

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, 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 Aumack called the meeting to order at 7:00 PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Tomczak, Lamberson, McPeek, Howe, Toglia, Mayor Aumack. Others present: Borough Administrator, Lorene Wright. Borough Attorney Gordon Litwin, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Borough Clerk Heilweil read National Preparedness Month Proclamation

PRESENTATION

Presentation and Public Hearing of Proposed Application for a Monmouth County Open Space Grant to make Passive Recreation Improvements to Parks known as Veteran's Park and Benjamin Terry Park at Block 127, Lots 12, 13 and 25

Administrator explained proposed Passive Recreation Improvements. Total project cost is \$202,000. Grant would cover 50%. We would know early next year whether or not we receive the grant. Application is due September 18th. Asked public if they had any questions.

Motion to approve grant application made by McPeek, carried by Sheridan

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:

Abstain:

Absent:

Mayor requested Pamela Banks Johnson come forward to explain Communication #1 – regarding the YMCA – Bayshore Family Success Center housed at Union Beach Library. Ms. Johnson explained some of the available programs. Donations are solicited from the community and there is no charge for these programs or services. Open Monday through Saturday.

APPROVAL OF MINUTES

August 6, 2013 – Work Session – (McPeek Abstained)

August 20, 2013 – Regular Session – (Howe Abstained)

Motion to approve minutes made by Sheridan, carried by Toglia

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:

Abstain: McPeek (8/6/13), Howe (8/20/13)

Absent:

Borough Clerk Valerie Heilweil read items on the Consent Agenda.

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.)

R296-13 Payment of Bills

R297-13 Appointment of Crossing Guard – Adaris Vera Rockhill

R298-13 Appointment of Crossing Guard – Susan Faith Mulligan

R299-13 Authorizing Leave of Absence of Officer Dylan Borders

R300-13 Authorizing Purchase of Telephone System

R301-13 Authorizing Purchase of Fire Prevention Bureau Vehicle under State Contract

- R302-13 Amending the Engineering Contract for Sanitary Sewer Infiltration and Inflow Improvements
- R303-13 Authorizing Change Order No. 2 to the Contract for Sanitary Sewer Infiltration and Inflow Improvements
- R304-13 Releasing Escrow Funds for Bayshore Wind to Energy Project
- R305-13 Accepting Proposal of and Authorizing Mayor to Execute Contract with Beacon Planning and Consulting to Prepare Municipal Public Access Plan
- R306-13 Accepting the Proposal of and Authorizing Mayor to Execute Contract with Maser Planning and Consulting for the Preparation of a Post Sandy Strategic Recovery Plan
- R307-13 Supporting the FoodBank of Monmouth and Ocean Counties and the National Hunger Relief Initiative and Designating the Month of September as Hunger Action Month

PUBLIC COMMENT PORTION

At 7:16 PM the Meeting was opened to the public for comments or questions on any items listed on the agenda by Sheridan, carried by Tomczak with all ayes present.

Ed Burlew 59 West Front St. – asked wasn't Dylan Borders just hired?

Councilwoman Tomczak explained he had an illness and could not finish the academy. This is an unpaid leave, which was his request. He will begin the academy in January.

George Walling, 54 Second Street- asked about resolution for telephone system. What is it for?

Administrator explained phone system is for Municipal Building and Police Department.

Dennis Fotopolous Beers Street- thanked Council Members for helping reach out to resident in Rollo Place situation.

Michael Lane, 51 First St. - thought a public hearing was required on the Open Space Grant Project.

Administrator – responded that she had asked the public if there were any questions.

Michael Lane – asked about the scope of work for the preparation of a Post Sandy Strategic Recovery Plan.

Administrator- explained there will be a public hearing and she expects a plan in about eight weeks.

Michael Lane – asked if there would be any coaching on the part of the Borough and the Planning Board. Also asked the impact of this on 45 Beers Street project.

Mayor- stated Construction Department will be sure all requirements are met.

