

August 9, 2011
Keyport, New Jersey

Minutes of the Special 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 notice that was sent 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 7:00PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

PRESENTATION

By Netta Architects and T & M of Plans for the Remediation of the Water Infiltration of the Municipal Building

Presentation by Borough Engineer, Fran Mullan, of T&M Associates requesting authorization to go out to bid for Remediation of the water filtration of the Municipal Building. Project should take forty-five days to complete.

Rain water coming in mostly through the brick veneer.

Netta Architects did an investigatory report and identified problem with the water infiltration. Eight South facing windows will be replaced. Would like all masonry repair done before winter sets in.

Mr. Chamberlain asked why back of the building and doorways are leaking

Netta Architect – Reason for leaks is because sheeting and vapor barrier were never installed on the rear wall.

Administrator Wright – water comes in because of a South-driven rain.

Fran Mullan – looked only at the areas of highest concern. Mr. Mullan did not want to make it a bigger project than necessary. Contractor will be required to bond his work.

Not doing a mold remediation but materials will be removed and replaced only with new building materials. Materials with mold will be removed.

Motion to open to the public at 7:23 pm was moved by Ms. Ambrose, second by Mr. Toglia with ayes by all present.

Ed Burlew asked what tests were done to see where water comes through. Mr. Burlew also asked why repairs are being done from the outside-in rather than from the inside-out. Advised Council to have a guarantee as well as all bonds in place.

Fran Mullan, Borough Engineer, Tests were visual observations and small probes, and interviews with employees in the building

Chris Salus, 30 Chingarora – concerned water will seep into other areas. Could a product be sprayed on the whole building in order to waterproof the building? Mr. Salus asked if any air quality tests were done.

Netta, believes they have isolated the problem. Wall will have system built in to alleviate water infiltration.

Bob Burlew, 64 Chandler Ave, asked whether there was any Styrofoam or wood sheathing where fastener leaking or was there no sheathing.

Fran Mullan – will not write the specs to have the same material installed.

There being no more comments or questions from the public, the meeting was closed to the public at 7:39 P.M.

Motion to authorize to go out to bid next week was made by Mr. Chamberlain, second by Ms. Ambrose

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

APPROVAL OF MINUTES

April 9, 2011 – Regular
May 3, 2011 – Work Session

Motion to approve with changes moved by Ms. Ambrose, second by Mr. Toglia

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

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.)

- R196A-11 Payment Of Bills
- R197-11 Authorizing Execution of Agreement to Allow Installation of Fire and Police Radio Repeater System at Bethany Manor
- R198-11 Accepting Sponsors for 2011 KeyportFest 5k Race
- R199-11 Authorizing Keyport GardenWalk Committee Use of Waterfront Park Gazebo on June 9th & 10th, 2012
- R200-11 Authorizing the Borough Administrator to Execute the Memorandum of Agreement (MOA) between International Union of Operating Engineers Local 68-68A-68B-68C (Clerical Employees) and the Borough of Keyport
- R201-11 Authorizing the Borough Administrator to Execute the Memorandum of Agreement (MOA) between International Union of Operating Engineers Local 68-68A-68B-68C, AFL-CIO (DPW and Police Communication Operators) and the Borough of Keyport
- R202-11 Authorizing Hiring of Alternate School Crossing Guard
- R203-11 Authorizing Shared Service Agreement with Borough of Matawan for Municipal Court Services
- R204-11 Requesting Change in Title, Text, or Amount of Appropriation Pursuant to NJSA 40A:4-85
- R205-11 Authorizing Appointment of Interim Temporary Court Administrator
- R206-11 Authorizing Appointment of Interim Temporary Deputy Court Administrator
- R207-11 Application for a Raffle License – Keyport Senior Center Advisory Committee – Tricky Tray – 10/14/11
- R208-11 Application for a Raffle License – Keyport Senior Center Advisory Committee –On-Premise 50/50 Cash – 10/14/11
- R209-11 Adopt Procedures to Be Followed in the Purchase of Equipment and Supplies

Administrator Wright ran through the resolutions on the consent agenda for the benefit of the public.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:45 P.M moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Ed Burlew asked why Ye Cottage Inn parking lot was closed during the Fireman's fair. Mr. Burlew asked about parking lot issues he has mentioned for the last 24 months.

Administrator Wright stated it is still being worked on by T&M.

Ed Burlew – spoke of an after-hours drinking incident where more than ten people were summoned. Interested because there was another incident at another bar where no charges were filed.

Attorney Lane – reviewed Officer Sorber's report and stated the facts as were known to him. It appeared clear that an accident occurred prior to 2AM and that patrons re-entered the bar to help. It was left to the ABC Officer's discretion whether or not to charge.

