May 3, 2011
Keyport, New Jersey

Minutes of the Work 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.

Mayor McLeod called the meeting to order at 7:05PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose Toglia, Mayor McLeod. Others present: CFO, Tom Fallon, Borough Administrator Ms. Wright, Borough Attorney, John T. Lane

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

By Sean Healy of the Monmouth County Mosquito Commission

Mr. Sheridan asked how effective aerial spraying is.

Mr Healy responded that the spraying is done over marshes or wetlands. Not done over residential areas.

Ken Howe, member of Environmental Commission, spoke about chemicals having low toxicity to humans

Ed Carew asked how the spraying affects dragonflies that are natural predators to mosquitoes; BTI does not impact dragonflies.

Jennifer Henning asked the range of mosquitoes; Mr. Healy responded, several hundred feet for Asian tiger mosquitoes – salt marsh mosquitoes will travel miles

PROCLAMATION

Mayor read Proclamation – Older Americans Month

APPROVAL OF MINUTES

February 15, 2011 – Regular Session

Motion to approve moved by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan Ambrose, Toglia
Nays:
Abstain:
Absent:

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.)

R132-11	Payment Of Bills
R133-11	CDBG Block Grant Resolution To Execute A Project Agreement With Monmouth County for Performance and Delivery of FY 2011 Community Development Projects
R134-11	CDBG Block Grant Resoltuion Authorizing the Mayor to Sign a Certification Prohibiting the Use of Excessive Force and A Certification Prohibiting the Use of Federal Funds for Lobbyng
R135-11	Application for a Raffle License – Keyport Senior Citizens Advisory Committee – 50/50 Cash

R136-11	Application for a Raffle License – Keyport Senior Citizens Advisory Committee – Tricky Tray
R139-11	Application for a Raffle License – The Leukemia & Lymphoma Society – On Premise 50/50
R141-11	Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-26(e) and In Connection with the Financing of a Sanitary Sewer System Rehabilitation Project Through the Borough's Participation in the USDA Rural Development Loan Program

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:38 P.M moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Rob Bergen, 16 Green Grove, asked the purpose of abolishing the KCCC.

Mayor – replied it is "unnecessary, redundant and unauthorized by Ordinance". Establishment by resolution was contrary to the case law.

Mr. Bergen – so, you are not doubting that it costs the Borough any money?

Mayor – yes, we are doubting that it costs the Borough money because it utilizes Borough employees. Also, another problem was with the by-laws. This is a self perpetuating organization. Two organizations are already involved doing events – Recreation Commission and the KBA. Opinion of this Council is that the KCCC is duplicating the functions of the KBA.

Mr. Bergen – KCCC was expanded because KBA did not want to run the events. KCCC is not just economically based or business based but community based. Mr. Bergen asked the legal basis for not following the by laws in dissolving the KCCC.

Mayor stated that the KCCC is still operating in a form of dissolution. Never set up by ordinance as it should have been and totally out of control of the Council.

Mr. Bergen asked about the termination of Director of Inspections

Mayor stated that it will be done as the resolution states, subject to requirements of Civil Service Commission and subject to an approved lay-off plan.

Discussion ensued regarding salaries of these positions. Mayor stated the work product of current employee was not acceptable. Current number of hours per week would be twenty. Tempo of code enforcement and property maintenance will be increasing.

Mr. Bergen asked how many hours anticipated for this salary. Mayor responded current number of hours per week would be twenty.

Mr. Bergen spoke of reprimand (April 15, 2009 letter of warning) issued to appointee Robert Burlew by the DCA for conflict of interest.

Nancy Carew, 64 Broadway, asked about the Keyport Garden Club which was formed under the KCCC. Ms. Carew asked if funds being held under KCCC are still intact for the Garden Club. The Garden Club used the KCCC tax ID number for purchases.

Mayor stated that he considers the Garden Club to be highly constructive. Garden Club will continue as it had been only eliminating the intermediate level.

Ms. Bolte stated that the non-profit status will not continue

Ms. Carew expressed concern that the Garden Club funds would not be enough to form another 501C3 .

Dennis Fotopoulos, 77 Beers Street, asked the name of the Inspector. Mayor replied he would rather not say.

