

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 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Mayor McLeod, Councilmembers Bolte, Tomczak, McPeck, Sheridan, Ambrose, Toggia. Others present: Borough Administrator Ms. Wright, Borough Attorney, Andrew Provence.

As a courtesy to those around you, please silence your cell phones

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

April 17, 2012 – Regular

May 1, 2012 – Work Session

Offered for adoption by Mr. Sheridan, second by Ms. Bolte

Roll call vote: Ayes: Councilmembers Bolte, Tomczak, McPeck, Sheridan, Ambrose, Toggia

Nays:

Absent:

Abstain:

Mayor McLeod requested to amend the agenda to have the Public Comment portion go after the Approval of Minutes

Motion made and carried with ayes by all present

Attorney Provence explained about going into closed session. "Council reserves the right to deliberate in closed session." Attorney Provence also explained Rice Notices were served but parties did not agree where this would be heard.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:10 PM moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

Mayor McLeod read the Rules of Conduct at public meetings.

Betty Shriber, 231 Atlantic Street, spoke of her 93 year old neighbor, a veteran, at home under hospice care. Thanked Chief George Casaletto for his help and service. Ms. Shriber explained that Chief Casaletto had found a way to provide a much needed chair for this gentleman.

Chief Casaletto, stood and asked audience to be respectful of the Council in their comments.

Warren Chamberlain, 73 St. Peters, asked about the resolution appointing permanent Chief of Police

Mayor McLeod, explained Chief's appointment was provisional.

Warren Chamberlain, stated while on Council, Lt. Gallo did not have a chance to be in the role of Chief as Casaletto had. Mr. Chamberlain asked what had changed beside the test? Feels there is conflict of interest among the Council. Mr. Chamberlain made an accusation that a member of Council's family member had been arrested for a DUI by one of the officers. He thinks Council is making a mistake and believes there will be a lawsuit.

Joe Wedick, as the former Police Commissioner, he feels the Borough does not want to go through this again. Says Council does not want to leave this legacy to this town.

Sharon Kirby McGil, came in support of Chief Casaletto. Would like the Council to put a list together of what they would like and let the residents decide.

Attorney Provence, explained the Civil Service procedure. Chief was appointed provisionally until a test was given. A test was given and, by law, a decision must now be made.

George Walling, presented an email written by the Mayor where he feels the Mayor gives his reasons for no longer supporting Casaletto.

Attorney Provence, asked to see the email.

Mayor McLeod, looked at the email and stated that he did write it.

Mike Lane, stated that Chief Casaletto personally responded to two incidents at his home. One a shooting through his front window and the other when someone painted his car black. Chief Casaletto had surveillance put in. He explained that Chief Casalleto acted professionally. Mr. Lane gave an instance where Lt. Gallo received a paid lunch from Joseph Merla, an ethics violation. Mr. Lane spoke of another instance where Lt. Gallo made a decision not to press charges against the Uptown Bar when there was drinking after hours. Feels there is a Gallo/Merla relationship.

Al DeGracia, President of Keyport Spanish American Club, stated he has nothing but respect for the Keyport Police Department. Gentlemen in the Muster Zone came to him and asked for Mr. DeGracia to bring the Police Chief there. Mr. DeGracia feels this shows how respected Chief Casaletto is and he made them feel respected as well.

Albert Cataldo, 231 Atlantic Street, does not know what the family of the gentleman in hospice would have done without Chief Casaletto's help.

Elmer Graham Jr., 22 St. Peters Place, feels Casaletto should be permanently appointed Police Chief.

Laurie Zimmerman, Hazlet resident who volunteers with Cub Scouts in Keyport, thanked Chief Casaletto for supporting scouting.

Kevin McGovern Esq., of Iselin, NJ, Attorney for Casaletto. He represents labor unions and employees in labor matters. Agrees that Chief's appointment was provisional. Believes resolution states it shall be made permanent, provided he pass the promotional examination. Feels the condition imposed on his appointment has been satisfied by his passing.

Mayor McLeod, spoke about his emails between himself and Councilman Sheridan. In his February 23rd email he stated he preferred to have the test first. It was decided to make a provisional appointment and then call for the test. He has known both gentlemen since before they started on the force. Spoke of an incident where Casaletto pulled an irate lady off of him. Reminded the audience, as a former attorney, he is very familiar with the cost of litigation.

