

November 1 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, Sefcik, Chamberlain, Sheridan, Ambrose, Mayor McLeod. Others present Borough Administrator Ms. Wright, Borough Attorney, John T. Lane Absent: Councilman Toglia

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

October 4, 2011 – Work Session

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

Roll Call Vote: Ayes: Councilmembers Sefcik, Bolte, Chamberlain, Sheridan, Ambrose
Nays:
Absent: Councilman Toglia
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.)

R261-11 Payment Of Bills
R262-11 Requesting Approval Of Items Of Revenue And Appropriation NJSA 40A:4-87 – Bayshore DWI Saturated Patrols Grant
R263-11 Requesting Approval Of Items Of Revenue And Appropriation NJSA 40A:4-87 – Hazardous Discharge Site Remediation Fund
R264-11 Authorizing Purchase of FireFighter Turn-out Gear
R265-11 Authorizing Sick Day Buy Back for Non-Union Employees
R266-11 Declaring Surplus Property – Fire Boat
R267-11 Authorizing Adjustment to Sewer Bill Due to Leak in Sprinkler System
R268-11 Joint Court Magnemeter

Mayor went over resolutions on the consent agenda and provided an explanation of each.

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 7:05P.M.

Mayor read rules of conduct at Council meeting. Mayor requested any comments regarding the BID Ordinance wait until the Public Hearing for that Ordinance.

Ed Carew, 64 Broadway, gave an update on the construction of the mosaic panels at the waterfront. Mentioned that ASK has more ideas to enhance the area. Mr. Carew thanked the DPW and members of the KBA for their help. Mr. Carew will invite students to participate to decorate the back of the panels once the wood has seasoned.

Mike Lane, 51 First Street, asked for an update of the top ten property maintenance violations. Mr. Lane spoke of past Planning Board approvals of subdivisions and new uses.

Lenny, 6 Kearney Street, came to complain of overcrowded units in his neighborhood.

There being no more comments or questions from the public, motion was made by Mr. Sheridan, carried by Ms. Sefcik to close the meeting to the public at 7:13 P.M.

APPROVAL OF RESOLUTIONS

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #21-11 –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 GENREAL ORDINANCES OF THE BOROUGH OF KEYPORT

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 at 7:11P.M.

Mike Lane, 51 First Street – pointed out what he believed to be inconsistencies in the time bulk items can be put out. Also felt there was no definition of recyclables under 16-6.2. Pointed out other items in the Ordinance as well.

Elizabeth Jager, 14 Cedar Street, asked whether the Borough will provide garbage cans and where that money would come from.

Mayor stated that the Borough is not outlawing anyone's waste container, just trying to make a uniformed standard.

Mike, owner of a commercial property, stated that garbage men took three of his 50 gallon containers.

There being no more comments or questions from the public, the hearing was closed at 7:34 P.M.

Motion to adopt Ordinance made by Mr. Sheridan second by Ms. Ambrose

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

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Mr. Sheridan, second by Mr. Chamberlain

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

2. Ordinance #22-11 – BID

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS IMPROVEMENT DISTRICT, OF THE REVISED GENRAL ORDINANCES OF THE BOROUGH OF KEYPORT

Mayor read a statement explaining the reason for this Ordinance.

Motion was made by Mr. Chamberlain, second by Mr. Sheridan with ayes by all present to open the Hearing to the public for comments or questions at 7:46P.M.

Lawrence Vecchio, 55 West Front Street, stated that this Ordinance will not pass the DCA as a new BID. Believes this is a way for the Borough to take the BID's money and use it for their own needs. Mr. Vecchio stated the last event was the best ever held in this town. Believes we will see what happens as time goes on.

John Merla, 58 Main Street, Business owner – gave some history of the Businessman's Associations and the Chamber of Commerce. Mr. Merla spoke of the KBA's support of the Neighborhood Preservation Program (NPP). Mr. Merla stated that the KBA has worked for thirteen (13) years.

Cliff Moore, IHOP, President Northern Monmouth Chamber of Commerce, concerned that the new board will consist of more government people rather than commercial business people.