Mr. Fotopoulos read a prepared statement regarding abolishing the KCCC. Why not elevate it based on its successful status? If former administrations actions were dubious, then why repeat them?

Mike Lane, 51 First Street, stated that the Garden Club and the KCCC activities have been successful. Mr. Lane feels that Council did not use the same criteria for the KCCC as they did the KBA. Agrees KCCC needs to be fixed but would like to see it fixed not killed.

Complaints on First Street have been poorly handled; current zoning officer reported zero violations when five violations were admitted to in Court. Apartment units added without a Planning Board application were given COs. Mr. Lane feels zoning/code enforcement needs to be re-worked.

Mayor stated the KBA is creature of both statute and ordinance.

Ms. Bolte replied that the KCCC has zero funds used from tax payer money.

Mayor read report of event revenue of the KCCC.

Joseph Paradise, One Short Street, asked about the Short Street drainage issue. Project has made water drainage worse causing “pooling” and “marsh–like” conditions. Would like an inspector to come through. Says he was told he would receive a drive way apron which he never got.

Administrator spoke to Engineer today and an inspection will be done.

Ms. Wright explained two CDBG resolutions on the Consent Agenda.

Resolution 137-11 Abolishing the Title of Director of Inspections/Chief Code Enforcement

Ms. Bolte passed out paperwork regarding the position. Reviewed what happened. She spoke of test ranking and civil service eligibility. Ms Bolte explained that ranking goes by proximity and job location. Mr. Neibert resides out of the County. All received the identical score but were ranked by where they live or whether they were veterans.

Mr. Neibert made $10,000 plus $3,741 for two positions. Spoke of Disposition Deficiency notice issued regarding the Civil Service list.

Mayor - $24,000 salary is a 31% reduction in the current salary. Spoke of serious mistakes made by current employee in the position.

Letter of resignation by Mr. Burlew as Zoning Officer was due to inference in the operation of construction office by former Administrator Pete Valesi. Total personnel file of Mr. Neibert was missing but has now been found. Feels reason Mr. Neibert got the job was his association with Mayor Bergen in Carteret. Mr. Burlew was first appointed in 2003. Paperwork was never complete so Mr. Burlew continued provisionally. Mr. Burlew is assuming more duties so that all will actually be performed.

Mayor - $7,500 will be amended to $8,000

There being no more comments or questions from the public, the meeting was closed to the public at 8:24 P.M.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose Toglia
Nays:
Abstain:
Absent:

RESOLUTION R137-11 Abolishing the Title of Director of Inspections/Chief Code Enforcement Officer

Motion made by Mr. Toglia, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Chamberlain, Ambrose, Toglia, Mayor McLeod
Nays: Councilmembers Bolte, Sefcik, Sheridan,
Abstain:
Absent:

RESOLUTION R138-11 Appointing Constuction Official, Zoning Officer and Property Maintenance Officer

Motion made by Mr. Toglia, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Chamberlain, Ambrose, Toglia, Mayor McLeod
Nays: Councilmembers Bolte, Sefcik, Sheridan
Abstain:
Absent:

RESOLUTION R140-11 INTRODUCTION OF AMENDMENT TO 2011 MUNICIPAL BUDGET

Motion made by Mr. Toglia, second by Mr. Chamberlain

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Ambrose, Sheridan, Toglia
Nays:
Abstain:
Absent:

Motion Authorizing the Clerk to publish the Amendment as introduced with a public hearing to be held on Tuesday, May 10, 2011

Motion made by Ms. Sefcik, second by Mr. Sheridan

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Ambrose, Sheridan, Toglia
Nays:
Abstain:
Absent:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #11 -11 – Salary Ordinance for Community Development Coordinator, Building Inspector, Director of Inspections, Zoning Officer/Construction Code Officer

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, NJ, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 8:55 P.M.

Robert Bergen, 16 Green Grove, asked attorney if $500 increase or 15% would be a significant amendment.

Mayor clarified increase is only 7%; therefore not a significant amendment.

Mike Lane, asked full cost of Community Development Coordinator's salary

Administrator explained that the ordinance sets the range for the position, not the salary of any one person.

There being no more comments or questions from the public, the hearing was closed at 9:00 P.M.

