

Minutes of the Work 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 7:01 PM and Borough Clerk read the Sunshine Law Notice.

### **ROLL CALL**

On Roll Call the following were present: Mayor McLeod, Councilmembers Bolte, McPeek, Sheridan, Tomczak (arrived at 7:03 PM), Ambrose, Toggia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney, Gordon Litwin, Esq.

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

### **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

### **APPROVAL OF MINUTES**

June 26, 2012 – Regular

July 17, 2012 – Regular

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

Roll call vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toggia

Nays:

Absent:

Abstain:

### **PUBLIC HEARING ON APPLICATION FOR A PERSON-TO-PERSON TRANSFER,**

Person-to-Person Transfer, of The Office at Keyport, t/a The Office Beer Bar & Grill to Anand Divine Liquor, LLC – License No. 1322-32-005-009 (currently an inactive, in-pocket license)

Mayor McLeod asked whether the Council had any questions.

The meeting was opened to the public for comments or questions at 7:04 PM moved by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

**Michael Lane**, asked specific questions regarding the application which were answered to his satisfaction.

### **Resolution 247-12 – Approving Person-to-Person Transfer to Anand Divine Liquor, LLC**

Offered for adoption by Ms. Ambrose, Seconded by: Mr. Toggia

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

Nays:

Absent:

Abstain:

There being no more comments or questions from the public the meeting was closed to the public at 7:10 PM moved by Mr. Sheridan, second by Ms. Tomczak 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.)*

Mayor McLeod went over the Resolutions on the Consent Agenda

- R229-12 Authorizing Execution of Local 223 PBA contract
- R234-12 Payment Of Bills
- R235-12 Authorizing Release of Performance Bond – 6 Snyder Lane
- R236-12 Application for Raffle License – Keyport Senior Citizens Advisory Committee – Tricky Tray – October 25, 2012 from 6-10PM
- R237-12 Application for Raffle License – Keyport Senior Citizens Advisory Committee – On-Premise 50/50 Cash raffle – October 25, 2012 from 6-10PM
- R238-12 Application for a Raffle License – Keyport First Aid – Off-Premise 50/50 Cash – March 9, 2013 at 11PM
- R239-12 Hire Temporary School Crossing Guards
- R240-12 Authorizing Submission of a Grant Application by T&M Associates with the New Jersey Department of Transportation for the Elizabeth Street Improvement Project
- R241-12 Authorizing Hatch Mott MacDonald to Provide Engineering Services for the Preparation of Bid Specifications and Advertising for the Repair of the Water Plant Roof (not to exceed \$2,000)
- R242-12 Setting and Confirming Salaries of Various Positions Within the Borough (Non-Union)
- R243-12 Appointment of Harbor Commission Member – Daniel Bach
- R244-12 Authorizing Re-Bid for Billboard
- R245-12 Accepting the Sponsors for the 2012 KeyportFest 5K Race
- R246-12 Authorizing Change Order No. 1 and Final to the Contract for South Wall Masonry and Window Replacement

Motion made and carried to have to have the following resolutions pulled for separate consideration with ayes by all present:

- R234-12 Payment Of Bills
- R242-12 Setting and Confirming Salaries of Various Positions Within the Borough (Non-Union)
- R244-12 Authorizing Re-Bid for Billboard
- R246-12 Authorizing Change Order No. 1 and Final to the Contract for South Wall Masonry and Window Replacement

#### **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 7:14 PM moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

Mayor McLeod read the Rules for Conduct at Council Meetings.

**Michael Lane**, 51 First Street, asked for an update under old business – Reassessment Resolution recap, why will only 238 commercial properties be looked at – no residential properties

**Dennis Fotopoulos**, Beers Street, asked about Social Media Policy and volunteer organizations

**Councilwoman Tomczak**, responded that it addresses only Borough Departments, includes Police and Fire Company. Does not include volunteer organizations like the Garden Club.

**Mr. Fotopoulos**, would like the resolution of Social Media Policy to include encouragement to use Social Media. Mr. Fotopoulos also asked about employees being prohibited to post Social Media during working hours.

**Mayor McLeod**, stated that he had expressed that concern.

**Councilwoman Tomczak**, feels we are encouraging Social Media and the dissemination of items that would be of public interest. Only concern was liability on the part of the Borough.

