Minutes of the Regular 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 7:00PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek and Mayor Aumack. Others present: Borough Administrator Lorene Wright, Borough Attorney Andrew Provence, Chief Financial Officer Tom Fallon.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

Brownfields Update: Mike Mierney & Matt Mauro of Excel Environmental went through the eligibility requirements of the Hazardous Discharge Site Remediation Fund grant. They are currently investigating and remediating grants. This program is good for developing Open Space and Affordable Housing. Keyport does have a Brownfields Development Area Program. The designation is from the State and is a competitive process. Out of 565 municipalities, only 31 have a Brownfields Development Area designation. The Borough has currently received $1.5 million dollar in grant money for four properties. (Sautee Bay, the Boat Ramp, Waterfront Park and Aeromarine). The State looks for contiguous properties. The Borough chose the waterfront development area. This is an EPA program through the State. The investigation portion is a no cost grant to the Borough, other than the $500.00 application fee. For remedial action, up to 75% is reimbursed. Each year the Borough executes a Memorandum of Agreement for the Brownfields Development Area. The landfill investigation (PI) of the Aeromarine is done. Once a property is remediated, Green Acres sees the property as viable. Remedial action on Borough property requires 25% of cost to come from the Borough. The presentation ended at 7:26PM.

PROCLAMATION

Mayor Aumack read the Proclamation for ARC Awareness Month.

Clerk Heilweil read the resolutions on the Consent Agenda.

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.)

R105-14 Payment of Bills
R106-14 Authorizing Acceptance of Grant Agreement Between the Borough of Keyport and the County of Monmouth
R107-14 Authorizing the Award of a Contract for Lawn Cutting Services
R108-14 Authorizing Tax Exemption for Disabled Veteran – Albert Meggison
R109-14 Authorizing Sprint Spectrum, L.P. To Make Modifications to Communications Equipment located at the Cass Street Water Tower Property
R110-14 Accepting and Adopting the Monmouth County Municipal Joint Insurance Fund's Safety and Compliance Program
R111-14 Authorizing Grant Agreement Between Borough of Keyport and NJDEP for a Municipal Public Access Plan for Keyport Bayshore

R112-14 Appointment of Temporary Part-Time Clerical Worker – Michele Clark
R113-14 Appropriation Transfer
R114-14 Authorizing Change Order #5 to the Contract for Sanitary Sewer Infiltration and Inflow Improvements
R115-14 Declaring Surplus Property
R116-14 Application for Raffle License – Knights of Columbus #3402 St. Joseph's – On-Premise 50/50 Cash to be held April 26th 2014 from 6-10PM
R117-14 Application for a Raffle License – Kights of Columbus #3402 St. Joseph's – Off-Premise 50/50 Cash to be held June 7, 2014 at 8PM
R118-14 Application for Raffle License – Castle of Dreams Animal Rescue – On-Premise 50/50 Cash Raffle to be held at 376 Maple Place on April 26, 2014 from 9AM-2PM and onMay 17, 2014 from 6:30PM – 10:30PM
R119-14 Applicaton for Raffle License – Castle of Dreams Animal Rescue – Tricky-Tray Raffle to be held at 376 Maple Place on April 26th from 1-2PM and on May 17, 2014 from 9:30-10PM
R120-14 Accepting Grant from the Hazardous Discharge Site Remediation Fund Public Entity Program Through the New Jersey Economic Development Authoriity and the Department of Environmental Protection

PUBLIC COMMENT PORTION

Motion was made by Councilman Sheridan and carried by Tomczak to open the meeting to the public for comments or questions at 7:31PM.

Peter Jastrzembski, Stone Road, Hazlet- Spoke regarding his having attended the Harbor Commission meeting and his having had the 2013 Hot Dog Cart Lease at the Waterfront Park. He would like to increase the cart to a 6' by 9' size. The old cart was a smaller open cart. He would also like to add other items to the menu. Councilman Sheridan stated that there would not be any generator or open grill. However, the current request is to add French fries and pretzels. Administrator Wright stated the current hot dog cart has been approved by DEP. Request for Proposals are due March 26th. This is a seasonal concession in which the vendor has to get a hot dog permit, fire permit and Board of Heath permit. Councilwoman Tomczak stated the Council cannot approve tonight even if they wanted to.

Michael Lane, 51 First Street - Stated that Lynne Kosobucki, Chair of the Brownfields Committee, would have like to have been here but has a health issue and was unable to attend. He explained some of the background on the program. Aeromarine to Browns Pointe became an Area in need of Redevelopment and the Brownfield was an overlay of that area. About 15 properties in the Borough have been designated as contaminated.

