Minutes of the Regular Session Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, NJ, pursuant to the adoption of the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, the 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.

Councilman Sheridan led the meeting in Mayor Aumack's absence and called the meeting to order at 7:04PM. Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Chamberlain, Sheridan, Howe, Lamberson, Cooper and Goode. Others present: Borough Administrator Stephen Gallo and Borough Attorney Karl Kemm, Esq. Mayor Aumack was absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Councilwoman-elect Collette Kennedy and Councilwoman-elect Victoria Pacheco were introduced.

Officer Wheeler came forward and gave a donation of $600 from the Keyport Police Department to the Food Pantry.

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.)

Borough Clerk Heilweil read the resolutions on the Consent Agenda

R277-16 Payment of Bills
R278-16 Governor's Council on Alcoholism and Drug Abuse – Fiscal Grant Cycle July 2014-June 2019 (Drug Alliance)
R279-16 Authorizing Sick-Day Buy-Back for Non-Union Employees
R280-16 Supporting Senate Bill S-2254 and Assembly Bill A-3821 Which Affirms the Language and Legislative Intent of the Fair Housing Act
R281-16 Authorizing Execution of Special Citizens Area Transportation 2017 Agreement
R282-16 Recognizing the Keyport Red Raiders Football team

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions on items listed on the agenda at 7:10PM moved by Sheridan, carried by Goode with ayes by all present

Bob Ludwig, 50 Beers Street – spoke of construction at 45 Beers Street, particularly silt that he believes went into the stormwater drainage system. He feels it was a poor construction practice on the part of the contractor.

Administrator Gallo – stated what Mr. Ludwig described is in violation of the soil conservation permit. He further stated he would look into it and send the Borough Construction Official to the site.

Bob Ludwig – complained that there is an employee who should not be getting a salary from the Borough and also be a member of the KBBC. He feels this is a conflict.

Elmer Graham, Jr., 22 St. Peters Place – congratulated the new council-elect, Collette and Victoria. He asked about **R281-16** Authorizing Execution of Special Citizens Area Transportation 2017 Agreement. He wished all a Happy Thanksgiving.

There being no further comments or questions, the meeting was closed to the public at 7:23PM moved by Howe, carried by Goode with ayes by all present

Councilwoman Lamberson – would like to know how the Drug Alliance money is being spent. She would like to see a report of activities. She would like a work plan for the upcoming year.

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Chamberlain, carried by Lamberson

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

INTRODUCTION OF KEYPORT BID (KBBC) BUDGET

- **Resolution 283-16** Approval of Business Improvement District Budget

Stuart Koperweis of the KBBC came forward and provided a brief presentation of the $211,000 budget. He explained the additional funding request, which is mostly for marketing.

RESOLUTION # 283-16
BUSINESS IMPROVEMENT DISTRICT BUDGET NOTICE

SECTION I. Business Improvement District Budget of the Borough of Keyport, County of Monmouth, State of New Jersey for the Year 2017

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Business Improvement District Budget for the Year 2017;

BE IT FURTHER RESOLVED that said Budget be published in the Asbury Park Press ten days prior to the public hearing.

The Mayor and Council of the Borough of Keyport do hereby approve the attached as the Business Improvement District Budget for the Year 2017:

OFFERED: Goode
SECONDED: Lamberson
AYES: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
NAYS:
ABSENT:
ABSTAIN:

- Letter from KBBC regarding Budget and Report on Activities

Motion to receive and file moved by Howe, carried by Goode with ayes by all present

PUBLIC HEARING/ADOPTION OF ORDINANCES

1. Ordinance #22-16 – Amending Noise Ordinance & Land Use Regulation on Entertainment

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER IV, SECTION 2 (NOISE) AND CHAPTER XXV (LAND USE REGULATIONS ON ENTERTAINMENT) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. Motion to Open Public Hearing at 7:36PM moved by Howe, carried by Chamberlain with ayes by all present

Bob Ludwig – spoke of jurisdictional control of the ordinance.

Administrator Gallo – stated this is a modification of our zoning ordinance and the application of the noise ordinance regarding entertainment. We would be permitting entertainment in the Borough subject to our noise standards.