**Mayor McLeod**, stated that a town's Social Media can be misused and create liability where there is none.

**Mr. Fotopoulos**, Our own webpage does not have any privacy policy. Should have "terms and conditions" posted on the website. Feels Police Facebook page is a valuable tool.

There being no more comments or questions from the public the meeting was closed to the public at 7:29PM moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present

**APPROVAL OF RESOLUTIONS**

Motion on the Consent Agenda (excluding resolutions pulled for separate consideration) made by Mr. Sheridan, second by Mr. Toglia

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

**PUBLIC HEARINGS/ADOPTION OF ORDINANCES**

**1. Ordinance #17-12 – Snyder Lane Parking**

The Clerk reads the Ordinance by Title:

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

1a. Motion made by Mr. Sheridan, second by Ms. Bolte to open public hearing at 7:30 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to close the hearing at 7:30 PM

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

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

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

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

**INTRODUCTION OF ORDINANCES**

**1. 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**

1a. Motion to introduce was made by Ms. Bolte, second by Ms. Tomczak

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia  
Nays:  
Absent:  
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 18, 2012

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

**COMMUNICATIONS AND PETITIONS**

1. Letter from Knights of Columbus, St. Joseph's Council 3402 regarding a Breast Cancer Awareness fundraising event to be held October 13, 2012 from 2PM-6PM

Motion to approve and refer to the DPW and post event on website made by Mr. Sheridan, second by Mr. McPeck with ayes by all present

2. Letter of resignation from crossing guard Paul Albrecht, effective September 6<sup>th</sup>

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

3. Letter of resignation from crossing guard Sonia Perno, effective August 30<sup>th</sup>

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

4. Letter from Keyport Fire Department regarding 9/11 Memorial Service to be held on Tuesday, September 11, 2012. They are requesting:

- A) American Legion Drive be closed from 5:30PM-8PM (closure from Post Office parking lot entrance to the westernmost entrance/exit of the municipal parking lot by the Rain Garden)
- B) Solid waste and recycling receptacles be provided

Motion to approve and refer to the Police Department moved by Mr. Toglia, second by Ms. Tomczak with ayes by all present

5. Request from Keyport First Aid for waiver of raffle license fees for their Off-Premise Super 50/50 raffle to be held on March 9, 2013

Motion to approve made by Mr. Toglia, second by Mr. McPeck with ayes by all present

6. Letter from the Township of Aberdeen requesting permission to hold a firework display on the ballfield of St. Joseph Church in celebration of their annual Aberdeen Day to be held on Saturday, September 22, 2012

Motion to approve and forward to Fire Official and to Police and Fire Chiefs made by Mr. Sheridan, second by Mr. Toglia with ayes by all present

7. Application from Arts Society of Keyport for Use of Borough Hall for the purpose of an Art Exhibit to be held 9-5 daily from September 6 – October 15, 2012 and Saturday and Sunday, October 13 & 14 from 11AM-4PM (Country Jamboree)

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

8. Request from the Keyport Garden Walk Chair wanting to secure June 8-9, 2013 (hours 11AM-3PM) for the Keyport Garden Walk 2013

Motion to approve and send to KBBC and Police Chief made by Ms. Tomczak, second by Mr. Sheridan with ayes by all present

## **NEW BUSINESS**

1. Charter Boat Lease Expiration

Expires February 2013

Administrator Wright asked Council and Borough Attorney to review the current agreement

Motion made to refer to Borough Attorney for review prior to renewal moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

## **UNFINISHED BUSINESS**

1. Insert Policy

Administrator Wright explained that the Borough currently has no guidelines as to what can be included, including what clubs and organizations can insert in water and tax bills. Ms. Wright is recommending a policy prohibiting non-Borough related items.

Attorney Litwin suggested only items of public benefit subject to Council approval.

2. Resolutions pulled for separate consideration

- R234-12 Payment of Bills

Councilwoman Bolte questioned how we are determining who is receiving our legal services work.

Attorney Litwin responded Scarinci and Hollenback tax appeal cases were assigned last year. DiFrancesco is doing 2012 appeals. Tax appeal assignments have, in the past, not come before Council. Assessor recommended the professionals.

