

March 20, 2012
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, 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 Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney, Gordon Litwin

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

APPROVAL OF MINUTES

January 10, 2012 – Work Session

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

February 7, 2012 – Work Session

Offered for adoption by Mr. Sheridan, seconded by Ms. Tomczak

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

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.)

Administrator Wright and Mayor McLeod went over resolutions on the Consent Agenda.

R108-12 Payment Of Bills

R109-12 Budget Appropriation Reserve Transfer

R110-12 Establishing the Keyport Municipal Alliance to Prevent Alcoholism and Drug Abuse

R111-12 Introduction and Initial Approval of the Budget Submitted by the Board of Directors of Keyport BID, Inc., d/b/a "Keyport Bayfront Business Cooperative"

R112-12 Authorizing Approval of the Bylaws of the Keyport Bayfront Business Cooperative

R114-12 Authorizing Rescheduling Meeting Date of April 24, 2012 to April 17, 2012

R115-12 Authorize Advertising for RFP for Reassessment Appraisal Services

R117-12 Authorizing a Change Order to the Contract with Mixalia Enterprises, LLC to Include the Reconstruction of Division Street Between Elizabeth Street and Maple Place

Cliff Moore of new Keyport BID Inc, d/b/a KBBC appeared to speak with an update of what has been done so far. This BID is more involved with business owners rather than property owners. Mr. Moore is working on generating email list. Spoke of hiring an executive director, events, By-laws and the Bid budget. Mr. Moore would like to take more of a leadership role to support local businesses.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:10PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

Mayor read Rules for Conduct at Council Meetings.

Michael Lane, 51 First Street, Requesting a status report on library audit, Waterfront Park, concrete deterioration, red light camera, join court status, Old Borough Hall and enclosed dumpsters in General Commercial district during unfinished Business.

Mr. Lane said he had listened to the recordings of the meetings and some had spoken for more than five minutes. Feels the Rules of Conduct are arbitrary.

There being no more comments or questions from the public, the meeting was closed to the public at 7:15P.M. moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

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

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia

Nays:

Absent:

Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2-12 – Refunding Bond Ordinance

The Clerk reads the Ordinance by Title:

REFUNDING BOND ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH , NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION BONDS, SERIES 2003 OF THE BOROUGH, APPROPRIATING \$4,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,500,000 FOR FINANCING THE COST THEREOF

Motion was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to open the Hearing to the public for comments or questions at 7:17 P.M.

Mike Lane – Mr. Fallon had said the amount would be just under \$4,000,000. What makes up the other \$500,000?

Mayor – believes it is for additional bond anticipation notes.

There being no more comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to close the hearing at 7:19 P.M

Motion to adopt Ordinance was made by Mr. Sheridan, second by Ms. Bolte.

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia

Nays:

Absent:

Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan second by Mr. Toglia with ayes by all present.

RESOLUTION – R118-12 Determining the Form and Other Details and Providing for the Determination of Other Terms of not to Exceed \$4,500,000 General Obligation Refunding Bonds, Series 2012 of the Borough of Keyport...and Providing for their Sale to the Monmouth County Improvement Authority

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

2. Ordinance #3-12 – Reassessment

The Clerk reads the Ordinance by Title:

AUTHORIZING SPECIAL EMERGENCY APPROPRIATION FOR THE REASSESSMENT OF REAL PROPERTY PURSUANT TO N.J.S.A. 40A:4-53

Motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to open the Hearing to the public for comments or questions at 7:21 P.M.

Mike Lane put in an OPRA request for the Statement of Work and was told we did not have one. Feels it is risky to proceed without one.

There being no more comments or questions from the public, motion was made by Ms. Bolte, second by Mr. McPeek with ayes by all present to close the hearing at 7:22 P.M

Motion to adopt Ordinance was made by Mr. Sheridan, second by Ms. Bolte.

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan second by Mr. McPeek with ayes by all present.

3. Ordinance #4-12 – Recycling

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING SECTION 16-6, MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND RECYCLING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to open the Hearing to the public for comments or questions at 7:23 P.M.

