Minutes of the Work Session Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, NJ, pursuant to the adoption of the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, the 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 Harry Aumack called the meeting to order at 7:02PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL
On Roll Call the following were present: Councilmembers Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek and Mayor Aumack. Others present: Acting Borough Administrator Valerie Heilweil and Borough Attorney Andy Provence.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

OFFICIAL SWEARING IN OF NEW OFFICERS
Officers Robert Hassmiller and Christopher DeGroat take their Oaths of Office

PROCLAMATION
The Mayor presented to members of the Organization Pro-Unidad Puertoriquena de Keyport, organized in 1963, better known as the "Keyport Spanish American Club." He invited all to next week's Spanish American Festival.

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.)

R237-14 Payment of Bills
R238-14 Granting a Taxi Driver License to Keyport Yellow Taxi
R239-14 Granting a Taxicab Owner License to Keyport Yellow Taxi for One Added Vehicle
R240-14 Authorizing Approval of Raffle License – Keyport First Aid – for a On-Premise Gift Basket Auction to be held August 30, 2014 from 3-8PM (also requesting waiver of the local fee)
R241-14 Authorizing Approval of Raffle License – Keyport First Aid – for an On-Premise 50/50 Cash Raffle to be held August 30, 2014 from 3-8PM (requesting waiver of the local fee)
R242-14 Memorializing One-Year Extension of a Lease Agreement with Swift Properties for 120 Francis Street, Unit, 18
R243-14 Certifying the Cost of Cleaning up Two (2) Properties and Placing a Lien Upon Such Lands
R244-14 Authorizing Close Out to Pay A-1 Property Maintenance for Property Maintenance Service Provided
R245-14 Authorization for Change Order #2 – Osborn Street Rehabilitation
R246-14 Award Municipal Energy Aggregation Consultant
R247-14 Appoint Monmouth County Community Development Representative – V.T. Heilweil

Attorney Provence requested **R246-14** Award Municipal Energy Aggregation Consultant be considered separately.

Motion made by Tomczak, carried by McPeek to vote separately on **R246-14** Award Municipal Energy Aggregation Consultant.

Councilwoman Lamberson questioned 243 Atlantic Street on **R244-14** Authorizing Close Out to Pay A-1 Property Maintenance for Property Maintenance Service Provided.

Councilman Howe explained the breakdown of the process. The Borough Clerk explained that the process was not followed.

Motion made by Sheridan, carried by Lamberson to pull **R244-14** Authorizing Close Out to Pay A-1 Property Maintenance for Property Maintenance Service until discussion in Closed Session.

PUBLIC COMMENT PORTION
The Meeting is opened to the public for comments or questions on items listed on the agenda at 7:29PM, moved by Sheridan, carried by Tomczak

Jennifer Henning, 102 Main Street – asked why there weren't written instructions giving authorization.

Elmer Graham, Jr., 22 St. Peters Place – asked for clarification on **R246-14** Award Municipal Energy Aggregation Consultant and **R245-14** Authorization for Change Order #2 – Osborn Street Rehabilitation.

Mayor Aumack – extended condolences on the passing of Mr. Graham's mother.

Michael Lane, 51 First Street – spoke about the hot dog vendor at 51 First Street. He says it is an existing non-conforming use. He also asked about meeting for joint court.

Attorney Provence – stated that is part of the zoning process.

Councilwoman Tomczak – no meeting has been set for the joint court.

Michael Lane – asked about Strategic Recovery Planning Report.

There being no further comments or questions, the meeting is closed to the public at 7:39PM moved by Sheridan, carried by Tomczak with ayes by all present

APPROVAL OF RESOLUTIONS
Motion on the Consent Agenda excluding **R244-14** Authorizing Close Out to Pay A-1 Property Maintenance for Property Maintenance Service Provided and **R246-14** Award Municipal Energy Aggregation Consultant made by Tomczak, carried by McPeek

Roll Call: Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for use of Waterfront Park for the purpose of a wedding to be held 8/31/14 at 4PM – Rivera/Gonzalez. Jeremy Gonzalez is also requesting a waiver of the fee as a Hook & Ladder Volunteer Fireman

Motion to approved made by Sheridan, carried by McPeek with ayes by all present

2. Request for Leave of Absence from DPW meter reader Robert Hassmiller and recommendation of DPW Supt. Calvin Bell

Motion to support the recommendation of Supt. Calvin Bell and deny the leave of absence made by Howe, carried by Sheridan with ayes by all present

3. Letter from Jersey Shore Touring Society regarding a scheduled bike ride on Sunday, August 31, 2014 that begins at Waterfront Park parking lot at 6:30AM and ends at approximately 4PM

Motion to approve made by Tomczak, carried by Sheridan with ayes by all present

4. Request for Use of Veteran's park from the Keyport First Aid and Eagle Hose Company for the purpose of an Annual Squad Picnic to be held August 23, 2014 from Noon-5PM. Also requesting the use of five (5) Borough tables on site

