

Keyport, New Jersey

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.

Mayor McLeod called the meeting to order at 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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.)

R190-13 Payment Of Bills

R191-13 Authorizing Approval of Raffle License – Organization for the Unity of the Puerto Rican of Keyport – Off-Premise 50/50 Cash to be held at Beach Park on August 10, 2013

R192-13 Authorizing Tonnage Grant Application

R193-13 Requesting Approval of Items of Revenue and Appropriation – NJSA 40A:4-87 – Clean Communities

R194-13 Authorizing the Execution of a Cooperative Agreement between the Borough of Keyport and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) for the Emergency Watershed Protect (EWP) Project 5013

R195-13 Authorizing Addendum to Sewer Service Agreement with Bayshore Regional Sewerage Authority

R196-13 Application for Raffle License – Keyport Hook and Ladder Company – On-Premise 50/50 Cash Raffle to be held July 7-13, 2013

R197-13 Application for a Raffle License – Liberty Hose Company No. 3 – Big Wheel Raffle- to be held July 7-13, 2013

R198-13 Application for a Raffle License – Board of Fire Wardens – Non-draw Raffle – Amusement Games to be held July 7-13, 2013

R199-13 To Cancel Water/Sewer Capital Improvement Authorization Balances - \$150,000

R200-13 Authorizing the Purchase of Twelve (12) HP Computers

R201-13 Authorizing the Purchase Contract for 450 UPF Polytank for Fire Truck #2276

PRESENTATION

Mayor Aumack and Councilman Howe presented Certificates of Recognition to the winners of the Recycling Committee Poster Contest Winner

Attorney provided an amendment to the BRSA agreement and went over the changes. These are technical changes.

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions by Sheridan, carried by Tomczak at 7:11 PM

Dennis Fotopoulos, member of Environmental Commission asked about R194-13 Cooperative Agreement between the Borough and US Department of Agriculture Natural Resources Conservation.

Administrator- that is funding which will help clean up Chingarora Creek. This funding is only available for cleanup of fresh water creeks.

Mayor thanked the Environmental Commission for cleaning area near the Old Mott Street Bridge- Maple Place. Help was provided through Clean Ocean Action.

Michael Lane, 51 First Street says we have done more in Mayor Aumack's seven weeks as Mayor than we have accomplished in the seven months since the storm. Would like Council to understand and carry forward to make sure this BRSA agreement does not pay for the wind turbine. Understands that this agreement aligns us with the BRSA.

Elmer Graham Jr., 22 St. Peter Place asked for an explanation of the Resolution for Tonnage Grant Application. Also asked about R199-13.

Administrator- this is a grant based on the amount of tonnage that we recycle.

The Meeting is closed to the public, by Sheridan, carried by Howe at 7:23 PM

APPROVAL OF RESOLUTIONS

Motion to approve Consent Agenda R190-13 made by Howe, carried by Sheridan

Roll Call:

Ayes: Sheridan, Tomczak Lamberson, Toglia, Howe

Nays:

Absent: McPeek

Abstain:

Councilman Tomczak abstained from R190-13 Payment of Bills to Future Sanitation.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #5-13 – Flood Damage Prevention

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING CHAPTER XV, THE FLOOD DAMAGE PREVENTION ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. At 7:25 PM Motion to Open Public Hearing was moved by Sheridan, carried by Lamberson with ayes by all.

Elmer Graham Jr. asked if maps will be put on the website.

Administrator stated that a link to the site will be posted.

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

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:

Absent:

Abstain:

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Bond Ordinance – Road Improvements to Luppatatong & Chingarora, Phase II

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO LUPPATATONG AVENUE AREA (PHASE II) IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$447,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Administrator explained this is partially funded by the Community Development Block Grant (CDBG)

- 1a. Motion to introduce made by Sheridan, carried by Tomczak.
Roll Call:
Ayes: Sheridan, Tomczak, Lamberson, Toglia, Howe
Nays:
Absent: McPeek
Abstain:
- 1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held June 11, 2013, by Sheridan, carried by Lamberson with ayes by all

