

Minutes of the Work Session Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, NJ, pursuant to the adoption of the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, the 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 Aumack called the meeting to order at 7:00PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Pacheco, Sheridan, Kennedy, Lamberson, Cooper and Goode. Others present: Mayor Aumack, Borough Administrator Stephen Gallo and Borough Attorney James E. Polles, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

Councilwoman Kennedy presented a Certificate of Appreciation to the Department of Public Works

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.)

Clerk Heilweil read the resolutions listed on the Consent Agenda:

R78-18 Payment of Bills

R79-18 Certifying the Cost of Snow Removal and Placing a Lien Upon Such Lands
(seven properties)

R80-18 Awarding a Contract for Services to General Code Not to Exceed \$13,000 for the Electronic Codification for the Borough Code Utilizing the Process of Award without Public Advertisement by Way of the Borough's Qualified Purchasing Agent

R81-18 Authorizing the Social Community Activities Network to Provide Their Successfully Aging and Technology Program to Qualified Senior Citizens at the Keyport Senior Center

R82-18 Authorizing the New Jersey Department of Transportation (NJDOT) to Mill, Replace Substandard Curbing and Resurface Certain Existing Roadway located at Route 35 Pursuant to the Recommendation of the Borough Engineer

R83-18 Opposing Offshore Oil and Gas Activities

R84-18 Authorizing Cancellation of a Municipal Tax Sale Certificate 16-00004

R85-18 Approving a six (6) Month Unpaid Leave of Absence Commencing January 29, 2018 for DPW Laborer 1 to attend Monmouth County Police academy Special Law Enforcement Officer II Course – *Michael Ferm*

R86-18 Appointing Keyport Harbor Commission Member to an Unexpired Term by Mayor with the Advice and Consent of the Borough Council – *Robert L. Aumack*

R87-18 Declaring Surplus Property

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items listed on the agenda at 7:05PM moved by Sheridan, carried by Pacheco with ayes by all present

Councilman Goode – questioned whether we were locked into the hosting for the Borough Code.

Michael Lane, 51 First Street – suggested a robocall be sent out notifying residents that the Special Meeting of February 13th has been canceled. He spoke of the timeline for Introduction and Public Hearing of the Mariner's Village PILOT Ordinance. He would like to know who is responsible for the premature Introductions.

Mayor Aumack – stated there really is no excuse, although there is a reason. He thanked Mr. Lane for taking the time to look over the ordinance. Mayor Aumack believes the errors in the application would have been picked up at some point. He stated he is a bit let down by our Borough professionals.

Councilman Goode – stated he has requested the calculations from Mr. Kelsey regarding the figures in the tax abatement agreement, but he hasn't received a response.

Councilwoman Kennedy – stated that Council did pull the ordinance at one time because of questions for the developer and the professionals.

Administrator Gallo – we are at the mercy of the applicant and their certification. He believes the process worked and did not break down.

Andrew Kelsey, 29 St. Peters Place – apologized for not responding to Councilman Goode's request. He said the Mariner's Village application shows two different sized apartments and should be scrutinized before it advances. He pointed out unexpected costs in the recent purchase of the ladder truck.

Administrator Gallo – expects a robust discussion and a lot of public input on this.

Dan Fox, Chairman of Truck Committee – has a refund check from Pierce for \$4,525 for the ladder truck.

Dennis Fotopoulos, 77 Beers Street – appreciates that the Mariner's Village Tax Abatement Ordinance was removed. He would like Council to look at what we can do in the future. He suggested forming a housing authority or redevelopment commission. Maybe formalize some of those working with Mr. Lane and Mr. Kelsey. He said he knows land use law allows for that.

Administrator Gallo – stated you could have redevelopment authority. The applicant's professionals certified that the information was accurate. There was some "to be provided" data which was not required prior to the ordinance. Redevelopment is handled under the Finance Committee. We have a mechanism in place that governs redevelopment.

Dennis Fotopoulos – stated is he not opposed to redevelopment or high density.

Elmer Graham, Jr., 22 St. Peters Place – regarding Mariner's Village, we've got to get this right. He asked for an explanation of **R80-18** Awarding a Contract for Services to General Code Not to Exceed \$13,000 for the Electronic Codification for the Borough Code Utilizing the Process of Award without Public Advertisement by Way of the Borough's Qualified Purchasing Agent, which the Administrator provided. He also asked for an explanation of **R84-18** Authorizing Cancellation of a Municipal Tax Sale Certificate 16-00004, which the Administrator provided. He asked whether there is any progress in having Governor Murphy come to Keyport. Councilwoman Lamberson said she has reached out, but so far no response.

