

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.

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, McPeck, Sheridan, Tomczak, Ambrose, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney, Andrew Provence

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

APPROVAL OF MINUTES

October 16, 2012 – Regular Session

Motion to approve made by Mr. Sheridan, second by Ms. Bolte

Roll call vote: Ayes: Councilmembers Bolte, Tomczak, McPeck, 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.)

Mayor McLeod went over and gave explanations for each Resolutions on the Consent Agenda

- R273-12 Payment Of Bills
- R274-12 Authorizing Leave of Absence of Anthony Davino
- R275-12 Granting Taxicab Driver Licenses to Drivers of Keyport Yellow Taxi for the Year 2012-2013
- R276-12 Application for a Raffle License – Masonic Association of Keyport
– Off- Premise 50/50 Cash Raffle – May 6, 2013
- R277-12 Authorizing Payment Plan – Guastella
- R278-12 Authorizing Payment Plan – Hye
- R279-12 Authorizing Requests For Professional Services Proposals for 2013
- R280-12 Hire Temporary School Crossing Guards
- R281-12 Emergency Resolution – NJSA 40A:4-48 – Water/Sewer Utility Budget
- R282-12 Emergency Resolution – NJSA 40A:4-48 – Current Fund Budget
- R283-12 Requesting the Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Donations for Disaster Assistance Related to Hurricane Sandy Pursuant to NJSA 40A:5-29
- R284-12 Authorizing the Waiving of C.O. Fees for Displaced Victims of Hurricane Sandy
- R285-12 Authorizing Sheltered Storm Victims to Find Temporary Housing with Family Members

PUBLIC COMMENT PORTION

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

Larry Stonerock, 325 First Street, asked if fees were being waived for demolition. He had heard from the Construction Office that they were not. Fees for permits for demolition and reconstruction should be waived.

Ginger Morris, 229 First Street, asked how residents flooded out are to get rid of garbage from the storm.

Administrator Wright, explained current Borough Ordinances are still in place. This is the first meeting since the storm. We will discuss garbage disposal tonight.

Stuart Kopelweis, KBBC Director, mentioned some of the help available to businesses for recovery from Hurricane Sandy.

John Merla, 15 Main Street, says we cannot afford to lose even one business due to the storm. Would like to see fees waived to get businesses back up and running as soon as possible. Says losing businesses cripple the town. Mr. Merla is putting together a Thanksgiving Dinner for displaced victims to be held at the Elks Club.

Paul Aversa, of Mike's Sub's, spoke of wanting to get his building taken down and then have it rebuilt. Feels he has gotten the run-around and rules have changed from one day to another.

Councilwoman Bolte, stated she does not want to see the Borough make any revenue from this tragedy.

Administrator Wright, explained that the rules in the Ordinances still apply, no one person can change the rules. It would require an action from the Governing Body. If one has flood insurance, debris removal would be paid for by the insurance company. Council would have to decide whether they wish to have all residents bear the financial cost of debris removal for those who have no flood insurance.

Jack Jeandron, Town Historian, spoke of the Keyport Steamboat Museum which opened in 1976 and was destroyed in this storm. Requested Mayor and Council remove the sale of Old Borough Hall and lease it to the Historical Society. Then the Borough could go out to bid on the sale of the property where the Museum was which he believes, as a waterfront property, would have more interest to sellers.

Mayor McLeod, mentioned we have a contract on the sale of Old Borough Hall. Although it has not been signed, he believes it may be binding.

Attorney Provence, stated he does not believe it is binding. It is subject to Council's ratifications.

Mayor McLeod, stated that there was letter of October 25th, which made most of the final changes to the contract.

Elmer Graham Jr., 22 St. Peters Place, agrees with the statement from former Mayor John Merla. Suggested inviting Governor Christie to look at the waterfront. Agrees we all need to come together.

Michael Lane, 51 First Street, commended the Fire Department for their response during the storm. Also agrees that permit fees should be waived. Feels we need an emergency management post-hurricane plan.

Councilwomen Tomczak and Bolte, felt his request was premature when we are still finding homes for displaced people. We are not in post-hurricane mode yet. We are still in it.