Warren Chamberlain, 73 St. Peters- asked whether Closed Session grievances have been postponed again.

Attorney – explained that will be addressed in Closed Session. When that item is called on the agenda tonight there may be some discussion as to whether or not it will be heard.

At 7:26 PM the Meeting closed to the public by McPeck, carried by Sheridan with all ayes by all present.

Councilman Howe- asked about the telephone system being purchased.

Administrator – explained current system is no longer serviceable. There is a hard line and internet line with this new system.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda made by McPeek, carried by Sheridan

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:

Abstain: Howe (from R300-13), Tomczak (from R296-13 - Payment of Bills to Future Sanitation)

Absent:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #14-13 – Ordinance – Amending Building Height in Special Flood Zones

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING CHAPTER XXV, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH RESPECT TO BUILDING HEIGHT IN AREAS OF SPECIAL FLOOD HAZARD**

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

Ed Burlew – asked for an update on what is being amended.

Attorney Litwin – explained this is only for those raising their home within the flood zones. Not for just anyone who wishes to raise their home.

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

Roll Call:

Ayes: Sheridan, Tomczak, McPeek, Lamberson, Toglia, Howe

Nays:

Absent:

Abstain:

1c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Sheridan, second by McPeek with ayes by all present

Motion made at 7:33 PM to close, the Public Hearing on Ordinance #14-13 by Sheridan, carried by McPeek with ayes by all.

2. Ordinance #15-13 – Keyport BID Ordinance

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS IMPROVEMENT DISTRICT OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

2a. Motion made by Sheridan, second by Tomczak to open public hearing at 7:34 PM

Councilwoman Tomczak – explained the Ordinance increases the number of business owners and decreases the officials involved. Changed voting for new members.

Ed Burlew, 59 West Front St. – says just a year or two ago Council voted to put themselves on the Board. Tomczak explained one Council member is being removed from the Board.

Mayor – explained new Ordinance increases the members from eleven to thirteen members. One Councilmember and the Business Administrator were removed. More business people have been put on.

Ed Burlew – pointed out that three of the six Councilmembers voted to amend the Ordinance last time. Now a vote is being taken to change it once again.

George Walling 54 Second St. – asked if former Councilwoman Bolte is on the Board. Feels tax payers should not be paying for the amendment.

Tomczak – yes, former Councilwoman Bolte is on the BID board as a resident.

Michael Lane – went over the history of the Keyport BID since 2008. Bidding process and election criteria are being changed. Feels it is not obvious how these additional members are being defined. Asked how the additional members are being appointed.

Mayor – they will be nominated and elected and appointed by the Council.

Motion made at 7:51 PM to close Public Hearing on Ordinance #15-13 by Sheridan, second by Tomczak.

2b. Motion to adopt Ordinance made by Tomczak, second by Lamberson

Roll Call:

Ayes: Sheridan, Tomczak, Lamberson, Howe, Toglia

Nays: McPeek

Absent:

Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Sheridan, second by McPeek with ayes by all present

INTRODUCTION OF ORDINANCES

1. Ordinance – Time Limited Parking

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT, 1988” CHAPTER VII, TRAFFIC, SECTION 7-3, PARKING, SUBSECTION 7-3.6, PARKING TIME LIMITED ON CERTAIN STREETS, SCHEDULE IV**

Councilwoman Tomczak gave background leading up to preparation of this Ordinance. Maple Place was not addressed as to time. Would like to clean that up. Will introduce at next meeting. Motion made by Tomczak, carried by Sheridan to table until next meeting.

COMMUNICATIONS AND PETITIONS

1. Communication regarding YMCA – Bayshore Family Success Center at Union Beach Library. Flyer regarding Information Session for Storm Preparedness – Tuesday September 24th from 7-9PM and flyer regarding Family Game Night to be held September 21st from 5-8PM. (Already addressed earlier)
2. Letter from Keyport VFW Post 4247 requesting the use of Borough picnic tables on October 4, 2013 for use at their October 5, 2013 annual picnic.

