

July 5, 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 7PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

March 15, 2011 – Regular

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

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan Ambrose, Toglia

Nays:

Abstain:

Absent: Councilmember Bolte

PUBLIC HEARING ON LIQUOR LICENSE RENEWALS

2. Fantasies, Inc.

Public Hearing was opened at 7:02 pm

John Facella, Jr. Attorney for Fantasies, Inc.

Ms. Sefcik asked attorney to address number of police calls, specifically number of people picked up with warrants at their establishment.

Mr. Fascella – addressed some of the calls. Feels it is one of the best operated bars of this kind in the state.

Lt. Anthony Gallo, ABC Officer, asked to address the report issue; stated he gave his recommendation to renew, regardless of number of calls. Said he encouraged bar owners to call when there was the slightest problem. Most problems occur out front because smoking is no longer allowed in bars; one must go outside to smoke. Part of number of calls has to do with location, which is on the highway. Said Fantasies has the best security in town. It is a well run operation. He recommended removing the bench outside to lessen the number of those hanging out.

Ms. Sefcik would like a check box on the reports stating whether or not the call is actually related to the bar.

Mr. Chamberlain- asked if Lt. Gallo would let Council know if there was a problem with any of the bars.

Lt. Gallo – recommends both Fantasies and Smith's licenses be renewed.

Mayor clarified with Lt. Gallo that all these reports are public record.

RESOLUTION R177-11 Liquor License Renewal – Fantasies, Inc

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

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan Ambrose, Toglia

Nays:

Abstain:

Absent: Councilwoman Bolte

1. Suburban Wine & Liquor, Inc., t/a Smith's Liquor Shop

RESOLUTION R176-11 Liquor License Renewal

Lawrence Kantor attorney on behalf of Smith's Liquors

Stated Lt. Gallo suggested removing the chairs in front of the bar. Stated eleven reports are unrelated to the bar. Someone waiting for a taxi outside the bar or a suspicious person outside the bar.

Ms. Sefcik spoke of types of incidents... someone passed out outside the bar.

Lt. Gallo – addressed location of bar. It is in a residential area. Recommends removing the chairs. Owner has agreed to do so; feels a lot of the problems stem from smoking outside, in front, of the bar.

Ms. Sefcik would like to look at the reports in advance of the meeting for renewal

Mr. Chamberlain – expressed concern that bar owners will now be fearful of calling the police.

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

Roll Call: Ayes: Councilmembers Sefcik, Chamberlain, Sheridan Ambrose, Toglia

Nays:

Abstain:

Absent: Councilwoman Bolte

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.)

R178-11 Payment Of Bills

R179-11 Authorizing Acceptance of Contribution for Services of Event Coordinantion

R180-11 Authorizing Purchase of Trailer for the Purpose of a Boat Ramp Office

R181-11 Authorizing Clerk to Advertise for the Receipt of Bids for Improvements to
Division Street

R182-11 Approving the Application for \$26,704.00 Grant for DEDR Funds

R183-11 Liquor License Renewal – Olini Merla, t/a Bulkhead Bar & Grille

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:39 P.M moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Bob Burlew, 64 Chandler Avenue, spoke of an incident called in for 59 West Front Street by Ms. Bolte, which had nothing to do with the bar there. Would like to know how that can be fixed.

Mayor stated that the Borough cannot control the calls that come in

Ken McPeek, 224 Division Street, Firemen's Park repair is finished. Feels it needs to have a final inspection, was there about an hour ago. Screws and boards are not secured.

Charlie, Kojza, KBA President thanked Mayor and Council for making the International Food Fest a great success.

Joseph Ruth, PBA President, Local 223, thinks restructuring the Police Department is a bad idea. He is opposed to eliminating a Capitan's position. Said Police Department is short-handed with only seventeen men when there had been nineteen previously. Thinks man-power study should be performed and he is concerned taking position away will hurt morale. If not done correctly, town will be looking at litigation. Said Sergeant's are not administrators, Police Department is the ONLY service this town really has.

Donna B., 80 Fulton Street, doesn't know any police in town, but she and her children have been violated and only feels safe because of the Police here in town. Said if it means raising taxes so her kids can be safe, then that's what must be done.

Lt. Gallo spoke of the creation of the Lieutenant position about twenty-two years ago. Also addressed added duties in the Police Department – ABC licensing, Meghan's Law, etc. Stated Sergeants make more money that he does, although he has more responsibility and accountability. Has not been paid for Capitan's pay although he has been doing the job. The difference between Captain's salary and Lieutenant is \$2.00 per household. Said most morale issues come from the Governing Body, who oversees the Police Department, and doesn't do the right thing by them. Agreed with the idea of consolidation but Police Department should not suffer until consolidation happens.

Mike Lane, 51 First Street, thanked Council for due-diligence in asking questions regarding ABC renewals.