Mayor McLeod, asked Mr. Lane to end his presentation and leave.

John Merla, mentioned scrappers have been allowed to sign in and pick up metal in Union Beach.

Nancy Carew, clapped for everyone there for all their hard work. Says she has no criticisms at all.

There being no more comments or questions from the public the meeting was closed to the public at 7:58 PM moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

APPROVAL OF RESOLUTIONS

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #19-12 – Social Media Policy

The Clerk reads the Ordinance by Title:

AMENDING CHAPTER II (“ADMINISTRATION”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO CODIFY THE SOCIAL MEDIA POLICY OF THE BOROUGH OF KEYPORT

1a. Motion made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:59 PM

There being no comments or questions from the public, motion was made by Mr. McPeek, second by Mr. Sheridan with ayes by all present to close the hearing at 8:00 PM

1b. Motion to adopt Ordinance made by Ms. Ambrose, second by Ms. Tomczak

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

1c. Motion moved by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

2. Ordinance #20-12– Bayshore Regional Sewerage Authority; Supplemental Agreement

The Clerk reads the Ordinance by Title:

AMENDING CHAPTER II, SECTION 12 (BAYSHORE REGIONAL SEWERAGE AUTHORITY; SUPPLEMENTAL AGREEMENT”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO RECOGNIZE A SUCCESSOR AGREEMENT WITH THE BAYSHORE REGIONAL SEWERAGE AUTHORITY

1a. Motion made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 8:01 PM

Elmer Graham Jr., 22 St. Peters Place, requested the agreement be put on the Borough website.

There being no comments or questions from the public, motion was made by Mr. McPeek, second by Mr. Sheridan with ayes by all present to close the hearing at 8:03 PM

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

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

1c. Motion moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance – Police Auxiliary

The Clerk reads the Ordinance by Title:

AMENDING CHAPTER III, ARTICLE I (“POLICE DEPARTMENT”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO CODIFY THE ESTABLISHMENT OF THE KEYPORT AUXILIARY POLICE FORCE

1a. Motion to introduce was made by Ms. Tomczak, second by Mr. Sheridan

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

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held November 20, 2012

Motion moved by Mr. Sheridan, second by Mr. Bolte with ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Notice from Keyport Public Schools soliciting ads for the Keyport High School Yearbook

Motion to refer to the KCCC made by Ms. Bolte, second by Mr. McPeek with ayes by all present.

2. Notice from Keyport Fire Department soliciting ad for program book for the January 26th Annual Firemen's Ball honoring Chief John McCleaster

Motion to refer to the KCCC made by Ms. Bolte, second by Mr. McPeek with ayes by all present.

3. Email from resident Michael Lane regarding a Chicken-Keeping ordinance

Motion to receive and file and forward to the Chicken Committee made by Mr. Sheridan, second by Mr. McPeek with ayes by all present.

4. Letter of Resignation from crossing guard Thomasine Ferm, effective immediately

Motion to accept with regret made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

5. Notice regarding a December 10th (9am-1pm) Public Hearing *Greening New Jersey's Water Infrastructure*, sponsored by the New Jersey Clean Water Council to be held at NJDEP Public Hearing Room in Trenton

Motion to refer to the Environmental Committee made by Ms. Bolte, second by Mr. Sheridan, with ayes by all present

6. Notice of Hearing regarding application made by Bayshore Regional Sewerage Authority (BRSA) to the Union Beach Planning/Zoning Board for an interpretation of the Zoning Map and Zoning Ordinance to be held Wednesday, October 31st at 7PM

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

NEW BUSINESS

Administrator Wright reported on storm facts:

- Damage to twenty-six commercial buildings and about a dozen residential buildings totaling over nine million dollars excluding the high rises
- \$200,000.00 damage to pump stations
- Replacement of boat ramp office
- Cost of overtime
- \$471,000.00 damage to park
- Fuel
- Debris
- Water & Sewer Damage

FEMA reimbursement is \$250,000.00. Need to find out if this is per incident or per location. We are on our own trying to find dumpsters for debris. Thinks if pickup continues to Saturday we should be back on regular garbage schedule by Monday.

