

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.

Council President called the meeting to order at 7:00 PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Tomczak, McPeck, Lamberson, Toglia, Howe Absent: Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney Gordon Litwin and Borough CFO Tom Fallon.

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Council President Sheridan announced resignation of Mayor McLeod as of March 15, 2013.

Attorney Litwin explained the process of choosing a new Mayor.

Councilwoman Tomczak stated that we did receive a letter today with a list of three names

Council President Sheridan read and presented the Proclamation to St. Mary's Church on their 150th Anniversary.

PROCLAMATION

For the 150th Anniversary of St. Mary the Virgin Episcopal Church

PRESENTATION

1. Art Society of Keyport (ASK) update on rebuilding mural and plans for "Butterfly Migration Celebration"

Mary Ann McKay of ASK – Spoke of the Butterfly Migration Celebration. She asked to have recyclable bins replaced. She also spoke about interviewing masons to build curved cement structures. They will need to get quotes before they can say how many they have funding to build. Ed Carew explained the Code Enforcer is providing them assistance.

Ed Carew – Would like to place a tide chart by the waterfront objects placed there would be both for function and art. The chart will be embellished and decorated with mosaics. There has been \$17,500 raised for this project.

Councilman Toglia – Expressed his appreciation and excitement for the project.

2. Green Team Presentation – Utility Costs by J.P. Polewczak
Spoke of programs available through the Board of Public Utilities.
 - Direct Install – for small businesses and municipal facilities. Provides financial assistance to business for renovations to reduce energy.
 - Home performance with Energy Star – involves an audit and an assigned contractor, aimed at homes. RFP goes out to choose a contractor.
 - Local Government Energy Audit – resolution is on Agenda tonight to move forward with this. Audit determines energy efficiency of Borough-owned buildings.

Sandy Incentives – For those performing renovations or replacing appliances, Homeowners can earn rebates of \$500 on central air systems and \$300 - \$400 on boilers and heaters.

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.)

- R112-13 Payment Of Bills
- R113-13 Appointing Recreation Commission Member – George Strang (provided)
- R114-13 Authorizing hiring Temporary Part-Time Assistant to the Municipal Clerk – Tammie Kelly (provided)
- R115-13 Appointing Clean Communities Coordinator – Calvin Bell
- R116-13 Temporary Part-Time Seasonal Crossing Guards – McPeek abstain.
- R117-13 Authorizing Extension of Charter Fishing and Party Boat Lease Outshore of American Legion Drive Bulkhead.
- R118-13 Application for Raffle License from Marine Academy of Science & Technology Parent Student Association (MAST) for an Off-Premise 50/50 to be held on June 7, 2013 (provided)
- R119-13 Authorizing Local Energy Audit
- R120-13 Supporting Mayor's Wellness Campaign
- R121-13 Transfer Appropriation
- R122-13 Cancel Reassessment Appropriation
- R123-13 Authorizing Advertisement of RFP for Re-Valuation Services (amended)
- R124-13 Authorizing the Sale of Surplus Personal Property no longer needed for public use on an Online Auction Website
- R125-13 Authorizing Emergency Repairs to Water Main Valve Pipe at Maple Place and Van Dorn
- R126-13 Authorizing Emergency Repairs to Water Main Valve Pipe at Maple Place and Burtina Place
- R127-13 Authorizing Change Order for South Wall Facade Project
- R128-13 Accepting the Proposal of T & M Associates to provide Supplemental Contract Administration and Construction Observation services for Police entrance coping And flashing replacement for the Municipal Building South Wall Façade Masonry Restoration
- R129-13 Authorizing Professional Engineering Services to CME for Railing Replacement at Waterfront Park
- R130-13 Authorizing Advertisement for Bids/Proposals for Railing and Miscellaneous Pier Improvements to Waterfront Facilities damaged by Hurricane Sandy
- R131-13 Authorizing Engineering Design Hatch Mott MacDonald for Change Order to Sanitary Sewer Replacement at Osborn Street (amended)
- R132-13 Authorize Borough Clerk to advertise for the Receipt of Bids for Improvements to Osborn Street
- R133-13 Accepting the Proposal of T&M Associates to provide Contract Administration and Inspection Services for "Beyond Contract" Work Necessary to Close Out the Construction Phase of Benjamin Terry Park – PULLED

Councilman Joseph Sheridan asked if any resolutions should be pulled for separate consideration.

