February 1, 2011
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 7:02PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright and John T. Lane, Borough Attorney.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:02 P.M.

Bob Ludwig, Beers Street, opposed any extension to Bayside Grill.

Ron Kmetz, Second Street, complained about snow removal. Mr. Kmetz asked the number of plows during a snow storm; says he would be happy to volunteer time to plow in his own community.

Mayor explained there is a resolution on tonight authorizing the Administrator to hire temporary seasonal laborers.

Sam Minor, First Street, asked about the snow removal on First Street, in Keyport. This is a County Road – suggested the Borough writes a letter to the County.

Jennifer Henning, 102 Main Street, spoke of the parking on one side Ordinance. Has it been enforced? Also, spoke of snow removal on the sidewalks.

Mayor – I don't believe it has been.

Ken McPeek, Division Street, - had clean up of snow on Division Street Saturday morning when most people are home and cars are present. Mr. McPeek suggested choosing another time when less people are home; mentioned that some warnings to move cars were given.

Jennifer Henning asked if alternate side of the street parking has been considered around the school area.

Roy Jimenez, 157 Third Street, stated that the problem is most people are throwing the snow right back into the street.

Joy Tomczak, 109 Fulton Street, concerned with snow on Eighth Street. Also feels there are enforcement problems.

Councilwoman Bolte asked if the Mayor would like to set up a meeting with her, DPW, Police and the Mayor. Mayor said yes to setting up the meeting.

Mayor read current Ordinance 4-5 Snow and Ice Removal. Ms. Bolte also mentioned another Ordinance under the BOCA code which prohibits blocking sidewalks.

Bob Ludwig does the Borough have jurisdiction over the sidewalks on a County Road?

Al DeGracia, 23 Osborn wants all to keep in mind this has been an exceptional winter. Would like some logic used if there is going to be enforcement.

Mike Lane, 51 First Street, said we should compare our town to other towns. Compared to surrounding towns, he feels Keyport is on par. Mr. Lane suggested putting a lien for snow removal on properties for those who do not clear sidewalks.

Bob Ludwig suggested publishing the names of those who do not comply by removing the snow from sidewalks.

Chris Matarese, Keyport Recreation, spoke regarding R76-11 Terminating All Further Expenditures by the Borough on the Skate Park and asked some questions of the Council.

Councilman Toglia reported that he did speak with other municipalities regarding their skate park experiences. Mr. Toglia explained his confusion with the question and resolution voted at the last meeting.

Councilman Chamberlain explained that there isn't any money for this park.

Mayor stated there is $86,000 in the Open Space Account, that money could be used to pay down bond debts. The Mayor explained that not doing the Park is a savings of $59,000. Some items are not covered by the Grant. Borough has to pay all ancillary costs.

Mayor went over some of the financial numbers.

Jennifer Henning, 102 Main Street feels all the facts are not on the table regarding the Skate Park.

Sophia Lamberson, 286 Van Dorn Street, feels Council hasn't requested any further information on the Skate Park in order to make a more educated decision. Question was raised on the increased cost of liability on the increased cost of liability once there are injuries.

Attorney Lane explained a Skate Park issue Union Beach had with dirt in a groove which created a frivolous law suit.

Ms. Bolte stated that Council has not had an opportunity to discuss this on their own. Ms. Bolte stated that she was unhappy with the arrangement of the agenda.

Roy Jimenez, 157 Third Street, feels the skate park should be put at Cedar Street.

Isaiah Cooper, 135 Atlantic Street feels kids still do not have a place to play

Joy Tomczak reminded Council that any lawsuits have to reach the standard of Title 59.

Mike Lane, 51 First Street - Initial approval of the skate parks was for Cedar St. It was moved from Cedar St. to Division St because of the negative impact on the neighborhood. Division St. location is within ten feet of other residential property. Mr. Lane feels the young people have been "sold down the creek" by the former administration.

Division Street Parking lot is the only municipal lot on the east side of town. Says Skate Park will not fit on Division Street location. There would only be enough parking for five cars.

Ms. Bolte feels that the Division Street location will help economic development in that area of town.

Joe Wedick, 17 Therese St believes funeral parlor also uses Division Street Parking lot. Mr. Wedick asked who would be responsible for the maintenance. It has already been mentioned that we have only six laborers in public works. He feels it should be located at Cedar Street.

Heather Lanzow, Washington St would like Council to work together to get the skate park.

Ms. Bolte would like Council to table the resolution terminating the skate park. Ms. Bolte would like a compromise to keep discussions going.

