

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

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

May 15, 2012 – Regular
August 7, 2012 – Work session

Motion to approve made by Mr. Sheridan, second by Mr. McPeck

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

PRESENTATIONS

1. Eric Betz of Hatch Mott MacDonald gave a briefing of the Water Plant Solar Roof Feasibility Study.

November 2006 - went to bid but bids did not come back favorably (bids were rejected).

August 2007 - project was re-bid without the roof.

Since August 2009 - leaks have been getting worse and affecting electrical.

May 2012 - Hatch Mott MacDonald updated their 2010 Study and looked at feasibility of solar panels on the roof. Structural stability of the roof was found to be intact.

Solar array would need 17-24 years before it would pay for itself. Roof can withstand the system but the payback would take quite a while before it becomes cost effective. Mr. Betz recommended moving forward with the roofing replacement project. Cost estimate should be \$92,000.00.

Administrator Wright recommended replacing the roof but would have to first amend the capital budget.

Councilman Sheridan would like to do this in 2013 as a scheduled capital improvement.

Councilwoman Tomczak pointed out engineering costs are about 25% of the cost of the project. Ms. Tomczak wondered how we could reduce that cost. Timeline for construction is four to six weeks.

Mr. Betz stated we should give about three months from award to construction.

2. Ann Boyce of the Keyport Garden Club spoke of the Monmouth County Parks - Adopt-a-Block Program.

Ms. Boyce would like to adopt a plot between Church and Atlantic across from Cornacopia. Ms. Boyce is looking for labor from the Borough to remove the black top and trees.

Administrator Wright said that she did not have a problem with providing help so long as a Monmouth County representative is there on site.

Ms. Boyce stated that she would like to clean it out and put in low maintenance native plants.

Mayor McLeod mentioned that the asphalt there belongs to the County. He asked if the County will take the asphalt away.

Administrator Wright said the Borough will remove the asphalt if the County will take away.

Ms. Boyce will go back to the County with a plan and see what they are willing to do.

Mayor McLeod stated we would have to be very careful digging up a former railroad site. Not just cleaning it up but the need to dispose of the County's hazardous waste.

Councilman McPeck mentioned that there needs to be a concern for any site triangles.

Mayor McLeod stated consensus is that Council likes the project but are just concerned with the liability.

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.)

- R219-12 Authorizing Execution of BRSA Agreement
- R225-12 Payment Of Bills
- R226-12 Authorizing Taxi Owner and Driver's Licenses for Pequel's Taxi – Pedro Santiago
- R227-12 Authorizing Waterfront Park Use for David Greauz/Silvanna Onacki for a wedding to be held Wednesday, August 22, 2012 at 12Noon
- R228-12 Authorizing Waterfront Park Use for Jessica Gleason/Robert Adams for a wedding to be held Saturday, September 1, 2012 at 4PM
- R229-12 Authorizing Execution of Local 223 PBA contract
- R230-12 Accepting the Sponsors for 2012 Keyportfest 5K Race
- R231-12 Authorize Submission of Grant Application for Benjamin Terry Park
- R232-12 Authorize Membership in Central Jersey Health Insurance Fund

Addenda to PBA contract has been sent to PBA attorney but we have not had a response yet.

Motion was made and carried to have Resolution 229-12 Authorizing Execution of Local 223 PBA Contract carried to the next meeting.

Councilwoman Tomczak asked for a BRSA update.

Administrator Wright stated that Aberdeen and Holmdel have signed the agreement. Three months rent reserve (\$320,000.00) would be returned to the Borough.

Councilman Sheridan stated that Finance Committee is behind signing the agreement.

Administrator Wright stated that Delta Dental Premier plan was up July 1st. Will join Central Jersey Health Insurance for a savings of \$10,000.00.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:42 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Mayor McLeod read the Rules of Conduct for Council Meetings.

Fire Chief McCleaster, asked what the solar panels would look like aesthetically.

Mayor McLeod, stated solar panels on the roof would not be economically feasible for quite some time.

Ed Burlew, asked if the roof has to be replaced?

Administrator Wright, responded that it has to be repaired.

Ed Burlew, repaired for \$92,000.00? He suggested getting other bids.

Mayor McLeod, stated that the roof is structurally sound. Could hold solar panels but is in need of repair. Footprint of the building is 3780 square feet.

Administrator Wright, explained the \$92,000.00 is simply an engineer's estimate based on current bids for this type of project.

Elmer Graham Jr., 22 St. Peters Place, asked about the BRSA agreement. Asked for the agreement to be on the website for taxpayers to see.

Dennis Fotopolous, 77 A Beers Street, asked if there is any update on the wind turbine.

Mayor McLeod, responded that we just received an injunction and the BRSA has taken down its crane.

There being no more comments or questions from the public, the meeting was closed to the public at 7:52 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Ms. Ambrose, second by Mr. McPeek

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

PUBLIC HEARING/ADOPTION OF ORDINANCES

1. Ordinance #14-12 – 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 made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:53 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present to close the hearing at 7:54 PM

1b. Motion to adopt made by Mr. McPeek, second by Mr. Sheridan

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

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

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

2. Ordinance #15-12 – 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**

Attorney Provence explained rehabilitation should have been put into the Ordinance.