Mr. Lane - Would like: a status report of the Borough's appeal on the FEMA maps and any additional follow-up from the Borough.

- Would like to know the status of the Strategic Recovery Planning Report.
- Would like to know how there was a drop in the submission of insurance claims.
- Asks why FEMA only paid $111,000 (78%) of the $1.4 million in FEMA claims. Why not 90% of funds or debris removal?
- Borough still has issues such as:
  1. Gravel sinking at Fireman's Park
  2. Water rushing through the bulkhead
  3. Too low an elevation

Ed Burlew, 59 W. Front Street - Spoke regarding the new lawn service, JPV Lawn Services. Mr. Burlew asked why Mr. Jastrzembski was invited if he was not being given the lease. Mr. Burlew feels that was an unfair advantage.

Borough Attorney Andrew Provence - States Council was led to believe Mr. Jastrzembski's proposal would have been more expansive. Mr. Jastrzembski can only propose what is set in the specifications.

Elmer Graham Jr., 22 St. Peters Place – Asked about Resolution 106-14 Authorizing Acceptance of Grant Agreement Between the Borough of Keyport and the County of Monmouth for the Senior Center. Mr. Graham also asked about Resolution 113-14 Appropriation Transfer which was explained by CFO Tom Fallon.

CFO Tom Fallon - Explained that some items towards the end of last year needed to be sure appropriation is available.

Mr. Graham - Also asked about minutes on the Keyport website.

MD Abramowitz, 75 1st Street – Asked for an enforcement of a ten-minute rule, Robert's Rule, during Public Portion of the meeting. She felt that would be a courtesy to all.

There being no more comments or questions, the meeting was closed to the public at 8:01PM by Sheridan, carried by McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Chamberlain, carried by Sheridan.

Administrator Wright moved to change the word "Provisional" to "Temporary" on R112-14 Appointment of Temporary Part-Time Clerical Worker – Michele Clark.

Roll call vote:
Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance – Bond Ordinance for Water/Sewer Utility Improvements

The Clerk reads the Ordinance by Title: BOND ORDINANCE PROVIDING FOR DESIGN AND PERMITTING IN CONNECTION WITH VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $180,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF $180,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

1a. Motion to Open Public Hearing made by Sheridan, carried by Tomczak at 8:04PM with ayes by all.

Motion to Close Public Hearing made by Sheridan, carried by McPeek at 8:05PM with ayes by all.

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

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 Tomczak with ayes by all.

INTRODUCTION OF ORDINANCES

1. **Ordinance – COLA Rate Ordinance**

The Clerk reads the Ordinance by Title: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

CFO Tom Fallon - explained the Ordinance having to do with the appropriation cap. Within the cap are the costs to run the Borough. The State allows us to increase it each year. What we don't utilize we are allowed to "bank" to utilize in the future budgets. This year we are $700,000.00 under the appropriation cap. We don't need this to be under the cap but it gives us some flexibility.

1a. Motion to introduce made by McPeek, carried by Sheridan.

Roll call vote:
Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing made by Sheridan, carried by McPeek with ayes by all.

INTRODUCTION OF 2014 MUNICPAL BUDGET

1. **Resolution #121-14** - Introducing the 2014 Municipal Budget

The Clerk reads the Budget by Title: **2014 MUNICIPAL BUDGET OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, FOR THE YEAR 2014**

CFO Fallon states it was a great collaborative effort between Finance Committee, Borough Administration and the Chief Financial Officer. Departmental budgets have been maintained at previous funding levels with no lay-offs.

The 2014 Municipal Budget will be published March 26, 2014 with an April 15, 2014 Public Hearing. After the Public Hearing you may have the ability to make amendments. An increase of 2% by the amount to be raised by taxation an average of $40 annually per homeowner.

Motion offered by Sheridan, carried by Tomczak.

Roll call vote:
Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

2. Motion authorizing the Clerk to publish the Budget Summary as introduced for Public Hearing made by Sheridan, carried by Tomczak with ayes by all.

COMMUNICATIONS AND PETITIONS

1. Flyer from Meridian Health regarding "Paint the Town Pink" and "How to: Pink Your Community" - from May 1, 2014 through June 1, 2014 to increase awareness for mammographies

Motion to approve and distribute copies to the Recreation Committee and the KBBC (to involve the business community) made by Sheridan and carried by Tomczak with ayes by all present.

2. Letter from Knights of Columbus St. Josephs Council #3402 Grand Knight requesting waiver of $1077.00 fee for roof permit.

