

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.

Council President Tomczak 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, Howe and McPeek. Others present: Borough Administrator Lorene Wright, Borough Attorney Andy Provence and CFO Tom Fallon. Mayor Aumack and Councilman Sheridan were absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

November 12, 2013 – Work Session

November 26, 2013 – Regular

December 11, 2013 – Work Session

December 17, 2013 – Regular

January 14, 2014 – Regular

February 4, 2014 – Work Session (*Lamberson-Abstain*)

February 18, 2014 – Regular

March 4, 2014 – Work Session

Motion to approve made by McPeek, carried by Lamberson

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

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.)

Clerk Heilweil read the resolutions on the Consent Agenda

R130-14 Payment of Bills

R131-14 Authorizing Reduction in Water Portion of Water/Sewer Bill Due to Broken Gasket

R132-14 Authorizing Approval of Raffle License – Keyport Indians, Inc. – Off-Premise 50/50 Cash to be held at 120 Francis Street on July 27, 2014 at 7PM

R133-14 Authorizing Approval of Raffle License – Knights of Columbus #3402 St. Josephs – On Premise 50/50 cash Raffle to be held at 54 Highway 35 on May 10, 2014 from 6-10PM

R134-14 Granting Taxicab Driver License to Keyport Yellow Taxi

R135-14 Authorizing Final Payment to Check Electrical Corp. for Outdoor Lighting and Electrical Restoration Work in Keyport Waterfront Park (*pulled for separate consideration*)

R136-14 Adopting Personnel Policies and Procedures Manual (*moved until after Public Hearings/Adoption of Ordinances*)

R137-14 Announcing Library Board of Trustees Member

R138-14 Authorizing the Exchange of Scott Brand Compressors for Keyport Fire Department Under State Purchasing Contract #80961

R139-14 Appointment of Temporary Full-Time Laborer – Jesus Fernandez

R140-14 Authorizing Approval of Raffle License – Organization for the Unity of the Puerto Rican of Keyport – Off-Premise 50/50 Cash Raffle to be held August 9, 2014 at 6:30PM

PUBLIC COMMENT PORTION

Motion was made by McPeek and carried by Howe to open the meeting to the public for comments or questions at 7:06PM.

Ed Carew – spoke of broken stanchion at the waterfront park.

Elmer Graham, Jr. – asked for an explanation of **R131-14** Authorizing Reduction in Water Portion of Water/Sewer Bill Due to Broken Gasket. Also asked for an explanation of **R138-14** Authorizing the Exchange of Scott Brand Compressors for Keyport Fire Department Under State Purchasing Contract #80961. He wished all a Happy Easter and Passover.

Councilman Howe – explained **R131-14**.

Councilman McPeek – explained **R138-14**.

Michael Lane, 51 First Street – would like to hear under “New Business” if anyone in Administration or Council has reached out regarding potential damage to Keyport due to a proposed plan to build a wall to protect Union Beach waterfront. Asked if Hazard Mitigation Plan will be available to the public.

He asked about the status of the Strategic Recovery Planning report. He asked why over \$1,000,000 in Sandy insurance claims were disqualified. He would like the Tax Assessor’s website to show the timeline for the reval inspections.

Robert Aumack, 67 W. Front Street, 2013 Fire Chief – feels there should be a manual on procedure for budgeting and thresholds. He complained that he did not enjoy being Fire Chief due to the financial process of purchasing. He said some vendors do not want to deal with Keyport. He also spoke of the oil burner at the Senior Center. He feels a hot water heater should be installed.

Councilwoman Tomczak – suggested referring to the Finance Committee. She would like a way to streamline payment of bills.

CFO Tom Fallon – gave an explanation of how the Borough bonds. In August, what hasn’t been utilized will be used to repay the bonds. He also spoke about internal controls for purchasing.

Councilman McPeek – explained most department heads do not change. However, the Fire Chief changes yearly, so the Fire Department may need more education on purchasing than other departments.

CFO Tom Fallon – explained some of the controls (number of signatures on each check) can be streamlined but that is a matter of policy. He is looking to do electronic requisitions this year.