Councilwoman Tomczak, made a statement on the process. Appointment was provisional last year. It has been unresolved and Council now has to bring this to a resolution. Reviewed test scores as well as personnel files. Police Committee has had numerous discussions. This is a point of promotion, not a termination. Wants the process to be fair to both candidates.

Councilwoman Bolte, appreciates the residents support of the Chief. Apologized to Casaletto for having been put in this situation. Lt Gallo has the right to move up within the force, as well. Pointed out there was an officer in charge when Lt. Gallo was committing the alleged issues of Mr. Lane. We cannot govern by emotion. This was political last year. It is not political this year. Now we are trying to fix something.

Councilman Sheridan, Police Commissioner, thought interview process went well. We have two incredible candidates. Casaletto was chosen to be provisional Chief. Thinks Lt. Gallo would make a good Chief as well, scored first on Sergeant, Lieutenant and Chief's test.

There being no more comments or questions from the public, the meeting was closed to the public at 7:46 PM moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

Motion made moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present to go into closed session at 8:00 PM to discuss this matter. Will reconvene in open shortly and potentially take action.

CLOSED SESSION

R 224 -12A - Closed Session **Resolution:**

**RESOLUTION NO. 224-12A
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:

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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 Settlement Agreement, Litigation and Contract Negotiation 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: Ms. Tomczak

Roll Call Vote: Ayes: Councilmembers Bolte, McPeck, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

Council returned to open session at 10:44 PM.

Mayor McLeod requested that the public refrain from outburst as he read the full resolution.

**RESOLUTION R-220-12A
RESOLUTION FOR THE PERMANENT APPOINTMENT
OF OFFICER GEORGE CASALETTO TO THE POSITION
OF CHIEF OF POLICE**

WHEREAS, two candidates, Provisional Chief of Police George Casaletto and Lieutenant Anthony Gallo, III, applied for the position of Chief of Police and took the Promotional Examination as required by the Civil Service Commission; and

WHEREAS, the Police Committee interviewed both candidates and have advised the Mayor and Council that they have deliberated and carefully considered various relevant factors and criteria for the appointment of Chief of Police including, amongst other things, the performance of the candidates as police officers, and their respective scores on the Civil Service Promotional Examination; and

WHEREAS, the Mayor and Council have determined that Provisional Chief George Casaletto possesses the knowledge, experience, skills and other qualifications necessary to serve as the Chief of Police, and further that it is in the best interests of the Borough of Keyport to appoint Provisional Chief George Casaletto to the position of Chief of Police.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport as follows:

1. Provisional Chief George Casaletto is hereby appointed and promoted to the position of Chief of Police at an annual salary of One Hundred Twelve Thousand Dollars

(\$112,000), effective immediately, and subject to the terms of employment as set forth in a Memorandum of Understanding substantially as annexed hereto.

2. The Borough Clerk shall forward a copy of this Resolution to Chief George Casaletto, to Lieutenant Anthony Gallo, III, to the Civil Service Commission and to the Borough Attorney.

Offered for adoption by: McPeek

Second by: Toglia

Roll Call Vote:

Ayes: Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia

Nays: Tomczak

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.)

R210-12 Payment Of Bills

R211-12 Approving Taxi Drivers for Keyport Yellow Cab

R212-12 Authorize Purchase of Fire Gear under State Contract

R213-12 Release of Maintenance Bond – Valley National Bank

R214-12 Statement of Support for the NJ/NY Clean Ocean Zone

R215-12 Appointment to Keyport Unified Planning Board

R216-12 Authorize Stop Payment and Issuance of Replacement Check to AMC Industries

R217-12 Authorize Execution of Memorandum of Understanding with PBA Local 223

R218-12 Authorize Award of Contract for Purchase of Police Patrol Vehicle

R219-12 Authorizing BRSA Agreement

R222-12 Special Emergency Appropriation Pursuant To N.J.S.A. 40a:4-55 For The Preparation of a Master Plan Re-Examination Report

R223-12 Application for Raffle License – St. Mary's RC Church – On-Premise 50/50 Cash – September 2, 2012 (Rain date September 9, 2012)

R224-12 Application for Raffle License – St. Mary's RC Church – One-Premise 50/50 Cash- October 13, 2012 (Rain date October 21, 2012)

Request was made to pull 214-12 Statement of Support for the NJ/NY Clean Ocean Zone and 219-12 Authorizing BRSA Agreement for separate consideration.

