

February 15, 2011
Keyport, New Jersey

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, Courier, 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 7PM. 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, John T. Lane, Borough Attorney.

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.)

- R79-11 Payment of Bills
- R80-11 Authorizing Approval of Raffle License – Eagle Hose Company
- R82-11 Rejecting Bid for Billboard Management Services – **pulled to vote on separately**
- R83-11 To Confirm 2011 Participation in the Aberdeen Cooperative Pricing System
105-ATCPS “Grass Cutting and Lawn Maintenance”

Councilwoman Bolte requested that Resolution 82-11 be voted on separately – after discussion.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:04P.M.

Ed Carew, would like an announcement after Sunshine Law regarding turning off cell phones, as a matter of public courtesy.

Bob Ludwig commented on the Bayside Grill's petition to extend licensed premise

- contamination from pork grease
- roping off public parking
- sound levels of music

Mr. Ludwig suggested that the Borough require a \$5000.00 bond

Nathan Scali, 2 First Street, addressed concerns of Mr. Ludwig. Mr. Scali suggested any complaints be accurate.

Mike Lane spoke of Bayside Grill's roped off parking on property not their own. Spoke of noise levels. Music can be heard all the way to the Keyport Yacht Club. Mr. Lane stated he previously took pictures of extreme amount of smoke coming from the Bayside Grill

Nathan Scali asked to please have facts straight. Problem happened on one occasion and cones for parking were removed when police advised them to.

Ed Burlew, 59 West Front Street, requested public use microphones

There being no more comments or questions from the public, the meeting was closed to the public at 7:11 P.M.

APPROVAL OF RESOLUTIONS

Motion made by Ms. Bolte, second by Mr. Sheridan

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

Nays:

Abstain:

Absent:

R81-11 RESOLUTION AUTHORIZING BID BUDGET NOTICE

Authorizing Introduction and Approval of Business Improvement District Budget Notice

Motion to introduce Ordinance moved by Ms. Bolte, second by Mr. Sheridan

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

Nays:

Absent:

Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on March 15, 2011 was made by Mr. Sheridan, second by Ms. Bolte

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

Nays:

Absent:

Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #4-11 – Approving Monmouth County Open Space Easement

The Clerk reads the Ordinance by Title:

AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT ON CERTAIN REAL PROPERTY OWNED BY THE BOROUGH OF KEYPORT TO THE COUNTY OF MONMOUTH AS A CONDITION OF A COUNTY PARK PROJECT AGREEMENT

Motion made by Mr. Sheridan, second by Mr. Chamberlain to open the hearing to the public for comments or questions at 7:13 P.M.

There being no more comments or questions from the public, the hearing was closed at 7:13 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:

2. Ordinance #5-11 – Snow and Ice Removal

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER IV, POLICE REGULATIONS, SECTION 4-5, SNOW AND ICE REMOVAL, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Motion made by Mr. Sheridan, second by Ms/ Sefcik to open the hearing to the public for comments or questions at 7:14P.M.

Ed Burlew feels summons should not be issued if snow is less than two inches.

Mayor clarified the intent of the Ordinance; 48 hour time period begins when snow has ceased.

Sam Minor stated that “no parking when snow covered” signs are already on his street.

Mike Lane, 51 First Street, concerned about snow removal at the condos on First Street, as well as multi-family dwellings. Feels notice should go out in water bill.

Mr. Lane said it is not clear to him how ordinance applies to his street. Feels residents need some type of explanation. Wants to know who will be noticed of any violation. Mr. Lane spoke of Borough owned sidewalks that were not shoveled.

Councilwoman Bolte stated that landlords should be the one responsible.

Mayor stated it will be a judgment call in each case. Borough has the issue of a lack of manpower.

Resident doesn't feel it is fair for the Borough to not have to shovel when a multi-family landlord

Al Moleski spoke of First Street condos and the easement behind them

There being no more comments or questions from the public, the hearing was closed at 7:29P.M.

Motion to adopt Ordinance as amended to reflect 48 hours made by Mr. Sheridan second by Mr. Toglia 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. 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

Administrator gave an explanation of the map handed out for Bayside Grill property. Concerned that fence is not on the establishment's property.

Nathan Scali, Bayside Manager, all cooking will be taking place in their kitchen. Mr. Scali stated it is similar to the Chili Jamboree. Mr. Scali stated reason orange fence is at an angle is because there would be no place to secure it otherwise.