There being no further comments or questions, the Public Hearing was Closed at 7:40PM moved by Chamberlain, carried by Lamberson with ayes by all present

1b. Motion to adopt Ordinance moved by Howe, carried by Lamberson

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

1c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Chamberlain and carried, with ayes by all present

2. Bond Ordinance #23-16 – **Improvements to Beach Park and Beers Street Outfall Sites**

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BEACH PARK OUTFALL SITE AND THE BEERS STREET OUTFALL SITE IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $425,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

2a. Motion to Open Public Hearing at 7:41PM moved by Howe, carried by Goode with ayes by all present

M.D. Guerin, 75 First Street – asked if this means the stormwater drains on First Street.

Elmer Graham, Jr. – stated FEMA gave us this grant. Does this mean we have to do it to their specifications?

Administrator Gallo – stated it would be our specifications that we approved.

There being no further comments or questions, the Public Hearing was Closed at 7:44PM moved by Chamberlain, carried by Howe with ayes by all present

2b. Motion to adopt Ordinance moved by Howe, carried by Cooper

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Lamberson, carried by Howe with ayes by all present

3. Bond Ordinance #24-16 – **Various Improvements to Water/Sewer Facility**

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER/SEWER UTILITY IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $638,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF $638,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF**

3a. Motion to Open Public Hearing at 7:46PM moved by Chamberlain, carried by Lamberson with ayes by all present

Bob Ludwig – stated he feels the developer at 45 Beers Street is in conflict with the ordinance.

There being no further comments or questions, the Public Hearing was closed at 7:46PM moved by Chamberlain, carried by Goode with ayes by all present

3b. Motion to adopt Ordinance moved by Howe, carried by Lamberson

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

3c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Howe, carried by Chamberlain with ayes by all present

INTRODUCTION OF ORDINANCES

1. Ordinance – Amend Chapter VII, Schedule IV and Schedule I (Atlantic Street)

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER VII (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. Motion to introduce moved by Chamberlain, carried by Lamberson

Roll Call: Ayes: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Chamberlain, carried by Cooper with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Application for Raffle License – BPOE #2030 Keyport Matawan – for a pull tab machine for January 1, 2017 to December 31, 2017

2. Application for Raffle License – BPOE #2030 Keyport Matawan – for a tricky-tray to be held December 10, 2016 from Noon -9PM

3. Application for Social Affair Permit – BPOE #2030 Keyport Matawan – for a Tricky Tray event to be held December 10, 2016 from Noon -9PM

Motion to approve moved by Howe, carried by Chamberlain with ayes by all present

4. Letter from KFD Secretary regarding Lincoln Hose Company Nominee for 3rd Assistant Chief 2017 for the KFD Election to be held December 7, 2016

Motion to receive and file moved by Goode, carried by Chamberlain with ayes by all present

5. Application for a Street Opening Permit for 45 Beers Street for the purpose of installing sanitary, domestic water and fire sprinkler main

Motion to approve with conditions moved by Lamberson, carried by Howe with ayes by all present

6. NJ State Firemen's Association Membership Application for Michael W. Vaughn for Keyport Fire Patrol and letter advising that, at the November 3, 2015 meeting, Fire

Patrol Company accepted the resignation of Larry Stonerock

Motion to receive and file moved by Howe, carried by Chamberlain with ayes by all present

7. Application for Social Affair Permit from Aberdeen/Matawan Youth Athletic Association for a Comedy Show Event to be held at St. Joseph's School on December 9, 2016 from 7PM – Midnight

Motion to approve moved by Howe, carried by Cooper with ayes by all present

8. Letter from Assemblyman Declan O'Scanlon regarding participation in the American Recreational Military Services (ARMS) program called "Project Little Soldier"

Councilwoman Lamberson – stated she would love for Council to support this. She will coordinate the collection.