Administrator Wright stated BRSA – no change in status on the BRSA agreement - only Holmdel has approved. Received explanation from bond counsel as to why the agreement is so long.

Administrator requests an ad-hoc committee to explore strategies. Carry to next meeting.

Councilman Sheridan recommends the finance committee be the ad-hoc committee.

Mayor McLeod wishes to amend Resolution 214-12 and delete "the diversity of the life in the NY/NJ Bight is unique in the world" from the Resolution.

Motion to delete moved by Ms. Bolte, second by Mr. Toglia

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Ambrose, Toglia

Nays: Sheridan, Tomczak,

Absent:

Abstain

Motion to approve the amended resolution 214-12 moved by Ms. Bolte, second by Mr. McPeek

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia

Nays:

Absent:

Abstain

APPROVAL OF RESOLUTIONS

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

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toggia
Nays:
Absent:
Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #12-12 – Remove Handicap Parking space on Osborn Street

The Clerk reads the Ordinance by Title:

AN ORDINANCE TO AMEND CHAPTER VII, SCHEDULE XXI (“PARKING AREA FOR HANDICAPPED PERSONS”), OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH RESPECT TO THE EAST SIDE OF OSBORN STREET

1a. Motion made by Mr. Sheridan, second by Ms. Bolte to open public hearing at 10:59 PM

1b. Motion to adopt Ordinance made by Ms. Bolte, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia
Nays:
Absent:
Abstain:

1c. Motion authorizing the Clerk to publish the Ordinance as adopted

Motion moved by Ms. Bolte, second by Mr. McPeek with ayes by all present.

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to close the hearing at 10:59 PM

2. Ordinance #13-12 – Gift Policy

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER X (“PERSONNEL”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO PROHIBIT THE RECEIPT OF GIFTS BY BOROUGH EMPLOYEES

2a. Motion made by Mr. Sheridan, second by Mr. McPeek to open public hearing at 11:00 PM

Mike Lane reminded that drinks should be included in addition to food - this was to have been amended at the last meeting and was omitted.

There being no more comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to close the hearing at 11:02 PM

2b. Motion to adopt Ordinance made by Ms. Bolte, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia
Nays:
Absent:
Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted

Motion moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance – Accepting Butterflies from ASK

The Clerk reads the Ordinance by Title:

AN ORDINANCE ACCEPTING THE GIFT OF FIVE BUTTERFLY SCULPTURES FROM THE ARTS SOCIETY OF KEYPORT

1a. Motion to introduce was made by Ms. Bolte, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held August 21, 2012

Motion moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

2. Ordinance – Escrow Fund for Redevelopment Plan

The Clerk reads the Ordinance by Title:

ORDINANCE FOR THE CREATION OF AN ESCROW FUND PERTAINING TO NEGOTIATION AND PREPARATION OF DOCUMENTS FOR IMPLEMENTATION OF A REDEVELOPMENT PLAN FOR AN AREA DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT

2a. Motion to introduce was made by Mr. Sheridan, second by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia
Nays:
Absent:
Abstain:

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held August 21, 2012

Motion moved by Ms. Bolte, second by Mr. McPeek with ayes by all present.

2c. **RESOLUTION R 221-12 AUTHORIZING PREPARATION OF CONTRACT OF SALE AND REDEVELOPMENT AGREEMENT FOR OLD BOROUGH HALL**

Motion moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

3. Ordinance – Appropriating Funds for Fire Truck

The Clerk reads the Ordinance by Title:

ORDINANCE APPROPRIATING THE SUM OF \$15,000 CURRENTLY LOCATED WITHIN CAPITAL FUND BALANCE OF THE BOROUGH OF KEYPORT FOR THE ACQUISITION OF A USED PUMPER TRUCK FOR THE FIRE DEPARTMENT

3a. Motion to introduce was made by Mr. Toggia, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia
Nays:
Absent:
Abstain:

- 3b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held August 21, 2012

Motion moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Community Church of Keyport requesting approval to hold an outdoor benefit concert on Saturday, September 22, 2012 (2PM-6PM) for the Keyport Ministerium Food Pantry