Motion made by Tomczak, carried by McPeek to pull R133-13 from consent agenda for separate consideration after discussion.

Acting Mayor Sheridan read Rules of Conduct at Council Meeting.

PUBLIC COMMENT PORTION

Motion made and carried to open the meeting to the public for comments or questions at 7:32pm.

John Olsen, Harbor Commission- asked about Captain John lease; will expire 12/31/13

Also asked about R. 129-13 Professional Engineering for railing. Feels we already have the design.

Borough Engineer, Don Norbut- explained must have Engineering Services for legal protection.

Elmer Graham Jr. - 22 St. Peters Place- Asked status of getting lighting at waterfront fixed.

Administration- bid opening for repairs is March 27th.

Elmer Graham Jr.- Asked about plan that Marlboro has where taxpayers receive money off their taxes for shopping at Keyport local businesses. He had mentioned this at the last meeting; The BID is looking into this.

Ann Boyce- 42 Broad St. - asked why we can't get the streets cleaned.

Administration- street sweeper is broken. DPW is looking into shared services for street cleaning.

Acting Mayor Sheridan read Rules of Conduct at Public Meetings.

There being no more comments or questions from the public, the meeting was closed to the public at 7:41 PM by Tomczak, carried by McPeck with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Howe, carried by Toglia

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeck, Lamberson, Toglia, Howe

Nays:

Absent:

Abstain:

PUBLIC HEARING

To Repair and Improve a Common-line Bulkhead for the Bayfront Side of Residences of First Street, specifically Lots 8, 9 and 10 of Block 94 (51, 53 & 55 First Street)

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeck, Lamberson, Toglia, Howe

Nays:

Absent:

Abstain:

Mike Lane- gave his presentation of the damage to the bulkheads. Six property owners have gotten together for 140 ft of bulkhead- all at the same height will be installed at the owners expense.

- Will increase height of bulkhead

- Ordinance 12-54 requires residents to maintain their bulkheads.

- Proposing to build no more than 2 feet beyond existing bulkheads.

- Not removing the existing bulkheads.

- Developing a standard NAVY bulkhead much like the Yacht Club.

- Pillings will be tied with a tie rod

- Pillings 25 feet long- set into the ground-above the mud line

- Nine ft between top elevation and owner's lots.

- Concrete pad behind the bulkhead which includes all three properties

- Properties are behind median high water line

- Proposing these four lots be uniform and consistent across all four properties.

Asks for a resolution to approve their construction plans.

Joseph Sheridan asked Don Norbut to comment.

Don Norbut- mentioned items that should be included in the resolution. Asked about Tideland instruments.

Mr. Lane- copied off the Yacht Club Specs.

Don Norbut- You are being presented with plans that are neither signed nor sealed. Has not done a review so cannot recommend approval.

Norbut- asked if construction office will then approve unsigned and unsealed plans. Can't say that those plans would be acceptable.

Bob Burlew- Construction Official- would like to see signed and sealed plan. But urges council to work along with residents.

Mr. Lane- has been given emergency approval by NJ DEP and Army Corporation of Engineers. There was no requirement for design.

Atty Litwin- explained this process is necessary in order to insure neighbors to the project are protected Borough could adopt approval based on signed and sealed plans being submitted

Bob Burlew- says signed and sealed plans are necessary for planning Board applications but this is not the planning Board. Even if this is not correct, the Borough would not be liable.

The Hearing is opened to the public for comments or questions:

Motion was made and carried at 8:23 PM to open to the public

Peggy Hayes- 55 First St- secretary of the 4-unit condo association says bulkheads have been installed without this process.

Paul McKefrey- 107 Maple Place- feels if another storm further damages the properties and Borough delays approval; these residents may have a suit against the Borough. Encourages council to approve this and move on.

Tomczak- asked if anyone has any negative comments.