Motion to approve moved by Goode, carried by Lamberson with ayes by all present

9. Application for Use of Borough Property from Keyport Garden Club to include a Saturday, May 13th Rain Date to the already approved Garden Club Plant Sale of Saturday, May 6, 2017

Motion to approve moved by Goode, carried by Cooper with ayes by all present

10. Minutes of the Senior Bus Project Sub-Committee Meeting of October 6, 2016

Councilman Sheridan - gave an update of the sub-committee. He stated 400 surveys were put out regarding the bus route.

Motion to receive and file moved by Goode, carried by Cooper with ayes by all present

11. Results of the October 20th KBBC Election for 2017

Motion to receive and file moved by Lamberson, carried by Howe with ayes by all present

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for October 2016
2. Tax/Water/Sewer Collector's Report for October 2016 and 2016 Tax Sale Report
3. Board of Health Treasurer's Report for October 2016
4. Building Department's Monthly Report for October 2016
5. Keyport Municipal Court Report for October 2016
6. Clean Communities Monthly Report for October 15- November 18, 2016 and 2015 NJCC Annual Report

Councilman Howe – asked for the Tax Assessor's report.

Motion to receive and file moved by Goode, carried by Chamberlain with ayes by all present

COMMITTEE REPORTS

Councilman Chamberlain: Buildings/Grounds/Library:

- asked about the Borough Hall windows that do not close

Councilman Sheridan: Finance/Grants/Redevelopment:

- budget requests have gone out
- thanked Keyport for voter turnout
- thanked Councilmen Chamberlain and Howe

Councilman Howe: Public Works/Recycling/Property Maintenance:

- DPW checking out a water supply issue near the highway
- DPW is prepared for the 2017 snow season
- working on property maintenance
- reminded all that leaves must be placed in bags. Free bags are available at the Recycling Center on Saturday between 8AM and noon.

Councilwoman Lamberson: Police:

- thanked the Police Department and the First Aid for responding to an emergency call for her mother
- read the Police Department report
- reported on "Operation Take Back"
- CERT is always looking for new members
- two events coming up:
  - tree lighting and Santa on Saturday, November 26th
  - Historical Society House Tour on Saturday, December 10th. This year the tour will be held from 2PM to 7PM.
- wished all a Happy Thanksgiving

Councilman Cooper: Health/Recreation:

- thanked the Police Department. The Food Pantry gave out turkeys and the Police Department assisted with traffic.
- thanked the Police Department for their donation
- Food Pantry will be included in this year's House Tour

Councilman Goode: Fire/First Aid/Emergency Services:

- thanked the Fire Department and read the read the call report
- Fire Department election was held – Chief Fox will be the new Fire Department Chief

NEW BUSINESS

None

UNFINISHED BUSINESS

1. Ordinance amending Chapter II (Police and Fire Departments)

This ordinance would codify existing positions not reflected in our ordinances, such as:

- Jr. Firefighter Program
- OEM and CERT
- Local Emergency Planning Committee

2. Ordinance amending Section 4-16.2 of Chapter IV ("Water Use Restrictions during a Water Emergency")

Councilman Sheridan – stated this ordinance would help us conserve water even without drought conditions.

Ed Carew and Sue Kleinberg, members of the Green Team came forward in support of this ordinance.

Ed Carew – stated he believes this ordinance is forward thinking and would give points towards the Green Team's recognition. He may use Community Day to make a presentation.

Councilman Goode – asked about enforcement.

Sue Kleinberg – stated even without perfect enforcement this is an attempt to conserve water. She stated sprinkler-watering lawns is the most wasteful use of water.

Ed Carew - stated this is another benefit towards stormwater management.

Councilman Howe – mentioned the prohibition of discharging sump pumps into the streets during this time of year.

Councilwoman Lamberson – stated she would like recognition of Wendy Tooker upon her retirement.

Administrator Gallo – stated when we have ordinances we don't enforce, it fosters disrespect for the law.

ATTORNEY'S REPORT

The Borough Attorney stated he reviewed the Borough Administrator's report.

