

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.

Mayor Harry 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 Tomczak, Lamberson, Chamberlain, Howe and Mayor Aumack. Others present: Borough Administrator Lorene Wright, Borough Attorney Gordon Litwin. Councilman Sheridan was absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PUBLIC HEARING OF UPTOWN KEYPORT BAR & GRILL LLC RENEWAL

– License #1322-33-010-007

Motion to Open Public Hearing made at 7:07 by Chamberlain, carried by McPeek with ayes by all present

Michael Lane – spoke of the patio area needing to be fenced in with signage. The alleyway is part of Green Acres. He feels the licensed area is not clearly delineated. He says there is no fencing on the retaining wall. He states the stone wall is on Borough property.

Attorney Litwin swore in Mr. Lane on his testimony on this application. Attorney Litwin went through and identified the documents submitted by Mr. Lane.

Mr. Lane - showed a survey highlighting the area outside of the licensed premise. He says area needs to be fenced and gated. He spoke of arriving at a settlement with Mr. Merla but feels the conditions of that settlement were not met. The applicant never installed signage, fencing and gates. He asked that the renewal be held off until fencing and signage are installed.

Attorney Litwin – stated there is a requirement for delineation but no requirement for a fence.

Mike Lane – It was part of his application that he would install fencing. It was in Charlie Merla's letter, application and zoning application.

Attorney Litwin – asked Mr. Merla if he can have his attorney at the next meeting.

Mr. Merla – stated he can but it would be after the licensing period and would be costly. He will take the police department's report as his response.

George Walling, 54 2nd Street – spoke of a relationship between Lt. Gallo and the Merla's. He wants to know if they are related.

Mike Lane – since Lt. Gallo has been mentioned, Mr. Lane brought up an incident where he reported to the police people drinking outside the Uptown. He took photos but no one was there when the police arrived and Lt. Gallo refused to take action. He questioned the validity of Lt. Gallo's report.

Motion to Close the Public Hearing made at 7:47 by McPeek, carried by Lamberson with ayes by all present

Mayor Aumack - asked Council's pleasure in renewing.

Councilwoman Tomczak - would like to renew with a condition of making a delineation around the right side patio.

Mayor Aumack – there is a fire exit at the rear of the Women’s Center which should have a gate.

Bob Burlew, Construction Official – would like more of a privacy fence.

Councilwoman Tomczak – does not want to put additional burdens on one business that we don’t do with other establishments. She would like to fence the entire licensed premises exterior to the building with a minimum fencing height of 3-feet to match existing fencing and have signage affixed to the fencing.

Attorney Litwin – went over the wording for the resolution “Subject to the condition of the applicant installing fencing...completed by August 1st”. This would be a condition for renewal – otherwise the Borough would proceed to pull the license.

RESOLUTION 208-14 Authorizing Renewal of Uptown Keyport Bar & Grill LLC

RESOLUTION # #208-14
LIQUOR LICENSE RENEWAL
FOR UPTOWN KEYPORT BAR & GRILL, LLC

WHEREAS, application for renewal of Plenary Retail Consumption License No. 1322-33-020-006 has been made to the Mayor and Council of the Borough of Keyport by the Licensee, Uptown Keyport Bar & Grill, LLC (hereinafter “Uptown”); and

WHEREAS, following a request by Michael Lane of 51 First Street, Keyport, NJ, for a public hearing on Uptown’s 2014 renewal application based upon an alleged failure of Uptown to install a delineating fence enclosure and signage; and

WHEREAS, Mr. Lane appeared at the public hearing on the matter on June 23, 2014 and presented testimony; and

WHEREAS, it appears that, based upon a survey initially filed on April 30, 2013 by Uptown at the time of its initial request for a license, which showed block walls and stairs protruding from the licensed premises on the property owned by the Borough of Keyport; and

WHEREAS, photographs were submitted to the Mayor and Council showing the property lines without an appropriate delineation of the boundaries of the licensed premises as required by law; and