McPeek - refund would be made to contractor since fees were paid by them.
Tomczak - concerned that the money would not get back to the Knights of Columbus.

Motion made to receive, file and communicate to Knights of Columbus by Sheridan and carried by Tomczak with ayes by all present.

3. Letter from Keyport Fire Department inviting all to its 2014 Annual Inspection to be held on Saturday, May 3, 2014 beginning at 6PM. Use of Fireman's Parking lot is requested. Fire Department and First Aid Squad to show up with all the apparatus – Parade from Fireman's Park to First Aid.

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

4. Application for a Street Opening Permit from NJ Natural Gas for 185 Second Street for the purpose of renewing a 1/2" plastic line and retiring a ¾" service line.

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

5. Request for the use of Beach Park from Scout Troop #364for a Flag Retirement Ceremony to be held on June 10, 2014 at 7PM. They are also requesting the waiver of the park use fee.

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

6. Email from Pearson Australia Group, a learning company that provides education resources for teachers and students, based in Melbourne, Australia, requesting permission to use an illustration of the Keyport Waterfront Park for use as a placemaking plan for a secondary school class entitled "Pearson Geography 9".

Attorney Provence – This is an image that appears on the Borough website (Keyport Smart Growth). He states we do not own it and the Borough does not have the authority or rights to approve its use. He assumes it would be used for commercial use in the form of a textbook.

Motion made to have Business Administrator coordinate with the Attorney to tell whom to contact by Sheridan, carried by Tomczak with ayes by all present.

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for February 2014
2. Tax/Water/Sewer Collector's Report for February 2014 and 2013 Annual Report
3. Board of Health Treasurer's Report for February 2014
4. Building Department Monthly Report for February 2014
5. Hazlet/Keyport/Matawan Joint Court Report from 1/1/14 – 2/28/14
6. 2011 and 2012 Recycling Tonnage Report

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

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COMMITTEE REPORTS

Councilwoman Tomczak: Police:

- Read a Letter of Accommodation for Detectives Torres and Rendina regarding a predatory Keyport man who was trying to contact a 14-year old Union Beach girl. Suggested parents be aware of who their children are contacting online
- Read Police Department arrest report
- Operation Take-Back for unused medication, April 26, 2014 from 10AM-2PM. Working on getting a medicine drop box to be used on a permanent basis
- New officers completed all training as of March 24, 2014

- Will be interviewing for an additional police officer
- St. Patrick's Day Parade this Saturday at 1PM. Road closures to begin at 11AM. Starts at St. Joseph's Church and ends at Fireman's Park

Councilwoman Lamberson: Health and Recreation:

- Nothing to report in Health Department
- Spring Community Bonfire will take place on March 28, 2014
- Easter Egg Hunt will take place on April 19, 2014. The Recreation Commission is seeking volunteers

Councilman Chamberlain:

- Inmates will come in to paint the building on May 5, 2014
- Met with Library Board

Councilman Sheridan: Finance/Grants/Redevelopment:

- Thanked the Finance Committee for its support with the budget
- Thinks dates can be added to the FEMA snapshots
- American Legion offering free corned beef on March 22, 2014 while supplies last
- Historical Society Tea will take place on May 5, 2014 at 7:30PM

Councilman Howe: Public Works Recycling and Property Maintenance:

- Continuing pot hole abatement program
- Picnic tables are out around town and will be painted soon
- Lawn cutting service will begin cutting in April
- Three new points of recycling in the hallways of the Borough Hall
- Property maintenance has been busy with snow shoveling violations

Councilman McPeek: Fire/First Aid/Emergency Services

- Read Fire/First Aid reports
- On March 17, 2014 Gateway Apartments had a fire which damaged the electrical system causing a need to evacuate six units
- First Aid answered a call where CO meters went off; property was evacuated. The gas company found several leaks. Residents were very lucky
- St. Patrick's Day Parade, March 22, 2014
- Fire and First Aid Departments are always looking for new members

NEW BUSINESS

Request for Sewer Relief for Commercial Property on Maple Place Due to Broken Pipe

Councilman Howe – believed water could not be shut off at unoccupied store because it would affect the occupied stores. He recommends providing the sewer relief contingent upon plumbing receipts.

Administrator Wright – the Tax Collector calculated the amount of the refund (relief) at $220 for sewerage.

Resolution 122-14 Request for Sewer Relief for Commercial Property on Maple Place Due to Broken Pipe, the relief contingent upon plumbing receipts

Motion to approve made by Howe, carried by Sheridan.

