

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 7:00 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, McPeck, Sheridan, Tomczak, Toglia, Mayor McLeod. Others present: Borough Administrator Ms. Wright, Borough Attorney Gordon Litwin, Esq.; Absent: Councilmember Ambrose,

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATIONS

By Don Norbut, Borough Engineer of T&M Associates and Francisco Melendez of Netta Architects regarding South Wall Building Façade.

Mr. Norbut recommended Change Order # 8. Mr. Norbut turned the presentation over to Mr. Melendez. Mr. Melendez distributed a Rain Water Infiltration Report.

Mr. Melendez reported that cavity walls do not have sheeting and water is infiltrating the Borough Hall. The work that was done concentrated on the South Wall, where biggest issues were, due to limited financial budget. The upper level (2nd floor) of South Wall was reconstructed. Most water infiltration was in the Police Department's detective area and has been minimized since work was done. The lower wall running perpendicular to the South Wall is now the area of concern. He personally reviewed the contractors Change Order.

Administrator Wright stated that we are faced with a \$35,000.00 project which may fix the problem. Or a \$240,000.00 project to be sure to remedy the problem.

Mr. Melendez replied that Netta will oversee the project and certify the work, which would be at an additional cost.

Mr. Norbut said there would be additional soft costs to re-bid but that would allow for options.

Attorney Litwin stated that he will look into the legality of having a Change Order at this time. Needs proposals from the Engineer and Architect for their additional fees.

Mayor McLeod stated that the next meeting is December 4th. Would like to get it to Building & Grounds Committee by next week.

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 resolutions on the Consent Agenda and gave explanations for each.

Eight (8) 30-yard dumpsters were leased in order to pick up Hurricane Debris at a cost of over \$5,000.00. Debris in public right of way is reimburseable through FEMA. FEMA's position is that debris from private homes is the responsibility of the homeowner.

Mayor McLeod mentioned that one of the dumpsters contained asbestos and the entire dumpster was rejected. No homes in Keyport were damaged enough to have to discard asbestos.

- R289-12 Authorizing Payment Plan – Kyne
- R290-12 Declaring Fire Truck #2275 (1978 Ward LaFrance) as Surplus
- R291-12 Extending the Time for the Keyport Bayfront Business Cooperative to Conduct Elections Following Hurricane Sandy
- R292-12 Extending the Time for the Keyport Bayfront Business Cooperative to Submit its Budget for the 2012 Following Hurricane Sandy
- R293-12 Granting Renewal of Inactive Liquor License of DTV Pizza Inc.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:24 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Mayor McLeod read Rules of Conduct at Council Meetings.

Tom Gallo, asked if he may approach Council to give his First Aid/OEM/CERT report.

Mike Lane, 51 First Street, thanked Council for providing dumpsters. Says ¾ of the debris was washed up from the bay.

Mr. Lane also asked about the Municipal Building roof issues. Was told they were fixed. Council reported roof repairs were made but there were other problems.

Better Shriver, stated that she was proud to be in Keyport after the storm with the outpouring of support from the community.

Fire Chief John McCleaster, gave an update; there was a water rescue and a tree that fell on a woman who also needed assistance. 50 Beers Street was flooded and their electrical room was on fire. Five homes were also on fire. Then 500 Broad Street dropped one of its exterior walls. They waited until the next morning to remove residents since there were asleep. Residents were helped down eleven stories. Used all manpower and equipment we had available and all of it was needed.

Councilman Sheridan, stated that Union Beach Police Station was evacuated at 3:30 AM because they were taking on water.

Fire Chief McCleaster, was amazed at the outpouring of volunteers. Thanked everyone who helped at the shelter, including people from out-of-state as far as Mississippi. Fire Chief McCleaster also recommended selling 1978 Fire Truck, declared as surplus tonight, as soon as possible, before it turns pink from exposure to the sun.

Elmer Graham Jr., 22 St. Peters Place, asked about damage to Borough Hall from Hurricane Sandy. Wished all a Happy Thanksgiving.

Administrator Wright, replied that there was no damage to the Borough Hall because there was not any rain.

Artie, of Hazlet, defended JCP&L workers who were being blamed for not restoring electric quickly enough.

Mayor McLeod, agreed those workers were not to blame.

