

August 16, 2011
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 7PM. and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Chamberlain, Sheridan, Ambrose, Toglia (arrived 7:01 pm, Mayor McLeod. Others present: Borough Administrator Ms. Wright, John T. Lane, Borough Attorney. Absent: Councilwoman Sefcik

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PUBLIC HEARING ON APPLICATION FOR A PLACE-TO-PLACE TRANSFER,

Expansion of Licensed Premises, of Kurtis Enterprises, LLC, T/A Bayside Bar & Grill

Tom Bartley, 2 First Street, carried – because of LLC, Attorney Lane advised they must have an attorney to represent LLC. Will be carried to next meeting.

RESOLUTION R211-11 Authorizing Approval of Place-to-Place Transfer of Kurtis Enterprises, t/a Bayside Bar & Grill **(Carried)**

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.)

Administrator Wright explained resolution no 213-11 on the consent agenda.

R212-11 Payment of Bills

R213-11 Authorizing Execution of Shared Service Agreement between Borough of Keyport and the Township of Hazlet for Vegetation Refuse/Recycling Container Transportation and Dumping

R214-11 Appointing a Member of Borough Council to the Business Improvement District's Board of Directors

R215-11 Appointing a Member of Unified Planning Board to the Business Improvement District's Board of Directors

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:06P.M moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Mr. Don Smartt of NJ Managed Districts Assoc. – Officer and Treasurer of non-profit group representing Special Improvement Districts. Founding member of Downtown NJ. Came to comment on the proposed BID Ordinance on the agenda for Introduction this evening.

Noted the Borough has achieved funding special events through our BID, which is a private non-profit. Mr. Smartt advises Council to find a way to get what you want but do it so you don't lose the benefits of a private, non-profit.

Mr. Smartt believes our BID is willing to seek competitive quotes over \$2,500. Recognizes that there are legitimate issues but he is here to address the structural issues. He feels the community deserves a working public/private partnership. Spoke of transparency. There should be no need for this ordinance if checks and balances are in place. The failure of this communication has lead Council to this ordinance. Would like the BID held to a high standard.

Ms. Ambrose stated BID awarded a contract and forced a vote with no details.

Mr. Smartt said Council holds “the power of the purse”. BID cannot offer any contract without funding. Offered to have a maximum of three meetings – at a cost of \$1.00 a meeting – paid by each party to come help define the problem and agree on a solution. If he meets individually, fee will be \$75.00 an hour.

Nancy Jones, 282 Washington Street, regarding her letter about the intersection of Maple Place, May Street, Nappi Street and lower Main Street, which she feels is dangerous.

Administrator Wright explained there were meetings with Engineers on this. We are awaiting a response.

Mr. Sheridan stated that Police Committee had a meeting where this was discussed. Would like a presentation on the agenda for September 20th regarding red light cameras.

There being no more comments or questions from the public, the meeting was closed to the public at 7:34 P.M.

APPROVAL OF RESOLUTIONS

Only Resolutions 212 & 213

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

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

R214-11 Appointing a Member of Borough Council to the Business Improvement District’s Board of Directors

Motion made by Mr. Sheridan, second by Ms. Bolte

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

R215-11 Appointing a Member of Unified Planning Board to the Business Improvement District’s Board of Directors

Motion made by Ms Ambrose , second by (Motion dies – no second)

Mayor asked for another nomination from the Planning board.

There was discussion about whether or not an appointment needed to be made tonight.

Mr. Toglia agreed that he would like to have the three meetings with Mr. Smartt before making the appointment.

Ms. Bolte suggested asking ex-Councilman Kovacs to serve since he had been the liaison before. But she then makes the motion to second Resolution 215-11

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

APPROVAL OF MINUTES

July 5, 2011 – Work Session

Offered for adoption by, seconded by

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

INTRODUCTION OF ORDINANCES

1. Ordinance – BID ORDINANCE (TABLED)

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS IMPROVEMENT DISTRICT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Mayor suggested tabling BID Ordinance Introduction until after meetings with Mr. White.

Mrs. Ambrose, Mayor McLeod and Mr. Toglia would like to attend the meetings with Mr. White.

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

COMMUNICATIONS AND PETITIONS

1. Email from Nancy Jones, resident of Washington Street, regarding traffic situation at the intersection of Maple Place, May St., Nappi St., and lower Main Street

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

2. Notice from Keyport Public School Athletics regarding Donate a Tree for Keyport's Athletic Field Needs

Councilman Sheridan would like Tree Donation form posted on our website.

