

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 Harry Aumack called the meeting to order at 7:03PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeck and Mayor Aumack. Others present: Borough Administrator Lorene Wright, Borough Attorney Gordon Litwin

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.)

Clerk Heilweil read the Resolutions on the Consent Agenda. An error was noted in the body of R103-14 Authorizing Engineering for Chingarora Stream Cleaning. The amount should read \$4,100.

Mayor Aumack explained Resolution 103-14 which is coming from a grant.

R 86-14 Payment of Bills

R 87-14 Authorizing Approval of Raffle License – Keyport Indians – Off-Premise Merchandise Raffle to be held October 13, 2014

R 88-14 Authorizing Approval of Raffle License – Keyport Indians – 50/50 Cash Raffle to be held on various weekends throughout 2014

R 89-14 Authorizing Approval of Raffle License – Eagle Hose Company – Off-Premise 50/50 cash raffle to be held August 2, 2014

R 90-14 Authorizing Approval of Raffle License – Jesus the Lord Church – for a Tricky Tray to be held April 27, 2014 from 1-5PM

R 91-14 Authorizing Approval of Raffle License – Jesus the Lord Church – for an On-Premise 50/50 Cash Raffle to be held April 26, 2014

R 92-14 Granting a Taxi Owner License for Added Vehicle for Keyport Yellow Taxi

R 93-14 Granting a Taxicab License to Keyport Yellow Taxi Drivers

R 94-14 Releasing Performance Bond for Minor Subdivision for 315 Beers Street, Block 51, Lots 18 & 22

R 95-14 Authorizing the Extension of the Charter Fishing and Party Boat Lease Outshore of the American Legion Drive Bulkhead

R 96-14 Authorizing Execution of Animal Control Contract with Associated Humane Societies, Inc.

R 97-14 Declaring Surplus Property

R 98-14 In Support of Anti-Idling

R 99-14 Hire Temporary Electrical Inspector on as-needed basis – Guy W. Opie

R100-14 Hire Temporary Electrical Sub code Official & Electrical Inspector – Armand DeFazio

R101-14 Appoint Blood borne Pathogen Officer – Daniel Neff

R102-14 Authorizing CME to Review and Assist in the Preparation of a Report on the Borough's Preliminary Flood Maps

R103-14 Authorizing Engineering for Chingarora Stream Cleaning

PUBLIC COMMENT PORTION

Motion was made by Councilman Sheridan and carried by Councilman McPeek to open the meeting to the public for comments or questions at 7:11PM.

Jim Aumack – asked what items are being declared surplus. The response was two police cars.

Councilman McPeek – asked if surplus vehicles can be moved to the Department of Public Works to provide more parking at Borough Hall.

Elmer Graham, Jr., 24 St. Peters Place – asked about R94-14, Releasing Performance Bond for 315 Beers Street.

Mayor Aumack – explained the release of the bond monies.

Elmer Graham, Jr., 24 St. Peters Place – asked about the anti-idling resolution. He questioned whether or not this will become an ordinance. Mr. Graham also asked about the salt supply.

Mayor Aumack – explained he was not in favor of an anti-idling ordinance. The State already has one.

Councilman McPeek – explained this helps the Green Team earn points for sustainability. It is not enforceable. It just shows the Borough's support.

Councilman Howe – explained the Department of Public Works has gotten salt and has been making progress in filling potholes.

CME Engineer Trevor Taylor – explained his work reviewing the flood maps for a report which will be submitted to FEMA. This included a review of the entire waterfront but only found errors on First Street.

Janet Buggle, 67 E. Front Street – asked Trevor to explain the next process in the appeal of the flood maps. She thanked Council and CME for working so quickly on this.

Trevor Taylor – there will be a 90-day period for the submission of public comments in the spring.

Councilman Howe – asked about the animal control contract and the search for other options.

Administrator Wright – we will continue negotiations for next year.