Mike Lane, - stated that there is an error in section 16-6.8; Mayor replied that has been corrected.

Mike Lane spoke of no recycling reporting requirement for businesses. Spoke of garbage at events.

Mayor stated that the events are run by non-profit so a reporting requirement would be onerous.

Mr. Lane asked about specific items in the Ordinance which the Mayor addressed. He asked that there is no requirement in the Ordinance to tie up newspapers when green recycling pamphlet states they are to be tied. Spoke of certain types of plastic recyclables that are not to be recycled which are not included in the pamphlet, when most residents operate under the green pamphlet. Thinks new ordinance is a great step forward. Mr. Lane is concerned about Styrofoam plates from a food establishment which ends up in the garbage.

Mayor explained that it must be considered if we wish to impose on an eatery which is a destination.

There being no more comments or questions from the public, motion was made by Ms. Bolte, second by Mr. McPeek with ayes by all present to close the hearing at 7:34 P.M

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

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan second by Ms. Bolte with ayes by all present

RESOLUTION – R116-12 Appointing Resident Citizen Members to Recycling Committee

Offered for adoption by Mr. McPeek, seconded by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

INTRODUCTION OF ORDINANCE

1. Ordinance – Eliminate Permit Parking on Williamson Street

The Clerk reads the Ordinance by Title:

**AN ORDINANCE TO ELIMINATE PERMIT PARKING
ON WILLIAMSON STREET**

Owner of the trailers currently has only two trailers occupied. Has not been getting new tenants. There are twenty-two spaces.

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

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, 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 April 3, 2012 was made by Mr. Sheridan, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for membership in the Keyport Fire Department/Liberty Hose) contingent upon State approval) from Steven O'Dwyer

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

2. Application for membership in the Keyport Fire Department/Eagle Hose) contingent upon State approval) from Jeremy A. Brito. He will replace Gerry Greene

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

3. Application for a Street Opening Permit from NJ Natural Gas for an opening at 35 Monroe for the purpose of an oil conversion

Motion to approve subject to moratorium moved by Mr. Sheridan, second by Ms. Ambrose with ayes by all present

4. Application for a Street Opening Permit from NJ Natural Gas for an opening at 119 Therese Street for the purpose of an oil conversion

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

5. Letter from Conti Enterprises, Inc. regarding Clarification of Public Notice Requirement – BRSA Wind Turbine Project

Administrator Wright explained one of the requirements is providing public notice to residents. This is the plan to provide that notice. They will be hand-delivered.

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

6. Request from Espresso Joe's to produce the 5th Annual Keyport Twilight Concert Series in the Minipark on Fridays and Saturdays 7pm-9:30pm, May-September with the following conditions: a) Insurance requirements are in place; b) There are no conflicting borough events in the Minipark

Administrator Wright asked that Kishore come to the KBBC meeting on Thursday. This is a work-in-progress. Mayor explained we do want to support the concerts but the problem is the financial liability.

Tabled until proper documents are in place. Motion to table until April 3rd moved by Ms. Bolte, second by Ms. Tomczak.

Ms. Bolte explained she would like a meeting set up with Mr. Bocchi regarding his communication on the Elizabeth Street Water Tower.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for February 2012
2. Tax/Water/Sewer Collector's Report for February 2012
3. Building Department Monthly Report for February 2012
4. Board of Health Treasurer's Report for February 2012

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. McPeck with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Buildings/Grounds/Library: Ms. Bolte reported that the Garden Walk is looking for volunteers and additional gardens. Would like to partner with ASK to have a welcome center in the lobby. Will move forward with a presentation at a later date.

Ms. Wright – would like a Certificate of Insurance through the Garden Club.

Ms. Bolte did get library audits for 2008, 2009 and 2010. Inviting auditor and CFO to next library meeting.

The library does not have a purchase order system. We will be implementing one; spoke of some of the criticisms in the audit, which is a public record. Issue with a conversion from oil to gas.

