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 Joseph Baumann, Jr.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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.)

R77-17 Payment of Bills
R78-17 Authorizing Cancellation of a Municipal Tax Sale Certificate
R79-17 Authorizing Approval of the Assignment of the Agreement for the Collection and Disposal of Solid Waste and Recyclable Materials in the Borough of Keyport and Authorizing Execution of an Agreement with the New Provider
R80-17 Amending Resolution #75-17 of the Mayor and Council of the Borough of Keyport Setting and Confirming Salaries of various Positions within the Borough – *Assistant Property Maintenance Officer*
R81-17 Authorizing the Sale of One Surplus Vehicle – *1983 Ford Van*
R82-17 Approving Tow Truck Operator Applications
R83-17 Authorizing Release of the Performance Bond for the Property Located at 84 Church Street Also Commonly Known as Block 82, Lot 6.01 on the tax map of the Borough
R84-17 Authorizing Award and Execution of Contract for 2016 Road Improvement Project – *Lucas Brothers, Inc.*
R85-17 Authorize Award and Execution of Contract for Appraisal Services, Not to Exceed $5,000 – *Associated Appraisal Services*
R86-17 Authorize Award and Execution of Contract for Tax Counsel Services, Not to Exceed$15,000 – *Long Marmero Associates*
R87-17 Amending the term in Resolution #300-16 for Shared service Water Operator Contract with Freehold

PUBLIC COMMENT PORTION
The Meeting was opened to the public for comments or questions on items listed on the agenda at 7:03PM moved by Sheridan, carried by Pacheco with ayes by all present

Daniel Fox, 40 Church Street – stated that he is unhappy that rumors are saying his wife sent the video of the Police Chief to the newspapers. He stated Council has taken no action against the Chief and if no action is taken this evening he will contact an attorney.

Mike Lane, 51 First Street – asked about **R86-17** Authorize Award and Execution of Contract for Tax Counsel Services, Not to Exceed $15,000 – *Long Marmero Associates,* which Administrator Gallo addressed. Regarding the Master Plan, he feels a goal would be to get more business in the downtown business area. He mentioned Broad Street is not an attractive entrance into town. He thinks a billboard at Division Street and Route 36 would be helpful, although Council had an ordinance to vacate which he feels is a mistake. He suggested using that location to steer people into town. He believes there is an opportunity to put a driveway in front of the schools where the lawn is now. He

mentioned a landscaping business is not allowed in neighborhood commercial. He believes there is a need for traffic calming at Broad and W. Front Streets. He spoke of a "pedestrian scramble." He stated Council has the power to fix Broad Street and suggested parking only on one side of Broad Street, similar to First Street.

Administrator Gallo – explained that we never owned that street (Division). We simply had an easement.

Paul McKeefry, 107 Maple Place – asked about tow licenses. He witnessed Key Auto Body sweeping accident debris into the storm drain. He would like to see an Economic Development Commission.

Dennis Fotopoulos, 77 Beers Street – stated he seconded what Paul McKeefry brought up regarding having an Economic Development Commission.

Elmer Graham, Jr., 22 St. Peters Place – Mayor Aumack offered condolences on the recent loss of Elmer's father. Elmer asked for an explanation of **R83-17** Authorizing Release of the Performance Bond for the Property Located at 84 Church Street Also Commonly Known as Block 82, Lot 6.01 on the tax map of the Borough, which the Administrator gave. He also asked about **R85-17** Authorize Award and Execution of Contract for Appraisal Services, Not to Exceed $5,000 – *Associated Appraisal Services* and **R86-17** Authorize Award and Execution of Contract for Tax Counsel Services, Not to Exceed $15,000–*Long Marmero Associates*, which were explained by the Administrator.

Ed Carew, 64 Broadway – sent out an updated copy of the water ordinance that he is proposing. He asked what it would take to introduce it.

There being no further comments or questions the meeting was closed to the public at 7:29PM, 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 Pacheco, carried by Sheridan

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

PUBLIC HEARING/ADOPTION OF ORDINANCES

1. Ordinance #1-17– Salary Ordinance

The Clerk read the Ordinance by Title: **ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, NJ, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

1a. Motion to Open Public Hearing at 7:30PM moved by Sheridan, carried by Pacheco with ayes by all present

Seeing no one, the Public Hearing was closed at 7:30PM moved by Sheridan, carried by Goode

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

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

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

COMMUNICATIONS AND PETITIONS

1. Application for Street Opening Permit for the Purpose of System Maintenance at 149 Church Street

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

2. Application for Raffle License – Jesus the Lord Church for an On-Premise 50/50 Cash Raffle to be held on Sunday, March 12, 2017 from 1-5PM
3. Application for Raffle License – Jesus the Lord Church – for a Tricky-Tray to be held Sunday, March 12, 2017from 1-5PM

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

4. Application for Raffle License – American Legion Post #23 Raritan for an Off-Premise 50/50 Cash Raffle to be held December 10, 2017 at 6PM

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

5. Request for the Borough to participate in Paint the Town Pink – May 20th

Councilwoman Lamberson – stated this needs the Mayor's signature and a location for the banner.

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

6. Request for outside employment from Officer Cassandra Aumack

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

NEW BUSINESS

Councilwoman Lamberson – stated a solicitor has come around without a permit to sell energy.

Administrator Gallo – stated unless the resident initiated contact, one should not show their energy bill to a solicitor.

Councilwoman Lamberson – asked what is allowable under the garbage ordinance.

Councilwoman Kennedy – will come up with a post to address this.

