

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 Aumack called the meeting to order at 7:04PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Chamberlain, Sheridan, Howe, Lamberson, Cooper and Goode. Others present: Mayor Aumack, Borough Administrator Stephen Gallo and Borough Attorney Carl Kemm, Esq. CFO Tom Fallon arrived at 7:29PM.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

Girl Scout Troop 186, a mix of Daisies and Brownies, spoke about parks and playgrounds and talked about items they would like to see.

PROCLAMATION

Mayor Aumack read the Alcohol Awareness Month Proclamation

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 listed on the Consent Agenda:

- R121-16 Payment of Bills
- R122-16 Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy
- R123-16 Appointing Bloodborne Pathogen Officer – Kelly Beichler
- R124-16 Authorizing Adoption of Donated Leave Program for the Employees of the Borough of Keyport
- R125-16 For Approval of a Formal Agreement for a Hot Dog Vendor in Keyport Waterfront Park
- R126-16 Authorizing the Award of Contract to Excel Environmental Resources for a Preliminary Environmental Assessment of the Former Benjamin Terry Boat Yard and the Former Humphrey's Shipyard
- R127-16 Designating the Property Commonly Known as Block 20, Lots 1, 2 and 3 on the tax map of the Borough of Keyport as an "Area in Need of Redevelopment" Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et. seq.
- R128-16 Requesting the Planning Board initiate the Preparation of a New Master Plan in Cooperation with the Borough of Keyport
- R129-16 Declaring an Emergent Need to Remove Sludge from the Perry Street Water Treatment Plant and Authorizing a Change Order to the Contract with Ken's Marine Service, Inc.
- R130-16 Approving Monmouth County Route 6/39 (Broadway) Detour Plan During Reconstruction of Bridge R-3 over Chingarora Creek
- R131-16 Authorizing Payment Plans for Water Accounts
- R132-16 Authorizing MOU with Keyport PBA Local 223
- R133-16 Appointing Provisional Deputy Municipal Clerk – Michele Clark

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items listed on the agenda at 7:24PM moved by Sheridan, carried by Howe with ayes by all present

Ed Burlew, 59 W. Front Street – asked Council whether they have thoroughly read the proposed taxi ordinance on the agenda to be adopted tonight. He suggested Council take a better look at it. He thinks there will be a problem with those coming from the airport. He doesn't think it's a good thing.

Bob Ludwig, 50 Beers Street – asked if you are a senior citizen who doesn't drive and needs to go to the grocery store, what are you to do. He thinks it needs to be revised.

Brian Crawford, Owner of Patsy's Car Service in Matawan – spoke about his issues with the proposed ordinance. He feels these regulations will hurt the public.

Charlie Vena, Round the Clock Taxi in Keansburg – agrees with the statements made by Mr. Crawford of Patsy's.

Michael Lane, 51 First Street – would like the following items covered under unfinished business:

- Realty Data System
- Energy Aggregation Program
- Surveys for Waterfront Park (says there are dumpsters on Borough property which are not enclosed)
- Stated there is no crosswalk at Broad and First by the laundromat
- Community Rating System
- Army Corps of Engineers – insights on shore protection – any follow-up?
- Update on live entertainment ordinance, dumpster enclosure ordinance and boat storage in the commercial district

Elmer Graham, Jr., 22 St. Peter's Place – asked why we need a Deputy Municipal Clerk.

Ed Carew, 64 Broadway – Green Team awarded a grant for \$10,000 for water conservation education. Millennium helped apply for this. Would like to place rain barrels on Borough property. The Library is interested in a free-book library where one take a book and leaves one for someone else.

Mayor Aumack – suggested Mr. Carew suggest a suitable location.

Mr. Carew – stated he was thinking maybe Waterfront Park or Beach Park. He reported that the Green Team will be having a guest speaker on backyard composting at the Senior Center. Perhaps the Borough can subsidize the compost bins?

Bob Laughlin, 382 Broadway, representing Keyport Legion Apartments at 50 Beers Street, a non-profit – He submitted a letter to the Clerk requesting a waiver of permit fees for damage due to Sandy. Their permit fees total \$78,000. Only \$10,000 was allotted for permit fees in their grant for improvements. He reminded Council that permit fees for damage from Superstorm Sandy were waived for nine months afterwards.

Councilman Goode – asked how much the architect who estimated the permit fees will be waiving his fees since he made the error.

Councilman Cooper – asked whether the grant is from CDBG and Mr. Laughlin replied it is. Asked whether Mr. Laughlin went back to CDBG to amend the grant. Mr. Laughlin stated he did not.

