

**BOROUGH OF KEYPORT
SPECIAL MEETING AGENDA
FRIDAY, NOVEMBER 15, 2024, 10:00 AM
In-Person and Video/Teleconference**

CALL TO ORDER: 10:02 AM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

Minutes of the Special Meeting of the Mayor and Council, Borough of Keyport, held on the above date in Borough Hall Council Chambers, Keyport, NJ, pursuant to the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L.1975, c.231.

ROLL CALL:

Members present: Councilmember Brady via Zoom, Councilmember McNamara, Councilmember Reilly via Zoom, Council President Vecchio, Mayor Araneo via Zoom

Members absent: Councilmember Gross, Councilmember Peperoni

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

INTRODUCTION OF ORDINANCE

1. Ordinance – Amending the Borough Code Pertaining to the Fire Department

The Clerk read the Ordinance by Title: **AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER III (PUBLIC SAFETY), ARTICLE II (FIRE DEPARTMENT), SECTIONS 3-30.1, 3.31.1, 3-31.2, 3-31.3, 3-31.4, 3-31.5, 31.6, 3-34, 3-34.2, 3-34.3, 3-34.4, 3-36.1, 3-38.2, 3-41.1, 3-41.3, 3-43.2**

1a. Motion to introduce:

MM: Reilly 2nd: Vecchio

Roll Call: Ayes: Brady, McNamara, Reilly, Vecchio

Nays:

Absent: Gross, Peperoni

Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing:

MM: Reilly 2nd: Vecchio

Councilmember Reilly read a statement from First Assistant Fire Chief Edward W. Lewandowski Jr., the incoming Fire Chief for 2025:

I am writing this letter in regard to the proposed changes of the Borough of Keyport fire department ordinance. I am not able to attend today's meeting in person due to work commitments and I want to extend my apologies to the Mayor and Council for my absence.

I support the new proposed changes to the existing ordinance that were based on the survey conducted by the state at the request of the members of the fire department. These initial changes to the ordinance are the first steps to a new beginning. Based on the survey, which advised us to consolidate the department into one company, one building, and removing some of our aging apparatus, would provide our firefighters a safer environment to better serve and protect the citizens. I believe that beginning this process at the top and working with individuals with the same goals will unify our membership into a brotherhood and sisterhood that will be streamlined, more efficient, and foster a safer environment for a better quality of life for our members which will provide us better enhanced opportunities to serve our community.

In conclusion, it is my opinion that the information the department received in a briefing on the survey is in the best interest of the Keyport Fire Department, the Borough of Keyport, and the citizens of Keyport that we strive to protect. These changes are a new beginning, a new chapter in the history of the Keyport Fire Department, the start of a future that is united, living under one roof, serving with distinction, pride and professionalism, just like the many members before us in

the 147 years of our existence. I thank you for your time and consideration on reviewing my letter of support.

Respectfully,
Edward W. Lewandowski Jr.
1st Assistant Fire Chief

Mayor Araneo noted that the reason for this special meeting was a request from the fire ordinance committee. She asked Councilmember Reilly to provide background information.

Councilmember Reilly explained that in the beginning of October, there was a meeting about the fire departments with all the chiefs and some of the governing body – herself, Councilmember Brady, and Council President Vecchio – as well as the Borough Administrator. This was not the council’s meeting; councilmembers were there to witness it and provide borough support. The fire department chose, by vote, to consolidate the fire department; the motion was made by Chief Hank Young. Chief Fox made a motion to establish an ordinance committee and chose Jay Borsari to head that committee. Another meeting was held with all the chiefs in executive session with Borough Council to discuss how this ordinance committee would move forward, to streamline the process and consolidate into one fire company and update the existing ordinance, which is cumbersome and ineffective.

Councilmember Reilly emphasized that the Borough Council wants the fire department to lead the charge instead of the New Jersey Department of Community Affairs (DCA), and prefers that the fire department take this opportunity instead of having the State make all the decisions. The council could have decided to write the ordinance with the State but wants the fire department to continue to be autonomous and not be micromanaged. This was decided by the chief with the fire department ordinance committee. The committee wrote the changes independent of council and independent of the chief to avoid any impropriety. They presented the ordinance changes and explained how the only way for the department to move forward would be to dissolve all of these other companies and update the election process. Accordingly, this ordinance is only about the election process because four chiefs can’t be elected if the fire department is consolidating into one department with one deputy chief. She reiterated that this ordinance is only changing the election system for one year because there will need to be a subsequent ordinance for one consolidated fire department, which the department will author on their own and determine how they want it to operate, and that will be presented to council and take effect April 1st.

Councilmember Reilly specified that this ordinance would amend existing language and allow for continuity in leadership in the way the fire department elections have previously been handled, where every year the First Assistant Chief moves up to serve as the Chief. This means First Assistant Chief Lewandowski will become Chief, which is the position he would have been elected to, for continuity purposes. [Lewandowski] is already working on the capital budget, just as Dan Fox did last year when he was moving into the chief position. This continues the existing practice and process but only pauses the election. Next year there will be an election.

Councilmember Reilly indicated that Chief Fox asked why the department can't just elect two chiefs this year, and that’s because the existing ordinance doesn't allow this; it currently reads that there must be an election of four chiefs. This ordinance is a bridge to make the existing version of the department compatible with the new version that the fire department voted on. This council wants the fire department to act independently, while being as supportive as possible to make the process move forward in a streamlined manner. She added that change is hard, but believes this will be the best thing for the fire department and for the Borough.

