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 Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney Andy Provence,

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

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

**APPROVAL OF MINUTES**
August 21, 2012 – Regular Session

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

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

**PROCLAMATION**
Mayor McLeod read Proclamation by Governor Chris Christie – September 11, 2012 as Patriot Day and National Day of Service and Remembrance

**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.)*

R249-12 Payment Of Bills
R250-12 Approving Volunteer Tuition Reimbursement Program – David Olsen
R251-12 Appointing Permanent Fire Protection Inspector – David Olsen
R252-12 Application for a Raffle License – Raritan Post 23 American Legion – Pull-Tab Machine
R253-12 Application for a Raffle License – Knights of Columbus #3402, St. Joseph's Council – 50/50 Cash Raffle – October 13, 2012
R254-12 Application for a Raffle License – Knights of Columbus #3402, St. Joseph's Council – Gift Auction – October 13, 2012
R255-12 Setting and Confirming the Salaries of Various Positions Within the Borough
R256-12 Authorizing Collection of Fees for Recreational Purposes – Yoga Class

Mayor McLeod explained most recent version of R255-12 Setting and Confirming the Salaries of Various Positions Within the Borough does give small raises to Council.

Councilman Sheridan explained all non-union salaries were raised 1.75% across the board.

Councilwoman Bolte stated there have been no increases to Mayor and Council salaries in the last three to four years. Ms. Bolte also thought that administrative secretary should be on tonight as well.

Councilman Sheridan stated open salary matters would be discussed further by the Finance Committee.

**PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 7:08 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Mayor McLeod read the Rules of Conduct for Council Meetings.

Mayor McLeod asked Stuart Koperweis of the KBBC to come forward and make a presentation regarding the upcoming Country Jamboree event to be held October 13 and 14th.

Mayor McLeod asked for questions from Council and public. No questions were asked.

**Len Rubenstein,** 11 Malvern Road, Holmdel, Managing Partner of Keyport AutoMart, 684 Beers Street, came before Council last October regarding a zoned commercial, non-conforming property, in a residential area. Mr. Rubenstein purchased Block 1.02, Lots 49 and 49.01 as well as Block 1.01, Lot 44 over twenty years ago. He is interested in purchasing an adjoining piece of Borough Property. Mr. Rubenstein feels the Borough has lost over $70,000.00 in possible property taxes based on non-responsiveness and inaction. Would like property used for its best value.

**Mayor McLeod,** replied that a sale of this undersized lot would have to be offered to all three adjoining property owners. One would have to bid for the purchase of this property. A two-family or multi-family home would not be permitted. Mayor McLeod also stated that this lot is a minor maintenance headache for the Borough. Does not feel holding on to it is beneficial to the Borough.

**Administrator Wright,** stated that she would need a redevelopment plan and an overlapping highway study.

**Len Rubenstein,** explained that Chingarora would be the entry to the North side of the development.

**Administrator Wright,** suggested it go to redevelopment committee to make a recommendation at the next meeting.

**Councilwoman Bolte,** stated that a highway study was done but there was no redevelopment plan. Mr. Rubenstein would have to go to the Planning Board and Council has no jurisdiction over them.

**Len Rubenstein,** asked if the Borough could allow a sale based on contingency of approval from the Planning Board.

**Attorney Provence,** stated that would be very difficult.

**Mayor McLeod,** stated that if the Borough assists in creating an un-developable undersized lot, Mr. Rubenstein can sue us.

**Ed Burlew,** 59 W. Front Street, asked if Municipal Building is still leaking, even after repair.

**Administrator Wright,** replied that she had a meeting this morning with the Engineer, Architect, and Contractor and is waiting for a recommendation.

**Ed Burlew,** asked who the Architect was and who chose them; Netta Architect chosen by T&M Associates.

**Dennis Fotopoulos,** 77 Beers Street, asked Administrator Wright to address progress of Benjamin Terry Park during her report.

**Mayor McLeod,** stated that on September 4th the Engineer stated railings should be completed in two weeks. Mentioned soil erosion at the site, due to the railings not being installed. Mr. McPeek noticed plates have no weep holes, causing rust. Railings still have not been installed. Now told installation will begin September 24th. Engineer's promises are close to worthless.

**Councilwoman Bolte,** asked when project was to have been completed?

**Administrator Wright,** replied that the project was originally to be completed around Memorial Day.

**Attorney Provence,** stated that the date supplied by the Engineer was Mach 26th. Engineer has started speaking directly with the railing supplier rather than going through a JAK Construction.

**Councilman McPeek,** would like to know when railing was actually ordered.

**Mayor McLeod,** stated that in all likelihood we are going in to litigation.

**Attorney Provence,** explained that there have been several meetings over the last few weeks.

**Councilwoman Bolte,** stated that we want this done. This is not an example of a successful project and we don't want to seem like a Borough which will tolerate this.