Mayor McLeod would like the Ordinance to read redevelopment or rehabilitation.

2a. Motion made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:56 PM

Ann Boyce, asked if this would be for public or private property?

Mayor McLeod, responded private or public.

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Ambrose with ayes by all present to close the hearing at 7:57 PM

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

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

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

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

3. Ordinance #16-12 – 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 made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:58 PM

Sam Minor, asked whether we really need another pumper truck. Stated we are buying a truck somebody got rid of.

Mayor McLeod, responded that discussion has been had and had and had.

Mr. Minor held his position that we do not need another pumper truck. The Mayor stated Mr. Minor is preaching to the converted. Mayor says he stood up to the Fire Department but he no longer goes to fire meetings although, he is an exempt member.

Administrator Wright, Chief McCleaster says Piscataway will not get their check until October.

Councilwoman Tomczak, said the truck from Liberty will be made surplus. This is the option that the four Fire Chiefs agreed upon.

Administrator Wright, pointed out that Asbury Park purchased a used 1969 pumper truck from Baltimore that is still in service.

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. McPeek with ayes by all present to close the hearing at 8:02 PM

3b. Motion to adopt made by Mr. Sheridan, second by Ms. Tomczak

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

Nays:
Absent: Bolte, Toggia
Abstain:

3c. Motion authorizing the Clerk to publish the Ordinance as adopted

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Snyder Lane Parking Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE TO REVISE THE PARKING PROHIBITION ALONG THE SOUTH SIDE OF SNYDER LANE

Mayor McLeod stated that revision is by the Chief's recommendation of August 17th, 2012

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

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

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held September 4, 2012

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

2. Ordinance – PBA Local 223 Salary Ordinance

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING AN ORDINANCE FIXING THE SALARIES OF VARIOUS EMPLOYEES OF THE POLICE DEPARTMENT OF THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

Motion was made and carried with ayes by all present to have Ordinance pulled and carried to next meeting.

COMMUNICATIONS AND PETITIONS

1. Email from Keyport Garden Club/Keyport Garden Walk requesting an insert be included in the September water bill to promote the annual fall bulb sale and "A Garden Party" to benefit the Keyport Garden Walk

Motion to approve made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present

Administrator Wright would like to make a policy regarding putting inserts in water bills that requests for inserts should go in front of council. Would like Garden Club to pay the difference in postage.

Mayor McLeod thinks they do enough to beautify the Borough.

2. Letter from Jersey Shore Touring Society (JSTS), a Monmouth County based bicycling club, regarding a scheduled bike ride to be held Sunday, September 2, 2012. Club members will park their cars at the Waterfront Park parking lot, arriving approximately 6:30AM and returning to the lot around 7PM

Motion to refer to the Police Department made by Ms. Tomczak, second by Mr. Sheridan with ayes by all present

3. Petition to Extend Licensed Premise from Veterans of Foreign Wars Post 4247 Inc. for an event to be held October 6, 2012 from 1-6PM for the purpose of raising funds for building repairs

Motion to approve made by Mr. Sheridan, second by Ms. Ambrose with ayes by all present

4. Application for a film permit from MTVN

Motion to approve made by Mr. McPeek, second by Mr. Sheridan with ayes by all present

5. Email from Lt. Davenport of the Cranford Police Dept. regarding Cranford Police Cooperative Pricing System and requesting an estimate of the total of police vehicles expected to be ordered in 2013 in order to give prospective bidders an idea of quantities desired within the Cooperative. Estimate of vehicles would not be considered an order.

Motion to send to the Police Department, Police Committee and Borough Administrator made by Mr. McPeek, second by Mr. Sheridan with ayes by all present

6. Flyer regarding Waterfront Art and Craft Show and Sale to be held at the Steamboat Dock Museum on September 15, 2012 (Rain Date Sunday, September 16, 2012) from 10AM-3PM

Motion to receive and file made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present

7. Request for use of Waterfront Park gazebo, grassy area, and beach from Wetlands Institute for the purpose of hosting a Teachers Professional Development Workshop on Tuesday, October 4th from 8AM-11AM. Further requesting two picnic tables and the waiver of the fee. Certificate of Insurance will be provided.

Motion to approve made by Mr. McPeek, second by Mr. Sheridan with ayes by all present

Administrator Wright stated that this will be the third year.

8. Letter of resignation as a Green Team member from Recycling Coordinator Robin Sheridan

Motion to accept with regret made by Mr. McPeek, second by Ms. Tomczak with ayes by all present

9. Letter from Harbor Commissioner recommending the removal of Gretchen Fitzpatrick from the Harbor Commission and the appointment of Daniel Bach

Motion to receive and file and prepare resolution to appoint made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present

10. Public Notice for the Proposed FFY2013 Priority System, intended use Plan and Project Priority List Document and Proposed Amendments to the FFY2012 Priority System Document. A hearing on the Proposed FFY2013 Priority System document for Clean Water Financing will be held at the offices of the NJ Environmental Infrastructure Trust, in Lawrenceville, NJ in the large conference room on Wednesday, September 5, 2012 beginning at 10AM.