Motion to adopt Ordinance was made by Mr. Toglia, second by Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan second by Ms. Sefcik with ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Email from the DEP, Office of Policy Implementation and Watershed Restoration, regarding a third public hearing to be held on Monday, May 23, 2011(1PM) at the Seaside Heights Municipal Court House on the Department's proposal of amendments restructuring when and how public access to tidal waters and their shorelines is required under the Coastal Permit Program rules and the Coastal Zone Management rules

Motion to receive and file and relay to Environmental Commission moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

2. Email notifying that Keyport Borough is being recognized by a NJ e-Government Award as an honorable mention in Monmouth County for the overall appearance of the official town website

Motion to receive and file and thank Carla for her hard work moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

3. Letter from the office of Wisniewski & Associates regarding Keyport Police Matter – State v. Alexander Ciccolello

Motion to have current Borough Attorney contact Attorney General and Wisniewski's office to close the case moved by Mr. Toglia, second by Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Chamberlain, Sheridan, Ambrose, Toglia
Nays: Councilmembers Bolte, Sefcik
Absent:
Abstain

4. Application for a Social Affairs Permit for St. Joseph Church for their Annual Fair to be held June 1, 2011 to June 5, 2011

Motion to approve moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

UNFINISHED BUSINESS

Mr. Sheridan thanked those who came out for Beach Clean Up – thanked Environmental Commission

Mayor mentioned that he was at a seminar for merger of Police and Fire Departments. Paid Firefighter budget was $7, 3000,000. Keyport's Firefighter budget is slightly less than ¼ million dollars ($250,000). Keyport is saving 31/2 million plus due to the efforts of volunteers.

ADMINISTRATOR'S REPORT

None

ATTORNEY'S REPORT

Has an insignificant number of tax appeals for 2011. If an appeal has been filed previously, it will be handled by previous attorney rather than have two attorneys handle them.

NEW BUSINESS

1. Cedar Street Public Access – Administrator spoke of the possibility of DEP funding additional access

2. Failed Keyport Board of Education Budget – Resolution No. 142-11 – Must have a joint meeting and make a recommendation by May 19th

Resolution 142-11 – Authorizing Hodulik and Morrison or current auditor to examine School budget – not to exceed $2500.

Motion made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:15 P.M.

Keith Platt, 24 Walnut St, former Police Officer and Attorney, new resident. Spoke of an accusation made at last meeting that officers intimidated others to donate time to a fellow officer. Wants to encourage any Councilmember that has information that a crime has been committed to bring it to be investigated or to apologize publicly.

Robert Bergen said that what was referenced (knowingly having evidence of a crime) is one attorney's opinion. Stated that if donated time was done correctly, this issue would not even have come up.

Attorney explained this is a one-time thing and not a program.

Mayor stated, "if our attempt to be charitable is not recognized then hopefully we will have the chance to correct it." Mayor said evidence of pressure should be reported.

Ed Burlew, 59 West Front Street, asked why his liquor license transfer will take 6-8 months as he was informed today.

Attorney suggested he speak to him. An investigation needs to be done but it does seem long.

Dennis Fotopoulos - encourages Council to make a donated time program. If there was a policy in place, there would not be a problem.

Mayor explained that although the policy was brought up by PBA before it was never acted upon. The condition of the employee's family became critical and needed to be acted upon quickly.

Ken Howe, 127 Chingarora – asked Mayor to reread Councilwoman's Bolte's words from the April 12th meeting about officers being pressured to give up time for a fellow employee.

Ken Howe asked if Ms. Bolte began an investigation

Ms. Bolte replied no, because I don't want to ruin their careers

Artie – lived here 62 years, said we are all human and it gets tough out there for the police.

There being no more comments or questions from the public, the meeting was closed to the public at 9:33P.M.

9:33 PM motion to take a break and come back to closed session was made and carried with ayes by all present.

Motion made by Mr. Sheridan, second by Ms. Ambrose with ayes by all present

CLOSED SESSION

R143-11 Closed Session Resolution:

RESOLUTION NO. 143-11
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:

§ Sale of Borough 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 discussion on Sale of Borough 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: Mr. Sheridan, Seconded by: Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Came out of closed session at 9:57 PM

ADJOURNMENT

Motion to adjourn was made and carried at 9:57 pm