Mayor Araneo asked Councilmember Reilly to confirm that the DCA made a recommendation to consolidate down to three houses, but then the fire department made the recommendation and a motion to move forward with two houses instead of three. Councilmember Reilly confirmed it was the fire department that decided it would be two houses under one company, and the fire department will decide what houses remain, not the governing body. Mayor Araneo reiterated that the only thing the governing body is doing is updating the current ordinance based on the fire department’s ordinance committee recommendation.

Councilmember Reilly further explained that the reason for this Special meeting, and not the November 26th meeting, is to precede the Fire Chief election in December and provide proper

legal notice in a newspaper, which is required by State law to be a certain number of days in advance of the adoption. Added that dozens of people have put in so much effort to make this happen, including many months of work with Fire Marshal Tony Vecchio who led the effort with the NJ Department of Community Affairs (DCA), at recommendation of the fire department.

PUBLIC COMMENT

The Meeting was opened to the public for comments.

Opened: 10:18 AM Motion by Vecchio Carried by McNamara. Ayes by all present.

Fire Chief Dan Fox – clarified that at the recent fire department meeting he appointed Jay Borsari but the ordinance committee comprises 14 other people and he'll be on that committee. He noted that no one has met with Jay on that committee about this ordinance which the fire chiefs only saw that yesterday. Believes this is moving fast and its unknown what firehouses will remain open. Suggested council vote no.

Councilmember Reilly – responded that this ordinance has nothing to do with the firehouses that will close because they will be chosen as a fire department. This ordinance would streamline the leadership to one chief and deputy, instead of four. Noted that Chief Fox had the opportunity to ask questions and most of the time everything was agreed upon, and the only disagreement was about having an election. Recalled Mr. Fox wanted to elect two chiefs instead of four. But the current ordinance doesn't allow this and that's why it must be amended. The council is following the State law. The council is trying to do what's right for the fire department.

Chief Hank Young, Second Assistant Chief – asked when the DCA report was finished and who was on the committee. Contended that this wasn't approved by the chief of the department, and the chain of command is not being followed. Insisted that consolidation be done by the Keyport Fire Department and that members of the fire companies have the right to elect their chief. Asserted that Lewandowski is the First Assistant Chief but he has to be elected Fire Chief and the governing body doesn't have the right to tap the next chief. Action to close down a firehouse, pulling the truck 2275 out of Liberty, can affect the community; that firehouse is also a polling place and is next to a high rise. Asked Tony Vecchio to make a recommendation about consolidation and work with the State. Indicated [he] hasn't seen the State report and there hasn't been a meeting about changing the ordinance. Requested the borough take a step back and give the department time to make changes and make decision about which one to keep or close. Thinks this is being rushed. May not all agree but the main goal is to work together for public safety.

Councilmember Reilly – Reiterated that this ordinance would not close any firehouses, and the fire department will make the decisions about which houses will stay open or close. Explained that the reason for pausing the election [for 2025 chief] is for continuity of leadership during a big change; change can be uncomfortable but may not be bad. The draft report from the State was read to the department chiefs multiple times. The council is working within the legal framework. Nobody is closing a firehouse. Reiterated that the fire department is deciding to consolidate and this must be done locally or the State will do this. Emphasized that the governing body wants the fire companies to do this and not the State. If the existing election process with four chiefs were to continue pursuant to existing Borough Code, then voting would be limited to only active members in good standing, which respond to 50% of calls. There couldn't be an election based on the 50% duty requirement under current standards. Councilmember Reilly encouraged anyone with questions to email her.

Council President Vecchio asked if the concerns were just about the changes. Referenced that the 50%-call voting member requirement was met by only three people in that category. This ordinance is meant to help facilitate a more participatory election.

Hank Young – wants to make sure everyone has a right to vote. Lewandowski would have to be elected. Becoming the Fire Chief is not an automatic thing.

Mike Lane, First Street – asked about getting a copy of ordinance and validating the statements made. Impressed with how the fire departments are organized.

Closed: 10:34 AM Motion by McNamara, Carried by Brady. Ayes by all present.

Councilmember McNamara asked who is authorized to make the request of the fire department since the request is from the fire department. The Borough Administrator replied that she was joined by the fire department chiefs and Tony Vecchio, fire and housing inspector, in meeting with the NJ DCA about the feasibility study, and the results were provided in executive session with the chiefs. At the meeting with Councilmembers Reilly and Brady also present, the mid-November date was selected for amending and making changes, and a motion was made by the fire departments to consolidate to two houses, one company, and establish an ordinance committee for the new ordinance, to be composed of Jay Borsari and two members for each of the existing companies. The governing body, in executive session, asked Tony Vecchio and herself to sit on fire ordinance committee meetings to be voice of borough.

Councilmember McNamara asked who are the people who will vote to bring things forward. The Borough Attorney responded that it was represented to council and the Borough Administrator and Attorney that the people asking for these changes are the ones who were elected to fire leadership, and the borough isn't able to interfere with the business of the fire department. The Borough Attorney reiterated Councilmembers Reilly and Vecchio, noting that this is what the fire department leadership wants, to delay the elections to allow the fire department to review the ordinance and make their desired changes. This ordinance would provide time for this process and change the title from Assistant to Deputy Chief. The election piece was specifically requested; this delays the election to carry over into next year so there is time to communicate and get feedback to change the ordinance. The Borough Attorney noted that if the people who represented this to the borough didn't have the authority, then that should be brought up to those people who want consolidation. The ordinance before this Council only addresses the title change and the election, so there is time to consolidate. The Council wants to avoid the State consolidation and provide the fire department with the opportunity. The election delay allows the consolidation to be determined by the fire department.

ADJOURNMENT

Motion to Adjourn

MM: Vecchio 2nd: Brady

Ayes: all present

Nays:

Time of Adjournment: 10:44 AM