WHEREAS, the Borough Clerk certifies that, other than as set forth above, the Keyport Department of Code Enforcement, Fire Official and Police Department have inspected said location and have advised that all Statutes, Rules and Ordinances of the Borough of Keyport have been complied with by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the plenary retail consumption license of Uptown be issued by the Borough of Keyport and the appropriate officials of the Borough of Keyport are hereby authorized to issue and sign same in the name of the Borough of Keyport for the period commencing July 1, 2014 and ending June 30, 2015 upon the express condition that:

1. No later than August 1, 2014 Uptown shall install a fence, similar in structure to that otherwise on the licensed premises, with a minimum height of three (3) feet to be placed on the entire licensed premises exterior to the building;

2. Appropriate signage stating “No alcohol beyond this point” shall be placed conspicuously along the fence. In addition, the applicant shall install a three (3) foot gate to provide emergency egress from the adjoining premises currently housing the Women’s Center.

BE IT FURTHER RESOLVED that Uptown shall have exit and entrance doors to the licensed premises closed from 9 PM until Closing or as may be subsequently required by the governing body.

Motion made by Tomczak, carried by McPeek subject to the condition of the applicant installing a fence with a minimum height of 3-feet and 50% open to be placed around the entire licensed premises exterior to the building with permanent affixed signs that no alcohol can be beyond that point. In addition, a new emergency egress gate, a minimum of 3-feet wide, to provide egress on an emergency basis. The foregoing shall be completed by August 1st.

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

Mr. Merla left and did not stay for the balance of the hearing.

APPROVAL OF MINUTES

May 20, 2014 – Regular Session

Motion to approve made by Howe, carried by Chamberlain

Roll Call: 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.)

- R178-14 Accepting a Grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the NJ Economic Development Authority and the DEP – Keyport Boat Ramp - \$20,841
- R178A-14 Authorizing Professional Services Contract for Engineering with Regards to Hazardous Remediation Grant Fund for Keyport Boat Ramp
- R191-14 Payment of Bills
- R192-14 Authorizing Extension of a Lease Agreement with Swift Properties for 120 Francis Street, Unit 18, Keyport, NJ and Authorizing the Mayor to Execute an extension of the Lease Agreement for the Same on Behalf of the Borough
- R193-14 Drug Alliance – Reduction in Grant Funding
- R194-14 Appoint Community Rating System Coordinator – David Olsen
- R195-14 Liquor License Renewals 2014-2015
- R196-14 Authorizing Payment of Accumulated Sick Time for Equipment Operator of the Department of Public Works – Edward Cheatum
- R197-14 Requesting Approval of Items of Revenue and Appropriation – NJS 40A:4-87 – USDA – Watershed Protection Grant
- R198-14 Requesting Approval of Items of Revenue and Appropriation– NJS 40A:4-87 – Clean Communities Program
- R199-14 Authorizing the Purchase of a Police Cruiser Under State Contract
- R200-14 Authorizing the Purchase of Police Patrol Vehicle Accessories under State Contract
- R201-14 Hiring Per Diem Dispatcher/Communications Operators
- R202-14 Authorizing Approval of Raffle License Application – Keyport Indians – Tricky

Tray Gift Auction to be held at St. Joseph's Gym on October 18, 2014 from 6-10PM
R203-14 Authorizing Approval of Raffle License – Keyport Indians – On-Premise 50/50 cash raffle to be held at St. Joseph's Gym on October 18, 2014 from 6-10PM
R204-14 Authorizing Approval of Raffle License – St. Joseph's Church – Off-Premise 50/50 Cash Raffle to be held September 27, 2014
R205-14 Granting Taxi Owner & Taxicab Drivers' Licenses to Keyport Yellow Taxi
R206-14 Granting a Taxi Owner & Taxi Driver's Licenses to Pequel's Taxi
R207-14 Releasing Maintenance Bond and Escrow Fees for 19 Division Street, Block 79, Lots 18 and 19

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions on items listed on the agenda, motion made by Lamberson, carried by Chamberlain at 8:32PM with ayes by all present

Ed Carew, 64 Broadway – spoke of witnessing a Keyport Yellow Taxi driver throwing a cup of coffee out of the passenger window. He tried to file a complaint but there was a lot of work involved. He just wanted to bring it to Council's attention.