There being no more comments or questions, the meeting was closed to the public at 7:18PM by Sheridan, carried by McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Tomczak, carried by Sheridan

Roll call vote:

Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek

Nays:

Absent:

Abstain:

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance #2-14 – Boat Ramp Fees

The Clerk reads the Ordinance by Title: **AN ORDINANCE TO REVISE THE PERMIT FEE SCHEDULE FOR THE MUNICIPAL BOAT LAUNCHING RAMP**

- 1a. Motion to Open Public Hearing made by Sheridan, carried by McPeek at 7:25PM with ayes by all present.

There being no comments or questions from the public, motion was made by Sheridan, carried by McPeek, with ayes by all present to close the hearing at 7:27PM

- 1b. Motion to adopt Ordinance made by McPeek, carried by Sheridan

Roll call vote:

Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek

Nays:

Absent:

Abstain:

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

COMMUNICATIONS AND PETITIONS

1. Letter from Construction Official Bob Burlew regarding the resignation of electrical sub code inspector Patrick Callahan

Motion made by Sheridan and carried by McPeek to receive and file with ayes by all present.

2. Application for a Street Opening Permit for 176 Church Street from NJ Natural Gas for the purpose of an oil conversion

Motion made by McPeek and carried by Sheridan to approve with ayes by all present.

3. Application for a Street Opening Permit at West 4th Street & Chingarora from NJ Natural Gas for the “direct examination of 6” transmission line for pipeline integrity”

Motion made by McPeek and carried by Sheridan to approve with ayes by all present.

4. Application for a Street Opening Permit at 185 2nd Street from NJ Natural Gas for a new ½” plastic service and retire ¾” service

Motion made by McPeek and carried by Sheridan to approve with ayes by all present.

5. Letter from Keyport Spanish American Club requesting the use of Beach Front Park on Saturday, August 9th 2014 from 12 Noon- 9PM for their annual Keyport Spanish American Festival. Also requesting the closing of First Street between Church and Broad, the use of all picnic tables, Borough trash cans and bags and the waiver of the use fee

Motion made by Sheridan and carried by McPeek to approve with ayes by all present.

6. Email from 180 Turning Lives Around regarding the Borough's participation and support of Denim Day on April 25, 2014 (Denim Day began as part of an international protest following an Italian Supreme Court's decision to overturn a rape conviction in 1998 because the victim wore tight jeans)

Motion made by Sheridan and carried by Chamberlain to approve with ayes by all present.

NEW BUSINESS

Building Department Construction Fees

Councilwoman Tomczak – we haven't met on that yet. We are still reviewing.

Motion to table made by Howe, carried by Sheridan.

Councilwoman Lamberson – reported a new date for the bonfire. It is now scheduled for Friday, March 28th at 7PM

Motion to approve barring tidal problems (high tide 6:53PM) made by Lamberson and carried by Sheridan.

UNFINISHED BUSINESS

1. Energy Aggregation Program

JCP&L Representative, Jerry Riccardi – was available to speak about the Energy Aggregation Program. He stated JCP&L does not care if a municipality goes with an energy aggregation third-party supplier. He advised wording the contract to protect the Borough and its residents so that residents never pay more than if they were not in the program. He stated that he, himself, uses a third-party supplier because there is money to be saved.

Administrator Wright – explained there are only three vendors that have been approved by the State.

Janet Buggle – asked whether it is better to go with the municipal aggregation or for an individual to find a third-party vendor themselves. She also asked about thoughts on forming a co-op with other municipalities.

Daniel Bach – spoke about an issue he heard of regarding the Energy Aggregation.

Andy Oeftering, First Street – states his biggest concern is stability of the rates.

2. Water/Sewer Strategic Planning Committee

Mayor Aumack – announced the Ad-hoc Water/Sewer Strategic Planning Committee: CFO, DPW Superintendent and the Mayor will be the Committee.