Councilwoman Bolte asked if there would be any bouncers. Mr. Scali replied “yes, three or four”. They will have a line outside and counters so that property does not become overcrowded. Thinks music will be outside. Mr. Scali stated that he may want to get a tent.

Councilman Toggia asked about the type of music. Mr Scali replied traditional Irish Music. Event is scheduled 10am to 10pm. Music will be 2pm – 6pm and 8pm on.

Mayor asked why music has to be outside. Mr. Scali said because he hoped it would be nice out and due to lack of space. Also music attracts people.

Councilwoman Ambrose asked Lt. Casaletto if he had checked out the premise; yes.

Mr. Scali will mark out the back property line so that the fence will be on their property.

Motion to approve with roping on their own property moved by Mr. Sheridan, second Mr. Chamberlain with ayes by all present.

2. Application for membership in the Keyport Fire Department/Liberty Hose from Edward Lewandowski and letter advising the acceptance of the resignation of Joe Gallapo
3. Application for membership in the Keyport Fire Department/Liberty Hose from Whitney Jans and letter advising the acceptance of the resignation of Bert Morris
4. Application for membership in the Keyport Fire Department/Liberty Hose from Amanda Wyckoff and letter advising the acceptance of the resignation of Chris Szaro
5. Application for membership in the Keyport Fire Department/Liberty Hose from Thomas Jans

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

6. Letter from Kiwanis Club regarding their Flea Market in the Firemen's Parking Lot (resuming Sunday, April 3, 2011)

Councilwoman Bolte concerned about garbage pick up. Ms. Bolte is concerned whether Kiwanis Club is capping number of vendors. No ending date is given.

Councilwoman Sefcik requested that a use agreement be prepared.

Motion approved with use agreement to go onto the March 1st agenda moved by Ms. Sefcik, second by Mr. Chamberlain with ayes by all present

7. Letter from Clean Ocean Action requesting permission to perform spring and fall volunteer cleanups in Keyport on Saturday, April 30, 2011 and Saturday, October 22nd, 2011 from 9AM-12:30PM

Motion to refer to Environmental Commission moved by Ms. Bolte, second by Mr. Chamberlain with ayes by all present.

8. Letter from Keyport Fire Department requesting permission to hold their St. Patrick's Day Parade on Saturday, March 19, 2011

Councilman Sheridan mentioned change of route.

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

9. Letter from U.S. Department of Homeland Security, U.S. Coastguard, regarding their intention to prepare an Environmental Impact Statement to assist in the evaluation of a Liberty Natural Gas deepwater port license application and noticing informational open houses and public scoping meetings

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

10. Letter (and Building Use Form) from Deputy Recycling Coordinator requesting the use of the Council Chambers for a Monmouth County Planning Board - Municipal Recycling Meeting to be held on Thursday, August 11th from 9-11:30AM. Additionally requesting the waiver of Borough fees for building use

Motion to approve moved by Ms. Bolte, second by Mr. Toglia

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Ambrose, Toglia

Nays:

Abstain: Councilman Sheridan

Absent:

11. Annual Appeal from Keyport Ministerium Food Pantry for their 2011 New Building Project

Motion to contribute same as last year \$250.00 moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present

12. Letter of Resignation from Nuray Aykin of the Environmental Commission

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

13. Keyport Business Alliance 2011 Calendar of Events

Motion to receive and file (haunted house may become an issue review of Macab Mansion) moved by Mr. Sheridan, second by Ms. Ambrose with ayes by all present.

14. Letter of Resignation from Property Maintenance Code Enforcement Officer
Marjorie Seckinger

Councilwoman Bolte stated she is concerned that she did not know about resignation of Property Maintenance Officer.

Carried to close session

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for January 2011 & 2010 Annual Report
2. Tax/Water/Sewer Collector's Report for January 2011
3. Building Department Monthly Report for January 2011
4. Property Maintenance Report for January 2011
5. Board of Health Monthly Report for December 2010 & January 2011
6. Municipal Court's Monthly Cashbook Report for January 2011

On file in Borough Clerk's office for review.

Motion to receive and file all reports as read, moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Public Works/Recycling/Property Maintenance Councilwoman Bolte feels she is chasing down information and wants to know what her duties are when she is not made aware of any decisions being made.

Administrator Wright stated that as part of her position she is responsible for personnel.

Mayor ended the exchange.

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik reported that the indoor volleyball is rapping up. Money raised will go into summer volleyball session. There are challenges with the sand cleaning. Ms. Sefcik asked Administrator to contact Union Beach

Easter egg hunt being planned by recreations, still looking for sponsors to expand the budget.