Bob Laughlin – asked if Council cannot waive this as a Sandy disaster, can they be waived due to Keyport Legion Apartments being a non-profit.

Mayor Aumack – stated architects usually contact the building department to determine what the permit fees would be prior to submitting the grant application.

Carl Kemm, Borough Attorney – stated the Borough is sympathetic but cannot waive the State portion of the fees.

Mayor Aumack - suggested Mr. Laughlin meet with the Construction Official to begin preparation for demolition.

Joy-Michele Johnson – stated this is a building that has needed these repairs since 2012 but Keyport Legion has just received the money.

Administrator Gallo – stated we should be in a position to decide by the next meeting. He will make a call tomorrow.

Lorna Day, 100 Jackson Street – would like to see Keyport opt-out of the RDS program since the matter is in court. She is on disability and her taxes increased 20%.

MD Abramowitz, 75 First Street – spoke about her damage from Sandy and her experience in appealing her property taxes.

Marilyn Viray, 102 Warren Street – said her water bill has increased a lot now that her meter has been replaced. She asked how she would know the meter reading she has a photo of is from her home.

Councilwoman Lamberson – made a motion to table **R122-16** Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy to discuss with the Administrator. Councilman Goode seconded to table to April 19th meeting.

Roll Call: Ayes: Lamberson, Goode
Nays: Chamberlain, Sheridan, Howe, Cooper
Absent:
Abstain:

Motion made and carried to pull **R122-16** Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy for separate consideration

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda with the exception of **R122-16** Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy moved by Sheridan, carried by Goode

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

R122-16 Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy

Councilwoman Lamberson – stated she did not realize it was going to be two people and did not know the salary would be changed.

Councilman Sheridan – this increases the priority in property maintenance so he is supporting this.

Councilman Goode – believes we need it but it should be more hours and more pay. He doesn't think ten hours a week is enough.

Councilwoman Lamberson – asked why not just one person. She says this conversion was not discussed outside of Finance.

Mayor Aumack – stated if this plan does not work we can change it again.

Motion to approve **R122-16** Appointing Part-Time Assistant Property Maintenance Officers – George Walling and Paul Murphy moved by Sheridan, carried by Chamberlain

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Cooper
Nays:
Absent:
Abstain: Lamberson, Goode

PUBLIC HEARINGS/ADOPTION OF ORDINANCE

1. Ordinance #2-16 – Authorizing Administrative Fee for Snow & Ice Removal

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SECTION 4-5, SNOW AND ICE REMOVAL, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

- 1a. Motion to Open Public Hearing at 8:52PM moved by Sheridan, carried by Howe with ayes by all present

Seeing no one, Motion to Close Public Hearing at 8:52PM moved by Sheridan, carried by Howe with ayes by all present

- 1b. Motion to adopt Ordinance moved by Sheridan, carried by Howe

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

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

2. Ordinance #3-16 – Confirmatory Deed for Estate of Eloise Schanck

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT AUTHORIZING THE EXECUTION OF A CONFIRMATORY DEED FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 85, LOT 6, 7 AND 8 ON THE TAX MAP OF THE BOROUGH**

- 2a. Motion to Open Public Hearing at 8:54PM moved by Goode, carried by Cooper with ayes by all present

George Walling, 54 2nd Street – asked what this is for.

Councilman Goode – explained in the last 60's the Borough took the property due to non-payment of taxes. The new owner did not have it recorded. We are correcting the record.

There being no further comments or questions, the Public Hearing is Closed at 8:56PM moved by Chamberlain, carried by Goode with ayes by all present

- 2b. Motion to adopt Ordinance moved by Cooper, carried by Goode

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

- 2c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried by Goode with ayes by all present

3. Ordinance #4-16 – Taxi Ordinance

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT AMENDING SECTION 5-10 (“TAXICABS”) OF CHAPTER V (“LICENSING AND BUSINESS REGULATIONS”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

- 3a. Motion to Open Public Hearing at 8:59PM moved by Goode, carried by Chamberlain with ayes by all present

Michael Lane – stated idling is covered in the old Ordinance very clearly and straightforward. He spoke of problems he sees with the proposed Ordinance. He doesn't understand why Council is changing the Ordinance.

Bob Ludwig – stated he has witnessed offensive and dangerous behavior by a taxi company.

Elmer Graham, Jr. – stated he sees taxi cabs at the Sunoco gas station every morning.

