

September 20, 2011
Keyport, New Jersey

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

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose Toglia, Mayor McLeod. Others present: CFO, Tom Fallon, Borough Administrator Ms. Wright, Borough Attorney, John T. Lane

PRESENTATION

By Keyport Garden Club – Ann Boyce would like to address area in front of port-a-john area will be scraped out by DPW and all other work will be done by volunteers. Work will begin at the end of October. Pavers will be used so surface will be pervious. Grasses and shrubs will be salt-water resistant.

Administrator explained that the plants should be no taller than 18" for the site line.

Administrator read titles of resolutions on the consent agenda and explained what they are.

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.)

R226-11 Payment of Bills

R227-11 Accepting the Sponsors for the 2011 Keyportfest 5K Race

R228-11 Application for a Raffle License – Keyport Cultural Celebration Committee- Tricky Tray – October 8, 2011 from 12 Noon to 6PM

R229-11 Application for Raffle License – Keyport Cultural Celebration Committee (KCCC) 50/50 Cash – October 8, 2011 from 12 Noon to 6PM

R230-11 Application for Raffle License – St. Mary's Church – 50/50 Cash –October 9, 2011 from 12 Noon to 5PM – Rain date October 16th

R231-11 Authorizing a Wedding to Be Held On November 5, 2011 at Waterfront Park Gazebo – Gormley/Rudolph

R232-11 Authorizing a Wedding to Be Held On November 5, 2011 at Waterfront Park Gazebo – Jimenez/Catalano

R233-11 Reducing the Performance Guarantee for Block 35, Lot 2, 322 Beers Street

R234-11 Authorizing Execution of Letter of Intent from the Monmouth County Division on Aging, Disabilities and Veterans Services for year three of the 2010-2012 grant for the Keyport Senior Center

R235-11 Authorizing Approval of Submission of Grant Application and Execution of Grant Agreement with the New Jersey Department of Transportation for the Osborne Street Improvement Project

R236-11 Accepting Proposal of Beacon Planning & Consulting Services for Professional Planning Services for a Redevelopment Plan of the Old Borough Hall

R237-11 Authorizing the Borough Administrator to Enter into an Agreement with Shorelands Water Co., Inc. for the Purpose of Securing Legal Services for the Monitoring of Compliance with the 2007 Agreement with NJ American Water Company

R238-11 Governing Body Certification of the Annual Audit

PUBLIC COMMENT PORTION

Motion made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present to open the meeting was opened to the public for comments or questions at 7:16P.M.

Betty Schriber, 231 Atlantic Street, thanked all for the beautiful ceremony of 9-11. Did not know about the new monument there; asked about plans for the plaque.

Administrator Wright explained that donation request is on the web page

Ms. Bolte explained it is the Firemen's monument.

Bill Heller, Union Beach thanked Council for BRSA resolution opposing wind turbine. Spoke of the turbine route – 168,000 pounds is the heaviest load which will go down maple place.

Attorney Lane stated that no road around the area is rated for that amount of weight.

Mr. Heller spoke of the noise from the turbine at 1,500 feet away. He lives 1,900 feet from where the turbine will be.

Mike Lane, 51 First Street, asked expense of route 236 Beacon Planning.

Mayor explained cost is \$5,000

Salvatore Costanza – Local 68 representatives spoke of an agreement being reached back in July. Still waiting for agreement to be ratified.

Mayor explained Mr. Reilly, Borough's Labor Attorney, is waiting for a response from the Union's attorney.

Sal Costanza stated the arbitration should not delay the ratification of the agreement. A memorandum of agreement is part of the contract.

Mayor replied unless someone brings up other issues that have not been resolved. There are issues that have been raised unless there is a lack of agreement.

Mr. Costanza continued to explain his position but the Mayor stated his position just explains there are open ends.

Barbara Hassmiller, shop steward – asked which contract is in question.

Administrator Wright the dispatch/DPW contract. Ms. Wright said the clerical contract will be on the next agenda

Elmer Graham Jr, 22 St. Peter's Place - asked about the Annual Audit Certification.

Mayor explained the Audit Certification.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by Ms. Bolte, second by Mr. Sheridan

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia

Nays:

Abstain:

Absent:

APPROVAL OF MINUTES

June 21, 2011 – Regular

Motion to approve moved by Mr. Sheridan, second by Mr. Toglia

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia

Nays:

Abstain:

Absent:

August 16, 2011 – Regular

Motion to approve moved by Mr. Sheridan, second by Mr. Toglia

Roll Call: Ayes: Councilmembers Bolte, Chamberlain, Sheridan, Ambrose, Toglia

Nays:

Abstain: Councilwoman Sefcik

Absent:

INTRODUCTION OF ORDINANCES

1. Ordinance – Dissolving Keyport Municipal Court

The Clerk reads the Ordinance by Title:

AN ORDINANCE TO REPEAL SECTION 2-4.1 THROUGH 2-4.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT DISSOLVING THE BOROUGH OF KEYPORT MUNICIPAL COURT

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the meeting to the public for comments or questions at 7:41 P.M.