Councilwomen Bolte and Tomczak would like tax appeal service professionals to be named by resolution.

R234-12 Payment of Bills

Motion moved by Mr. McPeck, seconded by Ms. Ambrose

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

Nays:

Absent:

Abstain:

- R242-12 Setting and Confirming Salaries of Various Positions Within the Borough (Non-Union)

Councilwoman Bolte requested resolution be split.

Attorney Litwin believes Council may wish to discuss in closed session.

Motion moved to discuss in closed session and take action afterward made by Ms. Ambrose, second by Mr. Sheridan

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

Nays:

Absent:

Abstain:

- R244-12 Authorizing Re-Bid for Billboard

Councilwoman Bolte asked about the scope of work

Administrator Wright responded it is for a management company to do Billboard Management Services.

Motion made to approve made by Ms. Ambrose, second by Mr. Sheridan

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

Nays:

Absent:

Abstain:

- R246-12 Authorizing Change Order No. 1 and Final to the Contract for South Wall Masonry and Window Replacement

Administrator Wright stated that there are still issues with rain pouring in to the Police Department. Ms. Wright believes problem has been located. We are only able to do the second floor due to a limited budget. Ms. Wright asked if we can discuss in closed session.

Administrator Wright asked whether we should enlarge the scope of work in order to address the issue.

Not sure if a change order and final payment should be done tonight. It is the Administrator's understanding that if work is completed then the Bond Company would address any defects. Payment must be done within 30 days of engineer's certification.

Attorney Litwin believes continuing this discussion could prejudice litigation. Should be done in closed session.

Motion made to table Resolution 246-12 made by Mr. Sheridan, second by Mr. McPeek

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

Councilman Sheridan stated the Hurricane Preparedness checklist is on our website and should be reviewed by residents.

### **ATTORNEY'S REPORT**

None

### **ADMINISTRATOR'S REPORT**

Administrator Wright reported on the following:

- At 4:30 PM Friday August 31, 2012 Monmouth County Board of Taxation met. Does not know whether they will accept the reassessment. We have been most dramatically affected by the number of appeals on commercial properties. Residential properties are slowly rising but not commercial properties.
- Benjamin Terry Park – August 24, 2012 Engineer spoke to railing manufacturers. Contractor has been asked for a firm installation date. There is a draft letter to the bonding company which has been reviewed by the Borough Attorney.

Mayor McLeod stated that at Benjamin Terry Park water is accumulating on the eye beams. There are no weep holes. Sitting water promotes rust.

Engineer is requesting additional \$5,000.00 for additional work on Division Street.

### **PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 8:13 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

**Robert Aumack**, Fire Chief, thanked Fire Committee for Fire Truck. Confused about Social Media Policy. Not sure why quasi-groups (Garden Club and Historic Society) of the Borough do not need to comply.

**Councilwoman Tomczak**, responded that the Ordinance did not spell out the difference between those who currently have a Social Media Policy or those who would want one.

**Councilwoman Bolte**, only department heads may request to have a Social Media Profile.

**Fire Chief Aumack**, would like a stipulation put in for redevelopment of Old Borough Hall which includes deadline for completion.

**Michael Lane**, Monmouth County Taxation Board has approved something. What are they going to approve? Previous newspaper article stated we would reset the value of residential properties.

**Administrator Wright**, we would like to be able to set different cap rates for different commercial properties. Would be done by our tax assessor. Last revaluation had one cap-rate for all commercial properties. Time frame depends on approval.

There being no comments or questions from the public, the meeting was closed to the public at 8:22 PM moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

Motion moved and carried by all at 8:23 PM to go into closed session after a short break.

**CLOSED SESSION**

R 248 -12 - Closed Session **Resolution:**

**RESOLUTION NO. 248-12  
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
- Grievance
- Salaries
- Contract Negotiation
- Old Borough Hall

**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 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 Mr. Sheridan, Seconded by: Ms. Tomczak

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

Council returned to open session at 10:58 PM

**ADJOURNMENT**

Motion to adjourn was made by Mr. Sheridan, second by Mr. McPeek and carried with ayes by all present at 11:00 PM