There being no further comments or questions, the Public Hearing is Closed at 9:16PM moved by Sheridan, carried by Chamberlain with ayes by all present

- 3b. Motion to Table Ordinance moved by Cooper, carried by Sheridan

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

INTRODUCTION OF ORDINANCE

1. Ordinance – COLA rate

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

Tom Fallon, CFO – explained the Ordinance which we need to establish a cap bank stays available for three years – basically a safety net.

- 1a. Motion to introduce moved by Howe, carried by Sheridan

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain

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

INTRODUCTION OF 2016 MUNICIPAL BUDGET

1. Resolution - Introducing the 2016 Municipal Budget

The Clerk reads the Budget by Title: **2016 MUNICIPAL BUDGET OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, FOR THE YEAR 2016**

OFFERED: Sheridan
SECONDED: Howe

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain

Tom Fallon, CFO – gave a brief summary of the 2016 Municipal Budget. The Public Hearing on the Budget will be May 3, 2016. The decrease in the municipal tax rate is one cent.

Councilman Howe – stated County has done their end. We've done our work at this end. Now we just need to hope the school does their job.

Motion authorizing the Clerk to publish the Budget Summary as introduced for a Public Hearing moved by Sheridan, carried by Cooper with ayes by all present

APPROVAL OF MINUTES

Motion to approve the following Minutes moved by Howe, carried by Sheridan

February 16, 2016 – Regular Session

March 1, 2016 – Work Session

March 15, 2016 – Regular Session

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain

COMMUNICATIONS AND PETITIONS

1. Request for use of Waterfront Park Gazebo for the purpose of a wedding – Evan Doucette, Jr. to be held on April 30, 2016 at 4PM

Motion to approve moved by Sheridan, carried by Goode with ayes by all present

2. Request for use of Waterfront Park Gazebo for the purpose of a wedding – Randy Gagnon to be held May 22nd at 12:30 PM

Motion to approve moved by Sheridan, carried by Goode with ayes by all present

3. Request for use of Waterfront Park Gazebo for the purpose of a wedding – Charles Roemmele to be held July 23, 2016 at 12 Noon

Motion to approve (and to waive fee) moved by Sheridan, carried by Goode with ayes by all present

4. Application for a Raffle License – Keyport Education Foundation – for an On-Premise 50/50 Cash Raffle to be held May 14, 2016 from 10AM-1PM

5. Application for a Raffle License – Keyport Education Foundation – for an On-Premise Merchandise Raffle to be held May 14, 2016 from 10AM-1PM

Motion to approve moved by Sheridan, carried by Cooper with ayes by all present

6. Application for a Raffle License – K of C #3402 St. Josephs – for an Off-Premise Cash Raffle to be held at 7PM on August 6th

Motion to approve moved by Sheridan, carried by Chamberlain with ayes by all present

7. Application for a Raffle License – Arts Society of Keyport – for an On-Premise 50/50 Cash Raffle to be held May 21st & May 22nd from 9AM-5PM

Motion to approve moved by Sheridan, carried by Howe with ayes by all present

8. Letter from Kiwanis Club of Keyport regarding its 2016 Flea Market operations at Firemen's Park which will operate Sunday, April 10th – December 3, 2016

Motion to approve and notify Kiwanis of lot being unavailable for Flea Market due to set up Firemen's Fair on Sunday, August 7th and breakdown of Firemen's Fair on Sunday, August 14th, moved by Sheridan, carried by Goode with ayes by all present

9. Letter from Keyport Leisure Bay Apartments requesting relief of permit fees in the amount of \$68,576 for renovations necessary due to damage from Super Storm Sandy

Motion to receive and file and see how Council can help moved by Sheridan, carried by Chamberlain with ayes by all present

10. Email from Keyport Recreation Commission requesting the use of Borough Hall on Friday, September 23, 2016 from 2-8PM for the purpose of KeyportFest5K pre-race packet pick-up and requesting to leave race t-shirts and goody-bags overnight in Borough Hall

Motion to approve moved by Sheridan, carried by Cooper with ayes by all present

11. Letter from Art & Education Center I Matawan soliciting advertisements for its Annual Yearbook

Motion to receive and file moved by Sheridan, carried by Chamberlain with ayes by all present

12. Application for a Raffle License – Keyport Central School PTO – for an On-Premise 50/50 Cash Raffle to be held May 14, 2016 from 6-10PM

13. Application for a Raffle License – Keyport Central School PTO – for a Tricky-Tray Raffle to be held May 14, 2016 from 6-10 PM

Motion to approve moved by Sheridan, carried by Goode with ayes by all present

14. Letter from Police Chief Casaletto regarding National Night out to be held Tuesday, August 2nd from 6-9PM. Requesting West Front Street be closed from the Mini Park to Broad Street from 5-9PM as well as permission to use the Mini Park for activities.