Councilman Sheridan asked costs – Mayor explained going in it will be about \$60,000. Figures are based on the previous five years.

Administrator Wright explained this has been an effort on the part of several municipalities – Keyport, Hazlet and Matawan. Numbers were gathered by each Administrator and reviewed by each CFO. Savings is projected over the actual costs over the last five years. Some of our 2011 costs are skewed due to shared service with Matawan's Court Administrator and per diem Deputy. Hazlet has video conferencing which Keyport does not have.

Mayor explained savings window could fluctuate between \$57,000 and \$99,000.

Mr. Sheridan asked when it was known that this was really going to happen since the Police Chief was unaware of it.

Mayor – security will be provided by Hazlet.

Attorney Lane explained a case cannot be tried by video and prisoners must be present for certain sentencing. Most cases will be done by video conferencing. There are a few trials in municipal court. Most cases are pleaded out.

Cost for Keyport to have video conferencing would be \$7,000 to \$10,000.

Mayor – only suggestion he would make is to introduce and then ask any questions in the couple of weeks before Introduction. Agreement was amended up until last night. Does believe the general savings is significant.

Councilwoman Bolte explained it is an eight-year contract which allows a municipality to back out with a one-year notice.

Councilman Sheridan would like a memo by the next meeting from CFO, Tom Fallon, to get a better explanation of the costs and savings.

Councilwoman Bolte would like a memo from the Chief

Motion to introduce Ordinance moved by Ms. Ambrose, second by Mr. Toglia

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia

Nays:

Absent:

Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on October 4, 2011 was made by Mr. Sheridan, second by Mr. Chamberlain

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

2. Ordinance – Creating Joint Municipal Court

The Clerk reads the Ordinance by Title:

AN ORDINANCE ESTABLISHING A JOINT MUNICIPAL COURT FOR THE BOROUGH OF KEYPORT, BOROUGH OF MATAWAN AND TOWNSHIP OF HAZLET AND APPROVING AN AGREEMENT CONCERNING THE JOINT MUNICIPAL COURT

Motion to introduce Ordinance moved by Ms. Sefcik, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on October 4, 2011 was made by Mr. Sheridan, second by Ms. Sefcik.

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

COMMUNICATIONS AND PETITIONS

1. Letter of Resignation from Substitute Crossing Guard Debra Ann Zarkivach

Motion to accept and receive with regret moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

2. Letter from resident of Broad Street regarding the condition of Broad Street

Administrator Wright explained County has declared a no-passing zone by the schools on Broad Street. This led to notice of the condition of Broad Street.

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

3. Letter from Recreation Chairman and KCCC President requesting waiver of local fees for Tricky-tray and 50/50 Cash raffle licenses

Motion to approve moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

4. Letter from KBA board member Joe Wedick regarding the Keyport Business Alliance

Mayor read the letter from Mr. Wedick regarding the KBA aloud.

Councilwoman Bolte explained two years ago when she was a Board member all inquiries had to be made through the Attorney. She wondered when the protocol had changed. She reminded Mayor has the power to withhold the assessment.

Councilman Toglia would like not to withhold the assessment. Feels they have done a lot of good things.

Councilman Sefcik explained this has been going on for years. No one is villenizing anyone.

Discussion ensued between Councilwoman Bolte and Councilman Toglia as to whether he will be getting paid to play at the Country Jamboree.

Motion to receive and file moved by Mayor McLeod, second by Ms. Bolte with ayes by all present.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for August 2011
2. Tax/Water/Sewer Collector's Report for July and August 2011
3. Building Department Monthly Report for August 2011
4. Board of Health Treasurer's Report for August 2011

On file in Borough Clerk's office for review.

Motion to receive and file all reports as read, moved by Mr. Sheridan, second by Mr Chamberlain with ayes by all present.

COMMITTEE REPORTS

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

- garbage is still being picked up in garbage bags although there was a meeting with the sanitation company
- Requesting that the Mayor authorize the purchase of a bench at the Waterfront for Eloise Schank.

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik reported that this Saturday morning is Keyport's 5K race. Almost 200 runners have shown up.

Councilman Chamberlain: Fire/First Aid/Emergency Services: Mr. Chamberlain read the Fire Department calls and Keyport First Aid calls.

Mr. Chamberlain reported that the First Aid Cadets took Judge's award at NJ Firemen's convention in Wildwood.

Councilman Sheridan: Police: Mr. Sheridan read number of police calls. Would like to add Jackson Street parking to discussion as item #4.

