

Minutes of the Regular 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.

Council President Tomczak called the meeting to order at 7:03PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION ON MUNICIPAL ENERGY AGGREGATION

By Robert Chilton of Gabel Associates of Highland Park, NJ

Robert Chilton of Gabel Associates gave a brief summary of his services. He then went over customer service and resident education:

- Power Point presentation will be available to place on the Borough's website;
- Schedule public information sessions;
- Sends out flyers to every address in the Borough;
- Residents have the ability to opt out of the program;
- Toll free number for Government Energy Aggregation;
- Prepare all bid documents suppliers have to meet;
- Bid price is the contract price for a set amount of time;
- After 30 days of receiving the letter, the resident does not opt-out, they are included in the program;
- Receives a bill from JCP&L-still paying them for delivery and maintaining wires;
- Suppliers in this program must supply budget billing;
- Best time to bid is in early fall or late winter/early spring. Summer typically is not the best time;
- No cost to the Borough to re-bid;
- Plumstead, Toms River, Montgomery Township, West Orange, Monroe Township, Lambertville, West Amwell, all have current contracts;
- Hamilton Township and Raritan Township are still within contract process;
- Commercial could be added, but they have had limited success.

Mr. Chilton ended his presentation at 7:30PM.

Borough Engineer, Trevor Taylor of CME Associates – addressed the Council:

- Spoke on the receipt of bids for Firemen's Park Improvement. Lowest bidder on the base bid was high on the bid alternate. Only other submission contained a fatal flaw and had to be eliminated;
- Looking at raising the elevation of the existing boardwalk. Will be reimbursed for "replacement in kind". Tidal valves would be a Borough-funded improvement;
- Each time boardwalk is destroyed by a storm, FEMA will reimburse to replace it. The substructure is sound;
- Spoke of the alternate items bid for such as a fish cleaning station;
- Recommends not including the bid alternate and rebidding on the fish cleaning station. Doesn't see any problem with getting the boardwalk repairs done before winter;
- Could award just the bait table as an alternate and rebid the water main work. Doing water main work later will not affect the Boardwalk work.

APPROVAL OF MINUTES

June 23, 2014 – Regular Session

Motion made by Tomczak to table approval of minutes to next meeting, carried by Sheridan with ayes by all present

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.)

Clerk Heilweil read the resolution on the Consent Agenda

R250-14 Payment of Bills

R251-14 Authorizing Approval of Raffle License – American Legion Post #23 Raritan – 50/50 cash raffle to be held December 7, 2014 at 6PM

R252-14 Authorizing Approval of Raffle License – Keyport First Aid – On-Premise Gift Auction to be held 10/4/14, 12/6/14, 2/7/15 and 6/6/15 from 6-11PM (Also requesting waiver of local fee)

R253-14 Authorizing Approval of Bingo License – St. Joseph Church – to be held Wednesdays from 9/3/14 – 12/31/14 from 12PM-2PM

R254-14 Authorizing Execution of Developer's Agreement – Alaric Properties

R255-14 Appointing Provisional Electrical Sub-Code Official and Electrical Inspector – Nick Fabiano

R256-14 Appointment of Permanent Part-Time DPW Laborer – Jesus Fernandez

R257-14 Award Firemen's Park Boardwalk Repair Project

R258-14 Authorizing Execution of an Amendment to the 2012-14 Agreement with Monmouth County for Cooperative Participation in the Community Development Program Pursuant to the Interlocal Services Act

R259-14 Accepting Proposal for Municipal Energy Aggregation Consultant in Furtherance of the Keyport Community Aggregation Program

PUBLIC COMMENT PORTION

Motion made and carried at 8:00PM to open the Meeting to the public for comments or questions on items listed on the agenda

George Walling, Second Street – asked about current water at Waterfront Park and Ye Cottage Inn area – has flooding concerns.

Robert Ludwig, 50 Beers Street – concerned about what destruction will be done during the construction of the project of Alaric properties at 45 Beers Street. (**R-254-14**)

Attorney Provence – concerns really do not affect the PILOT Agreement at 50 Beers Street. It is outside the bounds of the Developer's Agreement.