Ms. Bolte reiterated what happened on the night in question and that it was up to the ABC Officer's discretion to charge. She asked Chief Casaletto whether or not she can review the report.

Chief Casaletto stated he will check with Attorney Lane.

There being no more comments or questions from the public, the meeting was closed to the public at 8:05 P.M.

APPROVAL OF RESOLUTIONS

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #15-11 – 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

The meeting was opened to the public for comments or questions at 8:06 P.M moved by Ms. Bolte, second by Mr. Chamberlain with ayes by all present.

Joe Ruth, President Keyport PBA Local 223, thinks eliminating Captains position is wrong; asked if approval has been received from Civil Service.

Attorney explained it was sent a month ago and there was no response. Civil Services does not need to approve it.

Ms. Ambrose stated monetary reason is not the only reason. We have not had a Captain in four years. Everybody needs to just take on a little more responsibilities in order to save the taxpayers money.

Joe Ruth stated the Borough is again opening itself up to litigation. Feels PBA contract is being violated.

Mayor – interjected that the Borough would only be defending litigations, not initiating it.

Mayor did agree that the wording of the explanatory statement of the Referendum question was loaded but given 2-1 outcome, he accepts it.

George Walling, 54 Second Street, questioned the Mayor as to whether or not he stated he would not break a tie on Ordinances for the Fire Company.

Mayor explained that only referred by statute to the purchases by the Fire Department. The Mayor also explained that he is favor of the ordinance both as a Mayor and as a tax payer.

George Walling stated it is in the PBA contract to have a Capitan and a second Lieutenant. Eliminating those positions violates their contract. Hopes, as a tax payer, that the Borough is sued by Police.

There being no more comments or questions from the public, the hearing was closed at 8:19 P.M.

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

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

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Ms. Sefcik, second by Ms. Bolte

INTRODUCTION OF ORDINANCES

1. Ordinance – Vacation of a portion of Atlantic Street

The Clerk reads the Ordinance by Title:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING VACATION OF A PORTION OF ATLANTIC STREET

Mayor gave an explanation of the Ordinance. A portion of Atlantic Street heading toward the sea wall will be vacated to the contiguous property owners, Ms. Kosobucki and the Keyport Yacht Club. Borough is retaining public access. This opens more than six parking spaces for the Yacht Club.

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

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on September 6, 2011 was made by Ms. Sefcik, second by Ms. Bolte

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

2. Ordinance – Salary Ordinance – Court Administrator & Deputy Court Administrator

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, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on September 6, 2011 was made by Mr. Chamberlain, second by Ms. Sefcik

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

Ms. Ambrose and the Mayor thanked the Administrator for working so hard to not have any lapse in Court Services.

COMMUNICATIONS AND PETITIONS

1. Letter from attorney for property owners of 88-92 Broad Street (Blk 61, Lot 1 & 33.01) regarding access easement

Motion to move to later meeting for discussion.

2. Application from NJ Environmental Federation regarding canvassers coming to Keyport

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

3. Notice of Public Hearing for the Proposed FFY2012 Priority System, Intended Use Plan and Project Priority List Document – 2013 Clean Water Financing Program

Motion to receive and file moved by Ms. Ambrose, second by Mr. Chamberlain with ayes by all present.

4. NJ Transit Public Hearing Notice

Motion to receive and file moved by Ms. Ambrose, second by Mr. Chamberlain with ayes by all present.

5. Notice regarding NJ Wild Outdoor Expo to be held September 17th & 18th at Colliers Mills Wildlife Management Area in Jackson Township

Motion to post on website and refer to Environmental Commission moved by Ms. Sefcik, second by Ms. Ambrose with ayes by all present.

6. Letter of Resignation from Environmental Commission member Gay Lee Benedict

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

7. Application for an Extension of Licensed Premises for Bayside Grill for an event to be held Sunday, August 14, 2011

Motion to refer to Engineer as soon as possible to know whether or not a Car Wash is allowed moved by Ms. Sefcik, second by Mr. Chamberlain with ayes by all present.

8. Letter from Jersey Shore Touring Society, a Monmouth County based bicycling club, notifying the Borough of a scheduled Sunday, September 4, 2011 bike ride beginning and ending in the Borough

Administrator Wright expressed concern over the number of cars on that weekend (Labor Day). Administrator will suggest an alternative location for parking. Motion made by Ms. Sefcik, second by Mr. Chamberlain with ayes by all present.

9. Letter from Bayside Grille requesting approval to improve the area between the Bayside Grill and the Historical Museum

Motion to refer to Administrator Wright moved by Ms. Sefcik, second by Mr. Chamberlain with ayes by all present.