2. Ordinance – Bond Ordinance – Water/Sewer Utility Improvements, Perry Street Water Treatment Plant

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS, INCLUDING IMPROVEMENTS TO THE PERRY STREET WATER TREATMENT PLANT, IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF**

- 2a. Motion to introduce ordinance made by Sheridan, carried by Howe.
Roll Call:
Ayes: Sheridan, Tomczak, Lamberson, Toglia, Howe
Nays:
Absent: McPeek
Abstain:
- 2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held June 11, 2013, made by Sheridan, carried by Tomczak with ayes by all present

3. Ordinance – Bond Ordinance – Elizabeth Street Road Improvements

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO ELIZABETH STREET IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Authorizes from Atlantic to Broad Street to be done in conjunction with Osborn Street.

- 3a. Motion to introduce ordinance made by Sheridan, carried by Lamberson
Roll Call:
Ayes: Sheridan, Tomczak, Lamberson, Toglia, Howe
Nays:

Absent: McPeek
Abstain:

- 3b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held June 11, 2013 made by Sheridan, carried by Howe with ayes by all present

4. Ordinance – Salary Ordinance

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**

- 4a. Motion to introduce made by Sheridan, carried by Tomczak
Roll Call:

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

- 4b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held June 11, 2013, made by Sheridan, carried by Tomczak with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Email regarding MAST's Freshmen Welcome Picnic to be held at St. Joseph's Campus on Friday, June 7th from 5-8PM.
Motion to receive and file made by Sheridan, carried by Howe with ayes by all present.
2. Public Notice regarding Public Hearing for the Bayshore Regional Sewerage Authority. The meeting scheduled for Monday, May 20th has been rescheduled for Monday, June 17, 2013.
Motion to receive and file made by Sheridan, carried by Tomczak with ayes by all present.
3. Letter from Keyport Ghost Tours/Jersey Shore Ghost Tours regarding objectives for the 2013 season and requesting:
Motion to approve use of Mini Park and permission to place a sign at the Mini Park made by Sheridan, carried by Lamberson with ayes by all present.
 - a. Use of Mini Park
 - b. Permission to place a sign at the Mini Park

DISCUSSION

Delinquent Water Bills

Administrator addressed Ms. Lasche's request for waving of \$100 late fee which was brought up at the last meeting. Payment plan has been offered at \$10 per month.

Administrator believes that the Borough has been accommodating under ADA, but an agreement has not been reached.

Ms. Lasche stated the accommodation was made after the fact and feels it needed to be made before she asked.

Mayor says her latest correspondence just came today.

Will be tabled to the next meeting and Ms. Lasche will be put on the bottom of the shut-off list

COMMITTEE REPORTS

Councilman Toggia: Buildings/Grounds/Library:

- Electricians were at Waterfront Park
- Blue stone has been put down at Firemen's Park
- Railing removed will be refabricated
- Old Borough Hall closing
- Cooperative between Aberdeen and Keyport for landscaping- should begin by the end of the week

Councilwoman Lamberson: Health and Recreation:

- May 31st Daddy/Daughter Dance at 6:30 PM
- Yoga by the Bay- starting June 2nd
- Beach Volleyball
- Movie nights throughout the summer

Councilman Sheridan: Finance/Grants/Redevelopment:

- Finance meeting held tonight
- Historic Commission decided on dimensions for new building
- Motorcycle rally this past Saturday-1,900 bikes participated

Councilwoman Tomczak: Police:

- Read Police Calls and Report
- Chief met with school official and prepared Education School Preparedness and Emergency Planning
- 23 lbs. of unwanted medication collected in Operation Take Back
- Police Officers Casaletto, Ferm, and Wheeler will be receiving law enforcement recognition for DWI arrests
- Police Chief promoting autism training
- Police Committee will be preparing a Taxi Cab Ordinance
- Nonprofit Fire Department Emergency Personnel club opened up in Keyport

Councilman McPeck: Fire/First Aid/Emergency Services:-Absent

- Mayor mentioned Council approved new Eagle Hose Truck

Councilman Howe: Public Works/Recycling/Property Maintenance:

- Blue stone at Firemen's Park has been installed
- Still having garbage issues at Waterfront Park. Looking for solutions
- Property maintenance has been issuing summons
- Reminded all garbage ordinance is still in effect. No bags will be picked up

ATTORNEY'S REPORT

- Benjamin Terry Park-punch list largely completed. Will be carried another two weeks.
- Pending appeal of Local 68. Appellate Division Opinion where Borough prevailed. Seeking to have Supreme Court take the case. No reply was filed.
- Sale/closing of old Borough Hall. Closed in escrow. Attorney for escrow holding documents, we are holding the checks.