Francesca Tango, 132 Washington Street – lives with Richie, the driver of Future Sanitation. She spoke of his strong work ethic. She stated there is a contract in order and it cannot be changed to help some people and not others. If the contract is not meeting the Borough’s needs, it should be reviewed.

Councilwoman Tomczak – stated there hasn’t been any criticism of Future’s employees’ work ethic.

Christina Greenberg, 144 Therese Avenue – complained garbage bags are being left behind. She asked why there are no names on the benches at the waterfront.

Administrator Wright – explained that we are working on a bench plaque ordinance.

John Merla, 15 Main Street – says after the last meeting he has heard that he had bashed both the garbage driver and the DPW Superintendent, which he did not. He also believes some of the elderly in town may not be able to afford new garbage cans. He would rather not see a DPW worker picking up garbage when we have a garbage company. The Borough is paying twice for pickup when we send a worker back to an address. He thinks the garbage men are doing the best they can. He also spoke about the lack of parking and the changing of the time limitations on the parking ordinance. He feels parking ordinances are not being enforced and that some of the parking signs are wrong. He would like a 15-minute parking space in front of his business.

Councilwoman Tomczak – explained parking was changed in the downtown area for the purpose of consistency. She said we do need to do a sign inventory. Special permits could be issued for longer parking in the municipal lots.

Ed Burlew, 59 W. Front Street – spoke of scaffolding still at the Berkowitz building and is concerned that the building may fall down. He asked Council to take a look at it.

Councilwoman Tomczak – believes our Construction Official is aware of the issues at that building.

Councilman McPeek – stated “Get somebody out there”.

Ed Burlew – pointed out there is a house on First Street that has a 6’x6’ holding up the porch.

George Walling, 54 2nd Street – spoke of bricks missing on Dockside Deli due to being hit by a car.

Janet Buggle, 67 East Front Street – asked for an update on the FEMA appeal.

There being no more comments or questions from the public, the meeting was closed to the public at 8:09PM moved by McPeek, carried by Chamberlain with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda excluding **R135-14** Authorizing Final Payment to Check Electrical Corp. for Outdoor Lighting and Electrical Restoration Work in Keyport Waterfront Park which was pulled for separate consideration and **R136-14** Adopting Personnel Policies and Procedures Manual which was moved until after adoption of Personnel Ordinance made by McPeek, carried by Chamberlain with ayes by all present.

R135-14 Authorizing Final Payment to Check Electrical Corp. for Outdoor Lighting and Electrical Restoration Work in Keyport Waterfront Park.

Council voiced concern with paying the entire bill. The Attorney explained that the Borough Engineer did make the recommendation to pay it.

Administrator Wright – explained that the final inspection had not been done previously but was done this morning.

Councilman Howe – noticed an uncapped conduit. He asked the status of the FEMA money.

Administrator Wright – stated that conduit was not part of the project. FEMA money will be paid after the insurance money.

CFO Fallon – recommends either pulling the resolution, relisting it or making it conditional.

Attorney Provence – had a concern on the maintenance bond on making it conditional.

Administrator Wright – stated that's why we would hold the check.

Motion made to table **R135-14** Authorizing Final Payment to Check Electrical Corp. for Outdoor Lighting and Electrical Restoration Work in Keyport Waterfront Park made by Tomczak, carried by Chamberlain

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

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance – #4-14 Energy Aggregation Program

The Clerk reads the Ordinance by Title:

- 1a. Motion to Open Public Hearing at 8:17 PM made by Lamberson, carried by Chamberlain with ayes by all present

AN ORDINANCE IN THE BOROUGH OF KEYPORT IN MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM

Elmer Graham, Jr., 22 St. Peters Place – asked for an explanation of the Government Energy Aggregation Program

Attorney Provence – explained residents would pay a third-party to aggregate energy although JCP&L would still be the provider. Residents could have a decrease in their rate, they will not have an increase.

Councilwoman Tomczak – third-party energy provider will provide at a default rate.

Andrew Wilner, 85 Osborn Street – asked if residents would be able to choose one's third-party provider.