Mr. Ludwig – feels construction decreases the market value which violates the contract for the PILOT Agreement. Also believes those within close proximity of the project should not vote.

Councilwoman Tomczak – says we must respectfully disagree with Mr. Ludwig's characterization.

Attorney Provence – if a member of Council has an ownership interest in the property, they should not be voting. He stated he does not feel he has failed in his position in advising the Borough.

Michael Lane, 51 First Street – would like to know, regarding **R259-14** Accepting Proposal for Municipal Energy Aggregation Consultant in Furtherance of the Keyport Community Aggregation Program, if there is any delinquency in payment, and how it would affect the Borough. He feels we do not have the demographics of Colts Neck.

Councilwoman Tomczak – those things can be addressed in the initial kick off meeting.

Michael Lane – would like updates under Unfinished Business on:

- Joint Court progress and FEMA numbers;
- Mixed Use Non-Conformance for 57 W. Front Street

Elmer Graham, Jr., 22 St. Peters Place – asked about **R258-14** Authorizing Execution of an Amendment to the 2012-14 Agreement with Monmouth County for Cooperative Participation in the Community Development Program Pursuant to the Interlocal Services Act. He asked about Borough Administrator resumes and whether Democrats would decide since they control the Council.

There being no further comments or questions, the meeting was closed to the public at 8:32PM moved by Howe, carried by Sheridan with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda excluding **R254-14** Authorizing Execution of Developer's Agreement – Alaric Properties, **R257-14** Award Firemen's Park Boardwalk Repair Project and **R259-14** Accepting Proposal for Municipal Energy Aggregation Consultant in Furtherance of the Keyport Community Aggregation Program which were pulled for separate consideration made by Howe, carried by Sheridan with ayes by all present

R257-14 Award Firemen's Park Boardwalk Repair Project

Motion made by Tomczak to award contract to Bird, adding first alternate the \$3,200 table, carried by Sheridan

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

R254-14 Authorizing Execution of Developer's Agreement – Alaric Properties

Attorney Provence – provides for inspections, fees, performance guarantees. Recommends approving so project can move forward. Once the agreement is signed they should be able to get their permits. Terms of the Developer's Agreement are not to dictate land use.

Motion made by Sheridan, carried by Tomczak

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

R259-14 Accepting Proposal for Municipal Energy Aggregation Consultant in Furtherance of the Keyport Community Aggregation Program

Attorney Provence – if Council needs more time to award, he will reach out to request it. However, they are under no obligation.

Councilman Howe – recommends Commercial Utility Consultants (CUC).

Councilman Sheridan – supports the Attorney's recommendation of Gable but thinks it would be good for the Borough either way we go.

Motion made by Howe, carried by Lamberson to accept proposal from Commercial Utility Consultants

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

INTRODUCTION OF ORDINANCE

1. Ordinance – Amending Construction Permit Fees

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XII, BUILDING AND HOUSING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT, TO REVISE THE FEE SCHEDULES OF THE CONSTRUCTION OFFICE

1a. Motion to introduce made by Howe, carried by McPeek

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

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing made by Howe, carried by Sheridan with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Email from Third Street resident requesting use of the Borough owned parking lot off Main Street for the purpose of a block party to be held late afternoon/evening on Saturday, September 27th

Motion made by Howe, carried by Sheridan with ayes by all present to request additional information – signed petition from surrounding property owners

2. Request from James McTernan/Patricia Clark for use of Waterfront Park for the purpose of a wedding to be held November 2, 2014 from Noon – 12:30PM. As a fireman with 25 years of service he is also requesting waiver of the fee

Motion to approve made by Sheridan, carried by Lamberson

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

3. Letter from KBBC requesting permission to launch fireworks from Aberdeen on Saturday, October 11, 2014 at dusk

Motion to approve made by Sheridan, carried by Tomczak with ayes by all present to forward to Fire Chief and Mayor, respond to KBBC, get consent of Aberdeen

4. Request from Keyport Recreation for permission to relocate the annual Skate Jam to Hazlet Township and request for Borough's Certificate of Insurance

Councilwoman Lamberson – Hazlet is simply allowing the use of the Skate Jam but it is a Keyport event.