There being no further comments or questions, the Meeting was closed to the public at 7:45PM moved by Sheridan, carried by Goode with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Sheridan, carried by Goode

Roll Call: Ayes: Pacheco, Sheridan, Kennedy, Lamberson, Cooper, Goode

Nays:

Absent:

Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCE

1. Ordinance #1-18 – Business Parking Permits

The Clerk read the Ordinance by Title: **AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT, 1988” CHAPTER VII, TRAFFIC, SECTION 7-3, PARKING, SUBSECTION 7-3.6, PARKING TIME LIMITED ON CERTAIN STREETS, SCHEDULE IV**

- 1a. Motion to Open Public Hearing at 7:46PM moved by Sheridan, carried by Goode with ayes by all present

Mike Lane – asked for an explanation of this ordinance. Administrator Gallo explained the changes.

There being no further comments or questions, the Public Hearing was closed at 7:49PM moved by Sheridan, carried by Pacheco with ayes by all present

- 1b. Motion to adopt Ordinance moved by Pacheco, carried by Sheridan

Roll Call: Ayes: Pacheco, Sheridan, Kennedy, Lamberson, Cooper, Goode

Nays:

Absent:

Abstain:

- 1c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried by Pacheco with ayes by all present

2. Ordinance #2-18 – Amending Schedule I of Traffic

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER VII, TRAFFIC, TO REFLECT NEW PARKING RESTRICTIONS ON PART OF ATLANTIC STREET TO THE NORTH OF STATE ROUTE 36 AND ON A PART OF VAN DORN STREET TO THE SOUTH OF STATE ROUTE 36**

- 2a. Motion to Open Public Hearing at 7:50PM moved by Sheridan, carried by Goode with ayes by all present

Administrator Gallo – provided an explanation prior to any questions. He explained this is a line of site issue on Atlantic Street.

Mike Lane – asked whether all residents in that area were notified and how. He suggested it be pulled until residents are notified. He feels as a courtesy and as good practice he would like residents notified of these parking changes.

Administrator Gallo – stated most of the houses in that area have driveways. We will notify and issue warnings.

There being no further comments or questions, the Public Hearing was closed at 7:55PM moved by Goode, carried by Sheridan with ayes by all present

- 2b. Motion to adopt Ordinance moved by Sheridan, carried by Kennedy

Roll Call: Ayes: Sheridan, Kennedy, Cooper, Goode

Nays:

Absent:

Abstain: Pacheco, Lamberson

- 2c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried by Goode with ayes by all present

3. Ordinance #3-18 – Establish a Technical Review Committee

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER XII, BUILDING AND HOUSING, TO ESTABLISH A TECHNICAL REVIEW COMMITTEE**

3a. Motion to Open Public Hearing at 7:58PM moved by Sheridan, carried by Goode with ayes by all present

Elmer Graham, Jr. – asked the Administrator for an explanation of the Ordinance, which he provided.

Dennis Fotopoulos – asked what professionals were present at these Technical Review Committee meetings. He asked why the diversion from what T&M's Donna Miller recommended. He stated the Planning Board is a quasi-judicial body and the Chairman of the Planning Board should not be on this Technical Review Committee. He said no one from the Planning Board should be present at these meetings.

Administrator Gallo – stated the technical review process starts before there is an application at all. He defers to Council as to whether the Chairman should be on this Committee. You can either postpone the adoption or strike the Planning Board Chair from being on the Committee.

Motion by Pacheco to adopt the Ordinance but eliminate the Planning Board Chair as a member of the Committee

Dennis Fotopoulos – said he would like the members to be those who professional Donna Miller suggested.

Michael Lane – gave examples of Planning Board approvals that were decided without full information. He believes we need a more rigorous process. He stated the Planning Board members don't discuss applications outside of the hearing. He said this ordinance does not delineate deliverables. He doesn't understand why the Borough does not adopt the wording recommended by Donna Miller of T&M on this ordinance.

Councilman Goode – stated this is a general ordinance establishing the Technical Review Committee.

Mike Lane – would like a requirement that the Flood Plain Manager issue a report for each project when it is in a special flood hazard area. He agrees with Dennis that members of the Planning Board cannot participate in this.

Councilwoman Kennedy – explained where Council falls into the process.

Mike Lane – would like the Flood Plain Manager to provide a report on any application in a special flood plain zone that goes to the Planning Board.