Motion to approve made by McPeek, carried by Howe with ayes by all present

5. Letter from Gregory Brooks & Lenora Mesibov (The Estate of Rowland S. and Marjorie L. Seckinger) regarding donations made to the Keyport Fire Museum and the Twin Lights of Navesink in their memory

Motion to receive and file made by Chamberlain, carried by Sheridan with ayes by all present

6. Application for membership in Keyport Hook & Ladder (subject to State approval) for Harry M. Aumack IV and notice that the resignation of Nicholas DiVencenzo was accepted at the 7/10/14 meeting

Motion to approve made by Howe, carried by McPeek with ayes by all present

7. Application for Social Affairs Permit from Keyport Bayfront Business Cooperative for the Country Jamboree to be held October 11-12-2014 from 11AM-6PM (Police Chief has approved)

8. Letter from KBBC requesting:
    - Closure of Waterfront Parking lot from Oct 8-13th
    - Closure of American Legion Drive from Oct 11th at 7am – October 12th at 7PM
    - Restricted parking along West Front Street between Broad and Main from 10-6 on Saturday Oct. 11th for the purpose of the Car Show
    - Use of Waterfront lawn area for Beer Garden
    - Police Department Specials for event – Three Specials for daytime; One for overnight
    - Utilization of DPW staff for the purposes of setting up all necessary trash receptacles, dumpster, manpower for patrol and final clean up
    - Fireworks at dusk, concluding by 8PM
    - Use of Borough owned light poles for banners
    - Permission for Sidewalk Sale for businesses

Motion to approve and place on electronic sign made by Howe, carried by Tomczak with ayes by all present

9. Email from Keyport Recreation requesting the venue of the Keyport Skate Jam be changed from its original location at Beach Park to Hazlet Skate Park on September 20, 2014

Motion to table until next meeting made by Tomczak, carried by Sheridan with ayes by all present

NEW BUSINESS
Property Maintenance Issue at 187 Washington Street

Approve with contingency that all steps were followed, notices sent, returned with proper service.

Councilman McPeek – would recommend a part-time grant writer – feels the Borough is losing grants. He would like it listed for Unfinished Business at the next meeting.

UNFINISHED BUSINESS

R246-14 Award Municipal Energy Aggregation Consultant

Attorney Provence – Attorney's office generated a report on the RFP submissions for Municipal Energy Aggregation Consultant. Received five proposals and the report ranked those proposals. Two consultants stood out:

- Gable
- CUC

The contract would be through the end of 2015

Councilwoman Tomczak – stated Gable did not receive glowing recommendations when one Googles the company.

Councilman McPeek – the key is residents would not pay more than the default rate.

Motion made by Tomczak to hold over to next meeting, carried by McPeek with ayes by all present

Councilman Chamberlain – spoke about a fire at waterfront hot dog vendor. The circuit keeps blowing. The contract does not speak to providing electric.

Administrator will advise vendor he should not be using Borough electric.

ATTORNEY'S REPORT

Reviewing Unfit Dwelling process at the request of the construction office

ADMINISTRATOR'S REPORT

Interim Administrator Heilweil reported on the following:

- The Borough has several bid openings coming up:
  - Thursday, August 14th – Fireman's Park Boardwalk Replacement
  - Tuesday, September 9th – back-to-back bid openings:
    - Elizabeth Street Standpipe Demolition Contract 3; and
    - Water/Sewer Improvement Project Contract 1 – Phase 2
- Osborn Street Road Improvement Project:
  Engineers reported that upon removal of the road surface, cobblestone material was discovered which will also need to be removed. This was an unforeseen condition resulting in a $35,312.55 Change Order. We will be receiving a credit of approximately $11,000.
- Tom Gallo has volunteered to help the Borough with the Hazard Mitigation Plan.
- The Municipal Public Access Plan has been assigned to our part-time Recovery Specialist, Aubrianne.

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:45PM moved by Sheridan, carried by Chamberlain

George Walling, 54 2nd Street – asked who requested McCartin resolution. Acting Borough Administrator responded she believed it was the Chief. Asked about the meeting regarding the Uptown Grill stop work order. He also spoke about a letter written to Mr. Merla by the Attorney regarding an encroachment.

Attorney Provence – explained there was no reason to have a public meeting for an enforcement issue. The Fire Marshall and Construction Official were present along with other public officials.

Councilwoman Tomczak – the outcome of the meeting will be discussed in Closed Session with full Council.

