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.

Council President Bolte 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: Councilmembers Bolte, McPeek, Sheridan, Tomczak (arrived at 7:03 PM), Ambrose, Toglia, Others present: Borough Administrator Ms. Wright, Borough Attorney, Gordon Litwin, Esq. Absent: Mayor McLeod

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION
Council President Bolte read Proclamation for Put the Brakes on Fatalities Day – October 10, 2012

APPROVAL OF MINUTES
September 4, 2012 – Work Session
September 18, 2012 – Regular Session

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

Role call vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Ambrose, Toglia
Nays:
Absent:
Abstain:

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.)

Councilwoman Bolte went over the Resolutions on the Consent Agenda

R258-12 Payment Of Bills
R259-12 Establishing a Halloween Curfew for Minors on October 30-31st
R260-12 Amending Joint Court Agreement
R261-12 Amending Social Media Policy for the Borough of Keyport
R262-12 Authorizing Establishment of Keyport Police Auxiliary

Councilwoman Bolte explained Resolution 259-12 Establishing a Halloween Curfew for Minors on October 30-31st

Councilwoman Tomczak explained Resolution 262-12 Authorizing Establishment of Keyport Police Auxiliary. $10,000.00 has been budgeted. Officers would not carry a weapon but would go to training and would assist the Police Department.

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

Councilwoman Bolte read the Rules for Conduct at Council Meetings.

Ed Burlew, 59 W Front Street, asked about LED sign on the highway by IHOP.

Councilwoman Bolte, responded that we are waiting for survey results. The State claimed they owned the right-of-way.

Attorney Litwin, received a title abstract report today stating title is vested in the Borough.

Dennis Fotopoulos, 77 Beers Street, asked for update of Benjamin Terry Park.

Rick Ely, reported Fire Department will be holding a drill and demonstration at the old Bradlee's parking lot. Keyport is lead agency, along with Union Beach. Planned for November 4th at 8:00 AM. Starting at Aeromarine, Locust, Fulton, Cedar, E. Third, etc. Mr. Ely asked that it be put on the website.

John Merla, business owner at 15 Main Street, complained about municipal parking on W Front, Main and Broad. Said he is not seeing enforcement of two-hour parking ordinance. Mr. Merla said there were thirty-six available parking spots in the municipal lot when he checked. Mr. Merla also spoke about the upcoming Country Jamboree event and is upset that promoters contacted his insurance company without his knowledge or permission to get a Certificate of Insurance naming the Borough as an additional insured. It cost him $230.00 for the Certificate of Insurance. Mr. Merla feels it is costing him $800.00 to participate in the event. Mr. Merla also stated that the application shows incorrect location of the event and makes no mention of having to provide a Certificate of Insurance. He does not feel any business in Keyport should be charged.

Councilwoman Tomczak, requested that Mr. Merla provide feedback after the event.

Ann Boyce, 42 Broad Street, asked what the vendor is being paid to run this event.

Councilwoman Bolte, stated they are getting a flat fee through the BID as well as a percentage. Mr. Bolte stated in the past, the BID has failed miserably by having no professional help.

Ann Boyce, asked if anyone is working on the trash issue for commercial properties.

Councilwoman Bolte, said that the Executive Director of the BID is having to work on this from scratch.

Administrator Wright, stated that this is a goal of the BID Plan

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 Mr. Sheridan, second by Ms. Tomczak

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

COMMUNICATIONS AND PETITIONS

1. Letter from Jersey Cares inviting the Borough to participate in the 17th Annual Jersey Cares Coats Drive which runs from November 1, 2012 through December 15, 2012 and requesting the Borough to join them by leading a collection site for the donation of coats

Question came up about where the coat bin would be located. Councilman Sheridan requests more we get more information for the October 16th meeting.

Motion to table until October 16th, meeting made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

2. Letter from New Jersey Water Supply regarding their proposed Schedule of Rates, Charges and Debt Service Assessments for the Sale of Water from the Manasquan Reservoir System for the fiscal year starting July 1, 2012. An

informal meeting with interested water customers to discuss the proposed adjustments has been scheduled for 11AM on Thursday, October 4, 2012, in the Conference Room of the Authority's Manasquan Reservoir Administration Building on Hospital Road, in Wall.