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

3. Letter from Keyport Fire Department requesting permission to hold a 9/11 Memorial Service on American Legion Drive on Wednesday, September 11, 2013. Further requesting the closure of American Legion Drive from 5:30PM -8:00PM. Discussion ensued regarding plaque for monument.

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

4. Letter from Keyport Bayfront Business Cooperative for a two-day sidewalk sale to be held October 12-13 in conjunction with the County Jamboree to approve and forward to Police Department.

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

5. Message from Keyport Bayfront Business Cooperative requesting closure of American Legion Drive on Wednesday evening, October 9th, for amusement ride set-up to be in place until Monday, October 14th. Further requesting West Front Street closure from 6:00AM-6:30PM, from Broad Street to Main Street for the purpose of a Car Show.

Fire Chief Aumack – asked why American Legion Drive and West Front Street from Broad to Main need to both be closed.

Stuart Koperweis – Executive Director of KBBC – would like an antique fair on West Front Street, but would do whatever Council recommends.

Tomczak – asked that Police and Fire Chiefs be included in the discussions for the sake of public safety.

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

UNFINISHED BUSINESS

Administrator – gave report on FEMA claims. Must have insurance claim letters either denying or approving before FEMA will cover.

NEW BUSINESS

None

ATTORNEY REPORT

None

ADMINISTRATOR'S REPORT

Spoke about two grants received

PUBLIC COMMENT PORTION

At 8:06 PM the Meeting was opened to the public for comments or questions by McPeek, carried by Sheridan with all ayes present.

George Walling – stated Mayor requested prayer for Charles Merla, owner of Trinity who is seriously ill. Feels there are others who should be remembered such as Borough Employees Marge Seckinger and Tony DeVino.

Mayor - stated he did ask for them to be remembered.

Warren Chamberlain – asked what the conflict of interest is where certain Councilmembers are being recused from the grievance hearings.

Attorney – explained that is a broad subject but the courts are not sympathetic to conflicting situations. In that case, one must recuse oneself.

Warren Chamberlain – also asked how Councilwoman Tomczak can be Police Commissioner if she has a conflict where she cannot hear these grievances from the Police Department because of a friendship. Asked about the Court revenue figures. Feels we are losing money by not

having the court here. Would like to know how much the Borough is losing. Would like to know what we are doing about this loss of revenue.

Tomczak – Finance Committee will be meeting on this. They just received a spread sheet at the last council meeting.

Ed Burlew – stated moving Court was to have been on a trial basis. Questioned the difficulty in getting out of it.

Tomczak – It was on a one-year opt-out provision. Requires one full calendar year's notice.

Ed Burlew – asked about 41 Broad Street property maintenance situation. Asked again about putting siding on the Bayside Bar. Complained property owners are not being allowed to park in back, on Borough property.

Robert Aumack – speaking as a Police Officer, feels it is a shame that being friends creates a conflict. He would like justice served. Would like the grievances separated.

Tomczak – Believes that it is just the appearance of a conflict. Feels she could be fair, but being a witness could create a potential problem.

Attorney – explained any discussion in closed this evening, where Police Officers names will be mentioned, will only have to do with procedure.

CLOSED SESSION

R320-13

- Personnel: Police Department Grievances

At 8:37PM motion made to go into closed session by Tomczak, carried by Sheridan with ayes by all.

At 8:38 PM Council resumed open session.

It was announced Council will have a special meeting on Tuesday, September 10th at 6:30 PM subject to availability of Counsel.

Motion made to have special meeting by Sheridan, carried by Lamberson with ayes by all present.

Attorney – other items may be added to the agenda at the discretion of the Council, Attorney and Clerk

Shannon Torres – asked Councilwoman Lamberson whether or not she would be recusing herself from the grievance hearing. Says Ms. Lamberson is friends with the Aumack's and they feel as close to her as to Councilmembers Tomczak and McPeck.

Motion to adjourn made at 8:43 PM by Sheridan, carried by McPeck with ayes by all.