ADMINISTRATOR'S REPORT

The Administrator reported on the following:

- participated in the annual risk management seminar and a session on vacant properties at the NJSLM convention
- attended a loss control meeting
- conducted interviews for DPW laborer
- attended Master Plan Steering Committee meeting
- attended redevelopment meeting with Bushwick Realty regarding Aeromarine property
- met with Local 68 regarding union issues
- met with our financial advisor regarding Mariner's Village Redevelopment Project
- attended KBBC meeting
- held meeting of the Personnel Select Committee
- Entertainment Ordinance
- Open Borough Projects
    - 2016 Road Improvement Program
    - Outfall Project
    - Replacement of Matawan Creek Bridge (MA-14)
- Private Inspection and Escrow Accounts
    - NJNG Renewal Project
- Planning and Grants
    - Brown's Point Redevelopment Plan
    - Aeromarine Redevelopment Plan
    - Longview/Boatworks Redevelopment Plan
    - Long Range Flood Mitigation Planning
    - Post Sandy Planning Assistance Grant – Round 2
    - Monmouth County Traffic Study – First Street
    - Benjamin Terry Park County Open Space Grant
- Water and Sewer
    - USDA-RD Funded Perry Street Water Treatment Plan Upgrades
    - Water Allocation Permit Major Modification
    - FEMA Funded – Hazard Mitigation Grant Program Projects
- Ladder Truck order has been issued
- FEMA Pre-Disaster Mitigation Funding declined for Fireman's Park
- Keyport Main Parking Lot handicapped parking spots
- On Going Projects
    - Borough Insurance
    - Mr. Green Tea
    - Public Wi-Fi
    - Inventory

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:43PM moved by Chamberlain, carried by Cooper with ayes by all present

Collette Kennedy – requested when we obtain the new Senior Bus, that rides to the polls be offered.

- she would like something put on Facebook regarding open volunteer and committee positions
- residents are not familiar with our 911 system which goes to the County. Maybe something can go in the water bills regarding Keyport Police Department phone number. Calling the County delays the response time.
- thinks all mobile food vendors should have the same restrictions
- mentioned Safe Routes to Schools Grant
- requested solar flashing stop signs
- mentioned sidewalk at Monroe and Maple

Mark Breitman, attorney representing client at 317 Beers Street – stated he did not receive a response to his letter. He is trying to get direction on what to do and avoid a lawsuit.

Borough Attorney, Karl Kemm – stated if a use variance is approved, Council can hear the appeal. If it is denied, it would not be heard by Council. Council has no authorization over zoning board matters or over issuance of a CO.

Mr. Ludwig – made some comments.

Elmer Graham, Jr. – stated the reputation of the employee mentioned is beyond reproach. He asked how we will pay for the repair of the Borough parking lot.

Sue Kleinberg – asked for a bike rack at the Borough Hall.

Administrator Gallo – stated New Jersey Transit will offer bike racks.

There being no further comments or questions, the meeting was closed to the public at 9:12PM moved by Howe, carried by Goode with ayes by all present

CLOSED SESSION

RESOLUTION #284-16

RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, *N.J.S.A.* 10:4-12.

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**"), a public body corporate and politic of the State of New Jersey, is subject to certain requirements of the Open Public Meetings Act, *N.J.S.A.* 10:4-6, *et seq.* (the "**Act**"), and

WHEREAS, *N.J.S.A.* 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, discussions involving the transfer of interests in real property as authorized by *N.J.S.A.* 10:4-12(b)(7), relating the negotiation of revisions to the operation contract relating to the boat ramp and discussing the possible negotiation of a concession agreement with a vendor pertaining to the operation of the boat house and Harbor Commission, and potential litigation pertaining to 317 Beers Street.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Mayor and Council assembled in public session on November 22, 2016 and determined that an Executive Session closed to the public shall be held on November 22, 2016 at approximately 8:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.

3. This resolution will take effect immediately.

OFFERED: Chamberlain
SECONDED: Lamberson
AYES: Chamberlain, Sheridan, Howe, Lamberson, Cooper, Goode
NAYS:
ABSENT:

Council reconvened to Open Session at 9:34PM. The Borough Attorney stated what was discussed in Closed Session:

- Contract Negotiation – Boat Ramp
- Potential Litigation – 317 Beers Street

ADJOURNMENT

Motion to Adjourn at 9:35PM moved by Chamberlain, carried by Lamberson with ayes by all present