Ms. Bolte asked Councilwoman Ambrose as to whether or not she felt she had enough information on the skate park. Ms. Ambrose stated she did.

Terry Bolte, 65 Elizabeth Street, suggested if Council is still unsure they should abstain from voting.

Jennifer Henning asked for clarification as to her hearing that some Council members are not being sent information.

Mayor responded that he does not communicate with Councilwomen Bolte and Sefcik.

Ed Burlew, 59 West Front Street, thought the committee would be raising the money to match the grant.

Chris Matarese would like to meet before any decisions to terminate are made.

Sophia Lamberson stated the Skate Park Committee was never going to raise the money on their own.

Mayor read T&M proposal of December 1, 2010, highlighting the costs that are not covered under their proposal.

Sam Minor thinks the location should be at Veteran's Park or Therese Street Park.

Attorney Lane stated it is difficult to use under Title 59 and succeed.

Motion made to suspend the ordinary business and take old business out of order was made and carried with ayes by all present.

Motion made to table Skate Park Resolution made by Ms. Sefcik, second by Mr. Sheridan

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

There being no more comments or questions from the public, motion was made by Mr. Sheridan and second by Ms. Bolte with ayes by all present to close the meeting to the public at 9:35 P.M.

At 9:38PM, Councilman Sheridan moved to break for a five-minute recess. Motion was carried with ayes by all present.

9:42 motion to reconvene was made and carried by all present.

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.)

R66-11 Payment Of Bills
R67-11 Hire Alternate School Crossing Guard - Hansen
R68-11 Hire Alternate School Crossing Guard - Smith
R69-11 Ratifying Settlement with PBA Local 223 Concerning Personal Use of Police Vehicles - pulled
R70-11 Appropriation Transfer
R71-11 Adopting Official Notice of Claim Form
R72-11 Appointment of Environmental Commission Member
R73-11 Transferring Litigation Files to Borough Attorney and Special Litigation Counsel Under Current Contracts - pulled
R74-11 Authorizing Advertisement for Receipt of Proposals for Health Insurance Broker for the Borough of Keyport for the Year 2011
R75-11 Payment of Bills
R77-11 Authorizing Borough Administrator to Hire Temporary Laborers

APPROVAL OF RESOLUTIONS

Councilman Sheridan made a motion to vote separately on R73-11. Motion was carried with ayes by all present. He expressed his concern over double-billing.

R73 -11 Transferring Litigation Files to Borough Attorney and Special Litigation Counsel Under Current Contracts

Attorney Lane gave an explanation of which law firm is doing what. He will not be handling any ABC matters due to his past work with the Merla;s. Mr. Lane will be handling the American Safety Casualty Insurance case because it is very early in discovery.

Motion to approve moved by Mr. Sheridan second by Bolte with exception of Dayback case.

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

Motion as made and carried to remove R69-11 for separate consideration. Motion was carried with all ayes by those present.

R69-11 Ratifying Settlement with PBA Local 223 Concerning Personal Use of Police Vehicles

Councilman Sheridan said he, the Administrator, and the Mayor met with the PBA to come up with this agreement to avoid a grievance that had been scheduled for arbitration.

Ms. Bolte is concerned that now if this right to a vehicle is taken away, the police would then require compensation.

Mayor explained that vote needs to be taken tonight. Next meeting would be over 30 days from the settlement discussion and would have to go back arbitration.

Motion made and carried to end debate on this matter.

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

Motion to approve resolution R69-11 moved by Mr. Sheridan, second by Ms. Ambrose

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

Motion on the Consent Agenda

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

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

OLD BUSINESS

R76-11 Terminating All Further Expenditures by the Borough of Keyport on a Skate Park

This resolution was tabled.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2-11 – Board of Health

The Clerk reads the Ordinance by Title:

AN ORDINANCE ADOPTING FORMER BOARD OF HEALTH ORDINANCES AND ESTABLISHING CHAPTER XXIV, BOARD OF HEALTH REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Motion made by Mr. Sheridan, second by Ms. Ambrose to open the hearing to the public for comments or questions at 10:19 P.M.

There being no more comments or questions from the public, the hearing was closed at 10:21 P.M.

Mike Lane asked for an explanation of the Board of Health Ordinance.

Mayor explained Board of Health had their own ordinances. These ordinances are now being adopted as Borough Ordinances.

Motion to adopt Ordinance made by Mr. Sheridan second by Ms. Sefcik with ayes by all present.