Michael Lane, 51 First Street – recalled a generator was not approved for the hot dog lease. He would advise against it due to noise;

- He feels A-1 had a verbal contract to do the work;
- Contact insurance agent as to whether we can even insure a skate park event in Hazlet;
- Would like to see appraiser's report for Williamson Street. The Attorney advised it is not yet ready to be OPRAble.
- Feels there is no need for steps behind the women's shelter & Uptown Bar. He says the ground there is "absolutely level". He feels there is an issue between the Fire Marshall and the Merlas. He says the encroachment is still there.

Ed Burlew – asked about Closed Session Minutes and their availability.

George Walling - asked about Resolution at last meeting for Ptl. McCartin. Asked why Councilwoman Tomczak and Councilman McPeek abstained from voting.

Councilwoman Tomczak – had a personal friendship with one of the parties who may be on the Sergeant's list. She will not be voting on the promotion for Sergeant.

George Walling – asked the same question of Councilman McPeek.

Councilman McPeek – said he abstained for "good housekeeping".

Elmer Graham, Jr. – asked about 45 Beers Street. Stated he enjoyed the Firemen's Fair.

There being no further comments or questions, the meeting is closed to the public at 9:11PM moved by Sheridan, carried by Chamberlain with ayes by all present

Motion to go into Closed Session after a five minute break made at 9:11PM

CLOSED SESSION

R 248-14 - Closed Session **Resolution**:

- Personnel – Acting Borough Administrator Stipend
- Pending Litigation
- Contract Negotiations

RESOLUTION No. 248-14

1. Resolution No. 248-14 Closed Session Meeting

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 – Acting Borough Administrator Stipend
- Pending Litigation
- Contract Negotiations

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, Pending Litigation and Contract Negotiations 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: Sheridan
Second: Chamberlain

Roll Call Vote: Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Absent:
Abstain:

Motion made to return to Open Session at 10:46PM

Attorney reported on items discussed in Closed Session:

- Personnel Issues
- Police discipline process
- Temporary hire – Senior Center
- Property Acquisition
- A-1 lawn mowing issue
- Uptown Bar issue

R244-14 Authorizing A Close Out To Pay A-1 Property Maintenance For Property Maintenance Provided

RESOLUTION 244-14

AUTHORIZING A CLOSE OUT TO PAY A-1 PROPERTY MAINTENANCE FOR PROPERTY MAINTENANCE SERVICE PROVIDED

WHEREAS, Ordinance 12-9 authorizes the Property Maintenance Officer or other officer (Property Maintenance) to direct the removal of brush, weeds and other debris on said lands that are in violation to bring the properties up to Property Maintenance Code if said owner, after proper notification, does not remedy the violation, etc; and

WHEREAS, A-1 Property Maintenance was authorized by the Property Maintenance Office to maintain several properties in the Borough of Keyport; and

WHEREAS, the Borough of Keyport and the owner of A-1 Property Maintenance have come to an agreement to finalize payment for work done in 2013 in the amount totaling $3,800.00.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council believe it is in the best interest of the Borough to authorize this close out to pay this outstanding amount to A-1 Property Maintenance.

Offered for adoption by McPeek
Second by Sheridan
Roll Call Vote:
Ayes: Chamberlain, Sheridan, Howe, McPeek
Nays: Tomczak
Abstain: Lamberson
Absent:

R249-14 Appointing Valerie Tornick Heilweil As Interim Business Administrator

RESOLUTION No. 249-14

APPOINTING VALERIE TORNICK HEILWEIL AS INTERIM BUSINESS ADMINISTRATOR

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Business Administrator pursuant to NJSA 40A:9-136; and

WHEREAS, the position of the Borough Business Administrator is set forth in Keyport Borough Ordinance 2-3.2 and provides that the Business Administrator shall serve at the pleasure of the Mayor and Council; and

WHEREAS, there has been a vacancy in the position of Borough Administrator due to a resignation effective June 26, 2014; and

WHEREAS, the Borough of Keyport needs to have an individual serve as Business Administrator on an interim basis until a new Business Administrator can be hired; and

WHEREAS, Valerie Tornick Heilweil, has agreed to temporarily serve the Borough of Keyport as Business Administrator for the sum of $500.00 per week in addition to her existing salary as Borough Clerk.

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

1. Valerie Tornick Heilweil is appointed as interim Borough Administrator, effective June 27, 2014, until such time as a new Business Administrator can be hired.
2. During the aforementioned period of time, Valerie Tornick Heilweil has agreed to temporarily serve as Interim Business Administrator of the Borough of Keyport for the sum of $500.00 per week in addition to her existing salary as Borough Clerk.
3. During the aforementioned time, Valerie Tornick Heilweil will exercise the duties of both Borough Clerk and Business Administrator.

Offered: Sheridan
Second: Lamberson
Roll Call Vote:
Ayes: Tomczak, Lamberson, Chamberlain, Sheridan, Howe, McPeek
Nays:
Abstain:
Absent:

ADJOURNMENT
Motion to adjourn at 10:50PM moved by Sheridan, carried by Chamberlain with ayes by all present