Administrator Wright - it would have to go out to bid.

Andrew Wilner – asked if there would be an alternative energy option. He also asked if Borough buildings would be included.

Councilwoman Tomczak – this is for residential only but there are commercial options.

Michael Lane, 51 First Street – stated Bayonne, Toms River and Plumstead have documented their savings with this type of program. Colts Neck Township website has a very good Q&A on this program. He pointed out this program is not a continuing process.

John Fish, Commercial Utility Consultants – answered inquiry about those with solar panels. If solar panels cover 100% of usage, there would be no impact on the residence.

Attorney Provence – asked Mr. Fish for an explanation of the wording in the Ordinance where non-residential users can opt-in.

Janet Buggle – inquired if this Ordinance would allow us to create a co-op with other municipalities.

John Fish – a co-op would be separate. This is a stand-alone Ordinance.

There being no further comments or questions from the public, motion was made by Howe, carried by McPeek with ayes by all present to close the hearing at 8:36PM

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

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

Abstain:

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

2. Ordinance – #5-14 Amend Personnel Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER X, PERSONNEL, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

2a. Motion to Open Public Hearing at 8:37PM made by McPeek, carried by Howe with ayes by all present

There being no comments or questions from the public, motion was made by McPeek, carried by Howe with ayes by all present to close the hearing at 8:37PM

2b. Motion to adopt Ordinance made by McPeek, carried by Howe

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted made by McPeek, carried by Howe with ayes by all present

2d. **Resolution 136-14** Adopting Personnel Policies and Procedures Manual

Motion moved by McPeek, carried by Howe

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

Abstain:

PUBLIC HEARING ON 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

The Meeting is opened to the public for comments or questions at 8:39PM by Howe, carried by Chamberlain with ayes by all present

Elmer Graham – asked the amount taxes will increase for an average assessed homeowner.

CFO Fallon – stated the estimate would be a \$40.00 increase for the municipal portion of the budget.

Elmer Graham – asked if this is in line with Governor Christie's 2% tax cap.

CFO Fallon – answered yes, we are about \$500,000.00 under the cap.

Michael Lane - feels holding the budget to a 2% increase is great. He asked about the Senior Municipal Housing line which had no change.

CFO Fallon – stated a Pilot Agreement (Payment in Lieu of Taxes) is in effect for that.

Michael Lane – asked other questions about the lack of documentation on the hours of the tax assessor. He mentioned the failure of updating ordinances under the recommendation of the Mast Plan Reexamination. He asked about the transfer of funds to the Board of Education.

CFO Fallon – the Business/Personal Property Tax Adjustment requires the transfer of funds; it is a mandatory requirement.

Councilman Howe – spoke of money put aside for a street sweeper. We are in a Shared Service Agreement but that agreement did not ensure that the street sweeper would be in working condition.

Michael Lane – suggests before we bond, Council looks at the Borough's debt service.

There being no further comments or questions from the public, motion was made by Howe, carried by Chamberlain with ayes by all present to close the hearing at 9:00PM

RESOLUTION #141-14 - SELF EXAMINATION OF MUNICIPAL BUDGET

Councilman Howe asked for an explanation.

CFO Fallon – explained every third year a municipality's budget must be examined by the State.

RESOLUTION#142-14 - ADOPTING 2014 MUNICIPAL BUDGET

Motion moved by McPeck, carried by Tomczak

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

Motion made by Tomczak, carried by McPeck to bring budget back for approval at the next meeting

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

At 9:13PM CFO Fallon left the room

COMMUNICATIONS AND PETITIONS

1. Application for a Social Affair Permit for Keyport Fire Department for the Firemen's Fair to be held from July 28, 2014 through August 2, 2014

Motion to approve made by McPeck, carried by Tomczak with ayes by all present.

2. Letter of Resignation from Joe Pinto as a member of the Board of Trustees of the Keyport Free Public Library

Motion to accept with regret made by McPeck, carried by Howe with ayes by all present.

3. Electronic Sign Application for Approval

Council would like an SOP (Standard Operating Procedure)

Motion to receive and refer to Administrator for SOP made by Lamberson, carried by McPeek with ayes by all present.