Motion to approve moved by Sheridan, carried by Chamberlain with ayes by all present

NEW BUSINESS

Motion to change the August 2, 2016 Council meeting date to August 9, 2016 to allow Council to attend National Night Out moved by Howe, carried by Lamberson with ayes by all present

UNFINISHED BUSINESS

Councilwoman Lamberson attended the Monmouth County Freeholder's meeting regarding Manna House. The Freeholders were very generous with their time.

Administrator Gallo – explained he has been asked to meet regarding Manna House.

Administrator spoke about the following matters:

- Community Rate System which is a bit more complicated than first thought
- Energy Aggregation Program – changes should be seen as of residents' April bill
- Army Corps of Engineers – we inquire on a regular basis. Councilman Sheridan suggested we invite them to a Council meeting.

Mayor Aumack – reported the boat on Broad Street is gone. He also agrees the Ordinance regarding live entertainment needs amending.

Administrator Gallo – stated he will speak to the Freeholders about First Street

crosswalks. He also spoke about solutions for providing dumpsters to the commercial businesses. He will meet with the KBBC on this matter. He stated that regarding assessment inspections, 961 properties and 485 interiors have been inspected which is the 40% target that was required.

Councilman Howe – stated 45 Beers Street is not secured.

Motion to begin the demolition process for 45 Beers Street moved by Lamberson

Bob Burlew, Construction Official – stated the contractor just paid for the water and sewer lines to be disconnected. He thinks they are beginning to move on this and we should just wait a bit longer.

Councilman Howe – asked what we would lose to begin the process now.

Councilman Goode – suggests the Administrator inform the owner that the Borough is close to beginning the demolition process.

ATTORNEY'S REPORT

Borough Attorney Carl Kemm stated the Administrator will cover 45 Beers in his report.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Attended KBBC meetings
- Met with risk management consultant
- Water Meter Replacement project is about 80% complete
- Conducted interviews for Bloodborne Pathogen Officer
- Proceeding with Hazard Mitigation Grant
- Proceeding with Perry Street Water Treatment Plant upgrade meeting on Thursday April 21st at 2PM
- Aeromarine property owners have signed Conditional Redeveloper's Agreement
- Longview/Boatworks project meeting
- Ye Cottage Inn – prospective developer
- Moving forward with post-Sandy planning process
- Looking for pre-disaster mitigation assistance

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 10:23PM moved by Sheridan, carried by Chamberlain with ayes by all present

Councilwoman Lamberson – spoke of catch-up bills for water and a resident who consulted counsel who advised there may be a statute that limits the time period for charges.

Keri Stencel, Utility Collector – stated that as long as we can prove the water was used and provide a payment plan, there is no time limitation on the charges. About 200 people had catch-up bills. These are people who never had the touch pad system put in.

George Walling – thanked Council for giving him the opportunity to work for the Borough.

Mike Lane – stated “great job” on the budget. He says the school budget increase looks like 3-4%. He mentioned IHOP has a very nice dumpster enclosure. He held up a photo of dumpsters on Borough property. He wants an operating procedure for removing the new building at the boat ramp before a severe storm.

Bob Ludwig – asked questions of the Administrator regarding costs involved with 45 Beers Street. The Administrator replied that the contractor will pay all costs.

There being no further comments or questions, the Meeting is closed to the public at 10:37PM moved by Sheridan, carried by Goode with ayes by all present

CLOSED SESSION

RESOLUTION #135-16

**RESOLUTION OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING
A MEETING NOT OPEN TO THE PUBLIC IN
ACCORDANCE WITH THE PROVISIONS OF THE NEW
JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**"), a public body corporate and politic of the State of New Jersey, is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.* (the "**Act**"), and

WHEREAS, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Borough to discuss in a session not open to the public certain matters relating to attorney client privileges and labor negotiations as authorized by N.J.S.A. 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Council assembled in public session on April 5, 2016 and determined that an Executive Session closed to the public shall be held on April 5, 2016 at approximately 7:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.
3. This resolution will take effect immediately.

OFFERED: Sheridan

SECONDED: Goode

AYES: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode

NAYS:

ABSENT:

Council reconvened to Open Session at 10:57PM.

Attorney Kemm stated the Borough Administrator was looking to consolidate operations during Closed Session.

ADJOURNMENT

Motion to Adjourn at 10:58PM moved by Lamberson, carried by Howe, with ayes by all present