Ms. Bolte attended business Meet and Greet at Trinity for KBBC.

Ms. Bolte stated she addressed false rumors of the Police Department merger with Union Beach.

Councilman McPeck: Health and Recreation: Councilman McPeck reported on the following:

- Health department has been busy with questions on new garbage ordinance
- Green Team had their first official meeting
- Recreation creating an Activity Committee – meeting on March 22 at 7pm. Need volunteers to help

- April 7th is the Easter Egg Hunt
- Open Gym at Central School
- Fundraiser at Brunswick Zone Bowling
- Daddy – Daughter Dance
- Planning movie night for August
- September 22 – 5K race Firemen's Park
- December 14th 6-8 PM Holiday Lighting Contest

Administrator – dog and cat license reminder and garbage information put in water bills.

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan reported Fire Commission asked finance cost to bond \$100,000 used truck. Would be paid out over five years.

Administrator explained would have to go out to bid.

Councilwoman Tomczak: Police: Ms. Tomczak reported that the St. Patrick's Day Parade is this Saturday. Thanked Hank Young and Police Chief. Parade route will begin at St. Joseph's School and finish at Firemen's Park.

Ms. Tomczak thanked Chief Casaletto for getting together police statistics. Will help us to make the best use of our resources. Main Police involvement is motor vehicle stops. Read statistic in her report.

Councilwoman Ambrose: Public Works/Recycling/Property Maintenance: Ms. Ambrose read Construction office statistics 108 violations were issued, 103 for non-compliance of trash ordinances.

Councilman Toggia: Fire/First Aid/Emergency Services: Mr. Toggia said the 1978 La France pumper with broken axle is repaired and will be back in service tomorrow. Exploring whether a \$100,000 used truck would be better than a \$20,000 truck. Getting this truck will help buy some time.

UNFINISHED BUSINESS

1. Fire Truck

Ms. Tomczak stated Fire Committee is sharing ideas on how to proceed. She explained some of the options.

2. CDBG Grant

Administrator stated we are eligible to put an application in. Suggests talking to finance committee about possible projects. Would have to advertise in April. Application must be in by June 3rd. Most projects have been street improvement projects.

3. TNR (Trap/Neuter/Release)/Feral Cat Programs

Mayor stated Councilwoman Bolte and he will have to conduct more research. Borough spends \$16,000 a year for animal control.

Mayor spoke about the Joint Court merger. We have received informal approval with a time line. Should start within a month or so. Councilwoman Bolte will be acting Mayor while the Mayor recovers from surgery.

Administrator Wright – had an inquiry from a business owner regarding a dumpster. Assumes KBBC will make a priority for a dumpster plan.

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- Negotiations with USDA on additional funding for sewer project
- Façade replacement will require a traffic pattern change out back
- Chingarora, Luppataatong, West Front Street – signs say "men working" contractor made delivery of notices to residents
- Safe routes to school – no determination yet
- Roof repair water plant – would like to authorize solar panels on that building

- Personnel manual – needs review by Borough Attorney. This is necessary for our Joint Insurance Fund
- Received three quotes for mold remediation. Authorized repair for \$3,700
- Next meeting will request authorization for a temporary recreation aide for Senior Center
- Would like to hire a temporary assistant for the Municipal Clerk; our obligations would end March 31st

Councilwoman Tomczak asked about per diem dispatcher. Administrator sent applications to the Police Chief. Ms. Tomczak would like to hire per diem dispatchers for the next meeting.

- Italian Ice – Board of Health Ordinance only allows two mobile ice cream food vendors. Would like to introduce an amendment to the current code to allow an additional mobile food vendor at the Waterfront Park.

Ms. Bolte - would like to go out for an RFP for the Italian Ice cart at the Promenade.

Mayor - would like to find the Ordinance and introduce at the April 3rd meeting.

Mayor brought up Redevelopment of the Old Borough Hall and public's request to keep it as a Community center.

Ms. Bolte – is looking for an Engineer's Report on the Old Borough Hall issues. It goes back ten years but she has not yet been able to locate it. Wants to find that before we move forward.