Richie Yarczower, former business owner at 32 West Front Street, stated the KBA does things intimidation and executive board joined KBA to destroy it from within. May look for a store to come back to after tonight.

Mike, business owner on Route 35 – has been here for thirty (30) years, feels as a business owner he should have a vote as to whether or not he wants the KBA. Feels KBA has done a lot of good, commercial assessment has gone down.

Mike Lane, 51 First Street – feels this Ordinance will be a great step backwards.

Cliff Moore, Keyport IHOP, stated since he is not the owner of the property there should be a method to communicate with the business owners. That would be the first step in creating a partnership

Richie Yarczower, formerly of 32 West Front Street, spoke of his wife being unable to get on the KBA ballot

There being no more comments or questions from the public, the hearing was closed at 8:12P.M.

Mayor addressed the formation of the board in this new Ordinance. Certificate of Incorporation will provide thirteen Board members to provide flexibility if they wish to enlarge in the future. Mini-park was clearly built without being in compliance with the State Statute. Current BID has had casual disregard and violation of the law. Borough's job is to oversee the operation of the money entrusted to the BID.

Councilman Chamberlain received many phone calls from town residents. Mr. Chamberlain spoke of Mr. Smart, who works with SIDs in the State, and offered to mediate between the Borough and the Bid for \$1.00 a meeting. Doesn't think a drastic move is in the best interest of the people in this town.

Councilwoman Bolte stated it is very difficult to smoothly transfer a dictatorship into a democracy. There has never been any discussion to use the money for anything other than the benefit of the business owners. Assessment dollars themselves are a tool that we want to keep.

Councilman Sheridan – worked side by side with KBA on several events. They are a group of hard-working volunteers. Thinks it would be in our best interest to have a majority of business owners on the board and would support this Ordinance with that change. Not in the best interest of the town to fight over the KBA.

Councilwoman Ambrose – Council is a group of people trying to make the best decision for this town, to help make Keyport a vibrant community.

Mayor – reiterated Certificate of Incorporation will provide in the future to have a majority of business owners. BID's are a public trust. Requested Sheridan withdraws his proposed amendment since more business owners could be placed on the board in the future.

Councilman Sheridan feels we are doing this without input from the business owners.

Councilwoman Bolte thinks it is a mistake on Councilman Sheridan's part to want to amend the Ordinance at this time.

Councilman Chamberlain – does not think the people are being represented fairly.

Mayor asked if there was a second on Mr. Sheridan's motion to amend the Ordinance to include more business owners.

Councilwoman Ambrose proposed switching a resident for a business owner.

Mayor requested Council reject Mr. Sheridan's motion.

Motion dies since there wasn't any second.

Motion to adopt Ordinance made by Ms Ambrose second by Ms. Bolte

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

Motion authorizing the Clerk to publish the Ordinance as adopted moved by Ms. Bolte, second by Mr. Sheridan

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Jackson Street 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 7-3.3, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, SUBSECTION 7-3.3, SCHEDULE I

Mayor read a letter signed by twenty-four (24) residents on Jackson Street requesting that Ordinance for Jackson Street not be adopted.

Attorney – proposed seasonal no parking during games

Chief Casaletto stated this is a safety concern for the residents, not a parking concern. Chief Casaletto stated that it is difficult to get emergency vehicles down the street with parking on both sides. There have been two incidents on that street involving children who have passed away. One was a medical reason, one was a tragic accident.

Mayor suggested that Ordinance be introduced and that public have their say at the public hearing to be held at the next meeting.

Mayor explained the process that occurred with the Planning Board and that they have determined this is consistent with the Master Plan.

Motion to introduce Ordinance moved by Mr. Sheridan, second by Mr. Chamberlain

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

Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held November 22, 2011 moved by Mr. Sheridan, second by Ms. Sefcik

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

2. Ordinance – Redevelopment Plan for Old Borough Hall

The Clerk reads the Ordinance by Title:

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN PURSUANT TO NJSA 40A:12A-1 FOR 18-20 MAIN STREET, BLOCK 39, LOTS 40 & 41

Mayor explained the process that occurred with the Planning Board and that they have determined this is consistent with the Master Plan.

