

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, 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 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

To the Egnatovich family for their donation of anchors, accepted by Harbor Commissioner John Olsen.

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.)

R96-13 Payment Of Bills

R97-13 Authorizing Purchase of DPW Two-Way Radios and Accessories

R98-13 Authorizing Award for Emergency Repairs at the Cedar Street Sewer Pumping Station

R99-13 Appointing Recreation Commission Member

R100-13 Consenting to the Proposed Water Quality Management (WQM) Plan Amendment Entitled: Monmouth County Future Wastewater Service Area Map

R101-13 Authorizing the Advertisement for the Receipt of Bids for a Charter Fishing and Party Boat Lease Outshore of the American Legion Drive Bulkhead

Mayor McLeod spoke of an item on the payment of bills. The Borough pays a monthly fee of \$1,562.00 to the Animal Control Trust Fund and he has been ignored by our contractor.

Motion made to remove payment from bills made by McPeek, second by Sheridan with ayes by all present.

Mayor went over resolutions on consent agenda and gave explanations where necessary.

Mayor read Rules of Conduct for Council meetings.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:08 PM moved by Ms. Tomczak, second by Mr. Sheridan with ayes by all present.

Leonard Rubenstein – Thanked the Mayor and Council for listening and considering the sale of Borough Property.

Richard Holiday – Had comments regarding the Senior building located at 50 Beers Street. He does not live there but his mother does. He was concerned that since the flood, there has only been one elevator operating. Also, many of the residents do not have their phones properly working. Also there is concern that with front door barricaded, there is only one exit to the parking lot.

Isaiah Cooper, 135 Atlantic Street – Spoke of donors to the Food Pantry now coming in for donations. Food Pantry is also collecting old cell phones for refurbishing. Construction of the new building is about to begin.

Brian, 16 First Street – Asked by her neighbor Diane Maroukian to come and support her. She lives at Condos on First Street. Playground is in a state of disrepair and he believes this would be a good time to move the park near the Gazebo.

Michael Lane – 51 First Street – Spoke of the storm-demolished bulkheads on First Street. prepared the waterfront development permits and noticed all residents within 200 feet. Brought up the issue of a waiver of Ordinance 12-5. That Ordinance requires a public hearing before the Mayor and Council. The Mayor and Council would publish two notices a week apart. Mr. Lane asked just as Council gave a waiver on permit fees, that this Ordinance be waived in light of the circumstances.

Mayor McLeod – Explained that the problem is the Ordinance is based on an enabling state statute, because of that, the Council cannot waive this Ordinance.

To publish Council's intent to hear the application Mr. Lane is representing.

Motion made by Mr. Sheridan, second by Mr. McPeek with ayes by all present, to publish Council's intent to hear the application Mr. Lane is representing.

Ed Burlew, 59 West Front Street – Asked when Captain John's lease is up; At the end of the month. He also asked if there is an option to renew; No.

Administrator Wright – Harbor Commission asked the Borough to review the lease. Lease was written under Local Public Contracts law. Lease has to go to Bid. We will extend his current lease until we get this new lease started.

Ed Burlew, 59 West Front Street – Asked about the budget of the KBBC. This is \$30,000 higher than the KBA's budget. He is trying to figure out why the budget is another \$30,000 and where that money is going.

Mayor McLeod – Assessment is the same as the old KBA. The additional money is in Capital Improvements.

Administrator Wright – Stated one of the questions is where is the remaining KBA money?

Elmer Graham Jr., 22 St. Peters Place – Spoke of an article where Marlboro is giving tax benefits to residents who shop in Marlboro. He would like such a program in Keyport.

There being no more comments or questions from the public, the meeting was closed to the public at 7:46 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

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

KEYPORT BID INC., D/B/A KEYPORT BAYFRONT BUSINESS COOPERATIVE 2013

BUDGET HEARING AND ADOPTION

The Clerk reads the budget by title: KEYPORT BAYFRONT BUSINESS COOPERATIVE
IMPROVEMENT DISTRICT 2013 BUDGET

The meeting was opened to the public for comments or questions on the hearing on BID Budget at 7:47 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Elmer Graham Jr., 22 St. Peters Place – Asked if once finalized will budget be placed on website; Yes.