4. Letter from Knights of Columbus St. Josephs Council #3402 requesting reconsideration of refund for roof permit

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

5. Letter from resident Barbara Hassmiller regarding the garbage pickup

Motion to receive and file made by Tomczak, carried by Lamberson with ayes by all present.

6. Email from Keyport Recreation regarding a date change for the Annual Easter Egg Hunt. New date is scheduled at Waterfront Park for Saturday, April 19th (R.D. April 26th) from 2-4:30PM with the Egg Hunt to begin at 4PM. Also requesting American Legion Drive be closed from the Post Office to Burlew's between 1-5PM and the use of the Borough garbage cans

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

7. Email from Keyport Recreation requesting approval for "Boot camp" classes to be held at the Senior Center on 4/26, 5/4, 5/11, 5/24 and 5/31, 2014

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

8. Email from Keyport Recreation Commission requesting the use of Waterfront for movie nights on 6/21, 7/19 and 8/30 from 6:30-11PM

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

9. Application for a Social Affair Permit for the Organization for the Unity of Puerto Ricans of Keyport NJ Inc. for the Annual Spanish American Festival to be held at Beach Park on August 9, 2014 from 12Noon – 9PM

Motion to approve made by Howe, carried by Lamberson with ayes by all present.

10. Notice from the Keyport Fire Department that Hook & Ladder Company has accepted the resignation of David Gebhardt and, at the same meeting, accepted Nick DeVincenzo into membership

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

11. Application from Keyport Fire Department to transfer Amanda Wyckoff from Liberty Hose to Eagle Hose

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

12. Email from the Garden Club requesting permission to block two spaces in front of the mini park for its Annual Plant Sale to be held May 10th (RD May 11th) from 7AM-4PM

Motion to refer to Police Chief made by Tomczak, carried by McPeek with ayes by all present.

COMMITTEE REPORTS

Councilwoman Tomczak: Police:

- reported on Broad Street gas leak during the St. Patrick's Day Parade
- Operation Take Back – April 26th 10AM-2PM in Borough Hall
- spoke of incident near the school which was reported where a stranger asked directions of young children. Reminded the public that if one sees someone questioning small children, please report it

Councilwoman Lamberson: Health and Recreation:

- Boot Camp class beginning
- Movie Nights
- Easter Egg Hunt this Saturday
- spoke of Tree Recovery Campaign Saturday April 19th 9AM-11AM at Consolidated Fire House
- thanked all who attended the Bonfire Event
- encouraged hand-washing to avoid illnesses. This is also being taught in school

Councilman Chamberlain: Buildings/Grounds/Library:

- working on smell in Detective Bureau
- will look into the Library oil tank

Councilman Howe: Public Works/Recycling/Property Maintenance:

- Public Works is in full swing
- will start weekend garbage collection at the Waterfront
- floats will be put in the water at boat ramp which officially opens May 1st
- lawn cutting contract has begun with soil testing and fertilizer

Councilman McPeck: Fire/First Aid/Emergency Services:

- read Fire Department call report
- Board of Fire Chiefs meeting with the Fire Committee on a monthly basis
- read First aid call report

NEW BUSINESS

Administrator Wright – has been in touch with the Army Corp of Engineers. Keyport did not meet the cost benefit analysis for a levy. She will be meeting with them regarding the levy being proposed in Union Beach which would cause a funneling effect for Keyport.

UNFINISHED BUSINESS

Councilwoman Tomczak – asked about a committee to review our water system

ADMINISTRATORS REPORT

- Strategic Planning Report should be ready by the next meeting
- upgrades being done at the cell tower
- received preliminary approval for USDA – Phase II
- water plant - getting system in compliance. The Borough is a little short on its allocation for a permit
- Public Works garage lease is up in June
- Old Borough Hall - site plan approval is required. Nothing has been received by the Planning Board. Would like authorization to send follow-up letter
- Stream Cleaning bid notice went to papers – Bids due May 1st
- will attend Community Rating Seminar
- Preliminary Flood Map review
- Osborn Street paving to begin next week
- Fireman's Park – receiving proposals
- authorized appraisal for Williamson Street
- will talk about property maintenance in closed session
- believes what Mr. Lane is looking for on the revaluation is actually on the Borough website

Councilwoman Tomczak – requested a detailed report on all insurance and FEMA claims from the storm.