Administrator Wright is planning on attending

Motion to receive, file and forward to the Administrator made by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

3. Petition to Extend Licensed Premises from Kurtis Enterprises LLC, t/a Bayside Bar & Grill for an event to be held October 13-14 in conjunction with the Country Jamboree

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

4. Letter from Keyport First Aid requesting approval for the use of Firemen's Lot at the Waterfront for an extrication/mass casualty drill between the First Aid, Eagle Hose and surround First Aid Squads to be held October 21st from 6-8PM. Set up would be done on the Friday or Saturday before.

Motion to receive, file and forward to the Police and Fire Departments made by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

5. Letter from KBBC requesting support by allowing a two-day sidewalk sale in conjunction with the Country Jamboree

Administrator Wright explained it is set up so road will not be closed and sidewalks will not be blocked. Requirements of Code Enforcement Officer will be distributed to businesses.

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

6. Letter from James Lawson advising Council of his intentions to run as an independent candidate for the position of 3rd Assistant Chief at the December 5, 2012 Fire Department election

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

NEW BUSINESS

1. Single Stream

Single Stream of Recycling Material - Administrator Wright received a request to see if an amendment or change of schedule could be done. Contract for recycling is up next year.

Councilwoman Ambrose read a letter from the Recycling Coordinator. A new altered schedule would allow for more frequent recycling pick ups.

Administrator Wright explained that if we increase our tonnage, that would mean additional money for the Borough. Schedules will have to be reprinted. There would be no Saturday pick up. Would like to refer to Attorney for next meeting.

2. Sprint Access for Antennas

Switching out antennas on the water tower – Administrator would like an engineer to review what Sprint is proposing. Will need escrow from the carrier to cover Engineering review. Attorney would prepare an escrow agreement. This has also been referred to Borough Attorney.

UNFINISHED BUSINESS

1. Country Jamboree Update

Administrator Wright stated it will be at the Waterfront. We have had several meetings and some of Mr. Merla's concerns were addressed at the meeting last night. We purchased advertising space for the event on an electronic billboard by the Driscoll Bridge.

2. Redevelopment Proposal – Rubenstein

Redevelopment Proposal was referred to the Attorney. Will be discussed in closed session.

3. Building Remediation Project

Remediation of the second floor of the building was completed August 30th. It rained on September 2nd and there has been further leaking. Will be getting advice from our Attorney.

Attorney Litwin stated the question was whether additional work could be done by a change order. It would be best to have one contractor do both jobs. This proposal has been submitted to the DCA.

Councilwoman Tomczak asked if the Borough felt that the work that was performed was up to par.

Administrator Wright stated work was done as specified. Ms. Wright said that the recommendation was based on the funds available.

Borough Engineer Don Norbut stated project is complete but no written report has been done. Architect provided a proposal for $35,000.00 for the additional work.

Councilwoman Tomczak asked about the Engineer's recommendation.

Mr. Norbut responded that a comprehensive evaluation was done. Architect prepared bid spec where the project was broken down which included a base bid with two alternate bids. This was done in phases due to financial restraints

Councilwoman Bolte felt the recommendation was to cure the problem for the entire building.

Mr. Norbut stated recent isolated incidents have been brought up and investigated. Feels there was not a recommendation which addressed the entire problem.

Councilwoman Tomczak feels she may not be confident in another recommendation for more work which may or may not fix the problem.

Councilman Toglia questioned whether the Engineer ever actually pin-pointed where the problem was.

Councilwoman Tomczak would like the HVAC unit in the building addressed as well.

Administrator Wright spoke of a subject who had fallen ill in the Detective Bureau. An air sample test was taken and the results reported a small sample of fungal mold but was within the normal limits. Chief Casaletto had issued a memorandum stating temperature is to stay set at 70 degrees and anyone changing the temperature setting would be subject to discipline. Three employees did go to see a doctor.