Motion to accept and post on website moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

3. Notice from Monmouth County Office on Aging regarding a program seeking seniors who live alone

Motion to distribute to Fire Department, First Aid and Police moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

4. Letter from Township of Hazlet (with attachment from S.T.A.R.S.) requesting permission to post signs in Keyport regarding their 5K Race scheduled in Hazlet for August 27, 2011

Motion to approve and ask Hazlet for reciprocal moved by Ms. Bolte, second by Mr. Sheridan with ayes by all present.

5. Email from Tom Gallo requesting the closure of American Legion Drive between the municipal parking lot and the Post Office, on Sunday, September 11, 2011 between 5:30 and 8:30PM, to accommodate a memorial service at Keyport's 9-11 Memorial located behind the American Legion building

Motion to approve from 5:30 to 8:30 or until the end if earlier moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

6. Notice from Motiva Enterprises regarding Notification of Environmental Investigation at 93 Route 36 (at Broad Street)

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for July 2011
2. Board of Health Monthly Treasurers Report for July 2011
3. Building Department Monthly Report for July 2011

Administrator Wright stated that Court revenues are up.

On file in Borough Clerk's office for review.

Motion to receive and file all reports as read, moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Public Works/Recycling/Property Maintenance Ms. Bolte had no report.

Councilwoman Sefcik: Health and Recreation: Absent

Councilman Chamberlain: Fire/First Aid/Emergency Services: Mr. Chamberlain read First Aid report of calls; read Fire Department report of calls.

Councilman Sheridan: Police: Mr. Sheridan reported on the following:

- volley ball every Tuesday night for Recreation
- 5K race September 24th
- Read Police call report
- E-ticket update – if we have laptops in the vehicles we can do E-tickets-Police Committee is for it. There would be no cost to put it into service except for the cost of laptops.
- Stop light camera update – Chief Casaletto will ring a vendor to make presentation for September 20
- Audio recording for dispatcher
- Spoke to John Zarcavich from Old Bridge regarding an auxiliary police force. Training would cost \$50.00 each. We would have to provide uniforms.

Mr. Sheridan can't say we can install an auxiliary police force and stay within our budget. Feels we would have a good auxiliary police force since we have a good Police Explorer program. One new Keyport Police Officer would have to be hired at a cost of about \$45,000 plus benefits.

Ms Ambrose suggested reaching out to Old Bridge to see how they manage their auxiliary force.

Mr. Chamberlain stated he has an issue with putting people who don't carry guns in a uniform.

Mr. Sheridan, second Monday in September, September 12gh event at 7:30 at Historical Society Steamboat Dock Museum.

Administrator spoke of DEP Clean Oceans coming to clean-up beaches. Only need to feed them all lunch.

Councilwoman Ambrose: Finance/Grants/Redevelopment: Ms. Ambrose reported that the Finance Committee will be meeting with CFO in September to go over 2012 budget.

Councilman Toggia: Buildings/Grounds/Library: Mr. Toggia had no report.

Mayor would like to go to Unfinished Business.

UNFINISHED BUSINESS

Mayor stated KBA would voluntarily Solicit quotes for an Event Coordinator.

Walter Lures, Attorney for KBA, happy to participate in mediation with Mr. Smartt and the Borough. KBA will seek competitive quotes for anything over \$2,500. No action has been taken to change the current contract.

Mayor mentioned that Ms. Cefalo has a resume stating she is the VP of Shore Graphics. She is also collecting unemployment from the Borough.

Mr. Lures would like this worked out with Mr. Smartt.

Mayor – spoke of proposals or offers to provide quotes for event services. Feels the KBA should be able to have quotes already. Mayor stated this current contract “smells”. Suggested the KBA call a Special Meeting on a 48-hour notice.

Ms. Bolte asked how Mr. Lures was retained as a Attorney.

Mr. Luers responded that he was recommended by Mr. Burlew.

Ms. Bolte pointed out that Mr. Lures has also represented Mr. Burlew and that he was retained prior to a resolution by the KBA.

DISCUSSION

1. Best Practices Inventory Questionnaire

Administrator and CFO reviewed the best practices and have secured 100% compliance. .