Councilwoman Lamberson – asked if signs were ordered for the Atlantic Street ordinance

Administrator Gallo – stated he thinks a sign just needs to come down.

Councilman Cooper – stated he would like introduce the water conservation ordinance after Ed Carew explains the changes that were made.

Councilman Sheridan moved to have Ed Carew come up to explain.

Ed Carew – came forward and explained 4-16 7(a) provides an exemption for watering new lawns. Major violations of water use would be noticed through the new computer system. He will provide education on how to save water and he feels confident this ordinance will do well with the public. And, if not, it can be amended. He just order 99 rain barrels. He stated 30% of our water use is outdoor use. He feels the Borough should be proactive and not wait until we have a water shortage.

Councilwoman Lamberson – stated she can't support the ordinance at this time. She suggested providing education before adopting the ordinance, rather than adopting and then educating.

Councilwoman Kennedy – stated she is in support of educating rather than regulating.

Ed Carew – stated he feels it may be postponing the inevitable. He just does not want it to be forgotten. He doesn't think things will change after education as far as enforcement goes.

Motion to introduce the ordinance moved by Cooper, carried by Sheridan

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

The ordinance did not pass for introduction.

UNFINISHED BUSINESS
None

ATTORNEY'S REPORT
None

ADMINISTRATOR'S REPORT
Administrator Gallo reported on the following:

- held several meetings with various copier vendors to discuss new copiers for the Borough
- had a meeting with the Borough Engineer regarding the upcoming paving project
- met with the officers of a bank that is considering locating a branch in Keyport
- met with Kieran Tintle from JCP&L about several power company issues
- met with Ed Carew about the water conservation grant
- held a meeting of the Police Commission regarding staffing issues and budget requests
- held a meeting with Christine Matarese, Spohn Ranch, and the Borough Engineer regarding Main Street Park
- held a town hall meeting regarding the draft Master Plan
- held a meeting with Counsel and the Borough Engineer regarding the assumption of the trash contract
- participated in a seminar regarding cellular equipment siting
- met with the officers of the Keyport Yacht Club
- met with the KBBC Chairman
- met with Counsel and Chief Casaletto
- attended a presentation by the Army Corps of Engineers regarding shoreline and flood control protection projects for Keyport
- met with the developer for Mariners Village
- explained the transfer of the garbage hauling contract from Future Sanitation to Suburban Disposal
- expect a contract for the 2016 Road Improvement Project at this month's meeting
- geotechnical work is being completed and specifications are being finalized to go out to bid on the Outfall Project
- work is continuing on the replacement of the Matawan Creek Bridge (MA-14)
- Redevelopment:
    - Brown's Point Redevelopment Plan
    - Aeromarine Redevelopment Plan
    - Longview/Boatworks Redevelopment Plan
    - Ye Cottage Inn
    - Olsen's Boat Yard

- Long Range Flood Mitigation Planning
- Post Sandy Planning Assistance Grant – Round 2
- Monmouth County Traffic Study – First Street
- Benjamin Terry Park County Open Space Grant
- serious leak in our water distribution system was discovered and repaired to a service line on Route 35
- with the elimination of the water leak, we may not need a water allocation permit modification
- Mr. Green Tea will be making an offer on a Keyport property in the near future
- requested Civil Service post an opening for a Senior Center Director
- discussed pay-to-play ordinance violation by Wisniewski and Associates

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:24PM moved by Sheridan, carried by Lamberson

Dennis Fotopoulos, 77 Beers Street – asked about Administrator Gallo's meeting with JCP&L. He asked if Verizon has covered the antennas at Jack's on W. Front Street. He asked about the Administrator's meeting with the Keyport Yacht Club officers. He also asked about the closed session discussion regarding property acquisition.

Elmer Graham, Jr. – asked the punishment for Wisniewski's violation of the pay-to-play ordinance.

Administrator Gallo – explained he was barred from being appointed for a term of five (5) years from the date of the violation, which would be until 2019.

Mike Lane – asked about the Main Street Park meeting. He requested a timeline for Main Street Park as well as First Street traffic calming. He stated a house on St. Peters Place is still in violation of the front yard parking ordinance. It has been there for six (6) months. He questioned whether the parking lot issue by Ye Cottage Inn had been resolved. He also asked about the Borough-owned lot behind Jackie Caddle's property – Apollo Sewer.

Administrator Gallo – the intention is to have the lot behind Apollo Sewer appraised to sell to the contiguous owner.

Mike Lane – mentioned the ordinance requiring enclosed dumpsters. A year and a half later the dumpsters on the waterfront are still not enclosed. We still have not enforced this ordinance.

There being no further comments or questions the meeting was closed to public at 8:43PM moved by Sheridan, carried by Pacheco with ayes by all present

Motion to go into closed session after a 3-minute recess moved by Pacheco carried by Sheridan with ayes by all present

CLOSED SESSION

RESOLUTION #88-17

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, (a) potential litigation relating to Construction Official Inspections and conflicts, (b) negotiations relating to the possible acquisition of Olsen's Boat Yard, (c) personnel matters relating to Police Chief George Casaletto, and (d) matters subject to attorney-client privilege as authorized by *N.J.S.A.* 10:4-12(b)5, 7 and 8.

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 7, 2017 and determined that an Executive Session closed to the public shall be held on February 7, 2017 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, Goode
NAYS:
ABSENT:

Council reconvened to Open Session at 10:19PM. It was stated that the closed session discussion was of a personnel matter involving the police department.

ADJOURNMENT
Motion to Adjourn at 10:19PM moved by Goode carried by Sheridan with ayes by all present