Mayor mentioned the lack of space in this building for meetings for volunteers.

ATTORNEY'S REPORT

- Has been negotiating with clerical and PBA bargaining units
- USDA Sewer System
- Oral argument on Local 68 Appellate matter has been consolidated with three other municipal matters

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:41 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Antoinette Elbeck – Student Council Representative

- Students will be volunteering for Easter Egg Hunt
- Garden Club will need help for Garden Walk
- June 10th Walk for Organ Donors
- High School having Battle of the classes; will have door decorating contest that week
- March 22nd will be wearing Second Floor Shirts
- Juniors Wednesday, April 4 – will be having a fundraiser
- March 24 -25 – Memorial Hockey game for Drew Capachina

Jim Bocce, 145 Church Street, thanked Administrator and Council for addressing Water Tower issue. Spoke of Bruce Springsteen speaking about the roller drone.

Kathleen McNamera, 162 Broadway, asked why Keyport does not participate in the Monmouth County Library System.

Councilwoman Bolte stated that it cost about \$150,000 to join. Would involve a substantial fee to make it free for all. We are looking into it and have had about three inquiries.

Ms. McNamera suggests closing our library as a cost savings measure and joining the County System since many of the books there are obsolete.

Councilwoman Ambrose asked about E-books; currently unavailable.

Mayor and Councilwoman Bolte stated a policy would need to be created.

Elmer Graham, 22 St. Peters Place, downloaded Ordinance for solid waste. Said fine is less than \$100.00 for violation. Thinks fine should be increased with each offense.

Bert Aumack, 67 West Front Street, - Fire Chief's Office is available downstairs for meetings.
- Feels basing a decision on the Old Borough Hall on a ten year report is not a good idea. Concerned about asbestos in the building and the Borough's liability. Estimates property tax revenue would only be \$8,000 annually.

Attorney Litwin – wording would be put into the contract so that the Borough would not be responsible.

Mr. Aumack – feels it doesn't make sense to sell it. Would even like to see it made into a parking lot. Did some quick math as to what a fire truck would cost - \$12.75 per household, per year, to buy a new fire truck. This would be a Band-Aid for twenty years.

Mike Lane, 51 First Street, in addition to the expense to refurbish the Old Borough Hall, there would be yearly operating expenses. Suggests using the Senior Center for evening meetings. Keyport Historical Society building could also be used. Operating expense on old Borough Hall would be a burden on the tax payers.

Mr. Lane said he believes a fire truck would cost him a couple of hundred dollars a year.

Kishore, 22 First Street – took pride in Springsteen's mention of Keyport. New Italian ice and ice cream store is opening in town and concerned how that business would be affected by proposal for Waterfront Park ice cream vendor.

Dennis Fotopoulos, 77 Beers Street – went to the mini-park Sunday morning after St. Patrick's Day and said trash was everywhere.

Mr. Fotopoulos thinks a new ice cream store opening should have first opportunity to be down at the Waterfront. Begged the Council to consider giving local businesses a preference.

Ann Boyce, 42 Broad Street, asked what happened to the trash can on Broad Street at the bus stop.

Nancy Carew, 64 Broadway, asked about the CDBG grant. Is that only available for street improvements or can it be used for the building.

Administrator Wright – there is a matching money aspect to the grant. Doesn't think that the Old Borough Hall project would be one that the Borough would be granted.

Mike Lane stated his math on the fire truck was flawed.

Chief Casaletto thanked Councilwoman Tomczak for her work on the St. Patrick's Day Parade.

There being no more comments or questions from the public, the meeting was closed to the public at 9:23 P.M. moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present

CLOSED SESSION

R 119-12- Closed Session **Resolution:**

RESOLUTION NO. 119 -12 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
- Contracts – Solid Waste Option

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 Contracts 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. Tomczak

Roll Call Vote: Ayes: Councilmembers Bolte, Mc Peek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

Mayor and Council returned to open session at 9:14PM.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present at 10:06 pm