There being no more comments or questions from the public the meeting was closed to the public at 7:48 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

RESOLUTION – R- 102-13 - Approving BID Budget and Levy for 2013

MM: Toglia 2nd: Sheridan Roll Call: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

INTRODUCTION OF ORDINANCE

1. Ordinance #2-13 – Sale of Borough Property

The Clerk reads the Ordinance by Title: **AUTHORIZING SALE OF BOROUGH PROPERTY NOT NEEDED FOR PUBLIC USE – Block 1.01, Lot 43, Chingarora Avenue**

1a. Motion to introduce made by Councilman Sheridan, carried by Council woman Tomczak

Roll Call: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held March 5, 2013

Motion made by Sheridan, carried by McPeek with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Flyer advertising *Bands to Benefit the Bravest*, Concert & Comedy to benefit the Union Beach Emergency Services & Resident Relief Fund, Saturday, March 2, 2013, 5 PM-10PM, VFW Post 2179, Port Monmouth

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

2. Email Notice from Kyrillos, Handlin & O'Scanlon regarding free tax assistance events being held in Keyport (Tues., Feb. 26 – 6-8:30PM) and Sea Bright (Sat., March 9 – 10AM-2PM)

Motion made to receive, file and post on website moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

3. Notice regarding Free Tax Preparations services, provided by MSU College of Law Alternative Spring Break, to be held in Union Beach, Keansburg and Keyport (March 5th 10AM-4PM – Jesus the Lord Catholic Church).

Motion made to receive, file and post on website moved by Mr. Howe, second by Mr. McPeek with ayes by all present.

4. Letter from Kiwanis Club of Keyport, Inc. requesting use of Firemen's Parking Lot from Sunday, April 7, 2013 – December 8, 2013 for the purpose of its Flea Market. Also enclosed a list of club members, a copy of the Flea Market Vendor Rules, and a Certificate of Insurance.

Approved subject to Firemen's Fair dates and must give 24-hour notice the event of an emergency. Motion made to post on website, refer to KBBC, reconstruction and repair of Waterfront

facilities, moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

5. Notice regarding Jersey Shore Workcamp V & VI, St. John's United Methodist Church & Group Cares, July 7-13 & 14th-20th, 2013, Free Home Repair Project for low income, elderly or disabled residents.

Motion made to approve, disseminate, copies to Senior Center. Hang in Building Department and post to website, moved by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

6. Application for Petition to Extend Licensed Premises for the Uptown Keyport Bar & Grill in conjunction with the Keyport Annual St. Patrick's Day parade.

Nicki Ann Ferrari-Manager-stated the Lot is owned by Leroy Robinson and Joseph Merla and Uptown insured that property.

Motion made to carry to March 5, 2013 Agenda, moved by Mr. Sheridan, second by Mr. McPeek, with ayes by all present.

7. Letter of Resignation from Recreation Commission member Denise Nellis, effective February 7, 2013.

Motion made to receive the resignation with regret, moved by Mr. McPeek, second by Ms. Tomczak, with ayes by all present.

8. Letter of Resignation from Recreation Commission member George Strang, effective February 8, 2013.

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

REPORTS OF DEPARTMENTS

1. Board of Health Treasurer's Report for January 2013
2. Tax/Water/Sewer Collector's Report for January 2013
3. Municipal Clerk's Monthly Report for January 2013
4. Building Department Monthly Report for January 2013

COMMITTEE REPORTS

Councilman Toglia: Buildings/Grounds/Library: Mr. Toglia reported on the following:

- Search and rescue drill this Sunday by Keyport Fire Department at Historical Museum
- Bids opened tomorrow for Water Plant Roof
- \$56,000 from FEMA for Firemen's Park
- DPW lease expires 2014, not this year
- Mold remediation
- Demolition or rehab on Elizabeth Street Water Tower, would like to see in budget
- Took a tour of the Library
- Library Board voted to go ahead with Consortium

Councilwoman Lamberson: Health and Recreation: Ms. Lamberson reported on the following:

- Just received two resignations of Recreation Commission
- Easter Egg Hunt – March 30th
- Working with the other Committees to get the most bang for our buck

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan reported on the following:

- Finance is working on 2013 Budget requests
- Historic Society meeting at the Senior Center
- Open house March 30th, 10 – 2 pm for collection of found items of the Society

Administrator Wright stated Hurricane Sandy damage has left a reduction in our rateables. This budget will be very challenging.

