

October 4, 2011
Keyport, New Jersey

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 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 (arrived 7:01pm), Sefcik, Chamberlain, Sheridan, Ambrose, Toggia (arrived 7:06pm), Mayor McLeod. Others present: CFO, Tom Fallon, Borough Administrator Ms. Wright, Borough Attorney, John T. Lane

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

RECOGNITION

Keyport First Aid Cadets trophy won by the Cadets at the Wildwood Firemen's Convention and the 10th Anniversary of the KFAS Cadet Program

Tom Gallo spoke of Cadet Program grooming members for the First Aid Squad. Cadets were given a special judges award for appearance at the Wildwood Firemen's convention.

Arianna Holmes, President, spoke of learning leadership, respect and medical skills. All five cadets present spoke of their work with the Cadets.

PRESENTATION

By Peter McNearvey of Redflex Traffic Systems, Inc. regarding Red Light camera presentation.

If captured on camera in the State of New Jersey, there are no DMV points associated. It is a civil penalty. No out-of-pocket costs. Fees are collected after citations are paid. System is 100% violator funded.

All consecutive vehicles will be captured. Reduces bad driving behavior on an average of 52%. Cost is set by the State at \$85.00 per summons, \$11.50 goes to the State; \$35.00 goes to Red Flex. Only the police, after review of the evidence, can make the decision to present a citation.

Violator can be walked through the video of their violation on the Internet which reduces appeals by 99%. 80% of violators pay on first notice. Fee to Redflex is fixed percentage. Any cameras knocked down will be up in 72 hours. Can be put on existing infrastructure but Redflex recommends putting the cameras on their poles. There are no state contract vendors.

Administrator Wright asked if this would be subject to an RFP; yes.

Photographic information is the sole property of the Borough.

Mayor mentioned that Chief Casaletto has an article published regarding Red Light Cameras.
(7:55 PM presentation ended)

PROCLAMATION

Mayor Read Proclamation for Domestic Violence Awareness Month

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 went over the resolutions on the consent agenda.

R241-11 Payment Of Bills

R242-11 Establishing a Halloween Curfew for Minors on October 30, 2011 and October 31, 2011

R243-11 Appointing Members of the Green Team

R244-11 Adopting the Corrective Action Plan for the 2010 and 2009 Audit

R245-11 Releasing the Escrow Funds for Thomas & Kathleen Devino, 41 Center Street

R246-11 Opposing the Unprecedented Toll and Fare Increases Imposed by the Port Authority of New York and New Jersey and Urging Governor Christie to Immediately Exercise His Veto Power

R247-11 Authorizing Award of Contract for Reconstruction of Division Street to Mixalia Enterprises LLC

R248-11 Authorizing Award of Contract for 2011 Road Improvement Program to AMC Industries LLC

R249-11 Salary Resolution – IUOE/Clerical Employees

R250-11 Salary Resolution – Non-Union Employees *(removed to be considered after closed session)*

R251-11 Appointment of Fire Inspector Nicholas Vecchio

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 8:01P.M.

Rudy asked about signs on the pier stating “no dogs” on the pier. Asked why it is on the promenade as well.

Administrator stated issue was discussed and recommended by the Harbor Commission.

Debra Hill, 6 First Street, also concerned about prohibiting dogs on the pier. Ms. Hill is concerned that dogs will be prohibited on the promenade. Said she is very proud to live in Keyport.

Administrator Wright will look into it.

Mayor read Harbor Commission Ordinance pertaining to their having control of rules for the Waterfront Park. The Board of Recreation Commissioners also has that power. They have overlapping jurisdiction.

Len Rubenstein, owner of Platinum Car Wash on Rt. 35, and also a Real Estate developer by trade, spoke of his attempt to purchase a piece of Borough property (25' x100') to add to his 25'x100' lot. Has another property 40'x90' which he would even be willing to swap. Mr. Rubenstein's lot (Blk 5.01, Lot 2) is contiguous to the other two lots.

Mayor - explained that block was recommended to be retained as commercial by the Highway Study that was done. We are on the horns of a dilemma with our Zoning Ordinance, Highway Study and Master Plan. Property in that area is zoned commercial and the properties with residential homes on them are non-conforming.

Ed Burlew, 59 West Front Street, asked about September 20th minutes, both open and closed session.