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

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

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

2. Ordinance #3-11 – Amending General Penalties and other sections of the Revised General Ordinances of the Borough of Keyport

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING SECTION 1-5 OF THE REVISED GENERAL ORDINANCES PERTAINING TO GENERAL PENALTIES AND OTHER SECTIONS

Motion made by Mr. Sheridan, second by Ms. Sefcik to open the hearing to the public for comments or questions at 10:19 P.M.

There being no more comments or questions from the public, the hearing was closed at 10:21 P.M.

Motion to adopt Ordinance made by Mr. Sheridan second by Ms. Sefcik with ayes by all present.

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

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Ms. Sefcik

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

COMMUNICATIONS AND PETITIONS

1. Letter of Resignation from Kathaleen Shaw of the Keyport Environmental Commission

Motion to accept with regret moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

2. Letter from Keyport Fire Department requesting donations in the form of advertisements in their program book for the 2010 Keyport Volunteer Fire Department's 41st Annual Firemen's Ball

Motion to approve same as last year moved by Mr. Sheridan, second by Mr. Bolte with ayes by all present

3. Letter from Keyport Spanish American Club requesting the use of Beach Park on Saturday, August 13, 2011 from Noon to 9PM for their 12th Annual Keyport Spanish American Festival

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

4. Letter from Keyport Business Alliance requesting approval of 2011 Budget and Calendar of Events

Motion to move to next meeting moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

5. Invitation to Keyport Cub Scout Pack 364 Blue and Gold Celebration Banquet to be held at the Keyport First Aid Building on Saturday, February 19, 2011 from 11AM-2PM

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

6. Letter from NY/NJ Baykeeper requesting the Borough increase their annual donation from $313 to $500 to help cover costs for the Raritan Bayshore Pump out Boat, *The Head Mistress*

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

7. Application for a Street Opening Permit for an opening at 89 Church Street for the purpose of an oil conversion

Motion to approve with infrared repair moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

8. Petition to Extend Licensed Premises [EP] from Kurtis Enterprises, d/b/a Bayside Grill, (6 Broad St.) on Saturday, March 19, 2011 from 10AM-10PM

Motion to invite manager to the next meeting moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

9. Email from Clean Ocean Action regarding Liberty Natural Gas application to build an LNG import facility despite broad based opposition to the project. Public hearings regarding this project will be held in Long Branch on Wednesday, Feb. 9th and in Edison on Thursday, February 10th.

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

UNFINISHED BUSINESS

Mr. Sheridan is requesting two alternate positions for the Harbor Commission,

Ms. Bolte asked about the update on police study? Administrator Wright replied that there was no update yet.
Ms. Bolte asked if there are any meetings scheduled with neighboring towns; not yet.
Ms. Bolte asked who is on the committee; Mayor replied he, the Administrator and Mr. Sheridan are on the Committee.
Ms. Bolte stated she has had complaints regarding garbage pick up.

March 11 – budget to be introduced.

Ms Bolte spoke of the budget and requested a Saturday meeting. Special Meeting will be scheduled for February 12 at 9AM, Councilwoman Sefcik stated she was not available.

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

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

ADMINISTRATOR'S REPORT

None

ATTORNEY'S REPORT

None

NEW BUSINESS

Mr. Sheridan – Planning Board Re-organization, congratulated new officials

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 10:50 P.M.

Al DeGracia, 23 Osborne St, asked Council how have things on Council gotten so bad so quickly.

Joe Wedick, US Census bureau will be releasing new population figures at the end of this week.

Mike Lane feels other stake holders should be considered besides just the Skate Park Committee. 150 feet of curbing and sidewalks are not included. Feels cost for Skate Park is significantly understated. Feels we need a better estimate than we currently have. Believes effectiveness of Code Enforcement not included in the Property Maintenance report.

Teresa Bolte asked what kind of impact will taking police cars home will have on her property taxes.

George Casaletto asked the Borough Attorney the cost of an officer stuck in traffic in his own vehicle.

Attorney replied the minute the phone rings the officer is on the clock whether in his own vehicle or a police vehicle.

Joe Wedick vouched for past practice of Police Department.

There being no more comments or questions from the public, motion was made by Mr. Sheridan and second by Ms. Sefcik with ayes by all present to closed the meeting to the public at 11:04 P.M.

CLOSED SESSION

R 78 -11 Closed Session Resolution:

RESOLUTION NO. 78-11
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 – Clerical, DPW, dispatch
Labor Negotiations

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 Labor 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: Ms. Sefcik

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

Adjourned into open session at 9:21 PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present at 11:17 PM.