George Walling, 54 2nd Street – apologized for his remarks to Patrolman Aumack for comments he made at a meeting prior to May 20th. The container he mentioned before is still there on Borough property. Also asked about house with scaffolding, 11 West Front Street.

Laurie Graham, Construction Clerk – says 11 West Front Street should have permits by the end of the week.

Elmer Graham, Jr., 22 St. Peters Place – asked why we need a Community Rating System Coordinator.

Mayor Aumack – The Community Rating System Coordinator will help those in flood zones because the Borough will be more in compliance. It must be someone already employed by the Borough and is an unpaid position.

Administrator Wright – it is a program where the Borough would work with FEMA to reduce the flood policy premiums. It will help with grants by being in compliance.

Elmer Graham, Jr. – also asked about final payment to Check Electric.

Mayor Aumack – we will talk about that later.

Ed Burlew, 59 W. Front Street – asked about closed session minutes.

Attorney Litwin – those are only available to the public after issues discussed have been taken care of.

Nancy Carew, 64 Broadway – she saw a pesticide sign by the rain garden. She asked why we are putting pesticides in the rain gardens along the waterfront. The sign says warning for 72 hours.

Councilman McPeck - says either an herbicide or a pesticide was sprayed in the area. 72 hours is standard.

Nancy Carew – spoke of notices put in the water bills. One item in the notice fines residents for using pesticides. Can the Borough be fined?

Mike Lane – asked about **R178A-14**. Would like an explanation.

Mayor Aumack – this is a close out of the underground storage tanks removed at the boat ramp.

Administrator Wright – had to do with preliminary assessment, remedial investigation and site remediation of the boat ramp. She explained the time line of the project. The DEP now requires a professional services agreement where the Borough used to just pass a resolution and Excel would do the work.

Mike Lane – asked about **R197-14** Requesting Approval of Items of Revenue and Appropriation – NJS 40A:4-87 – USDA – Watershed Protection Grant

Administrator Wright – that was a grant to clean up Chingarora Creek.

Mikel Lane – asked that preliminary FIRMS be covered under Old Business.

Administrator Wright – stated she is trying to get a July 8th meeting.

Mike Lane – any plans for a follow-up meeting with Army Corps of Engineers?

Administrator Wright – Council did not direct on how to proceed.

Mike Lane – would like an update of Sandy insurance claims under Old Business and a Joint Court planning update.

There being no further comments, motion was made to close the meeting to the public at 9:01PM by Chamberlain, carried by Howe with ayes by all present

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by McPeck, carried by Lamberson

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

ADOPTION OF ORDINANCE

1. Ordinance – #6-14 Bond Ordinance

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,890,000 FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$3,890,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF**

1a. Motion to Adopt made by McPeck, carried by Tomczak

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

INTRODUCTION OF ORDINANCE

1. Ordinance – Bond Ordinance for Equipment Purchase

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND VEHICLES IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to introduce made by Howe, carried by Lamberson

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

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

2. Ordinance – Police Department Structure

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT TO AMEND, CHAPTER 3 POLICE AND FIRE DEPARTMENTS, SECTION 3, ORGANIZATIONAL STRUCTURE OF POLICE DEPARTMENT AND RESPONSIBILITIES OF COMMAND WITHIN DEPARTMENT, PARAGRAPH 3-3.4 d TO INCREASE THE NUMBER OF AUTHORIZED PATROL OFFICERS FROM TEN (10) TO ELEVEN (11) PATROL OFFICERS**

Councilwoman Tomczak – would like to increase the number of patrol officers from ten (10) to twelve (12).

Administrator Wright – would like to explain something and have Council take action after closed session.

Councilwoman Tomczak – there could be a problem if we don't fill the position.