Mike Lane, 51 First Street, spoke of Harbor Commission imposing rules on the pier in connection with the feedback from the Park Warden. Spoke of a dog fight on the pier (summer of 2010) and an injury that occurred to someone who tried to break up the fight. Mr. Lane asked about the audit and the Corrective Action Plan.

Attorney Lane – Audit findings were about the BID and the library.

Lt. Gallo – expressed that during these tough economic times it saddens him to see the Borough enter into consolidation when it will cost one or two people their jobs. Stated the new Court Administrator has been a pleasure to work with. Doesn't understand how the government encourages job growth and then eliminates jobs.

Ed Carew, 64 Broadway, gave an update of the mural project at the Waterfront Park. There is one more phase to complete the process. Exposed 2"x6"s will be covered. High School students may do murals on the back of the panels. Will report again at the next Council meeting.

Matt Salvatore – Keyport PBA Local 223, asked the status of repeater radios. Still having a problem with the radios.

At 8:58 pm motion was made and carried for a short break. Reconvened at 9:04pm.

Administrator – agreement was made with Bethany to install the repeater. Have not received a requisition from the Police Department. Administrator stated she is waiting for a requisition for the equipment from the Chief.

Matt Salvatore also asked about the water leaking into the building, when will it be fixed? Asked if there was any check on the building

At 8:58pm Motion was made and carried for a short break. Reconvened at 9:04pm.

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #18-11 – 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 Mr. Chamberlain with ayes by all present to open the Hearing to the public for comments or questions regarding either Court Ordinance at 9:03 P.M.

Joy Tomczak – asked if other costs, such as police overtime, was looked at.

Mayor stated there will be additional police cost if there isn't any night court. He is going to request a night court in order to cut down on overtime.

Administrator Wright stated that the Mayor will have the support of, at least, one other Mayor on that issue.

Ms. Tomczak asked about video conferencing capabilities if there was to be a night court. Ms. Tomczak also asked whether there will be blended calendars.

Mayor - video conferencing capabilities will be expanded according to the Sheriff.

Councilwoman Sefcik - spoke of Hazlet and Keyport having similar volume however, Hazlet has higher court costs than Keyport has.

Joe Ruth, Keyport PBA President, 223, asked who will be keeping the court revenue. Thinks this is a big move and a lot of the details are not worked out yet. Feels it is a bad idea.

Mayor stated each town will keep their own court revenue. Estimated savings in the first year is \$50,000 to \$60,000.

Attorney Lane - Judge cannot be appointed by the Governor until the agreement is made.

Doug Evans asked if figures for savings and costs given in the newspaper are correct

Administrator Wright stated that the figures in the newspaper article were not correct.

There being no more comments or questions from the public, the hearing was closed at 9:29 P.M.

Motion to adopt Ordinance #18-11 was made 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 adopted moved by Mr. Sheridan second by Ms. Sefcik

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

2. Ordinance #19-11 – 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 adopt Ordinance was made 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 adopted moved by Mr. Sheridan second by Ms. Sefcik

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Recreation Commission

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER II, ADMINISTRATION, SECTION 2-7.8
BOARD OF RECREATION COMMISSIONERS, OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT**

Mayor explained current ordinance and how it conflicts with the State Statute – NJSA 40:12-1.1. Alternate #3 is not authorized by the Statute.

Motion to introduce Ordinance was made 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 18, 2011 was made by Mr. Sheridan, second Mr. Chamberlain

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

COMMUNICATIONS AND PETITIONS

1. Email from Clean Ocean Action regarding their 26th Annual Fall Beach Sweep to be held on Saturday, October 22, 2011

Motion to receive, file and urge all to participate (at Cedar Street Park) moved by Mr. Sheridan, second by Ms. Sefcik with ayes by all present.