Motion to receive and file and give to Administrator, Police Chief and KBBC moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present

2. Message from the Keyport Historical Society requesting permission to install the Women's Heritage Trail information display adjacent to the existing information displays on our lawn at the Steamboat Dock Museum

Motion to approve and forward to Administrator moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

3. Request from Keyport Fire Department to add two improvements to Keyport's 9-11 Monument
on American Legion Drive

- a. A light that will turn off and on in conjunction with the lamp posts along the adjacent sidewalk
- b. A sign or plaque describing the monument and other TBD information
- c. Further requesting a light be implemented and paid for by the Borough

Motion to approve but not to exceed \$750.00, subject to review by Buildings and Grounds and Administrator moved by Mr. McPeck, second by Mr. Sheridan with ayes by all present

Administrator Wright explained what she knew of the project. Light would be mounted on a light pole.

4. Thank you letter from Keyport Ministerium Food Pantry for Borough's donation of \$250.00

Motion to receive and file moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present

5. Letter from DOT advising the Borough that on or about August 13th work will commence on Route 35 Northbound and Southbound Resurfacing project at various locations. Work will be performed in the Borough of Keyport on Rt. 35 NB?SB from M.P. 42.95 to M.P. 43.30SB and from M.P. 42.95 to M.P. 44.23NB. Working hours will be 7AM-4:30PM (all lanes maintained) with night work anticipated from 9PM-6AM (one lane maintained) from August 13th to December 13th, 2012

Motion to receive and file and forward to Police Chief and Public Works moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present

Administrator Wright stated intersection to Route 35 will be paved as part of the project.

6. Letter of Resignation from Planning Board Member Keith M. Platt

Motion to receive and file with regret moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

7. Reminder from Recreation regarding "Outdoor Summer Movie Night" to be held Saturday, August 11th at Waterfront Park

Motion to receive and file move by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

NEW BUSINESS

1. Social Media Policy

Councilwoman Tomczak has a proposal – would like to put on next meeting agenda, August 21, 2012.

UNFINISHED BUSINESS

1. Emergency Preparedness Manual – Hurricane Checklist

Councilman Sheridan stated CERT checklist is on the website. Will be using Union Beach's radio station. More information will be coming.

2. Snyder Lane parking

Councilwoman Tomczak responded that she met with Mr. Young regarding the Ordinance. Has concerns that we extended the no parking area more than necessary. Took a fire truck down the street to see how much room would be necessary. Council agrees that too much area is taken away for parking by the Ordinance; thinks it should be put back to twenty-five feet. Sees no reason if a fire truck can get down that the garbage men cannot.

There will be an amendment to the Ordinance at the next meeting, August 21, 2012.

3. Monmouth County Open Space Application

Administrator has received no recommendation from Recreation. Administrator would recommend Benjamin Terry Park. Handrails should go in in another two weeks.

Administrator Wright also stated that there is a violation from Freehold Soil for erosion. She believes it has been remediated. Next inspection is August 27, 2012. Administrator will make notice tomorrow to Bond Company.

Motion made to have Administrator contact Bond Company moved by Ms. Bolte, second by Sheridan with ayes by all present.

ATTORNEY'S REPORT

Mr. Provence reported that he was contacted on landfill litigation about eight years ago which was settled. Some discovery issues since one party had not yet settled.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Coastal Access Plan – Memorialize locations as Coastal Access Points.
- Joint Court update – Met with representatives from Hazlet to review work plan. Only June's numbers were available. Down about eighty tickets.
- Replacement magnetometer has been installed.
- Hazard Mitigation Plan – has a kickoff meeting – Monmouth County plan due August 2013 – competition for funds had become fierce.
- PEOSHA inspection – Police Department inspected on 3/28/2012, received notice to comply 8/6/2012.
- DPW/Crossing Guards all had their hearing tested.
- Shared Services on Energy Cost – we participate in the gas and electric savings – gas was a 20% savings.
- Office on Aging Grant – meeting was held and more seniors will now receive nutritional meals for a contribution of \$37.00 per week.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 11:46 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

There being no comments or questions from the public, the meeting was closed to the public at 11:47 PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. Toglia and carried with ayes by all present at 11:47 PM