John Kennedy- 104 Chigarora- urged council to get this done ASAP

Motion to close at 8:30 PM made by McPeek, seconded by Tomczak with ayes by all present

R134-13 Resolution approving application for Bulkhead Permit

Motion made to approve application by Tomczak, carried by Lamberson

Roll Call: All Yes

Motion made by Tomczak, carried by Lamberson for a 5 minute break at 8:33

Back in session at 8:38 - all present

INTRODUCTION OF 2013 MUNICIPAL BUDGET

1. Resolution - Introducing the 2013 Municipal Budget

The Clerk reads the Budget by Title: **2013 MUNICIPAL BUDGET OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, FOR THE YEAR 2013**

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

2. Motion authorizing the Clerk to publish the Budget Summary as introduced for a Public Hearing to be held on April 16, 2013

MM: Tomczak 2nd: McPeek Ayes: All Yes Nays:

INTRODUCTION OF ORDINANCES

1. Ordinance – COLA Rate Ordinance (provided)

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

CFO explained we do not need this

1a. Motion to introduce:

MM: Tomczak 2nd: McPeek 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 April 2, 2012

MM: McPeek 2nd: Tomczak Ayes: All Yes

2. Ordinance – Emergency Appropriation for Revaluation

The Clerk reads the Ordinance by Title: **AUTHORIZING SPECIAL EMERGENCY APPROPRIATION FOR THE COST OF A COMPLETE REVALUATION OF REAL PROPERTY PURSUANT TO N.J.S.A. 40A:4-53**

2a. Motion to introduce:

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

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held April 2, 2013

MM: Howe 2nd: Lamberson Ayes: Nays:

COMMUNICATIONS AND PETITIONS

1. Request for Social Media Page from Keyport Historical Society
To approve

MM: Tomczak 2nd: Lamberson Ayes: Nays:

2. Request for Social Media Page from Keyport Recreation
Approve

MM: Howe 2nd: Tomczak Ayes: Nays:

3. Letter from NY/NJ Bay keeper requesting approval for four Thursday afternoon paddles, launching from Beach Park, on June 6, 13, 20 and 27 from 5:30-6:30PM
Forward to Harbor Community

MM:Tomczak 2nd:Howe Ayes: Nays:

4. Press Release from NJSEM (NJ Sustainable Energy Meeting) entitled “Utility Bids Provided NJSEM Members with Another Year of Reduced Energy Costs in 2012)
Receive and file

MM:Tomczak 2nd:Howe Ayes: Nays:

5. Notice of Public Meeting regarding Monmouth County Board of Chosen Freeholders’ Undertaking a Comprehensive Economic Development Strategy (CEDS) to help grow Monmouth County’s economy to be held on Thursday, March 21 at 6:30PM at Holmdel Township Courtroom and Friday, March 22, 2013 at 11 AM at Monmouth County Connection in Neptune. *Receive and file, website- send Lorene Mcpeek/Tomczak*
Receive and file, website- send Lorene

6. Letter from Resident Gloria Adamski requesting adjustment to her water bill due to running Toilet during her absence from home
\$276.25 to approve reduced amount to reduce excess

MM: Tomczak 2nd: Toglia Ayes: Nays:

7. Letter from Resident Paul Smela requesting adjustment to the sewer portion of his bill based on outdoor water usage
Receive and file

MM: Tomczak 2nd: McPeek Ayes: Nays:

8. Request for use of Waterfront Park Facilities by the Art Society of Keyport for the purpose of Butterfly Migration Celebration to be held Saturday, April 20th from 2-5PM (Rain date Sunday, April 21st)

Approve to BA, Public Works & Police

MM: Tomczak

2nd: McPeek

Ayes:

Nays:

REPORTS OF DEPARTMENTS

1. Board of Health Treasurer's Report for February 2013
2. Tax/Water/Sewer Collector's Report for February 2013 and Annual Report for 2012
3. Municipal Clerk's Monthly Report for February 2013
4. Building Department Monthly Report for February 2013
5. Keyport Environmental Commission minutes of March 4, 2013

MM: McPeek

2nd: Tomczak

Roll Call: Sheridan, Tomczak, McPeek,

Lamberson, Toglia, Howe

COMMITTEE REPORTS

Councilman Toglia: Buildings/Grounds/Library:

Library accepted to Country Consortium

-waiting for quotes to paint library

-Recreated two quotes for removing museum debris-third quote coming

-Process is moving on engineering railing

-Tests being ordered for Detective Bureau due to smell, may be mold

Councilwoman Lamberson: Health and Recreation:

-Christine Bennett taken a role of VP for Recreation.