2. Invitation to the launching of Keyport Garden Walk 2012 to be held Sunday, October 16th, 2011 from 1PM -4PM at Trinity Restaurant

Motion to receive, file and urge all to attend moved by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present

3. Letter from Keyport Fire Patrol announcing that the Fire Patrol officers and members have unanimously voted to have Ex-Capt. Chuck Pfleger be their candidate for the 3rd Assistant Chief of the Keyport Fire Department

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

4. Letter from Jesus the Lord Church requesting approval of three marching events to celebrate feasts on:
 - o Our Lady of Guadalupe Procession - Sunday, December 11, 2011 – 2PM-2:30PM
 - o Palm Sunday Procession – Sunday, April 1, 2012 11:15AM – 12Noon
 - o Good Friday Procession - Friday, April 6, 2012 – 4:15PM – 5PM

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

5. Letter from New Jersey Water Supply regarding an informal meeting with interested water customers to discuss the proposed rate adjustment has been scheduled for Thursday, October 6, 2011 at 11AM in the Conference room of the Authority's Manasquan Reservoir Administration Building in Wall

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

6. Letter from the KBA Visual Improvements Committee requesting permission to repair and paint the gazebo located in Firemen's Park

Councilwoman Bolte would like them to show plans.

Motion to receive, file and ask for plans, refer to Borough Administrator to coordinate with KBA VIC.

7. Letter from Charles Merla, owner of Keyport Trinity, LLC and Bulkhead Bar & Grille, requesting that now that he has amended his ABC application for the Bulkhead as "inactive" that the restriction prohibiting him from the sale of packaged goods at Keyport Trinity be removed

Motion to add resolution to next meeting moved by Mr. Chamberlain, second by Mr. Toglia with ayes by all present.

UNFINISHED BUSINESS

1. Recommendations and checklists regarding hurricanes and snowstorms

Councilman Sheridan – waiting for OEM to release their Emergency Management Plan and spoke of possibly using Union Beach radio station

Councilwoman Bolte – mentioned she is researching possibility of a grant.

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- Preconstruction meeting on Benjamin Terry Park Bulkhead held today.
- Firemen's Park complete
- Sewer upgrades – bid rejected – engineer preparing two bids to split the project.
- Waiting for repair options from Engineer on Spaulding at Waterfront Park
- Osborne Street repairs
- 2011 Energy efficiency report
- Prebid meeting held for Municipal Building. Bids to be received 10/16
- Country Jamboree this weekend
- Waiting for denial from insurance carrier to determine FEMA funds
- LED sign – awaiting JCP&L – we need to have electric run from pole to sign by contractor.
- Finance meeting kicked off for preliminary budget
- Wednesday 9am Monmouth County Shared Service meeting

Ms. Wright – there is a contingency plan in place to be provided by the contractor to waterproof the South Wall of the municipal building for the winter

Councilwoman Sefcik asked about DOT evaluation of Nappi Place; Ms. Wright stated it is on her list to do.

ATTORNEY'S REPORT – No report

NEW BUSINESS

1. Soap Box Derby issues

Soap Box Derby will be held Saturday morning October 9th.

Motion was made by Ms. Bolte, second by Ms. Sefcik to close East Front Street this weekend as per Chief's recommendation with ayes by present.

PUBLIC COMMENT PORTION

Motion was made by Ms. Sefcik, second by Mr. Toglia with ayes by all present to open the Hearing to the public for comments or questions at 9:59 P.M.

Ken McPeek noticed concrete on the waterfront is chipping. Said we need a guarantee in writing. Should last at least 2-3 years or not worth repairing. Mr. McPeek asked if anyone has checked into Firemen's Park Boardwalk repairs, and about Jackson Street parking. Mr. McPeek said there is a paper street behind the field should be looked into.

Mayor – some refastening of loose boards have been done.

Alberta Fuller, resident of Hazlet and member of St. Mary's church – thanked Chief and others for changing the date of the Soapbox Derby and resolving their problem

Nancy Carew has tickets for the Garden Walk. Can also address some questions regarding the metal roof on the Gazebo.

There being no more comments or questions from the public, the meeting was closed at 10:04 P.M.

CLOSED SESSION

R 252-11 - Closed Session Resolution:

RESOLUTION NO. 252-11 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:

Contract Negotiations:
§ Salaries Union
Personnel:
§ Employee discipline

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 discussion on Contract Negotiations and Personnel 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: Mr. Chamberlain

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

The meeting went into closed session at 9:15pm and reconvened into open at 10:39pm

Resolution #250-11 Salary Resolution – Non-Union Employees – It was agreed that 2% raises would be given to CFO, Tax Assessor, Tax Collector, Municipal Clerk, Senior Center Director, Administrative Secretary, Administrative Clerk and Administrator

Motion made by Mr. Sheridan, second by Mr. Chamberlain with ayes by all present.

ADJOURNMENT

Motion to adjourn was made and carried at 10:41 pm