Administrator Gallo – stated that can be put into the zoning ordinance. The wording in this ordinance allows us to include the Flood Plain Manager when necessary.

There being no further comments or questions, the Public Hearing was closed at 8:34PM moved by Goode, carried by Cooper with ayes by all present

Attorney Polles – explained Council cannot vote on the ordinance if there is a substantive change. Council could vote on this ordinance, striking the Chair from the Committee which, in his opinion, is not a substantive change.

3b. Motion to adopt Ordinance, striking the Chair from the Committee, moved by Pacheco, carried by Kennedy

Roll Call: Ayes: Pacheco, Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

- 3c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried by Pacheco with ayes by all present

APPROVAL OF MINUTES

Motion to approve the December 5, 2017 Work Session Minutes and the January 1, 2018 Reorganization Meeting Minutes moved by Kennedy, carried by Sheridan with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Letter from Michael Lane regarding Condition 4 of the approving resolution for Mystic at Keyport, 44 Beers Street, regarding maintenance/repair and insurance issues for a gravel dust walkway

Mr. Lane says until this condition is satisfied, the Building Department should not issue any permits. Councilwoman Kennedy stated there has been no request for a public access easement agreement. The Administrator will instruct the Building Department not to issue permits until "condition 4" is met.

Motion to receive, file and refer to Construction Office moved by Sheridan, carried by Pacheco with ayes by all present

2. Letter and Sample Resolution from the Monmouth County Mosquito Control Division

Motion to receive and file moved by Sheridan, carried by Pacheco with ayes by all present

3. Letter from Keyport Public Schools soliciting an ad for the Keyport High School Year Book

Motion to approve ad for the same amount as last year moved by Lamberson, carried by Cooper with ayes by all present

4. Letter from Superintendent of Keyport Public Schools thanking everyone for their collaborative efforts in reopening Keyport High School

Mayor Aumack read the letter aloud.

Motion to receive and place in personnel files moved by Kennedy and carried with ayes by all present

5. Letter of resignation from Environmental Commission member, Ken Howe, effective February 1, 2018

Motion to accept moved by Lamberson, carried by Goode with ayes by all present

6. Request from resident of Chingarora Ave for a Road Closure on Saturday, March 24

Motion to Table moved by Lamberson, carried by Sheridan with ayes by all present

7. Letter from Clean Ocean Action inviting the Borough to participate in the Spring Beach Sweeps on Saturday, April 21st and the Fall beach Sweeps on Saturday, October 20th, from 9AM-12:30PM

Motion to post on Borough on Calendar moved by Kennedy, carried by Sheridan with ayes by all present

8. Letter of Resignation from Harbor Commission member Tom Grabowski

Motion to accept with regret moved by Sheridan, carried by Cooper with ayes by all present

9. Email from Attorney for Mariner's Village withdrawing the PILOT application and advising that it will be resubmitted when financial data is updated to reflect the details of the site plan

Motion to receive and file moved by Sheridan, carried by Lamberson with ayes by all present

10. Letter from Michael Lane, received January 26th, regarding Mariner's Village documentation inconsistencies and shortcomings
11. Letter from Michael Lane, received February 2, 2018, regarding more on documentation shortcomings of Mariner's Village PILOT Application

Motion to receive and file moved by Kennedy, carried by Goode with ayes by all present

12. NJ State Firemen's Membership Application from Joseph G. Moscatiello (subject to State approval) for Lincoln Hose Fire Company and notice that the membership accepted the resignation of Tim Regan at the January 9th meeting

Motion to accept and approve moved by Kennedy, carried by Sheridan with ayes by all present

13. Letter from Art Society of Keyport (ASK) requesting the use of the boat ramp shed

The boat house is under the Harbor Commission. There is discussion of a concession at this location. Also, they do not fall under the Borough, they are a separate non-profit organization. Additionally, nothing has been cast in stone that the procedure at the boat house is being changed.