-Easter Egg Hunt- March 30.

- Thursday; Volley Ball at Beach Park.

-June- Cancer Walk Fundraiser.

-Working on Daddy/Daughter dance.

-Looking for 4-6 week programs for all ages.

-Story time for toddler at Library.

Councilman Sheridan: Finance/Grants/Redevelopment:

-Thanked Finance for budget work

-March 30th, 9 AM-Noon Historical Society Accepting historic items

-St Patrick's Day Parade this Saturday at 1 PM

Councilwoman Tomczak: Police:

-Spoke of St Patrick's Day Parade route

-Police Explorers and Specials will be there but looking for Volunteers

-Safety Meeting Saturday before the parade starts

Councilman McPeek: Fire/First Aid/Emergency Services:

Structure fire on Gullway Fire Department Contained fire to one unit

-read Fire Department Report

-Conduct Policy was reviewed & waiting for possible changed from the Borough Attorney

Councilman Howe: Public Works/Recycling/Property Maintenance:

-Two water main breaks on Maple Place- one at Burtina- one at Ban Dorn

-Paper Shredding event at Firemen's Park

DISCUSSION

Adoption of ABFE maps (possible Ordinance)

Administration- Had a conference call with construction official, Borough Attorney & Borough Engineer. Bob Burlew is our flood plain manager.

Bob Burlew explained the maps. Homes must be brought above the Base Flood Elevation

Administration suggest authorizing the Attorney to prepare the ordinance

ATTORNEY'S REPORT

Asked whether council wants to draft the ordinance

Tomczak/McPeek to prepare introduce April 2nd presentation April 19 Adoption in May

Recreation petition from Local 68 to get Supreme Court to look at that case

KBA- was not able to get an acting of the remaining money

To authorize Attorney to seek accounting from KBA- will send one more letter before beginning

Litigation motion made by Tomczak, carried by McPeek – All Yes

Possible settlement at Ben Terry Place

ADMINISTRATOR'S REPORT

- Issues on Maple Place for value replacement
- Firemen's Park-FEMA determining whether to replace with wood or concrete
- USDA has some requirement for night work at budget for police overtime. Night work would alleviate need for police
- Thanked John Olsen for quotes for boat ramp
- A need to appoint a storm water coordinator
- Borough recreated a plaque for safety performance during Hurricane Sandy and a \$300 *voucher* for safety equipment

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:46 PM moved by Tomczak, carried by McPeek with ayes by all present.

George Walling- spoke about enforcing ordinances and stated former Mayor has four cats and has only licensed three, Spoke about watch for Chief Mitchell that council voted to give him. Council approved watch purchase Howe/ Lamberson to approve.

Mike Lane, 51 First Street- suggests a Base Flood Elevation map be looked at as a zoning overlay. Mentioned 88 homes in Keyport were impacted by Sandy Storm damage. Also, asked all those people be notified of new zone or height requirements to determine whether they qualify for elevation expenses. Would like a meeting for impacted residents of Keyport. Would like a waiver on added assessment taxes for five years for those making Sandy repairs.

Elmer Graham JR. - Spoke of Museum Property and mentioned that it has been over 100 days since the storm

Motion made by Toglia, carried by Tomczak at 9:56 to close public comments.

CLOSED SESSION

R 133 -13 - Closed Session **Resolution:**

RESOLUTION NO.133-13 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:
Contract Negotiations: Benjamin Terry Park Settlement

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 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 Tomczak, Seconded by: McPeek

Roll Call Vote: Ayes: Councilmembers Sheridan, Tomczak, McPeek, Lamberson, Toggia, Howe

Nays:

Absent:

Abstain:

Spoke about- Diamond Construction resolution of contractual differences

-Motion made by Tomczak, seconded by McPeek to table R133-13 to April 12th meeting

Not to exceed \$150 watch for Mitchell Toggia/McPeek

ADJOURNMENT

Motion to adjourn was made by McPeek, carried by Tomczak, at 10:16 PM with ayes by all present