

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 7:07 PM and Borough Clerk read the Sunshine Law Notice.

**ROLL CALL**

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

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

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

January 15, 2013 – Regular Session

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

Role call vote: Ayes: Councilmembers Sheridan, McPeek, Lamberson, Howe  
Nays:  
Absent: Toglia  
Abstain: Tomczak

**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 went over and gave explanations for Resolutions on the Consent Agenda

- R83-13 Payment Of Bills
- R84-13 Authorizing the Appointment of Licensed Site Remediation Professionals
- R85-13 Appointing Borough Consulting Engineering Services – Specials Projects – Environmental
- R86-13 Granting a Taxicab Owner's and Driver's License to Keyport Yellow Taxi for the Year 2013
- R87-13 Reimbursement for Garbage Collection – Holmdel Point
- R88-13 Hiring Temporary Laborer – Larry George
- R89-13 Waiving Fees for Construction Permits for Work Necessitated by Hurricane Sandy
- R90-13 Authorizing the Reimbursement of Municipal Construction Permit Fees Collected for Work Necessitated by Hurricane Sandy
- R91-13 Governing Body Certification of the Annual Audit
- R92-13 Authorizing Acceptance of Grant Allocation Awarded to the Borough of Keyport through the Monmouth County Community Development Block Grant
- R93-13 Authorizing Payment Plan – Ellis/Bushfield
- R94-13 Shared Services for Licensed Water/Sewer Operator

Regarding Resolution 94-13 Shared Services for Licensed Water/Sewer Operator, Administrator Wright explained that the licensed Water/Sewer Operator has been offered a promotion at his regular job.

Freehold Township will be providing a Water/Sewer Operator for one year as a Shared Service. There will be a small cost savings.

Mayor McLeod spoke of the Borough's loss of assessed values due to tax appeals.

Administrator Wright stated that 2014 appeals will be due in January before the annual budget is prepared.

Councilman Howe asked if any locals were available to work through the county?

Administrator Wright responded that individuals are being hired out of a countywide pool.

Councilwoman Tomczak asked about background checks.

Administrator Wright explained the County does the screening and background checks.

**PUBLIC COMMENT PORTION**

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

Mayor McLeod read Rules of Conduct for Council Meetings.

**Ed Burlew**, 59 W Front Street, asked what happened to our Water/Sewer Operator.

**Mayor McLeod**, responded that he was promoted in his regular job.

**Ed Burlew**, asked don't we have another operator with the needed licenses.

**Mayor McLeod**, asked George Sappah, retired DPW Superintendent, to come forward.

**George Sappah**, stated Mr. Polling does have licenses but not the one needed for the State. He does have his sewer license, the license is done by progression. He cannot sign state reports without a T-4 license.

**Ed Burlew**, said he saw Borough employees at 158 W. Front Street. He asked why they were there.

**Administrator Wright**, stated there is a piece of Borough owned property there.

**Ed Burlew**, asked about the electronic billboard.

**Attorney Litwin**, replied that a letter was sent and he is waiting for a reply.

**Diane Maroukian**, 14 First Street, asked that her letter be put on the next meeting agenda so that her neighbors can attend. Her letter will be forwarded to Buildings, Grounds and Recreation.

**Mayor McLeod**, responded that the two committees will discuss it and get back to Ms. Maroukian on the 19<sup>th</sup>.

**George Sappah**, 6 Monmouth Place, asked why we are going out to bid for demolition when public works could take it down.

**Nancy Carew**, 64 Broadway, would like the Garden Club to be able to do Holiday displays with evergreens and poinsettias in the Municipal Building.

**Administrator Wright**, said she should come to her with a proposal and Buildings and Grounds would be included.

**Elmer Graham, Jr.**, 22 St. Peters Place, asked for an explanation of the payment plan resolution.

**Mayor McLeod**, it was an issue where the inside and outside meters don't match so we allow a payment plan.

**Michael Lane**, 55 First Street, feels Beach Street Park has nice shade trees that people appreciate for shade. Mr. Lane also asked about meeting with Aeromarine Developer.

**Mayor McLeod**, responded that he had a meeting and discussed status of contamination and leaching into the bay. Progress of negotiations with developer and Aeromarine was mostly a status meeting.