Motion to provide a reply stating we cannot meet your request moved by Kennedy, carried by Sheridan with ayes by all present

14. Application for Street Opening Permit from NJ Natural Gas for 30 Division Street for the purpose of retiring an idle plastic service
15. Application for Street Opening Permit from NJ Natural Gas for 30 Myrtle Avenue for the purpose of retiring an idle plastic service
16. Application for Street Opening Permit from NJ Natural Gas for 17 Broadway for the purpose of retiring an idle steel service
17. Application for Street Opening Permit for NJ Natural Gas for 37 Myrtle Avenue for the purpose of retiring an idle plastic service
18. Application for Street Opening Permit for NJ Natural Gas for 26 Van Dorn Street for the purpose of retiring an idle plastic service
19. Application for Street Opening Permit for NJ Natural Gas for 219 Atlantic Street for the purpose of installing a gas service line

Motion to approve moved by Goode, carried by Sheridan with ayes by all present

20. Request from NY/NJ Baykeeper to host free kayaking at Beach Park five Wednesday evenings from 5:30-6:30PM

Motion to approve and place on website under News and Announcements moved by Sheridan, carried by Kennedy with ayes by all present

NEW BUSINESS

Mayor Aumack - appointed Roy Jimenez, Sr., to fill the unexpired term of Ken Howe on the Environmental Commission.

Councilwoman Kennedy – would like a Social Media Agreement signed by the Administrator of the new Police Facebook page.

Councilwoman Lamberson – asked Police Department to sign the Agreement again. She suggested they start the practice of a Police Blotter.

Councilwoman Lamberson – asked what is going on with the electronic sign. It has been off for months.

Administrator Gallo – responded the sign needs a new part which has been ordered.

UNFINISHED BUSINESS

Mayor Aumack – will be covered under the Administrator's Report.

ATTORNEY'S REPORT

Attorney Polles reported on the following:

- Drafting a revised ordinance for abatements
- Looking over payable offenses for Municipal Court. Looking to make some payable without an appearance.
- Update in Municipal Land Use law regarding the amount to be posted for Performance Bonds

Councilwoman Kennedy – asked for clarification of BYOBs, Paint & Sips, etc.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Met with members of the Harbor Commission
- Met with Clean Communities and DPW regarding litter and trash issues at Fireman's Park
- Met with a business owner regarding dumpster issues
- Met with our grants consultants regarding AFG
- Met with Sal Costanza regarding union issues
- Met with the construction official
- Met with our telephone company
- Met with Attorney Ray Latham regarding development
- Had a conference with counsel regarding upcoming OAL Hearing
- Met with Counsel regarding Aeromarine, had a conference call with owner
- Met with Chief Richards regarding anti-drug CLEAR Program
- Met with dispatcher Debbie Gallagher
- Held a meeting regarding Dawn's Auto Body
- Attended Police Commission Meeting
- Met with representatives of the Recreation Committee
- Participated in a conference call regarding LimeBike
- Met with Mike Lane regarding various issues
- Attended an OAL Hearing
- Maple Place Fire Hydrant Replacement – we continue to wait for our engineer to receive competing quotes for this project.
- Beach Park and Beers Street Outfall Reconstruction – waiting for final approval for this project from NJDEP and Army Corps of Engineers.
- Improvements to Benjamin Terry and Veteran's Parks – plans have been forwarded to Monmouth County Open Space for review. I would like to have a public meeting to review the final plans or at least get them up on the website for review. Afterwards, we can go out to bid.
- DPW Building – Rollo Place – the architect is finalizing the layout and design of the building after which we should be close to going out to bid.