Mr. Lane spoke of large companies who have eliminated their pension systems and here Lt. Gallo is speaking about poor morale in high-paid positions.

Mr. Lane asked about the following:

- cost of boat ramp trailer; \$8500
- what part of Division Street is being improved
- Change Order on Beers Street; this is a reduction

Joe Rendina, PBA 223 Vice President, asked about savings from Chief Mitchell's retirement and Officer Nagy's leaving

Dennis Fotopoulos disagrees with Mr. Lane's opinion on unions, asked how much of a savings eliminating an officer will be to his property taxes.

CFO Tom Fallon, responded it will be \$32 a year per average household

Mr. Chamberlain asked how much a life is worth. He is against eliminating a Capitan's position, for his own reasons.

Resident stated that the number one deterrent of crime is a uniformed police officer

Ed Burlew, 59 West Front Street, spoke of an LED sign somewhere in the Borough which was paid for through a grant

Ms. Sefcik, sign was part of NPP program which was eliminated. She then asked Administrator Wright to elaborate.

Administrator Wright – working on NJDOT permit for the sign. The vendor wants a 50% down payment. She needs an estimate from JCP&L for installation. Cost of sign was under the bid threshold.

Ed Burlew spoke of incident at Passport on July 31, 2010 where there were people in the bar after hours. Bar is being sued by Mrs. McPeek, who was present with Ms. Bolte at the time, for an injury that occurred after hours. He asked why no violations were given. Stated Officer Sorber had asked for ABC Cards which they did not have. He doesn't think it's fair.

Mayor stated he will ask Mr. John Lane, Borough Attorney, to look into it.

Motion made by Ms. Sefcik requested to remove R180-11 Trailer purchase for separate consideration Mr. Sheridan second the motion with ayes by all.

Administrator Wright gave explanation for the purchase of the trailer to be used as boat ramp office. We had been leasing it previously.

Ms. Sefcik feels that although purchasing the trailer is cost effective, it looks terrible.

(8:43 pm Mayor left the dais)

Ms. Ambrose stated that the rent was approximately \$2,000 a year.

Ms. Sefcik would like a letter from the Harbor Commission stating what their plans are

Mr. Sheridan said improvements could not be made while renting because Borough did not own it.

(8:46 pm Mayor returned)

There being no more comments or questions from the public, the meeting was closed to the public at 8:40 P.M.

APPROVAL OF RESOLUTIONS

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

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

R180-11 Authorizing Purchase of Trailer for the Purpose of a Boat Ramp Office

Motion to approve with request for long-term plan from Harbor Commission moved by Mr. Sheridan, second by Mr. Chamberlain

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

RESOLUTION 184-11 Authorizing Change Order No. 2 to the Contract for Improvements to Beers Street – Phase II

Change Orders bring project \$31,000 under bid price
Motion to approve moved by Ms. Ambrose, second by Mr. Sheridan

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

RESOLUTION 185-11 Determining the Form and Other Details of the Offering of \$3,000,000 General Obligation Bonds, Series 2011, of the Borough of Keyport, in the County of Monmouth, State of New Jersey and Providing for their Sale and Determining Certain Matters with Respect to the Sale and Issuance of \$8,074,000 Bond Anticipation Notes

Mayor asked CFO Fallon to explain.

CFO Fallon – explained his recommendation for permanent funding on notes. This will save fifty basis points and have a lower percentage rate for funding. Also, will be a shorter term debt with higher payment.

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

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

CFO Fallon explained Resolution 186-11 – aggregate the obligation and sell it in one bond.

RESOLUTION 186-11 Providing for the Combination of Certain Issues of General Obligation Bonds of the Borough of Keyport, in the County of Monmouth, State of New Jersey, into a single Issue of Bonds Aggregating \$3,000,000 in Principal Amount

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #12-11 – Redesignating Board of Health section chapters

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING ORDINANCE 2-11 ADOPTING FORMER BOARD OF HEALTH ORDINANCES TO ESTABLISH CHAPTER XXIII, BOARD OF HEALTH REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH FOR KEYPORT

Motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to open the Hearing to the public for comments or questions at 8:54 P.M.

Ed Burlew – asked for an explanation which the Mayor gave

There being no more comments or questions from the public, the hearing was closed at 8:55 P.M.

Motion to adopt Ordinance was made by Ms. Ambrose, second by Ms. Sefcik

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

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Property Maintenance Office

The Clerk reads the Ordinance by Title:

AN ORDINANCE ESTABLISHING THE OFFICES OF PROPERTY MAINTENANCE OFFICER AND ASSISTANT PROPERTY MAINTENANCE OFFICER IN THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Ms. Sefcik noticed there is no number of hours determined in either the Ordinance or the Resolution. Why not a temporary position?