There being no more comments or questions from the public, the meeting was closed to the public at 7:42 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. Toglia

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain: Councilman Sheridan; from Recycling Coordinator Position

## PUBLIC HEARING/ADOPTION OF ORDINANCES

**1. Ordinance #18-12 – 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 KEPORT IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

1a. Motion made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:43 PM

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 7:44 PM

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

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

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

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

## COMMUNICATIONS AND PETITIONS

1. Letter from Keyport Bayfront Business Cooperative (KBBC), regarding the "Keyport Scream'n Country Jamboree" to be held October 13-14th, and requesting:
    a) Waterfront Park Permit for the purposes of holding the event at this location and waiver of the fee for use of the park
    b) Closure of Waterfront Park parking lot from Wednesday, October 10th through Monday, October 15th for set up of amusement rides and mandatory state inspections.
    c) Use of Mini Park Area for Beer Garden. (ABC Application submitted)
    d) Use of Special Police Officers for the event. Three Specials during the day, plus regular patrol and one Special overnight.
    e) Use of DPW workers for setting up trash containers, dumpster for

refuse, manpower for patrol and final clean up

f) Hours of operation from 11AM-6PM, except for amusements rides which will run until 7PM.

d) Use of Borough's decorative lamp posts for banners to be placed at Waterfront Park, West Front Street and Upper Maple Place three weeks prior to the event

Administrator Wright explained that the KBBC would like the Borough to continue to provide DPW help as it had in the past.

Motion to approve and forward to the Police Department, DPW, Fire Department, and First Aid made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present

2. Request from George Strang of Keyport Recreation Commission for a Facebook Social Media page, as required by the Keyport Social Media Policy Ordinance

Administrator Wright mentioned that the Policy should have been amended to state "and/or Commissions."

Attorney Provence said it also regulates Borough employees.

Councilwoman Tomczak stated that, in this case, the person applying to be an administrator of the web page is also a Borough employee.

Mayor McLeod added that Councilwoman Tomczak feels this policy is still a work in progress.

Motion to approve subject to review by ad-hoc Social Media Committee made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

3. Petition to Extend Licensed Premises from Columbian Club of Keyport (Knights of Columbus) for a Breast Cancer Awareness event to be held October 13, 2012 from 2PM-6PM

Motion to approve and refer to the Police Department, KBBC and Aberdeen Township made by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

4. Letter from Keyport Engine Co. No. 1 regarding the Nomination of Eugene Eng as Third Assistant Chief

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

5. Application for Waterfront Park Use from Keyport Garden Walk (Keyport Garden Club) for use of the facilities for the Keyport Garden Walk to be held June 8th & 9th, 2013. They are also requesting the waiver of the fee

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

6. Letter from VFW Post 4247 requesting the use of picnic tables for their annual fundraiser picnic to be held Saturday, October 6, 2012. Requesting tables be dropped off at the Post on Friday, October 5th.

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

7. Application and Permit for Use of Senior Center from Recreation for the purpose of providing knitting classes on the 2nd & 4th Thursdays of the month from September 1, 2012 through May 1, 2012. Also requesting waiver of fee for use of Borough building

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

**REPORTS OF DEPARTMENTS**

1. Board of Health Treasurer's Report for August 2012

2. Tax/Water/Sewer Collector's Report for August 2012
3. Building Department Monthly Report for August 2012
4. Municipal Clerk's Monthly Report for August 2012
5. Minutes of the Keyport Free Public Library Board of Trustee's Meeting of August 14, 2012

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

**COMMITTEE REPORTS**

Councilwoman Bolte: Buildings/Grounds/Library: Ms. Bolte reported on the following:

- Library has been increasing children's programs and parent participation
- Library water fountain will be replaced
- Oil conversion – tank has been removed
- Shed to be installed outside
- Lead paint – study was done, only lead paint in window sill area.
- Working out a program to discard old books
- Landscaping at Waterfront Park – had a meeting regarding the bushes that did not survive – awaiting a proposal not to exceed $750.00. Money will come out of Bayshore Recycling Trust Account
- Municipal Building steps were repaired

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

- Keyport in Motion this Saturday
- Recreation working with KBBC for this event
    - 5K Race
    - Soap Box Derby
    - Classic Car Show
    - Skate Jam

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

- Finance Committee meeting

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

- Had a productive Police Committee meeting
- Working on increasing roll for per diem dispatchers
- Resolution for Police Auxiliary Program – five (5) spots are open in the academy
- Received statistics for August but will read them at the next meeting after comparing figures
- Need crossing guard at Broad Street and Jackson
- Chief will be resuming Police Department Facebook page. Noted that no one on Council wanted to end the Police Department Facebook page
- Thanked all for 9-11 Memorial Celebration