There being no more comments or questions from the public, the meeting was closed to the public at 7:40 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

APPROVAL OF RESOLUTIONS

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #21-12 – 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 made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:41 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Bolte with ayes by all present to close the hearing at 7:41 PM

1b. Motion to adopt made by Ms. Tomczak, second by Mr. Sheridan

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

1c. Motion authorizing the Clerk to publish the Ordinance as adopted

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Chicken Ordinance

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER XXIII, SECTION 4 OF THE REVISED GENERAL
ORDINANCES THE BOROUGH OF KEYPORT, BOARD OF HEALTH REGULATIONS
(“CONTROL AND LICENSING OF ANIMALS”), TO PROVIDE FOR THE KEEPING AND
REGULATION OF BACKYARD CHICKENS**

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

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

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held December 4, 2012

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

2. Ordinance – Sale of Old Borough Hall

The Clerk reads the Ordinance by Title:

**AN ORDINANCE RATIFYING THE PURCHASE AND SALE AGREEMENT WITH MANE
STREET USA LLC FOR BOROUGH PROPERTY (BLOCK 39, LOT 40) PURSUANT TO
N.J.S.A. 40A:12A-8**

2a. Motion to introduce was made by Ms. Bolte, second by Mr. Sheridan

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

- 2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing to be held December 4, 2012

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

- 2c. **RESOLUTION** R294-12 – Conditional Designation of a Redeveloper for Block 39, Lots 40 and 41 (“THE OLD BOROUGH HALL REDEVELOPMENT SITE”)

Motion moved by Ms. Bolte, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Tomczak, McPeek, Sheridan, Toglia

Nays:

Absent: Ambrose

Abstain:

COMMUNICATIONS AND PETITIONS

1. Letter from John Mass, resident of Van Dorn Street, requesting the placement of no parking during snow signs on Van Dorn

Motion made to refer to Police Committee and DPW Committee and request list of no-parking inventory and also advise Mr. Mass of progress made by Mr. Sheridan, second by Ms. Bolte with ayes by all present.

2. Application for a Street Opening Permit for 53 Chingarora Avenue for the purpose of an oil conversion. (Opening will be behind the curb and not in the traveled way)

Motion to approve made by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

3. Letter from NJ Housing and Mortgage Finance Agency regarding the New Jersey HomeKeeper Program

This program offers \$48,000.00 in mortgage assistance, unrelated to the storm

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

4. Email from Joan Michalski, resident of 500 Broad Street, expressing gratitude for Safe Haven Shelter

Motion to receive and file and forward to Emergency Services made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

REPORTS OF DEPARTMENTS

1. Board of Health Treasurer's Report for October 2012
2. Tax/Water/Sewer Collector's Report for October 2012 and annual Tax Sale held October 23, 2012
3. Municipal Clerk's Monthly Report for October 2012

Motion to approve made by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Buildings/Grounds/Library: Ms. Bolte reported on the following:

- Keyport Historic Society building was lost – Borough got approval to put a trailer to store items. Items that were retrieved are at our DPW facility
- Lost murals, railings and boat trailer
- No library damage
- Minor roof and lattice damage at Senior Center

- Water Plants have challenges
- Pump stations – had flooding issues
- Many street signs need repair or replacement
- Small business meeting, Saturday, November 24th
- BID Meeting last week
- Northern Monmouth Chamber of Commerce Meeting, Wednesday, December 5th at Middletown Library
- Five sites offering free Thanksgiving dinners – three in Keyport – Trinity, Uptown and Elks Club
- Urged volunteers to come help Union Beach
- Wished all a Happy Thanksgiving

Councilman McPeck: Health and Recreation: Mr. McPeck reported on the following:

- Holiday lighting contest judging will be December 14th, 6–8PM. Recreation will give out prizes.
- Tree lighting ceremony this Saturday

Councilman Sheridan: Finance/Grants/Redevelopment: Mr. Sheridan reported on the following:

- Finance meeting for tonight was canceled
- Historic Society was well prepared – Prior to the storm, took many items out of the Museum, so they would survive the storm
- Harbor Commission meeting – Marinas reported heavy damage. There will be another meeting this Monday
- December 15th, 4-9PM – Historical Society's Candlelight Tour. There will be two trolleys running.
- Proclamation for Boy Scout Troops 364 for work at the shelter

Councilwoman Tomczak: Police: Ms. Tomczak reported on the following:

- Extended her personal thanks to Chief McCleaster for all the work the Fire Department did before, during and after the storm. Also thanked the First Aid
- Commended the Police Department for all their hard work during the Storm
- Mutual aid assistance to Union Beach was 309 hours
- Read storm related costs and hours worked

Councilwoman Ambrose: Public Works/Recycling/Property Maintenance: Ms. Ambrose was absent.