Chris Matarese, Keyport Recreation – says Hazlet told her there would be no additional cost to Keyport to get the Insurance Certificate. Cost last year was \$1,500. Registration fee is \$10. This is the 5th annual event.

Councilwoman Lamberson – feels there could be a higher attendance.

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

5. Email from Library Trustee regarding Mrs. Reedy's offer to donate a 5 ½' carved wooden bear to the Keyport Public Library

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

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for July 2014
2. Tax/Water/Sewer Collector's Report for July 2014
3. Board of Health Treasurer's Report for July 2014
4. Building Department Monthly Report for July 2014
5. Hazlet/Keyport/Matawan Joint Court Report from July 2014

COMMITTEE REPORTS

Councilwoman Tomczak: Police:

- Read Police Report and calls
- Parking Ordinance is being enforced
- September 24th from 10AM to 2PM – Operation Take Back for unused prescription medications
- Increased activity at the waterfront – some noise complaints. From 6PM to 2AM there be a Special Officer present
- Firemen's Fair went well
- Participated August 9th in Belmar Celebrity 5K Race. She came in first and won \$2,500 for Keyport Recreation

Councilwoman Lamberson: Health and Recreation:

- Skate Jam was just approved
- August 30th – last movie on waterfront "Frozen"
- Summer Camp had 100 participants. Recreation Committee forming a sub-committee to increase attendance and revenue
- Baseball fields at Cedar Street and Main Street are not being maintained
- 5K race scheduled for September 20th
- Beach volleyball moving to the high school

Councilman McPeek – a light timer should be put on a photocell. If there is a problem with the fields, it should be reported to DPW and Borough Administrator.

Councilman Chamberlain: Buildings/Grounds/Library:

- Reported on a leak in the Patrol Room
- Had a complaint about a stench at the Ye Cottage Inn which is private property (Should post no fishing signs or a plastic fence) (Let Pier Warden know about it and ask Police for enforcement)

Councilman Sheridan: Finance/Grants/Redevelopment:

- Personnel Committee meeting went well
- Good Finance Committee meeting
- Historical Society waiting for grant approval
- Saturday December 13th Keyport Yacht Club holding a tea for Historic Society
- Spanish American Festival had a successful event

Councilman Howe: Public Works/Recycling/Property Maintenance:

- Borough Hall interior painting being done
- County Shade Tree Committee will be replacing trees at Firemen's Park and Beach Park

- County Recycling will allow borrowing of recycling receptacles for Borough events

Councilman McPeek: Fire/First Aid/Emergency Services:

- Read Fire and First Aid call reports
- Current Fire Boat is out of commission

Daniel Fox, 3rd Assistant Chief, Keyport Fire Department – engine in fire boat is not repairable. Hoboken selling 2006 boat for \$6,000. Cost for a new engine is \$17,200, which he negotiated to \$16,900. Would like the Borough to purchase the engine.

Fire Chief Ely – since 2006 the Fire Department has responded to 47 boat rescues.

Councilman Sheridan – discussed purchase of motor with CFO, Tom Fallon. Could be done as an emergency purchase or can be purchased as a capital item if we remove another capital item purchase.

Motion made by McPeek, carried by Chamberlain to allow Fire Department to purchase the boat and have the Borough fund the engine.

Councilwoman Tomczak – wants a public comment portion before voting.

NEW BUSINESS

Councilman Howe

- received resumes for Borough Administrator position. The Personnel Committee will select three to be interviewed by full Council.
- would like to prohibit fishing during summer months on the promenade
- reimbursement of disposable products used to clean up accidents (flares, speedy-dry, etc.). Insurance company will pay for it provided we have an ordinance.

UNFINISHED BUSINESS

1. Grant writing – webinar and class are available
2. Process for Department Head Reviews – Committee would have a performance review of their respective department head
3. Strategic Planning Grants and Prioritize Projects – given to Finance

Councilman Howe – 187 Washington Street – Construction Office was able to prove proof of service.