Councilman Chamberlain: Fire/First Aid/Emergency Services: Mr. Chamberlain read Fire and First Aid calls to date. Went to meeting with Board of Chiefs – need to address paging system. Mr. Chamberlain reported to Fire Department that any truck repairs need to be brought to Administrator's attention. Rescue test was done at Sandy Hook.

Fire Department is preparing for the parade.

Councilman Sheridan: Police: Mr. Sheridan reported that the Police Committee has met twice.

Councilwoman Ambrose: Finance/Grants/Redevelopment: Ms. Ambrose reported that the Finance Committee met with Administrator and CFO twice. Draft budget just about done staying within the 2% cap. Budget workshop next Tuesday 22nd starting at 6PM

Councilman Toglia: Buildings/Grounds/Library: Mr. Toglia had an incident at Old Municipal Building ceiling dropped down from snow but building was secured. Trying to get an audit report from the library

UNFINISHED BUSINESS

All Vision Bid – Billboard Proposal

There is an expired lease held by CBS. Lease states the billboard is CBS's personal property. So there is a big piece of personal property on municipal property.

Mayor stated unresolved legal issues were never cleaned up before we went out to bid. Mayor explained CBS would have to be put on notice to remove it or Borough would initiate negotiations.

Administrator stated time to award bid has now expired.

Motion made at 8:17 pm by Mr. Sheridan, second by Mr. Toglia to open Billboard issue to the public.

Ed Burlew asked who discovered that the lease had expired three years ago.

Mayor replied that it came up in an exchange between the Mayor and the Administrator.

Administrator – Item had been on the agenda several times.

Attorney – CBS probably thought lease had rolled over.

Ken McPeck could Borough charge for taking it down? Attorney replied that it would be the same as if they abandoned it.

Mike Lane – Bill boards are not allowed in the highway district, so if billboard was removed Borough could lose the use variance. If you remove a non-conforming use you lose it.

There being no more comments or questions from the public, the meeting was closed to the public at 8:24 P.M.

R82-11 Rejecting Bid for Billboard Management Services – **pulled to vote on separately**

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan, Ambrose, Toglia

Nays:

Abstain: Councilwoman Bolte

Absent:

ADMINISTRATORS REPORT

- Recycling Coordinator was able to secure roll-off container transportation for computers
- Water Treatment Plant – solicited a quote of \$50,000 for replacement
- Hatch Mott MacDonald gave estimate for solar panels
- Benjamin Terry Park – will need a bond ordinance for cost of replacement of bulkhead
- Streamers at the bulkhead will be installed to rid the geese. Shadow dogs did not work
- Contract Cooper – purchasing with Aberdeen \$8,400 – a \$400 increase
- New water map is being prepared
- Recommended cleaning of water tank has been prescribed
- 114 Maple Place – falls under abandoned property maintenance ordinance
- First budget meeting to be held Tuesday 22nd @ 6pm
- Monmouth County ASPCA looked into animal control services
- Borough was invited to a shared service presentation

ATTORNEY'S REPORT

No Report

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:37 pm moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Ed Burlew, asked why a letter of resignation would prompt going into closed session

Attorney replied that without rice noticing he doesn't feel employee should be discussed.

Dennis, 77A Beers Street, asked if only electronic equipment is being recycled. Administrator Wright explained that there is no cost to the Borough. Transportation will be provided at no cost.

Mike Lane feels property maintenance violations should be aggressively pursued. Mr. Lane passed out with photos on property maintenance and uses permitted on three properties on First Street that would be in violation of Borough Ordinances. Mr. Lane recommends that the Borough does not hire a resident of the Borough to be the Property Maintenance Officer.

Councilwoman Bolte asked the Administrator to pull information on 188 First Street.

Nancy Carew, 64 Broadway, asked about locations of the billboards that were discussed.

Billboard by the Water Tower.

There being no more comments or questions from the public, the meeting was closed to the public at 9:08 P.M.

The meeting went into closed session at 9:08 PM

CLOSED SESSION

R 84 -11 Closed Session Resolution: Contract Negotiations

RESOLUTION NO. 84-11 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

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 Litigation, and Personnel 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:

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 9:14pm.

Mayor checked Ordinance to see what standards would be for a church. Ordinance says it requires one acre.

Administrator Wright stated that there will be a meeting with the person who gave zoning approval.

There being no more comments or questions from the public, the meeting was closed to the public at 10:12 P.M.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 10:12 PM.