Councilman Toggia: Fire/First Aid/Emergency Services: Mr. Toggia reported on the following:

- Read First Aid report. First Aid worked endlessly from October 29th – November 9th
- OEM coordinators worked about 1000 hours
- 300 Volunteers signed up at the shelter
- Special thanks to Councilwomen Tomczak and Ambrose for their work at the shelter
- Thanked Boy Scouts of Boy Scout Troop 364. Put in 1000 hours themselves, preparing meals and organizing supplies

UNFINISHED BUSINESS

1. Dumpsters

- Private property debris removal is the responsibility of the property owner
- Debris in the public-right-of-way FEMA will reimburse

Administrator Wright stated that Union Beach has so much debris that it affects public health and safety. No one knows how far the money will go for debris removal. First Street and Gull Way still have debris issues. FEMA does not want to pay private contractors for debris removal. We were on regular trash pick-up since the Wednesday after the storm. Administrator gave different options for proceeding with debris cleanup and requested direction of Council's pleasure.

Councilman McPeck stated something has to be allocated for residents with additional debris. Contractors should not receive dumpsters for debris. A few dumpsters is good relations.

Administrator Wright stated that American Legion Drive was clean but then residents dumped debris in the public right of way. FEMA reimbursement is 9-10 months away.

Councilwoman Bolte stated we must have a date where debris assistance ends.

Mayor McLeod stated that FEMA will reimburse the most expensive consecutive 30 days of debris removal.

2. Permanent Placement of Public/Private Appurtenances on Public/Municipal Properties

- Borough lost \$10,000.00 worth of murals as well as Art Society butterflies, the boat ramp trailer, and the Historic Society Museum.

Councilwoman Bolte suggested that, moving forward, all art work installed should be removed prior to a storm.

Councilwoman Tomczak stated that anything being put at the Waterfront should meet a design standard.

Councilman Sheridan said he is not in favor of not putting art in the floodplain. 911 Monument at the waterfront did survive.

Mayor McLeod suggested making art at the Waterfront a temporary display.

Councilwoman Bolte believes we need a policy for installation.

ATTORNEY'S REPORT

Attorney Litwin reported on the following:

- Completed Chicken Ordinance and Old Borough Hall contract

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Regarding Historic Society Museum – met with flood adjuster and JIF adjuster. They are now sending a structural engineer
- Pump Station needs work – need to get quotes
- December 4th – Grow Monmouth
- Hurricane Relief for businesses
- Had a visit from FEMA Intergovernmental Affairs wanting to know our damages
- Lt. Gallo and Marina operators met with Coast Guard
- Anticipates distributing budget worksheets
- Conducting interviews for DPW Director

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:49 PM moved by Mr. Sheridan second by Mr. Toglia with ayes by all present.

Fire Chief McCleaster, spoke of large generators, a crew and an electrician offered from Walgreens to provide electric to the shelter. Walgreens even put fuel in at no cost to Keyport.

Councilman Toglia, mentioned that Stop & Shop and other businesses donated items as well.

Councilwoman Bolte, thinks large corporations should receive a letter. Small businesses that donated were given posters stating that they had offered relief.

Mayor McLeod, would like a letter signed with original signatures from all Council.

Mike Lane, 51 First Street, wanted to share what he experienced regarding debris. Flood insurance does not cover anything in the yard. It does not pay for debris removal.

Dennis Fotopoulos, 77 Beers Street, mentioned that there were a few businesses that actually said “no”. Suggested placing an ad in the Independent thanking all those businesses that offered help. Mr. Fotopoulos also spoke of debris removal reimbursement from a USDA program he emailed to Mayor and Council. It could help with debris removal from waterways.

Mike Lane, took a walk with Councilman Sheridan on First Street. About half of the homes have damage to their bulkheads. Some residents lost quite a bit of dirt, as well. Some of the worst damaged were the higher properties on First Street.

Administrator Wright, CAFRA is not requiring permits if the work is done within the next six months.

Joe Stahl, 86 Third Street, stated how proud he is of Keyport. His family volunteered at the shelter. Mr. Stahl also mentioned he is the chicken owner in question. He is also Assistant Scout Master of Troop 364.

There being no more comments or questions from the public, the meeting was closed to the public at 9:09 PM moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

Motion made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present at 9:11 PM to go into closed session after a short recess.

CLOSED SESSION

R 295 -12 - Closed Session **Resolution:**

RESOLUTION NO. 295-12 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:

- Personnel
 - PBA Grievance
- Potential Litigation
 - Benjamin Terry Park
 - KBA

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 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: Mr. Toglia

Roll Call Vote: Ayes: Councilmembers Bolte McPeck, Sheridan, Tomczak, Toglia

Nays:

Absent: Ambrose,

Abstain:

Mayor and Council returned to open session at 10:12 PM

Motion to meet at 5:30 PM on December 4th for Closed Session Personnel Interviews moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by, Mr. Toglia with ayes by all present at 10:14 PM