10. Request from Tom Gallo and Bert Aumack to create a permanent 9-11 10th Anniversary Memorial at the Waterfront Park

Tom Gallo addressed the Council regarding the 9-11 10th Anniversary Memorial project. Fire Department is asking to use the piece of 911 remains for the monument and requesting to place it on public property. This is the Borough owned piece. Fire Museum has its own piece displayed at the museum.

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

Regarding Communication and Petition #1

Ray Laytham, Attorney for Mr. Malva, property owner of 88-92 Broad Street, asked Council to allow an easement access so Title Company is assured that there will be access to the parking lot in the future. Title Company would not insure the property because parking lot is land-locked. Easement was granted for the walkway.

Administrator Wright explained Planning Board cannot grant the easement. That must be done by Ordinance.

Mayor explained that he represented Mr. Pannullo up to 2003 when he had to excuse himself. Applicant then sought another attorney. Perhaps that's why it never came before Council.

Bob Burlew, Construction Official gave some history of the property and the issues addressed in the Planning Board application. When it left the Planning Board there wasn't a dedicated right of way. Their site plan approval required signage, lining and fencing. Feels this is something that just fell through the cracks.

Motion to prepare the Ordinance granting easement made by Ms. Bolte, second by Ms. Sefcik with ayes by all present.

Administrator will negotiate fee for easement.

UNFINISHED BUSINESS

Discussion of Fishing Areas at the Promenade

Mr. Chamberlain would like to eliminate fishing in a section of the Promenade near Capitan John's boat, by the blue line. Our taxpayers are speaking out and we should listen to them.

Chris Salus, 30 Chingarora, owns bait shop; does not feel that area should be permanently closed for fishing.

Mayor stated this will remain under discussion in order to accommodate different interests.

Administrator mentioned a need for an Ordinance creating rules in the parks. Would like an ad hoc committee to develop rules.

ADMINISTRATOR'S REPORT

- Met with Art Society regarding the murals around the trailer at the waterfront – project is moving forward
- Out to Bid for:
 - o USDA Sewer project
 - o Benjamin Terry Park
 - o Division Street
- Keyport Food Ministerium making their presentation at the end of the month

ATTORNEY'S REPORT

NEW BUSINESS

Discussion of DEP Clean Ocean Beach Clean Up for August 18th and 19th

August 18 & 19 DEP Beach Clean Up done state agency. Borough will need to pay for lunches and dumpsters.

Motion to approve, not to exceed \$5,000 moved by Ms. Sefcik, second by Ms. Ambrose with ayes by all present.

Ms. Ambrose – Harbor Commission will donate up to \$2,000 in lumber for mosaics.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:36 P.M moved by Mr. Chamberlain, second by Ms. Ambrose with ayes by all present.

Bob Burlew asked whether we are selling the property on Atlantic Street or giving it away; said Yacht Club would need to go to the Planning Board since they are creating more than five parking spaces.

Mayor stated we are retaining an easement for public access. It adds to the two property owners' properties so they will pay more taxes.

Bob Burlew would like the Borough to enforce the Ordinance we do have.

Ed Carew, 64 Broadway, speaking on behalf of the Arts Society. Spoke of READ project at the library and how involving children and people from the community, they will have ownership of the project and less likely for vandalism.

Ann Boyce, 74 Elizabeth Street, spoke of an incident on the bike path and asked why we cannot have anyone patrol there.

Chief Casaletto said the Hudson River Trail is patrolled by the County. There is a Keyport Special there a couple times a week on a bike.

Dennis Fotopoulos spoke of Sandy Hook policy of taking your garbage home with you. This might be helpful in the fishing areas. Asked whether Council feels decreasing police officers will impact gang activity in the Borough.

Mayor, stated that a vacate position was eliminated and retired employee's position was eliminated.

George Walling, asked questions regarding the Fire Department and the number of Fire Department vehicles the Borough is considering to purchase.

There being no more comments or questions from the public, the meeting was closed to the public at 10:01 P.M.

Motion to take a short recess prior to reconvening for closed session was made by Mr. Chamberlain, second by Mr. Toglia with ayes by all present.

CLOSED SESSION

R210 -11 - Closed Session **Resolution:**

RESOLUTION NO. 210-11 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:

1. **Sale of Borough Property** - Keyport Auto Mart request to purchase Block 1.01, Lot 44
2. **Contract Negotiation** - Shared Service Proposal from Township of Hazlet for refuse/recycling transportation and dumping

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 Sale of Borough Property, 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: Ms. Sefcik, Seconded by: Ms. Bolte

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

ADJOURNMENT

Motion to adjourn was made by Mr. Chamberlain, second by Ms. Sefcik with ayes by all present at 10:55PM.