ATTORNEY'S REPORT

Received letter from attorneys for Bethany Manor regarding their PILOT program. The Attorney is reviewing.

Thursday – will be a meeting with Mr. Vecchio regarding 15 Main Street on a Construction Board of Appeals matter.

ADMINISTRATOR'S REPORT

Issue at Osborn Street – valve leaking. Council should determine whether to perform the work during the day or night (additional \$2,400).

Councilman McPeek – would like to know in writing from the Engineer if this was a pre-existing condition.

Motion made at 10:20PM for a five minute break.

Council reconvened at 10:26PM

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 10:26PM by Howe, carried by Sheridan with ayes by all present

George Walling – thanked Valerie for doing a professional job.

- asked about Hazlet Skate Park during Skate Jam – will it be closed to others?

Rich Ely, Fire Chief – asked for permission to use Firemen’s Park beginning at 8:30AM on Friday, August 29th.

- September 17th – pump testing at Firemen’s Park

Matthew Tibas, 56 Second Street – spoke of excessive speeding on Second Street between Green Grove and Atlantic. Asked that something be done.

Bob Ludwig – said Waterfront Park concrete was not properly sealed so it is difficult to clean. Asked Council pay attention to that in new construction of walkways. He thinks there should be a number posted to call when unsanitary conditions happen, there is no way to clean it.

Voiced his concern of a financial impact on the Leisure Bay apartments during construction at 45 Beers Street.

Mike Lane – regarding the boat for the Fire Department, the Baykeeper got grants for the pump-out boat. He thinks we should speak with the Baykeeper.

- Ye Cottage Inn property not only is a mess but has dangerous sink holes and should be fenced off.
- says Planning Board gave no consideration to the Flood Mitigation Ordinance in approving 45 Beers Street. He feels Council should give input on time for implementing approvals.

Attorney Provence – stated Council cannot direct the Planning Board.

Councilwoman Lamberson – who sits on the Board, will bring timeline for demolition to its attention.

Mike Lane – asked about hot dog cart at 57 W. Front Street (rear).

Clerk Heilweil – stated zoning approval was given by our zoning official.

Mike Lane – asked what was going on with the Uptown encroachment on Borough property since the letter was sent from the Borough Attorney.

George Walling, 54 Second Street – asked if we have looked into Union Beach’s grant writer.

Chief Casaletto – explained about waterfront hot dog vendor having no registration.

There being no further comments or questions the meeting is closed to the public at 10:59 moved by Sheridan, carried by Lamberson with ayes by all present.

Motion to go into Closed Session at 10:59PM

CLOSED SESSION

R261-14 - Closed Session **Resolution:**

- Contract Negotiations
- Personnel
- Litigation

RESOLUTION No. 261-14

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:

- Contract Negotiations
- Personnel
- Litigation

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 Contract Negotiations, Personnel and Litigation 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: Lamberson

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

Regarding Fire Boat engine – Not to exceed \$17,200 and come out of capital expense

Resolution 260-14 Authorizing the Purchase of an Outboard Motor for Boat being Acquired by the Keyport Fire Department

Motion made by McPeek, carried by Sheridan

Council reconvened to Open Session at 11:37PM

Attorney Litwin went over items discussed:

- Old Borough Hall
- Uptown Bar & Grill
- Williamson Street
- Personnel
 - Court Administrator
- Property Acquisition

Resolution 262-14 Approving Request to Revise the Parking Easement Pertaining to the Rehabilitation of the Old Borough Hall Property (Block 39, Lot 40)

Motion made by Sheridan, carried by Chamberlain

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

Resolution 263-14 Providing for Appointment of a Hearing Officer for Pending Disciplinary Matter

Motion made by Sheridan, carried by Chamberlain

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

Nays:
Absent:
Abstain:

ADJOURNMENT

Motion to Adjourn moved by Sheridan, carried by Howe at 11:40PM with ayes by all present