Roll Call vote:

Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

UNFINISHED BUSINESS

1. Litter/Garbage Collection
Tomczak - Mentioned that the garbage company has begun collecting garbage prior to 6AM. Would like the garbage company to check in when they come to town and when they are leaving.

Debris under snow is now highly visible. She asks residents to be more proactive.

2. Energy Aggregation
Administrator – Council had a presentation at the last meeting. A sample ordinance was distributed and will be listed for introduction at the next meeting.

Mayor – Residents are not required to participate but would need to opt out on their own.

3. Participation in Community Rating System (CRS)
Administrator – Construction Official Burlew touched on this at last meeting. This is a FEMA program which allows for flood insurance reduction. If Council wishes to move forward, a resolution will be prepared for next meeting. This benefits Keyport flood policy holders for the Borough to earn points to reduce flood insurance policy premiums. Letter of Intent must go out, then a gathering of information. Will prepare a letter of intent and an authorizing resolution.

Mayor – Suggests the Borough Engineer, Trevor Taylor, prepare it since he is a Flood Plain Manager.

Bob Burlew – Suggested having someone from the CRS program come in and speak to Council.

Mayor – Will consider residents suggestion on Roberts Rules.

ATTORNEY'S REPORT

Has a closed session matter

ADMINISTRATOR'S REPORT

- No idea why insurance claim numbers went down, as questioned by Mr. Lane. Spent $730,000 on FEMA reimbursements and received $144,447 from FEMA for debris. Insurance claims are about to be wrapped up, then FEMA claims would kick in. Any improvements would be under a Hazard Mitigation Grant.

Sheridan – Requested a timeline to the FEMA snapshot.

Mayor – Spoke about the changes in the "Mayor's Tree Program". Nine Hundred trees coming to Keyport from the State. They were supposed to come in March 21, 2014 and now will come in April 15, 2014 due to the weather. Pick up arrangements will be made.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:17PM, moved by Sheridan, seconded by Howe with ayes by all present.

Jim Aumack – Spoke to those at "ONE CALL". Those who receive trees should use this service before planting but feels it is common knowledge to call them as well as not to plant trees under utility wires. He asked for a Joint Court update.

Tomczak – Stated there was a meeting on it recently to determine what needs to be procured.

Ed Carew, 64 Broadway – Asked how public accesses tonnage reports; the Recycling Coordinator has it. Councilman Howe explained the report tells everything that was recycled in Keyport.

Ed Burlew, 59 W. Front Street – Asked about the scaffolding for Berkowitz. Councilman Howe states permits have been drawn for the repair work.

Ed Burlew – Asked why there are cones blocking the parking lot at Ye Cottage Inn. The Administrator will look into it.

Ed Burlew – Asked again about the Bayside Bar.

Construction Officer Bob Burlew – Says their next court date is next week.

Ed Burlew – Mentioned the Tax Assessor having multiple jobs and making over $230,000/year.

Michael Lane – Asked about problems with flood mitigation mapping, as pointed out by the Borough Engineer.

Administrator – Will follow up.

Mike Lane – Asked about the Strategic Recovery Plan. Says there is nothing in the Plan regarding the long range aspect.

Mayor – Collecting comments.

Administrator – Stated we are running against the clock and comments need to be submitted.

Mike Lane – 9/13/13 and 11/13/13 Sandy snapshot version said $3.72 million was the insurance amount submitted. He wants to know damage the Borough incurred and what amounts came out of pocket from insurance and from FEMA.

Administrator – Explained the Borough is paid by insurance first and then FEMA claim kicks in.

MD Abramowitz – Says bottom of invoice for flood insurance says those who have it will face a 20% increase. The CRS only helps those who didn't already have flood insurance.

There being no more comments or questions, the public comment portion was closed to the public at 9:46PM moved by Sheridan, seconded by Tomczak with ayes by all present.

CLOSED SESSION

R123-14 - **Closed Session Resolution**:

Motion made to go into closed session at 9:46PM after a short break made by Sheridan, seconded by Tomczak.

RESOLUTION No. 123-14

1. Resolution #123-14 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:

- Contract Negotiations – Property Acquisition
- Personnel – Potential Hiring

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: Sheridan, Seconded by: Tomczak

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

Motion made to return to Open Session at 10:06PM

Attorney reported on items discussed in closed session:

- Personnel
- Contract Negotiations – Property Acquisition
- Personnel – Potential Hiring

ADJOURNMENT

Motion to adjourn at 10:07PM moved by Sheridan, seconded by Tomczak with all ayes present.