

October 18, 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, Tolia (arrived 7:01pm), Mayor McLeod. Others present: CFO, Tom Fallon, Borough Administrator Ms. Wright, Borough Attorney, John T. Lane

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Red Ribbon Week – Students passed out Red Ribbons to raise awareness of the dangers of the use and abuse of alcohol, tobacco, and other drugs

Mayor read the Proclamation for Red Ribbon Week. Barbara Hilliard and Mrs. Grossman said a few words. Two students also spoke supporting Red Ribbon Week.

Mayor read rules for Conduct at the meetings – NJSA 40A:65-5C states Mayor shall preside at the meetings.

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.)

R253-11 Payment of Bills

R254-11 Accepting a Grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the New Jersey Economic Development Authority and the Department of Environmental Protection

R255-11 Amending Resolution 138-07 Approving the Person-To-Person and Place-To-Place Liquor License Transfer for Keyport Trinity, LLC

R256-11 Declaring Community Planning Month

R257-11 Authorizing Award of Contract for South Wall Masonry & Window Replacement to Rocon Construction Group, Inc.

R258-11 Authorizing Adjustment to 2011 Tax Levy – Freeze Act

R259-11 Referring the Old Borough Hall Redevelopment Plan to the Unified Planning Board

PUBLIC COMMENT PORTION

Motion made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to open the meeting to the public for comments or questions at 7:11P.M.

Steve Roberts, 10 Kearney Street – complained of too many neighbors at 14 & 16 Kearney Street. Over 20 people living there.

Ed Burlew, 59 West Front Street - asked when Ordinance introduction #2, the Bid Ordinance, was added to the agenda. Stated it was put on at the last minute.

Mayor stated it was added today at 3PM.

Mr. Burlew asked about phone bill and phone contract, JCP&L LED sign, and Ye Cottage Inn parking lot.

Administrator Wright – expects an estimate on the sign by the end of the week.

Mayor – reiterated what he stated at the last meeting regarding the Ye Cottage Inn parking lot. He will read the deeds and make a recommendation to Council.

Mike Lane, 51 First Street - regarding Resolution No. 255-11, he asked about a sketch showing main bar area where packaged goods will be sold.

Jennifer Henning – expressed her concern over limiting the time a resident has to speak.

George Walling asked about the BID ordinance and whether all Council had an opportunity to read it.

Councilwoman Sefcik stated that although she received it today, she did have the opportunity to read it.

Larry Vecchio stated that this is a personality conflict that is affecting the town. Feels KBA just had their most successful event.

Dennis Fotopoulos, 77 Beers Street, asked if Rules of Conduct at meetings can be included with agenda for new participants. Mr. Fotopoulos spoke of handicap dips (at corner of Beers and Walling) that collect water at the corners.

Elmer Graham, Jr., 22 St. Peters Place, asked about Freeze Act resolution #258-11

Administrator Wright explained that the Freeze Act is to freeze taxes for Senior Citizens

Ken McPeek – parking lot bulkhead at Ye Cottage Inn has holes in it. Mr. McPeek encourages the Mayor to look at it. Something should be done. Mr. McPeek asked for reports on walk-throughs from the Harbor Commission.

Joy Tomczak, 109 Fulton Street, - questioned whether Van Dorn (between Hurley and Maple) could have one-side of the street parking.

Councilman Sheridan stated that he also had a concern regarding Kearney Street.

Ed Burlew asked about Tri-State not being able to get zoning approval; asked about La Costera having zoning approval at 59 West Front Street.

It was explained that they did receive zoning approval from Mr. Neibert.

Mayor stated some of Mr. Neibert's zoning approval was questionable. Taxi & Limo dispatch are not allowed in the general commercial district must go before Planning Board.

There being no more comments or questions from the public, motion was made by Ms. Bolte, carried by Ms. Sefcik to close the meeting to the public at 7:08 P.M.

APPROVAL OF RESOLUTIONS

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

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

Nays:

Abstain:

Absent:

APPROVAL OF MINUTES

September 6, 2011 – Work Session

September 20, 2011 – Closed Session

Offered for adoption by Mr. Sheridan, seconded by Mr. Chamberlain

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #20-11 – 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

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 7:43 P.M.

There being no more comments or questions from the public, the hearing was closed at 7:44 P.M.

Motion to adopt Ordinance made by Ms. Bolte second by Mr. Sheridan with ayes by all present.

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 – Solid Waste & Recycling

The Clerk reads the Ordinance by Title:

AN ORDINANCE ESTABLISHING SECTION 16-5, SOLID WASTE COLLECTION AND DISPOSAL, CHAPTER XVI, AND AMENDING SECTION 16-6, MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND RECYCLING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

Mayor explained the history and states this will make our solid waste and recycling ordinances consistent.