Mayor McLeod stated that the Attorney General's office is looking into price gouging for debris pick-up

Administrator Wright explained we will lose property taxes on those demoed properties until they are rebuilt.

Attorney Provence explained the process for rebuilding. Must first have zoning approval. Others would have to go before Unified Planning Board. Once a structure is demolished, even if it had been grandfathered previously, the permission allowing it to continue as it was goes away.

Councilman Sheridan asked whether we stand in the way of those who want to build the same?

Mayor McLeod spoke of rescheduling Planning Board meeting to November 29th in order to allow more time for those who will need to make application to rebuild.

Councilwoman Bolte stated that Keyport BID may be able to offer assistance to the businesses.

Clerk Heilweil asked for direction tonight since fees will have to be paid tomorrow.

Mayor McLeod read some wording for a proposed Resolution waiving fees for permits.

Motion was made by Ms. Bolte, second by Mr. Sheridan with ayes by all present to add Resolution 286-12 Waiving Certain Fees to Facilitate Hurricane Sandy Relief Efforts

Councilwoman Tomczak emotionally apologized to Mr. Lane. Expressed her frustration. Thinks everyone in the room has done a great job. This is not the time for criticism and statistics when there are people who have no place to live.

Councilman Sheridan congratulated Mr. McPeck and Ms. Lamberson on their winning the election. Also thanked those who did not win. Regarding Hurricane Sandy, he also thanked each of those who helped, from the Police Department, Fire Department, OEM, First Aid, Cub Scouts, volunteers, etc.

Councilman Toglia added thanks to the local businesses.

UNFINISHED BUSINESS

Councilwoman Bolte stated we will get to Cats and Chickens eventually

ATTORNEY'S REPORT

Will discuss spalling in closed session.

ADMINISTRATOR'S REPORT

Administrator Wright stated Keyport is truly a unique town with the amount of volunteers going down to pre-Kindergarteners. We would not have been able to hire that kind of help. Some of our own employees have lost homes.

Mayor McLeod stated Chief Casaletto did an excellent job in assisting Union Beach. His performance was impressive. Feels utility companies cannot get their act together in getting accurate information. This frustration was expressed by every Mayor, every DPW Superintendent and every Administrator. He thought they would have learned from dealing with Hurricane Irene.

Question was asked about whether the curfew for coastal communities has been lifted yet. Would like to be able to let the businesses open by the weekend.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:58 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Dennis Fotopoulos, 77 Beers Street, sometime in the near future we will lose the support from surrounding communities. Spoke of Emergency Watershed Protection Program and asked whether Administrator was aware of it. Businesses may qualify for some relief through the USDA. Thanked First Aid for oxygen bottles and a regulator for his mother-in-law who is a COPD patient. In the face of destruction comes much humanity.

John Olsen, has a Harbor Commission meeting Monday night and the waterfront will be discussed. Meeting will be 7:00 PM in the conference room.

Mike Lane, apologized for his comments regarding gathering data.

Administrator Wright, explained dumpsters are not even available at this point.

Mayor McLeod, stated that some residences may not look bad from the outside but basements have still been flooded, so while people have not all been displaced there is still a need to get rid of things. There is a great need for dumpsters. We will give what assistance we can.

Administrator Wright, the debris we have been clearing is the debris that made its way to public ground.

Elmer Graham, Jr., Agrees that young people and everyone did a terrific job. Saw those in the DARE program.

There being no comments or questions from the public, the public comment portion was closed to the public at 9:10 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Motion made by Ms. Tomczak, second by Ms. Bolte to go into Closed Session at 9:19 PM with ayes by all present.

CLOSED SESSION

R 287-12 - Closed Session **Resolution:**

RESOLUTION NO. 287-12 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:

- Contract Negotiation:
- Municipal Riparian Grant
- Captain John
- Potential Litigation:
- Spalling Update

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 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. Bolte

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 9:53 PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. McPeek and carried with ayes by all present at 9:54 PM