had 501 calls
  - 2012 Fire Department had 680 calls
  - 10,680 man hours

UNFINISHED BUSINESS

1. Permit Fees for Storm Damaged Property

Motion made to continue waiving fees until June 1st, 2013 moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

2. Security Cameras

Council was provided with four quotes. Councilwoman Tomczak stated she did not receive any quotes. Mayor McLeod looked at his email and stated only he and Councilman Sheridan received them.

Chief Casaletto reported all cameras that we have are working but the digital recording system has not worked in two years.

Motion made to table installing cameras until Council has more information moved by Mr. McPeek, second by Mr. Tomczak with ayes by all present.

3. Sale of Borough Lots

Mayor McLeod suggested allowing the sale of Borough lot and development of a one-family home. This will then become a rateable. The lot is zoned General Commercial.

Motion made to determine the assessed value of the lots by having the assessor place a value on them moved by Mr. Toglia, second by Mr. Sheridan with ayes by all present.

4. Ye Cottage Inn

Discussion was about moving forward to force demolition. Contact owners to find out their intentions.

5. Master Plan Review

December 20th Planning Board formally adopted the Master Plan Review. The Borough has been ignoring the Master Plan review for 27 years. A new Master Plan is about a $75,000 project.

This review should have the Borough consider amending the Zoning Ordinance.

Motion made to tabling a review of the course of action to take based on the recommendation of the Planning Board moved by Ms. Tomczak, second by Mr. McPeek with ayes by all present.

Discussion ensued regarding temporary lighting at the Waterfront Park.

Councilwoman Tomczak asked Administrator Wright to collect options for temporary lighting by the next meeting.

Councilman Howe asked about the Electronic Billboard. What would be the penalties to light it up now.

Administrator Wright responded that we are still waiting for electric to be hooked up. Need approval from DOT.

DISCUSSION

1. Brownfield's Committee members

A discussion ensued on the Brownfields Committee Members.

ATTORNEY'S REPORT

Tidelands Matter

Administrator Wright met with the Tidelands Council regarding Tidelands area currently leased to Captain John. Actions are necessary to take on the present arrangements

Attorney Litwin reported that there are no options until Borough obtains a Waterfront development permit. Tidelands would not object to the renewal of the Captain John lease until the Borough takes the necessary action.

Borough could be given grants for bulkhead and pier. Future use would be subject to a license or a grant.

Motion made to seek authorization of Council to further pursue moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- ABFA maps (flood maps) are now available, insurance rate maps coming July 2013
- Tidelands license update
- Green Acres requiring a land swap where American Legion Drive was – would require an out bound survey
- Private debris removal – FEMA will reimburse 75% for debris in the easement
- Mitigation letter of intent due February 8th
- Ye Cottage Inn
- Approved for reassessment of taxes in 2014
- USDA Sewer – televising still taking place
- Need to update Borough's Ordinance on Grease and Borough's responsibility for sewers
- Grant worksheet was provided to T&M Associates
- Library Board would like to be paid more regularly. They are due for an audit
- Police Explorers – asked for storage rooms. PBA may move their downstairs gym and that space may be used for storage
- Cedar Street ladder at Pump Station - when pump was lifted noticed that ladder was deteriorated
- NJ Energy Management – tomorrow is the opt-out. Administrator has opted in to see if we can do better on rates
- Flu vaccine / rabies vaccine
- Meeting today with DCA on Shared Services
- Finance preliminary budget
- KBBC meeting on Thursday

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 10:24 PM moved by Mr. Toglia second by Ms. Tomczak with ayes by all present.

Dennis Fotopoulos, 77 Beers Street, asked about the law with respect to Captain John. Asked bid threshold.

Attorney Litwin, responded a minimum would be set. First bidder would have to be qualified as a licensed charter boat.

Dennis Fotopoulos, asked why Council would vote on repairing the electric at the Waterfront as it was when it could be damaged again.

Michael Lane, 51 First Street, asked about Borough-owned property at Church and Second Street which may be more valuable to offer for sale.

Mayor McLeod, we have had requests to sell the two lots in questions.

Nancy Carew, 64 Broadway, asked if solar lighting as a temporary lighting would be considered.

There being no more comments or questions from the public, the meeting was closed to the public at 10:38 PM moved by Mr. Toglia, second by Ms. Tomczak with ayes by all present.

Motion made by Mr. Sheridan, second by Mr. Howe with ayes by all present at 10:39 PM to go into closed session after a five minute recess.

CLOSED SESSION

R 82 -13 - Closed Session **Resolution**:

RESOLUTION NO. 82-13
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 Department Grievance
  - Comp time
- Attorney / Client Privilege
  - Benjamin Terry Park Contract
  - 17 Atlantic Street Construction Board of Appeals
  - Brown's Point Marina
- Contract Negotiations
  - Holmdel Point
  - Green Grove Apartments

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, Attorney / Client Privilege 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. Howe

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe
Nays:
Absent:
Abstain:

Mayor McLeod mentioned that he was pleased with the conciliatory gesture of the majority to the minority.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by, Ms. Tomczak with ayes by all present at 11:21 PM