There being no more comments or questions from the public the meeting was closed to the public at 7:39 PM moved by Mr. McPeek, second by Ms. Sheridan with ayes by all present.

**APPROVAL OF RESOLUTIONS**

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Howe  
Nays:  
Absent: Toglia  
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, APPROPRIATING \$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 made by Mr. Sheridan, second by Mr. McPeek to open public hearing at 7:42 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. McPeek with ayes by all present to close the hearing at 7:42 PM

1b. Motion to adopt Ordinance made by Mr. Sheridan, second by Mr. McPeek

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

1c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Mr. Sheridan, second by Mr. McPeek with ayes by all present

**Regarding Resolution 80-13** Authorizing Waterfront Park Electric and Lighting Repairs Related to Hurricane Sandy, **Clerk Heilweil**, stated that two resolutions are before Council. Council must decide which one to consider.

**Councilwoman Tomczak**, would want to let the resolution from last meeting die.

**Administrator Wright**, stated that this proposal is for half the work.

**Councilwoman Tomczak**, has a concern that the T&M Associates proposal is for \$20,000 less and the work being proposed does not look like much less.

**Administrator Wright**, stated that she went back to the Engineer and asked for them to go back and give a proposal for just the electric. This proposal does not include any mitigation.

**Mayor McLeod**, stated we would like to start this project.

**Councilwoman Tomczak**, feels the last proposal shows T&M Associates does not have the Borough's best interest.

Motion made for CME to oversee this project move by Ms. Tomczak, second by Mr. McPeek

Role call vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Howe  
Nays:  
Absent:  
Abstain: Toglia

**George Sappah**, mentioned that T&M Associates took 13 days to come to town to look at the storm damage.

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

Motion moved to approve made by Ms. Tomczak, second by, Mr. McPeek

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

- 1e. **RESOLUTION R81-13** – Authorizing Advertisement for Bids/Proposals for Outdoor Lighting and Electric Restoration Work in Keyport Waterfront Park

Motion moved to approve made by Mr. McPeek, second by, Ms. Tomczak

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

#### **COMMUNICATIONS AND PETITIONS**

1. Letter from Diane Maroukian requesting the playground at Beach Park be relocated to the other side of the waterfront next to the gazebo

Motion made to receive and file and refer to Buildings and Grounds, Recreation and to inform resident moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

2. Letter from Jesus the Lord Church regarding Palm Sunday and Good Friday Processions

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

3. Application from Engine Company for the reinstatement of Christopher Hicks

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

4. Request from Clean Ocean Action for their "Wave of Action" to be held February 23

Motion made to receive and file and discuss within the next few months moved by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

5. Letter of resignation from Kelly Gonsalves (P/T Assistant to Clerk) effective February 8, 2013

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

6. Application for a Street Opening Permit from NJ Natural Gas for system maintenance to be conducted on Chingarora Avenue (additional escrow of \$300 posted for newly improved street)

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

7. Application for Street Opening Permit for NJ Natural Gas for system maintenance to be conducted in the dirt area behind the curb at 106 Fulton Street

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

8. Letter from NJ Department of Corrections regarding inspection of our municipal detention facility and informing Chief Casaletto that the Borough's facilities are in compliance.

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

### **NEW BUSINESS**

1. Email from New Jersey League of Municipalities regarding a new member benefit GrantStation.com, an online grant-seeking resource for non-profits, local and state Governments and education institutions (*League members may purchase a full annual Membership to GrantStation.com for only \$95 – 85% off the regular rate of \$699*)

Mayor McLeod recommends this for a reduced rate of \$95.00

Motion made to approve membership moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

### **UNFINISHED BUSINESS**

Councilman Howe spoke of updating DPW security facilities

Mayor McLeod asked about security camera issue and what Council's pleasure was.

Councilman McPeek stated police cameras are not recording and would like to look into getting that repaired.

Had some questions of ADP and he is just waiting for answers. He should have them by next meeting.

Councilman McPeek also spoke of DPW lease expiring in June.