Administrator Wright – it is a Civil Service position. Will be temporary until a test is given.

Motion to introduce Ordinance moved by Ms. Ambrose, second by Mr. Toglia

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on July 19, 2011 was made by Mr. Sheridan, second by Ms. Sefcik

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

RESOLUTION 187-11 Appointing Assistant Property Maintenance Officer

Motion to approve moved by Ms. Ambrose, second by Mr. Chamberlain

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

2. Ordinance – Police Department Structure

The Clerk reads the Ordinance by Title:

ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER III ARTICLE I “POLICE DEPARTMENT” OF THE CODE OF THE BOROUGH OF KEYPORT

Mr. Chamberlain stated he would like to table this Ordinance

Mr. Sheridan gave his explanation of why he supports the Ordinance

Mayor said he would take Mr. Chamberlain’s request as a recommendation to vote “no”
Motion to introduce Ordinance moved by Mr. Sheridan, second by Mr. Toglia

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on August 2, 2011 was made by Ms. Ambrose, second by Ms. Sefcik

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

3. Ordinance – Fire Department

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III, ARTICLE II, “FIRE DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Motion to introduce Ordinance moved by Ms. Ambrose, second by Mr. Chamberlain

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on July 19, 2011 was made by Mr. Sheridan, second by Mr. Chamberlain

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

COMMUNICATIONS AND PETITIONS

1. Letter of Resignation, due to retirement, from Emily Burlew

Accept with regret and send letter of appreciation moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

2. Letter from Kevin Graham regarding the use of Veterans Park on September 17, 2011 for his son's wedding

Motion to approve and waive cost moved by Mr. Sheridan, second Mr. Chamberlain with ayes by all present.

3. Notice of Special Presentations by the Keyport Historical Society

Motion to receive and file and put on website moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

UNFINISHED BUSINESS - None

ADMINISTRATOR'S REPORT- None

ATTORNEY'S REPORT- None

NEW BUSINESS- None

PUBLIC COMMENT PORTION

Motion made by Mr. Sheridan, second by Mr. Toglia to open the meeting to the public at 9:12PM

Nathan Scali – wants to know if there is anyway to quantify what is necessary for the Police Department, maybe some short-term compromise.

Mayor – Impact must be measured over years. Cannot do anything like this temporarily

George Walling, 54 Second Street, asked if Ms. Bolte told anyone she would not be here tonight.

Mr. Sheridan, yes, she had a funeral to attend.

Dennis Fotopoulos, Beers Street – is Council aware that galvanized beams were used at Fireman's Park – not stainless steel. Spoke of toe-nailing. Mayor replied that galvanized will outlast any of us.

Mr. Fotopoulos spoke of very nice sheds he has seen for less than the \$8500 being spent on the trailer; he questioned the zoning requirements. Attorney Lane replied that the Borough does not have to comply with zoning.

Mr. Fotopoulos asked about Police Department referendum. Mayor replied that the referendum referred to sharing administrative officers with other towns. How does referendum relate to action being taken tonight?

Mayor – it reduces Administrative costs in the Police Department; Mayor read referendum question.

Should the Borough of Keyport pursue opportunities to consolidate or share police management positions, such as a police chief, with neighboring communities if it will help reduce costs for Keyport?

Donna Bank, 80 Fulton Street, thanked Councilman Chamberlain for recognizing her coming to speak. Hopes Council remembers how they voted, should they be a victim of a crime.

Joseph Ruth – believes Council made the wrong decision and the Police Department will fight it. Feels referendum question was a loaded question to begin with. Asked if Mayor and Council are looking into consolidation without notifying the Police Department.

Mr. Chamberlain stated that the Police Department will be involved when we get to the right time.

Joe Ruth asked about Police Chief interviews and whether action will be taken tonight or sometime soon.

Mike Lane, 51 First Street, regarding resolution denying Uptown Bar said only one issue will come before the judge, the possessory interest. Mr. Lane spoke of Uptown's violation of serving liquor outside licensed premise and wondered what will be done.

Attorney Lane stated a citizen cannot file a pro-se charge. It is up to the ABC officer.

Ed Burlew asked when we will get a Chief in Keyport.

Lt. George Casaletto spoke of concerns with minimizing the department. Stated cutting one man will be a cost savings of \$125,000. Police Department budget has been cut over the past three years. The Police Force be reduced and services will be cut short.

There being no more comments or questions from the public, the meeting was closed to the public at 9:37 P.M.

CLOSED SESSION

R 187A -11 - Closed Session Resolution:

RESOLUTION NO. 187A-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:

- Personnel – Police Dispatcher Grievance

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 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 Sefcik, Chamberlain, Sheridan, Ambrose, Toggia
Nays:
Absent: Councilwoman Bolte
Abstain:

Meeting returned to open session at 10:55 pm.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present at 10:55 pm