ADMINISTRATOR'S REPORT

Sanitary System Emergency Work

D&D sewer lining those lines that are in good enough condition to line. Will be going for supplemental loan/grant for digging of lines needing replacement.

Two resolutions were listed on the draft agenda. These locations, 117 Broad Street and Elizabeth and Beers Street, will be on the agenda for the next meeting.

- Met with Historic Preservation group
- Benjamin Terry Park-structural inspection estimated \$250,000 damage. Would like to use the same engineer rather than get three estimates in order to save time.

Council would like to see T&M's Engineer's Report

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:18 PM moved by Sheridan, carried by Tomczak with ayes by all present.

Ed Burlew- thanked Mayor and Council for a great job.

He is secretary for KBA. Got a KBA bill that needs to be paid. Check book has been turned over to the Administrator. Bill was \$300 for two signs. Invoice dated 12/5/11.

Administrator- all but five checks were turned over.

Ed Burlew says he was advised by the Administrator not to pay the bill

Attorney- mentioned there was no submission of any bank statements.

Tomczak asked whether this 2011 bill needs to be resolved tonight. Feels Council cannot provide an answer without the Borough Attorney looking at it.

Ed Burlew would like to sit down with Mayor Aumack and clear this up

Nancy Carew, 64 Broadway- Keyport Garden Club Liaison- cleaned out dead plants this weekend at the Waterfront Park Rain Garden. Thanked DPW for picking up the debris. Annual plant sale was the best ever.

Michael Lane, 51 First Street asked about the BRSA Public Hearing. Would like Council to find out whether the amended agreement is going to be funding the Wind Turbine. Asked about the Bulkhead at Benjamin Terry Park and whether the Borough is stuck with that design. Upset about the \$250,000 damage report to the brand new Bulkhead. Feels it was a faulty design. Concerned flood ordinance gives new processes and criteria to the Planning Board. Feels they will need coaching to bring them up to speed in their role in enforcing it.

Administrator- application in front of the Planning Board is a request for an extension. Our Ordinance is subject to change to current elevations.

Michael Lane- mentioned no trash cans on East Front Street. Would like an update of the promenade and Library sidewalk deterioration at the next meeting. Would like ownership of Ye Cottage Inn property corrected at the County level. Asked about the report on 17 Atlantic Street. Attorney reported he didn't have it yet.

Bert Aumack- asked about outstanding bills due from the KBA. Asked whether Borough Administration has contacted the County regarding trash receptacles on the Henry Hudson Trail. Asked how we could summons residents for not cutting grass when the Borough does not keep Borough grass cut. Wants to know what the cost savings is for this inter local for grass cutting with Aberdeen.

Elmer Graham Jr., 22 St Peters Place- asked whether there would be a public ceremony to reopen the Park once it is repaired.

Dennis Fotopoulos, 77 Beers Street- asked how long to complete the Waterfront Park electrical work; Contract length is 75 days.

Tomczak- asked for status report from the engineer on the status of the project at each meeting.

Dennis Fotopoulos- feels we are continuing to get shoddy work from the Engineers and Contractors being awarded these projects.

At 9:02 Public Comment was closed. Motion made by Sheridan, carried by Tomczak with ayes by all present

**RESOLUTION NO. 202-13
CLOSED EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 197, 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:

- Personnel
- Police Department Grievances
- Acquisition of Property
- DPW site

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 Personnel and Acquisition of Property be conducted at said Closed Session shall be disclosed when the matter discussed are resolved and this meetings hall continue in approximately 20 minutes.

At 9:03 Motion was made to go into closed session by Sheridan, carried by Howe

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

ADJOURNMENT

Motion to adjourn was made by Howe, carried by Sheridan with ayes by all present at 9:23 PM