- Upcoming Capital Projects:
 - Roadway Improvements to Main Street (from Front Street to Maple Place) and Monroe Street (from Atlantic Street to Broad Street). The Borough received a grant for this project in the amount of \$235,000. I am reviewing competitive proposal for engineering and inspection of this job and expect to have recommendation at our next meeting.
 - TAP Grant Streetscape Project – the Borough received a \$569,000 grant for this project which includes pedestrian enhancements on Broadway, Maple Place, First Street and W. Front Street. We are still waiting for the kick off letter from NJDOT.
 - NJDOT Local Aid Grants Due 10/6/17 – the Borough submitted a grant application for Safe Streets to Transit for W. Front Street and Maple Place, and a Municipal Aid grant application for E. Front Street, Division Street and Third Street. The NJDOT has not yet awarded these grants.
 - Main Street Park – the Borough received a Monmouth County Open Space Grant in the amount of \$204,000. The Borough has also submitted a CDBG grant application to the County in July 2017. The County has indicated that the Borough is slated to receive \$147,500. However, the funding is not expected to receive from HUD until August 2018. The Borough has submitted for a Tony Hawk Grant in the amount of \$25,000 in January 2018. The grant awards for this have not yet been announced.
 - Senior Center Heating Oil to Natural Gas Conversion – our office solicited three quotes for this project. The low bid was from Coastal Air Conditioning in the amount of \$7,985.
 - Pump Station Generator Plugs – our office solicited quotes for the installation of generator plugs at the Maple Place and Cedar Street pump stations. The low bid was from Check Electric in the amount of \$4,995.
- Brown's Point Redevelopment Plan – the developer has withdrawn their application for a long term tax abatement and is reportedly revising same. They have also amended their land use plan and filed new documents with the Planning Board.
- Aeromarine Redevelopment Plan – we held a conference call with the property owner last week. They are interested in moving forward with a project and are meeting with various potential buyers. We agreed to address the land fill issue in a meeting in the near future. A follow up is being scheduled.
- Longview/Boatworks Redevelopment Plan – I met with the developer's representatives who advised that they are in the process of applying for an updated CAFRA permit and are discussing sewer connection fees with Bayshore Regional Sewage. As of now, I have no update.
- Ye Cottage Inn – the developer is still in plan review.
- USDA-RD Funded-Perry Street Water Treatment Plant Upgrades – we are negotiating with NJ American Water for water supply for next summer while our plant is out of service. We are also exploring alternative methods of supplying the community with a package treatment plant.
- Bike Share Program – we have provided the vendor with our proposed edits to the draft agreement with them. We are awaiting their response.
- Complete Streets Project/Pedestrian Safety – we will have a kickoff meeting on this initiative at the end of the month.
- Harbor Issues – I have a follow up meeting with our marine engineer and members of the Harbor Commission later this week to discuss developing a master plan for the harbor.
- County Dispatch – Chief Hafner is tabulating the costs and the pros and cons involved with switching to county dispatch. I expect a report from him shortly.
- Senior Center – I was advised this morning that termite damage has been identified at the Senior Center. Our engineer and DPW director have responded and inspected the damage. An exterminator will be inspecting the area tomorrow morning and will provide a report. Based on the engineering review and exterminator's report, we will develop a plan of action.
- Library – the Library bathroom has been completed.

Councilwoman Kennedy – would like a robocall and newspaper publication for the Complete Streets meeting.

Administrator Gallo – explained there have been complaints stating robocalls should be only for emergencies.

Councilman Sheridan – asked about roadway improvements by Walnut Terrace and asked about shared service repaving.

Administrator Gallo – stated we got a price of about \$7,000.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:32PM moved by Sheridan, carried by Pacheco with ayes by all present

Dennis Fotopoulos – spoke of new member of the Green Team who has an Environmental Science degree. He stated the Environmental Commission is not a commission for absentee members.

Elmer Graham, Jr. – asked about the Captain John boat slip.

Administrator Gallo – there has been a walk-in who has expressed interest and we will be meeting with him.

Dennis Fotopoulos – asked further questions regarding the charter fishing boat slip which the Administrator addressed. He also asked about placing a concession at the boat ramp building and whether Green Acres would allow that.

Andrew Kelsey – passed out a “Cursory Report on Tax Exemption for Improvements in Keyport.”

Councilwoman Lamberson – interrupted and explained that this is a presentation which may be better to allow time for at another meeting.

Andrew Kelsey – stated four properties were given abatements where they should not have because they do not meet the ordinance criteria.

There being no further comments or questions, the Meeting was closed to the public at 9:54PM moved by Sheridan, carried by Pacheco with ayes by all present

Motion at 9:55PM to go into Closed Session after a 4-minute break moved by Pacheco, carried by Sheridan with ayes by all present

CLOSED SESSION

RESOLUTION #88-18

RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”), a public body corporate and politic of the State of New Jersey, is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.* (the “**Act**”), and

WHEREAS, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, pursuant to *N.J.S.A. 10:4-12b(5)* and *N.J.S.A. 10:4-12b(7)*, negotiations regarding the potential sale of Borough owned property, contract negotiations concerning the Aeromarine property, and potential litigation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Mayor and Council assembled in public session on February 6, 2018 and determined that an Executive Session closed to the public shall be held on February 6, 2018 at approximately 8:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.

3. This resolution will take effect immediately.

OFFERED: Pacheco

SECONDED: Sheridan

AYES: Pacheco, Sheridan, Kennedy, Lamberson, Cooper

NAYS:

RECUSED: Goode

Council reconvened to Open Session at 10:33PM and Attorney Polles spoke on what was discussed in Closed Session:

- Potential Litigation
 - OAL Hearing – recent termination of Borough employee
- Potential sale of Borough property
- Potential litigation – current business on Division Street exceeding use of approval issued
- Aeromarine – potential future meetings regarding redevelopment

ADJOURNMENT

Motion to Adjourn at 10:36PM moved by Sheridan, carried by Goode with ayes by all present