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

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

Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held November 22, 2011 moved by Mr. Sheridan, second by Ms. Sefcik

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

COMMUNICATIONS AND PETITIONS

1. Letter from Joanne Stroyny-Terwilliger, 138 Broad Street, requesting an adjustment of her water/sewer bill due to frozen pipes

2009 and 2010 delinquent charges were sold – send a letter to follow tax collector's direction to pull meter and cap line, then waive 2011 charges.

2. Letter from Keyport Fire Department requesting permission to hold their 2012 St. Patrick's Day parade on Saturday, March 24, 2012

Motion to approve and give to Chief moved by Mr. Chamberlain, second by Ms. Sefcik with ayes by all present

3. Email regarding FEMA's Extension of the Deadline to register for Disaster Assistance

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

UNFINISHED BUSINESS

Mayor asked Bob Burlew for the Code Enforcement TOP 10 List.

Attorney asked Mr. Lane if he had specific concerns on specific properties.

Mr. Lane stated he was only interested in the top ten use violations.

Bob Burlew spoke of an overcrowding case that will be in court tomorrow. Mr. Burlew mentioned that Mrs. Campo and her attorney did not show up and that Mrs. Campo will have to put the garage back to the way it was. Mr. Burlew stated he is working on 150+ summonses since May 4th.

Councilman Sheridan asked what would be the best way for residents to reach him. Mr. Burlew replied that there are two full time Clerks in his office. He can be contracted through them.

Councilwoman Ambrose would like to see a monthly report from the Property Maintenance Officer.

Mayor read letter, hand delivered at the beginning of the meeting, from resident Sheryl Luster regarding the property at 75 Manchester and thanking him for his help.

Mr. Burlew stated he took in \$4,300 in fines from 75 Manchester.

ADMINISTRATOR'S REPORT - No report

ATTORNEY'S REPORT - No report

NEW BUSINESS

Councilman Sheridan reported on Sunday morning there was Black ice at the entrance way to the Parkway ramp. A police car was totaled in the accident. Police Officer was okay.

Mayor – spoke of Beach clean up. There was a very good turn-out.

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 9:09P.M.

Nancy Jones – followed up on her request to look at situation at Maple Place and May Street.

Administrator – has gotten further information. She was referred by the DOT to the Timing Department to check the timing of the light.

Dennis Fotopoulos – asked whether the Mayor had gotten his email regarding the curbs and drainage on Beers Street.

Administrator explained what was done in the original scope of the work on Beers Street.

Nancy Carew, 64 Broadway, asked time frame for creation of new BID. Concerned about funds for Garden Club.

Mayor – just signed Certificate of Incorporation. Ordinance must be published first. Hopefully, there will be a transfer of functions with as little rancor as possible. New BID will not be a 501C3 at this point. Only funds not being paid to the KBA is the forth quarter assessment.

Peter Henning, 102 Main Street, - says it is refreshing to see the Council working together to deal with the problems of the Borough.

Bob Burlew – stated he would hope there would be no interruption to Holiday events by decertifying the current KBA.

Sheryl Luster, 201 7th Street, - thanked the Mayor for the improvements in her neighborhood due to enforcement of violations at 75 Manchester.

There being no more comments or questions from the public, motion was made by Mr. Sheridan, carried by Ms. Sefcik to close the meeting to the public at 9:33P.M.

Motion made by Mr. Sheridan, second by Ms. Sefcik to close to the public a have a short break before reconvening.

Motion was made and carried to go into closed session after a three minute break with ayes by all present

The meeting was reconvened into closed session at 9:48pm

CLOSED SESSION

R 269-11 - Closed Session Resolution:

RESOLUTION NO. 269-11 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 Negotiation – licensing easement
- § Personnel – various positions

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 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 Ms. Bolte, second by Mr. Chamberlain

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

The meeting went into closed session at 9:39pm and reconvened into open at 9:48 pm

ADJOURNMENT

Motion to adjourn was made and carried at 9:49 pm