- 2a. Motion to introduce made by Tomczak, carried by Chamberlain

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

- 2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing made by Tomczak, carried by McPeek with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Letter from Raritan Post 23 – American Legion requesting reimbursement for Memorial Day flowers purchased for May 26th Memorial Day ceremonies

Motion to approve for \$250 made by Howe, carried by Chamberlain – would like preapproval with a dollar amount for next year – with ayes by all present

2. Request for Use of Waterfront Park by Bayshore Christian Fellowship for Wednesday, August 27, 2014 for the purpose of a worship service. Also requesting a waiver of the fee

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

3. Letter from Construction Official Robert Burlew regarding the resignation of Electrical Inspector/Subcode Official, Armand DeFazio

Mr. DeFazio left a voicemail resigning when inspections were scheduled. The Construction Official did report him to the DCA. We currently have no one to do plan reviews.

Administrator Wright – the salary resolution proposed for the next meeting will amend the salary.

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

4. Special Meeting Notice for a meeting to be held Tuesday, July 8, 2014 at 7PM in order to conduct a Public Outreach Meeting for the purpose of having an informative presentation regarding the Tax Appraisal Pilot Program and the Revaluation Program

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

5. Letter from Attorney for Mane Street USA, LLC regarding parking at Old Borough Hall Property, Block 39, Lot 40

Attorney Litwin – recommends referring to Redevelopment Committee.

Motion to refer to Redevelopment Committee made by Tomczak, carried by Lamberson with ayes by all present

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for May 2014
2. Tax/Water/Sewer Collector's Report for May 2014
3. Board of Health Treasurer's Report for May 2014
4. Hazlet/Keyport/Matawan Joint Court Report from May 2014
5. Building Department Monthly Report for May 2014

Motion to accept made by McPeck, carried by Chamberlain with ayes by all present

COMMITTEE REPORTS

Councilwoman Tomczak: Police:

- Joint Court meeting needs to be rescheduled
- Not receiving Borough emails
- Letter of Accommodation for Patrolmen Salvatore and Aumack and Dispatcher Gallagher for administering CPR to an apparently lifeless individual whose life was saved
- Received training for individuals who overdose on drugs
- Read Police Department Report
- Mothers Against Drunk Driving Award issued on June 11th to Sgt. Ferm, Officer Wheeler and Officer Johnson

Councilwoman Lamberson: Health and Recreation:

- Summer camp program starting Monday, forms are available online
- Movie night
- Daddy Daughter Dance
- Yoga available at the waterfront
- Knit & crochet at the waterfront
- Report on Skate park event with Hazlet

Councilman Chamberlain: Buildings/Grounds/Library:

- Trying to schedule a Building & Grounds meeting to discuss Library and Women's Center
- No leak in Borough Hall during recent rain

Councilman Sheridan: Finance/Grants/Redevelopment:

- Therese Street Park has a broken swing - replacement on order
- Sink hole at Clark and Madison – repairs were conducted
- Firemen's Park bluestone
- Street sweep began June 6th on Tuesdays and Thursdays
- Wayfinding sign
- Waterfront garbage pickup – picked up twice on Saturday and once on Sunday

- Recycling Center fence replacement at Florence and Route 36
- Beach Park cleaned up by DPW

Councilman Howe: Public Works/Recycling/Property Maintenance:

- Thanked DPW laborer Eddie Cheatum for 33 years of service. He is now retiring.
- Recycling Committee meeting this evening
- Encouraged property maintenance

Councilman McPeck: Fire/First Aid/Emergency Services:

- Condolences to Meyer's family of Union Beach
- Read First Aid calls
- First Aid received \$5,000.00 grant
- Drill at Central School – thanked OEM, Fire Department and First Aid
- Read Fire Department calls
- Call at Pederson's Marina for gasoline spill

NEW BUSINESS

None

UNFINISHED BUSINESS

Slab at 2 Broad Street

Mayor Aumack – spoke of moving office trailer by Boat Ramp to hook into a sewer and water line. It has now become a spot for skateboarders.

Councilman Howe – would like to see the area landscaped.