Motion to refer to Environmental Commission and Green Team made by Mr. Sheridan, second by Mr. McPeek with ayes by all present

REPORTS OF DEPARTMENTS

1. Board of Health Treasurer's Report for July 2012
2. Tax/Water/Sewer Collector's Report for July 2012

3. Building Department Monthly Report for July 2012
4. Municipal Clerk's Report for June 2012 and July 2012

Motion made and seconded with ayes by all present to approve reports.

COMMITTEE REPORTS

Councilwoman Bolte: Buildings/Grounds/Library: Ms. Bolte was absent.

Councilman McPeck: Health and Recreation: Mr. McPeck reported on the following:

- Recreation had movie nights on August 11th. About 100 people came out.
- Beach Volleyball
- Summer Recreation done
- September 22nd – Keyport in Motion, 5K Race and Soap Box Derby

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan reported on the following:

- Historic Society
- September 10th at 7:30 PM "Diver Dan"
- September 30th at 1:00 PM – Recognize Charter and 30 year members
- October 20th Tea and Fashion Show at Yacht Club

Councilwoman Tomczak: Police: Ms. Tomczak reported on the following:

- Sergeant Wheeler has received an award.
- Ticket writing is down. Chief states it is from lack of manpower.
- Congratulated Chief Casaletto as permanent Police Chief.
- Accident with Crown Victoria
 - Has been a request to make it an administrative car.
 - Will be going back into service.
 - Extensive damage to left rear quarter panel – Mayor concerned since this is a rear wheel drive.

Councilwoman Ambrose: Public Works/Recycling/Property Maintenance: Ms. Ambrose reported on the following:

- Read construction office stats.

Councilman Toglia: Fire/First Aid/Emergency Services: Mr. Toglia was absent

Mayor McLeod: Fire/First Aid:

- Stated fire truck will be delayed 60 days.

DISCUSSION

1. Social Media Policy

Keyport Police Department has a Facebook page and there could be issues of liability so that is why a policy should be adopted.

Attorney Provence, mentioned Borough would be the owner of any Borough Social Media Profiles. Must be concerned with defamation and liability.

Councilman Ambrose, believes public should not be allowed to comment. It should be for informational purposes only.

Councilwoman Tomczak, Could put in policy that any public comment would be monitored or public comment could be prohibited. Believes a disclaimer should be included and will speak with the Police Chief regarding this.

Councilman McPeck, would like some type of signature for each post to determine who posted the item.

Mayor McLeod, pointed out that this creates additional administrative work. Concerned that this volunteer work would be done on the Borough's dime.

Councilwoman Tomczak, stated the Borough is not requiring any department to use Social Media. Council could vote to terminate the profile or page at any time.

Motion was made to adopt the policy as a resolution made by Ms. Tomczak, second by Ms. Ambrose with ayes by all present.

2. Maple Place 2-hour parking Ordinance

Administrator Wright, stated that an Ordinance was passed for two-hour parking on Maple Place for the South side. Was not meant for the North side. Had Public Works remove the signs on the North side. May be a need to amend the Ordinance. Also some would like the two-hour parking from 7:00 AM to 7:00 PM. Store owners suggested line parking spots but it is a County road so County may mark out the spots which may cause us to lose spots.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- NJ DOT for Elizabeth Street – T&M Proposal was \$1,500.00 to prepare
- Benjamin Terry Park – no railings
- Chingarora, Luppottong, West 4th – Administrator will be doing a presentation in Freehold

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:44 PM moved by Mr. Sheridan second by Mr. McPeek with ayes by all present.

Donald Lambert, 347 Maple Place, asked if there could be parking permits for residents who lived in the area.

Administrator Wright, replied that now parking would be available on the Church side.

Ed Carew, 64 Broadway, Library Trustee, compiled a list to educate Council.

Mr. Carew went over 18 items on the list.

Elmer Graham Jr., 22 St. Peters Place, spoke about retired military personnel and veterans and a July 18th article regarding County Veteran ID cards. Suggested businesses give a discount to Veterans who display the card.

There being no more comments or questions from the public, the meeting was closed to the public at 8:56 PM moved by Mr. Sheridan, second by Ms. Ambrose.

Motion moved and carried by all at 8:56 PM to go into closed session after a short break.

CLOSED SESSION

R 234 -12A - Closed Session **Resolution:**

RESOLUTION NO. 234-12A 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:

- Personnel
- Employee testing

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. McPeek, Seconded by: Mr. Sheridan

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

Nays:
Absent: Bolte, Toggia
Abstain:

Mayor and Council returned to open session at 9:08 PM

ADJOURNMENT

Motion to adjourn was made and carried with ayes by all present at 9:08 PM