4. Salary Adjustment
    A. Business Administrator
    B. Borough Clerk
    C. Administrative Secretary

Councilwoman Bolte stated Resolution 263-12 Concerning The Position Of Confidential Administrative Secretary is being added to the agenda giving the Confidential Administrative Secretary an increase of $2500.00. Finance Committee met on September 17th.

Councilman Sheridan explained this was recommended at the Finance Committee.

Councilwoman Bolte said there is money available for this in the budget. Will act on it after closed session.

Councilwoman Ambrose would like it to go back to the Finance Committee for further discussion on Borough Clerk's and Administrator's salaries.

Councilman Sheridan is in favor of discussing it further.

Councilwoman Bolte disagreed stating she would not change her mind.

Administrator Wright suggested Council look at this years' Administration budget line item. There is money available in the budget for those salaries.

Councilwoman Ambrose would like to discuss DPW Superintendent retiring. Have reached out to Aberdeen and they would like a formal proposal. Ms. Ambrose would like to advertise for the position of DPW Superintendent and also move forward with a proposal to neighboring towns.

ATTORNEY'S REPORT

Attorney Litwin reported on the following:

- Conclusion of the LED sign placement
- Documentation of Old Borough Hall Redevelopment is being prepared and should be distributed by the end of the week to the buyers' Attorney and to Council.

Councilwoman Bolte asked Borough Engineer Don Norbut for an update of projects.

Mr. Norbut reported on the following:

- Division Street – All punch list items completed. Came in $40,000.00 under budget. Did do a change order.
- Osborn Street – DOT Grant application – Making good progress on the design. Looking to have it ready by November. Will go out to bid next year.
- DOT application due October 16th for Elizabeth Street from Atlantic to Beers Street – He needs a resolution adopted tonight to support the Elizabeth Street project and submission of the application. Borough authorized $1,500.00 for preparation of the Grant Application.

Resolution 264-12 Supporting Submission of DOT Grant. Will vote on after public portion.

Mr. Norbut spoke a bit about the Benjamin Terry Park Project:

- All concrete work was completed in July
- Majority of punch list items have been completed
- Railing is the main item at this time. Contractor did not even order the railing until mid to late June. Railing was promised in writing by supplier for September 24th. Supplier is a few weeks behind on the railing.

Engineer will make recommendations during executive session.

Councilwoman Ambrose asked about Kingdom Hall.

Administrator Wright stated that it is currently under investigation.

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Went to County for multi-jurisdictional Hazard Mitigation Plan
- BRSA Agreement came with a rate reduction
- Monmouth County Community Development – meeting to review the way grants are awarded
- Monmouth County Board of Freeholders asking Borough to participate in the comprehensive development process.

Councilwoman Tomczak asked for a repost on the success, or lack of success, on the joint court. Wants cost saving projections looked at.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:14 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Ed Burlew, asked what total budget is for DPW including salaries.

Administrator Wright, stated that budget is posted on the website.

Councilman Sheridan, responded DPW budget is $750,000.00

Rick Ely, 203 7th Street, regarding the BRSA agreement Mr. Ely pointed out drought restriction resulted in less consumption but we still had to pay for water because we had to pay for a certain minimal amount.

Bert Aumack, asked Engineer to look at Hurley & Butler. Streets are only halfway done.

Rick Ely, asked about fixing the parking lot apron to Borough Hall.

Barbara Hassmiller, asked if front windows of Borough Hall will be replaced. Asked how negotiating committee told union employees that there wasn't any money when there is now money for adjustments.

There being no comments or questions from the public, the meeting was closed to the public at 9:30 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.
Motion moved and carried by all at 9:33 PM to go into closed session after a five minute break.

CLOSED SESSION

R 265 -12 - Closed Session **Resolution**:

RESOLUTION NO. 265-12
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
  - Resolution of Grievance
- Contract Negotiation
  - Rubenstein Property
- Potential Litigation
  - Benjamin Terry Park
  - Spalling on Promenade

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, Contract Negotiation, and 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:

Motion made by Mr. Sheridan, second by Mr. McPeek with ayes by all present for Council to returned to open session at 10:46 PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. McPeek and carried with ayes by all present at 10:48 PM