- Next presentation on October 3rd at the Steamboat Dock Museum
- Still looking for homes for the December annual house tour.

Councilwoman Ambrose: Finance/Grants/Redevelopment: Ms. Ambrose reported that the Finance Committee will be meeting first week in October to get budget going.

Councilman Toglia: Buildings/Grounds/Library: Mr. Toglia reported that the State statue requires annual audit for library. Ron Gardner is doing the audit to bring the library into compliance. Library would like to convert old boiler from oil to gas. Moratorium on opening Third Street since it was approved.

Administrator Wright proposes an inter-agency agreement to do their finances for them and have an audit conducted. When the Borough collects monies for other entities, there is a requirement tat they be audited. Library is its own entity.

DISCUSSION

1. Meeting Protocol Policy

Mayor stated all council has received a copy of Howell's meeting protocol policy which the Mayor summarized.

Mr. Sheridan does not like imposing time limits on the residents and he doesn't like that resident's can only address the mayor at the meeting.

Mayor suggests a one page protocol to be distributed to all Council for suggestions.

2. Keyport Municipal Survey

Council would like something to go out in the next water bill in the middle of December.

Ms. Sefcik suggested that email addresses be requested on the survey and a list be developed.

3. Green Team Appointments

Community Developers Coordinator was overseeing this program however she is no longer here. Environmental Commission is now willing to take a more active role.

2011 Green Team – George Sappah, Robin Sheridan, Ken DeGroat, George Strang, John Olsen, John Ambrose- Planning Board and Environment Commission, School Board, Business Administrator, Councilwoman Sefcik, Mayor, Ken Howe – Environment Commission, member of Garden Club

Ann Boyce – Garden Club will take it up at their next meeting

Administrator Wright suggested a Shade Tree Committee. There is a Community Forestry Plan which has been in place.

Mayor would like to merge the Green Team and the Shade Tree Committee.

4. Jackson Street Traffic recommendation

Jackson Street traffic recommendations: Chief Casaletto recommends one side of the street parking. Mr. Sheridan would like to go to one-side of the street parking and abolish the resident permit parking. That would eliminate one administrative task for the Police Department.

UNFINISHED BUSINESS

Mr. Sheridan – Hurricane Irene Steamboat Dock museum – suffered a \$750 loss and their deductible is more than that. Councilman Sheridan would like to know if the Borough could reimburse them,

Ms. Sefcik asked about the Kiosk at Waterfront Park. Administrator Wright stated that she will report on it at the next meeting.

ADMINISTRATOR'S REPORT

No report.

ATTORNEY'S REPORT

No report.

PUBLIC COMMENT PORTION

Motion made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the meeting was opened to the public for comments or questions at 9:23P.M.

Mike Lane, 51 First Street, concerned about any time limit imposed on residents who wish to speak. Mr. Lane suggested posting survey online with the link posted in the water bill. Another option would be to allow residents to download survey and sent it in, either by email or regular mail. Mr. Lane asked if anything had come of the meeting with SID and Borough with the mediator.

Bob Burlew, stated that residents on Jackson Street park in front of their houses, not in their own driveway on the days there are athletic games in the fields. Parking passes don't work there anymore. Mr. Burlew feels that the Borough should go back to one side of the street parking.

Ken McPeek, 224 Division Street, agrees with Mr. Burlew about having one-side of the street parking. Mr. McPeek suggested making a gate for emergency vehicles.

George Walling, 54 Second Street, asked about fire hydrants being wrapped in burlap. Why would they be wrapped in burlap, is it a cost-savings measure?

Ed Carew, 64 Broadway – handed out pamphlets regarding the ASK project at the Waterfront. Regarding rules for protocol, stated protocol between Councilmembers over the last few years has been embarrassing. Thinks protocol can be controlled by the Mayor. That is his responsibility. Blatant disrespect should not be tolerated.

Elmer Graham Jr., 22 St. Peter Place – suggested putting survey not only online but would like it mailed as well since not all residents have a computer.

There being no more comments or questions from the public, the meeting was closed to the public at 9:43 P.M

Motion made by Mr. Sheridan, second by Mr. Chamberlain to go into closed session after a three minute break with ayes by all present

The meeting was reconvened into closed session at 9:46pm

CLOSED SESSION

R 239A -11 - Closed Session Resolution:

RESOLUTION NO. 239A-11 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
 - Police Department
- Contract
 - BRSA Service
 - Building Remediation
 - Billboard Lease
 - Contract – Paetec
- Attorney Client Privilege
 - Ad Hoc Bid Committee

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, Contracts, Attorney Client Privilege 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: Ms. Sefcik, Seconded by: Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Chamberlain, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

Came out of Closed Session

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to add Resolution number 239-11 to Reject Bids for Building Remediation and Authorize Re-advertising to Bid.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 10:51pm