Motion made by Howe to so solicit quotes to remove slab, add topsoil and seed, carried by McPeck with ayes by all present

Mayor Aumack – would like a meeting set up with Army Corps of Engineers.

Administrator Wright – said she will do it.

Mayor Aumack – would like a clearer report of the Proof of Loss, insurance and FEMA claims.

Administrator Wright – Proof of Loss is still in negotiations. Will discuss that documentation in closed session.

Councilman Howe – would like us to look at mic system. Mentioned issues with Police camera system are being addressed.

ATTORNEY'S REPORT

- Civil Service Commission has agreed with the Borough's position on a potential police officer who was not hired.

ADMINISTRATOR'S REPORT

- Check Electric – was asked to prepare a written report by the Mayor but has not done that yet
- Sprint lease for Cass Street will expire in September. May go out to bid for additional carrier.
- Met with Borough Engineer over CDBG – that project is moving forward.

Councilwoman Tomczak – pointed out Council has been asking about the Check Electric resolution since April 15th. She doesn't think it is acceptable that this was on Payment of Bills prior to the resolution being placed on the Agenda. She still wants to know how it got paid prior to there being a resolution passed by Council. The April 1st

Payment of Bills listed the payment prior to the April 15th Agenda where the resolution was listed and tabled.

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 10:18PM Motion made by Chamberlain, carried by Tomczak with ayes by all present

George Walling – asked about watches for retired police officers.

Clerk Heilweil – explained that the PBA has agreed to provide the watches.

Laurie Graham – explained that there was an incident that happened in the Construction office with an absentee landlord where a complaint was filed against Ms. Graham. Ms. Graham stated the landlord filed a report with the police. She wants to know why she cannot see the complaint.

Bob Burlew – asked about the Borough's Engineer at CME. He can't get a response from him. Mr. Burlew is looking to speak with him about the flood maps.

Councilwoman Tomczak – will make sure the Engineer contacts Mr. Burlew.

Bob Burlew – thinks there should be someone to calm people down.

Mayor Aumack – would suggest he contact the Police Commissioner to discuss.

Mike Lane

- Met with Trevor Taylor three months ago and put together a set of documents. Also did a walk-thru. Since then, there has been no communication from him at all.
- Spoke of an incident where a resident was transferring garbage which is prohibited. Mr. Lane called Mr. Burlew and he took care of it.
- Asked Administrator Wright to update the insurance snapshot.
- Spoke of a set of stairs on Division Street which are on Borough property
- Asked why he needs to object to liquor license renewals when we have an ABC officer. He stated convicted felons are not allowed to operate in the ABC licensed area.

Janet Buggle, 67 East Front Street - asked if anyone has an update on the FIRM map.

Administrator Wright – Trevor thought the best step would be to ask for a meeting on the FIRM maps and she has been trying to schedule a meeting.

There being no further comments or questions, the meeting was closed to the public at 10:44PM moved by Howe, carried by Chamberlain with ayes by all present

Motion made at 10:45PM by Howe, carried by Tomczak with ayes by all present to go into closed session after a 5 minute break.

CLOSED SESSION

R209-14 - Closed Session **Resolution:**

RESOLUTION No. 209-14

1. Resolution No. 209-14 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:

- Personnel – Borough Administrator
- Potential Litigation
- Insurance – Sandy Claim

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, Potential Litigation and Insurance 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: Howe
Second: Tomczak

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

Motion made and carried to return to open session at 12:26AM

Attorney Litwin spoke of items discussed in closed:

1. Property encroaching on Borough property;
2. Communication with insurance carrier regarding Sandy losses;
3. Personnel matters – position of Borough Administrator

Motion made by Tomczak, carried by McPeek with ayes by all present to grant Borough Administrator Wright Administrative Leave until Thursday, June 26, 2014.

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

Meeting scheduled for 6PM on July 15th with Councilwoman Tomczak and Mayor Aumack.

ADJOURNMENT

Motion to adjourn at 12:32AM moved by Chamberlain, carried by Howe with ayes by all present