### **ATTORNEY'S REPORT**

Attorney Litwin reported on the following:

- Old Borough Hall – just received eight separate easements draft agreements. Slowing things down a bit.
- Had a meeting regarding PBA Grievance – will discuss in closed session

### **ADMINISTRATOR'S REPORT**

Administrator Wright reported on the following:

- Spent several hours with FEMA gathering all information
- USDA project about televised portion 69% complete
- We have an issue on Main Street with grease – talked to Monmouth County Health Department – blockages from grease have been jet-vacuumed out. Need to look into our Ordinance

**George Sappah**, mentioned grease is not just from the restaurants. Dish-washing liquids start out in hot water and gets cold in the line causing blockages

- Next meeting – Resolution to endorse Monmouth County Water Management Plan
- Advisory Flood Based Maps
- Construction Official is involved in rebuilding effort
- 138 -140 Broad Street – put pressure on the bank to secure the property. Condition of property is becoming more dangerous. Need to be made aware, they have thirty days to comply

Administrator Wright also spoke of a request to do a fire drill at the Historic Museum. Fire Chief Aumack would like to get things cleaned up there.

Administrator Wright, this has been forwarded to Risk Manager and is waiting for a response.

Councilman McPeek, said can we give approval pending approval of Risk Manager.

Attorney Litwin responded that Borough Council should have written proposal which would be forwarded to the Risk Manager.

Administrator Wright has not received even a preliminary settlement offer for the Historic Museum

Mayor McLeod suggested that the Borough proceed.

Attorney Litwin replied that they could do the drill subject to the Administrator receiving the proposal with no objection of the Risk Manager and approval of Borough Attorney.

Motion made to proceed with the drill subject to the Administrator receiving the proposal moved by Ms. Tomczak, second by Mr. Howe with ayes by all present.

Administrator Wright believes we are on schedule to prepare the budget.

### **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 8:34 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

**Ed Carew**, asked if Grantstation.com would be available to the Garden Club. Wants Council to be aware they are interested in grants.

**Mayor McLeod**, replied he did not see why not. Stated he would like each Councilmember to have access.

**George Sappah**, 6 Monmouth Place, said Beach Street Park has been there since the 1960's. This lady has had issues with the park since she moved there.

**Bert Aumack**, said that the park has been there since the turn of the century. That park was clearly there when she looked to purchase her home.

**Michael Lane**, asked what neighbors will be involved in the Beach Park discussion. It should be more than just the First Street condo residents. Mr. Lane spoke of the Tikki Bar being an eyesore, as well as the Ye Cottage Inn. Mr. Lane also mentioned the Mexican Restaurant across from the Spanish American was flooded and has broken windows. Thinks there should be a program to get these properties cleaned up.

**Christian Bolte**, 205 Broadway, Spoke of Beach Park and construction.

**Lynn Kosobucki**, 93 First Street, thinks we need an Ordinance prohibiting vandalism of property. Someone parked on her flowerbed and caused damage.

**Mayor McLeod**, said this would come under criminal mischief or trespass. If officers did not witness the incident she would have to sign the complaint.

**Officer Aumack**, explained that he responded to Ms. Kosobucki's call and advised her that since he did not witness it, she would have to sign the complaint herself.

**Mayor McLeod**, advised her she could also have a civil course of action for damage to her property.

**Robert Aumack**, 67 W. Front Street, regarding fire at 138-140 Broad Street. He would like an ordinance allowing demolition of fire-damaged property.

There being no comments or questions from the public, the public comment portion was closed to the public at 8:53 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

Motion made to go into closed session at 8:53 PM moved by Mr. McPeek, second by Mr. Sheridan with ayes by all present

**CLOSED SESSION**

R 95-13- Closed Session **Resolution:**

**RESOLUTION NO. 95-13  
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:
  - PBA Grievance
- Contract Negotiation:
  - Sale of Old Borough Property
  - Relocation of DPW Yard

**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 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. McPeek

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

Motion made by Mr. Sheridan, second by Mr. McPeek with ayes by all present for Council to returned to open session at 9:22 PM

Discussion ensued regarding garbage issue Councilwoman Lamberson had with her garbage.

**ADJOURNMENT**

Motion to adjourn was made by Mr. Sheridan, second by Mr. McPeek and carried with ayes by all present at 9:28 PM