Councilwoman Tomczak: Police: Ms. Tomczak reported on the following:

- Read Police Statistic Report
- Reminded all to be aware of pedestrians

Councilman McPeek: Fire/First Aid/Emergency Services: Mr. McPeek reported on the following:

- Read Fire Department Statistics
- OEM looking into Reverse 911 system
- Drill at Steamboat Dock Museum at 9:00 AM on February 24th
- PEOSHA has been inspecting fire houses. Some fire extinguishers were outdated
- Board of Education meeting will be 7:00 pm on Wednesday at Keyport High School. Will be discussing referendum for sports field improvements

Councilman Howe: Public Works Recycling and Property Maintenance: Mr. Howe reported on the following:

- DPW going well, over 60 tons of salt was put down during the snow storm

DISCUSSION

1. Resolution urging the Governor to Support the Expansion of New Jersey's Medicaid Program As Provided Under the Federal "Patient Protection and Affordable Care Act". The Mayor says he has reviewed this and can give a firm opinion of uncertainty. He doesn't see any action this Council has over this.

2. Renewal of Cooperative Pricing Agreement with the Borough of Aberdeen. Administrator Wright stated the Bid is due to go out. This is an opportunity to make Amendments prior to next meeting.

Concilman McPeek: Not on building and grounds but does this for a living. We will review it and make recommendation to the Administrator. Suggested grass gets cut sooner than it did last year.

ATTORNEY'S REPORT

Suggest discussing in Closed Session:

- Board of Construction Appeals 17 Atlantic Street
- Benjamin Terry Park

ADMINISTRATOR'S REPORT

- Received FEMA report today and can now go ahead with Museum demolition

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:32 PM moved by Mr. McPeek, second by Mr. Toglia, with ayes by all present.

Ed Carew, 64 Broadway - Also the Library Trustee. AARP meets on Wednesday between 10:30-2:00 PM to help with tax preparation for seniors and low income families, would like to have this placed on the website. The Yacht Club is having a Sailboat Project for ASK on March 3rd from 2:00-5:00 PM. Tickets are \$20.00 each. Sailboats are being prepared by artists for the Garden Walk. Monies raised goes toward beautification of Keyport. All made with recycled materials.

Nancy Jones, 282 Washington St.- Sad to see both Denise Nellis and George Strang resigning. They were not just members but Vice President and President. As the Secretary, Nancy is the last Officer remaining on the Commission.

Mike Lane, 51 First Street – 179 First Street had an unapproved converted garage and Borough persevered in having it converted back to a garage. 17 Atlantic Street has a similar situation. He feels Planning Board and Zoning Officers need to be backed on this.

Chief Casaletto – Had flyers from the Monmouth County Fraud Team. Important for those getting work done to repair storm damage. Could become a victim of potential fraud from a contractor.

At 8:40 Motion was made by Mr. Sheridan, carried by Mr. McPeek to close the public portion, with ayes by all.

CLOSED SESSION

R 102-13 Closed Session **Resolution:** At 8:40, Motion was made to go into closed session after a short break.

MM: Sheridan 2nd: Tomczak Roll Call: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

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:

- Litigation-Board of Construction Appeals- 17 Atlantic St.
- Contract Negotiation-Benjamin Terry Park
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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 Toglia, Sheridan, Tomczak, McPeek, Lamberson, Howe
Nays:
Absent:
Abstain:

Motion made by Mr. Sheridan, second by Mr. Tomczak with ayes by all present for Council to returned to open session at 9:11 PM

Mayor McLeod – Advised that Humane Society does not like Keyport. The time is now for a Shared Service Agreement for an Animal Control Officer. We have a contract but they are in breach.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Tomczak and carried with ayes by all present at 9:15 PM