2. Proposed Ordinance regarding Absentee Policy for Boards, Committees and Commissions

Absentee policy for boards is one of the suggestions, so a policy should be adopted by Ordinance. Hence the proposed ordinance regarding Absentee Policy for boards will submit survey to DCA by August 28th.

OEM – bi – annual update – due by August 28th

3. Sale of Borough Property request from Keyport Auto Mart

Administrator explained there was an offer to purchase Borough property and an interest to build a home. Property is zoned. Highway/Commercial will talk about it in closed session.

ADMINISTRATOR'S REPORT

Ms. Wright reported that she removed salary resolutions at the advice of the labor attorney. Next meeting will include these resolutions as well as a salary resolution for non-union.

Ms. Wright spoke of bid openings today for sanitary sewer project and upcoming bid openings for Division Street and Benjamin Terry Park.

Mayor stated that the Garbage Ordinance will be on soon for introduction.

ATTORNEY'S REPORT - None

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:27 P.M moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

Ed Burlew, Treasurer for KBA, if contract with Shore Graphics must be canceled, then KBA cannot hold the Country Jamboree event, which is six weeks away. Mr. Burlew stated he called the Mayor personally to ask him not to put Joe Wedick a paid employee for KBA, on their Board of Directors. Stated Joe Wedick did not do a good job. Stated he was overpaid by \$1,500.00.

Mayor asked the date of his call and disputed that Mr. Burlew ever called him. Stated that Mr. Burlew is lying.

Mr. Burlew asked the Mayor not to put Joe Wedick on the Board. Feels council made a mistake by putting Mr. Wedick on the Board.

Mayor stated this is a blatant attempt to break the law.

Dennis Fotopoulos, 77 Beers Street, applauds the Council for bringing up auxiliary police. Feels it is a good investment, even if another officer needs to be hired, it is a good bang for the buck.

George Walling, 54 Second Street, asked Ms. Ambrose as the liaison o KBA, what her definition of liaison is. Asked if she feels she should attend the full KBA meeting.

Ms. Ambrose explained she had to leave by 8pm last night and the Mayor was aware of that.

Ed Carew, 64 Broadway, started construction on mosaic walls that will be installed in front of the boat ramp trailer. Artist will be here September 29th. Phase III of the project.

KJ "Butch" Cassidy recently retired Detective Sergeant said it has been an honor to serve the Borough of Keyport. Had 15 years in the Coast Guard prior to entering the Police Department. Was also in the Coast Guard reserves. Volunteered in the Keyport Fire Department, thanked all who allowed him to concentrate on the police department. Mr. Cassidy thanked all who helped by donating time and those who made the donation of time possible.

Mr. Cassidy said we have sixteen officers now, the same as 20 years ago and feels the Police Department has never been fully staffed. Stated there is no way there are only 7,500 people in this town. Tow administrations have looked to reduce the Police Department. Says every police department who has reduced its force are now scrambling to hire officers. By reducing the number of cops, the town is becoming less safe. Says reducing the force will come back to bite the Council.

Ed Burlew, 59 West Front Street, apologized to the Mayor stating that the email he received was from Joe Wedick.

Mike Lane, 51 First Street, spoke of Route of Wind turbine.

Administrator stated she will send him a copy of the most current route information.

Mr. Lane would like something out on the website regarding the wind turbine route. Mr. Lane also asked about the Library audit.

Mr. Lane asked about Ye Cottage Inn parking lot

Administrator – T&M confirmed there is an overlap lots 20 &21. Need to hire someone to do a title search.

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Mayor stated a title search will cost thousands of dollars. Does not think it is a priority at his time.

Ms. Bolte suggested asking Ye Cottage Inn to not close their parking lot.

Mr. Lane asked if they are paying taxes on the property they think they own.

Mayor stated “no, because we think we own it.”

Mr. Lane asked about Keyport Auto Mart lot

Mayor explained where it was and that it is a 25x100 foot lot.

Kishore C, First Street, spoke of the Country Jamboree and how he enjoys it. Feels town shouldn't suffer – would not like it to be cancelled.

CLOSED SESSION

RESOLUTION NO. 211-11 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:

- Sale of Borough Property
- Personnel – Police Department

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 Sale of Borough Property 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: Sheridan, second by Chamberlain

AYES: Councilmembers Bolte, Chamberlain, Sheridan, Ambrose, Toggia

NAYS:

ABSENT: Councilwoman Sefcik

ABSTAIN:

Motion to go into closed session after a short break was made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present at 9:48 pm