Councilwoman Tomczak – wanted to know why Hatch Mott MacDonald provided a proposal for water/sewer improvements when they are not the Borough engineers. She feels Council needs more than one proposal.

Mayor Aumack – spoke on Post-Sandy Strategic Planning Committee Progress.

ATTORNEY'S REPORT

Will report in Closed Session.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Sprint Access Agreement – it's ready to be signed and will be on the next Agenda. The Borough Attorney and Borough Engineer have reviewed it.
- Solid Waste – CME has advertised.
- Grass Cutting Quotes – we're under the bid threshold. Starting to cut April 15th.
- Hazardous Discharge Site Remediation – for use and remediation of qualified properties. Matt Mauro from Excel will come to the next meeting.
- Sandy Insurance Claims – will receive 50%. There is an opportunity to get the remainder of the balance from FEMA.

Councilman Howe - requested the solid waste specifications.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:08PM, moved by Sheridan, seconded by McPeck with ayes by all present.

Mayor Aumack – embarked on a program through the Environmental Committee and the Green Team to get trees through the State. On March 21st, one thousand seedlings will be available.

Administrator Wright – explained we do not have a Shade Tree Ordinance but we do have a Community Forestry Plan. A plan would need to be made in order to plant on municipal property.

Jim Aumack – spoke about the application for trees from the State. He found ten local groups who are willing to participate. Ed Carew will pick up the trees.

Councilwoman Tomczak – St. Patrick's Day Parade will be held on March 22nd at 1PM.

A suggestion was made to put a message on the electronic sign for free trees for residents.

Bob Burlew, Flood Plain Manager and Construction Official – spoke about Rutgers program for lower water prone areas. He suggested the Community Rating System (CRS) program which will help with plans to protect homes and beaches. This will help reduce the cost of flood insurance. No fees were collected for Sandy-related damage. The Borough waived \$43,000 in fees.

Ed Burlew, 59 W. Front Street – asked about the progress of the joint court.

Councilwoman Tomczak – stated Hazlet has been notified and a meeting is scheduled.

Administrator Wright – stated Judge Lawson will be approving our moving court back to Keyport.

Peggy Hayes – asked who has been doing snow removal. She questioned if we have enough people working and complained about unplowed areas.

Mayor Aumack – stated our Department of Public Works is quite understaffed. Considering this, he felt they did a good job. He also mentioned the DEP no longer allows the snow to be dumped into the bay.

Jacqueline Kovacs, Church Street – mentioned areas on Church Street that were not cleared of snow.

George Walling, 54 2nd Street – mentioned a snow pile from the beach was removed for the beach bonfire which was cancelled. He thinks the Department of Public Works should be working on clearing the streets of snow. He would like to know what it cost the Borough to move that snow. He will ask again at the next meeting.

Administrator Wright – spoke of a potential developer for Brown's Point. She would like the Redevelopment Committee to meet with the attorney to ask questions.

Council was all on board with having such a meeting in order to move forward.

There being no more comments or questions, the public comment portion was closed to the public at 8:43PM moved by Sheridan, seconded by McPeek with ayes by all present.

CLOSED SESSION

R104-14 - Closed Session Resolution:

Motion made to go into closed session at 8:47PM after a short break made by Sheridan, seconded by McPeek.

RESOLUTION No. 104-14

1. Resolution #104-14 Closed Session Meeting

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 Issues
- Acquisition of property

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 acquisition of property 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: Sheridan, Seconded by: Tomczak

Roll Call Vote:

Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek

Nays:

Absent:

Abstain:

Returned to Open Session at 9:05PM.

Attorney went over items discussed in closed session:

- Personnel issues
- Acquisition of property
- Motion made regarding Reservation of Rights Letter authorizing Borough Clerk to sign the Reservation of Rights Letter

ADJOURNMENT

Motion to adjourn at 9:07PM moved by Sheridan, seconded by McPeck with all ayes present.