Motion to go forward with mitigation options for the bulkhead and set up a meeting with the Borough Engineer and Buildings and Grounds made by McPeek, carried by Lamberson with ayes by all present.

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 10:03PM by Sheridan, carried by McPeek with ayes by all present.

Ed Burlew, 59 W. Front Street – willing to give input on bulkhead options

George Walling, 54 2nd Street – asked Councilman McPeek to clarify his statement regarding the school budget and the Borough not having a say. If the budget is voted down, it goes to Council. He feels it is embarrassing to hear the distortion from the Council towards the Borough Administrator. If she is that bad, why not let her go? He mentioned Councilwoman Tomczak chastising of Councilman Chamberlain for abstaining his vote on the budget.

Elmer Graham, Jr.

- asked if the library will be accepting donations of books.
- asked if there is a plan for occupancy of Gale's Hardware
- asked about 45 Beers

Administrator Wright – regarding 45 Beers Street, we are working on a Developer's Agreement.

Joanne Stager, 425 Main Street – filed numerous reports against the garbage company for coming too early. Her name and contact information were somehow given to the company and they contacted her. They have since become friendly. She spoke of how helpful Future Sanitation was during the storm. She would like Council to not allow special considerations for certain families.

Councilwoman Tomczak – reiterated there have been no negative comments from Council regarding the employees of Future Sanitation.

Joanne Stager – would like the crossing calming device replaced by Bethany Manor. Recently was afraid to be in town because there were no lights on at all. Feels it is an embarrassment the way Council interacts with the public and each other.

Councilwoman Tomczak – feels strongly that she should question councilmembers who are not doing what they should.

Robert Aumack - can attest to the fact that the lights were not on. He thanked Councilman McPeek for getting the grass cutting straightened out. He is glad Bayside Bar has been razed.

Michael Lane:

- has a concern that meeting with the Army Corp of Engineers and work on the flood maps needs to be moved along. He says raising the bulkhead is not the solution. It is all in the Strategic Planning Report.
- wants Hazard Mitigation Plan to address the sea level rise
- suggested using the reverse call system to alert the public of the details of the Solid Waste Ordinance

Ed Carew, 64 Broadway – asked about the Administrator's report on Osborn Street. He asked if there is a possibility of purchase of the current DPW location. He spoke of the types of trees that the Borough will be receiving through the tree program.

There being no further comments or questions from the public, the meeting was closed to the public at 10:38, moved by Howe, carried by McPeek with ayes by all present.

Motion to go into Closed Session after a 5 minutes break made at 10:39PM by Lamberson, carried by Tomczak with ayes by all present.

CLOSED SESSION

R143-14 – Closed Session Resolution

RESOLUTION No. 143-14

1. Resolution No. 143-14 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
- Personnel

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 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: Lamberson, Seconded by: Tomczak

Roll Call Vote:

Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

Abstain:

Motion made to return to Open Session at 11:14PM

Resolution 144-14 Authorizing Special Counsel to Proceed on Personnel Matters

Motion made by McPeek, carried by Chamberlain with ayes by all present

Administrator – 12-hour dispatch agreement will be on the next meeting

Attorney – has replacement pages for the Personnel Handbook, Section 5.2 – Section 202

Resolution 145-14 To Incorporate Replacement Pages into the Supervisor's Manual and Employee Handbook

Motion to include made by Howe, carried by Tomczak

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeek

Nays:

Absent: Sheridan

Abstain:

Motion made to authorize the Administrator to meet with the union to negotiate the Memorandum of Understanding made by Howe, carried by Tomczak

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Howe, McPeck

Nays:

Absent: Sheridan

Abstain:

ADJOURNMENT

At 11:20PM Motion to adjourn made by Howe, carried by Tomczak with ayes by all present.