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 public hearing to be held November 1, 2011 moved by Mr. Sheridan, second by Ms. Sefcik

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

2. Ordinance – BID

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

Motion to introduce Ordinance moved by Ms. Ambrose, second by Ms. Bolte

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

Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held November 1, 2011 moved by Mr. Sheridan, second by Ms. Sefcik

COMMUNICATIONS AND PETITIONS

Request from Keyport Public Schools requesting the Borough place an ad in the Keyport High School Year Book

Motion to buy the ad from next year's budget moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

2. Letter from NJDOT regarding Safe Routes to School Program (SRTS)

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

3. Flyer from Clean Water Council regarding their Public Hearing to be held November 30, 2011 from 9AM-1PM

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

4. Letter from Keyport First Aid requesting approval for the use of Fireman's Lot on October 23rd for the purpose of an extrication drill between the First Aid and Eagle Hose

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

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for September 2011
2. Tax/Water/Sewer Collector's Report for September 2011
3. Building Department Monthly Report for September 2011
4. Board of Health Monthly Treasurers Report for September 2011
5. Municipal Court Cashbook Report for August & September 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 Ms. Sefcik with ayes by all present.

COMMITTEE REPORTS

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

- Thanked DPW for all their hard worked this weekend during the Country Jamboree
- Recycling Committee – printed new schedules for 2012
- Spoke of park maintenance

Councilwoman Sefcik: Health and Recreation: Ms. Sefcik thanked the Recreation Commission for a successful 5K race. Thanked supporters of the Skate Jam. Ms. Sefcik spoke of the Holiday Light Display in December.

Councilman Chamberlain: Fire/First Aid/Emergency Services: Mr. Chamberlain stated he will have the report tomorrow.

Councilman Sheridan: Police: Mr. Sheridan read the August police stats.

- Turn in Unused Drugs program – Saturday, October 29th
- Harbor Commission – no dogs allowed on fishing pier. Explained someone got hurt. Pier is not wide enough for dog traffic.
- Historical Society is having a tea at the Yacht Club
- Thanked Fragrance Resources for their walk-thru
- Beach Clean up this Saturday
- Keyport First Aid Squad Comedy night Saturday, December 10th – tickets \$30.00

Councilwoman Ambrose: Finance/Grants/Redevelopment: Ms. Ambrose reported that the Finance Committee did meet a few weeks ago and will meet again first week of November.

Councilman Toglia: Buildings/Grounds/Library: Mr. Toglia reported that he is waiting for Library audit to be completed. Thanked all for their help with the Country Jamboree.

DISCUSSION

Jackson Street Ordinance –

Ken McPeek stated that residents on Jackson Street would like a census taken as to which side to have parking. He suggested the North side.

Councilwoman Bolte asked Police Commission Sheridan whether there has been any discussion of an increase in salary for Police Chief.

Councilman Sheridan stated there was discussion of it but nothing has been negotiated yet.

Councilwoman Bolte stated she does not know why we would even start to address salary until next year. Borough did negotiate this year and the negotiation was the promotion. PBA contract is also up this year.

Administrator Wright – any employee may put forth demands but that does not mean the Borough is negotiating.

UNFINISHED BUSINESS

Councilman Sheridan asked about hiring temporary seasonal employees for snow removal. Would like to work on getting signs put up for one-side of the street parking during snow storms.

Administrator Wright – needs recommendation by Wednesday of next week for additional streets that should have one side of the street parking during snow storms.

ADMINISTRATOR'S REPORT

Ms. Wright reported on the following:

- JIF Safety meeting at Hazlet – DPW Superintendent attended
- Personnel manual is almost completed. Puts all rules and regulations in one manual
- Attended NJIT Brownsfield Redevelopment Conference
- Joint meeting next Tuesday night for Joint Court Administrative Committee

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 8:24P.M.

George Walling suggested Police Chief get a copy of the tape since his salary was discussed. Pointed out Mayor allowed Mr. McPeek to interject from the audience.

Dennis Fotopoulos spoke of the public areas that did not have snow removed with the requirement of the Ordinance.

Mayor stated we will do what we can with what we have. Snow Ordinance extended the time in which snow must be removed.

Mike Lane wanted to reinforce what Councilman Sheridan stated about the fishing pier and dogs.

Mike Lane asked whether Trinity was to sell packaged goods from both the main bar and the basement lounge bar, if they would be in violation.

Attorney explained that they would. They must sell packaged goods from the main bar.

Mike Lane asked about the possibility of fraud regarding a certain Planning Board application. Mike Lane asked about the method to have the applicant restore the improved building back to a garage.

There being no more comments or questions from the public, the meeting was closed to the public at 8:36 P.M

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

The meeting was reconvened into closed session at 8:48pm

CLOSED SESSION

R 260 -11 - Closed Session Resolution:

RESOLUTION NO. 260-11 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
 - status on workman's compensation case
- Contract
 - IUOE 68
- Potential Litigation
 - Code Offenders

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, 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. Sefcik

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

Came out of Closed Session

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 8:59pm