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

- DPW Superintendent will be retiring at the end of the year. Exploring Shared Service and Interlocal Agreements as well as hiring a certified Superintendent
- Encourages all to recycle – another meeting of the Recycling Committee will be held tomorrow
- Read property maintenance report

Councilman Toglia: Fire/First Aid/Emergency Services: Mr. Toglia reported on the following:

- Read Fire Department Report – 5,200 man hours
- Thanked Fire Department and everyone for 9-11 Memorial Service
- New used Fire Truck should be here by end of October, beginning of November – maintenance will be done before delivery
- Fire Department won two First Place Trophies at Wildwood
    1. First Place – Best in March Unit
    2. First Place – Special Judge Award for Fire & First Aid Squad

**DISCUSSION**

Best Practices Questionnaire

Administrator Wright stated that it is under review. Some changes have already been made. Council is aware of most answers so any changes will not be a surprise. We are in the green zone and should not be losing any Municipal Aid.

Some policy practices:
- removal of overtime and longevity
- pay-to-play listed

This is due back to the State on September 28th.

Councilwoman Bolte pointed out it can be discussed after being submitted.

Administrator Wright stated our current pay-to-play Ordinance is not as stringent as the States'. Ours is $300.00 per individual and $2500.00 per firm. The State's is $300.00 per individual and $300.00 per firm. We have now discussed it and the Council is aware of it. This survey is new this year.

Mayor McLeod feels the survey is good because it brings up policy alternatives. Will continue to be reviewed by Administrator and CFO.

**UNFINISHED BUSINESS**
Division Street

Administrator Wright stated the Engineer would like to be paid $5,000.00 for overseeing the added block of improvements to Division Street.

Discussion ensured that soft costs of that project originally included the block that we later completed. It was taken out of the original project due to the cost but was later added due to requests from residents.

Councilwoman Bolte was not satisfied with T&M on the Division Street project. Also not happy with T&M on Benjamin Terry Park project. Now we have handed them another job without asking other Engineers for a proposal. T&M is even looking to charge for Grant applications, which she has never seen before.

Mayor McLeod explained Borough Attorney and Borough Engineers are the head of Law and Engineering Departments who oversee the work. Not aware of any formal policy of treating the professionals as vendors.

Councilwoman Bolte replied that prior to last year, proposals were given and Council had made a choice on whom to award work. The reason for so many engineers was to either solicit the best service or the best price. There isn't any competitive nature if all work is given to the Borough Engineer.

Administrator Wright stated that the only Engineers who have done road work projects are T&M and CME.

Mayor McLeod said if we are going to establish a policy we should memorialize it in a resolution.

Councilwoman Tomczak suggested the Borough Engineer come to meetings to keep Council informed.

Councilwoman Bolte asked how do we now reverse the resolution for Osborn Street and go back and get proposals from multiple engineers?

Administrator Wright stated that most of the work had now been done.

Mayor McLeod said let's wait to see the email and invoice form T&M before deciding what to do about the additional $5,000.00 requested.

**ATTORNEY'S REPORT**
None

**ADMINISTRATOR'S REPORT**
Administrator Wright reported on the following:
- Will be getting Engineer estimates for all work

- Spoke about reassessment project. Our Tax Assessor was to do the residential portion. Because of the delay in obtaining someone to do the reassessment, the County denied the reassessment, although the County wanted us to do it.
- Telephone system – spent some money to get it fixed but will no longer warranty due to age. First quote for new phones was $30,000.00 for the mother board. Still getting names of additional vendors who do this work. This has nothing to do with the hardware.
- Spoke with Father of St. Joe's who says parking there is now fine. Appears there are no restrictions on the East side of Maple Place. There will be no restrictions in front of the Church without signage
- Kingdom Hall on 3rd & Division alleged their basement flooded due to a hole in the storm drain

**PUBLIC COMMENT PORTION**

The meeting was opened to the public for comments or questions at 8:49 PM moved by Mr. Sheridan second by Mr. McPeek with ayes by all present.

**Chief McCleaster,** pointed out numbers were reversed

There being no more comments or questions from the public, the meeting was closed to the public at 8:50 PM moved by Mr. Sheridan, second by Ms. Ambrose and carried by all at 8:50 PM to go into closed session after a short break.

**CLOSED SESSION**

R 257 -12 - Closed Session **Resolution**:

**RESOLUTION NO. 257-12**
**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
  - Chief's Memorandum of Agreement
  - DPW Superintendent Retirement
- Potential Litigation
  - Benjamin Terry Park
  - NJ DOT Right of Way Sign
  - Kingdom Hall storm drain leak

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

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

Mayor and Council returned to open session at 9:53 PM

**ADJOURNMENT**

Motion to adjourn was made and carried with ayes by all present at 9:53 PM