

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 7:07 PM and Borough Clerk read the Sunshine Law Notice.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATIONS

1. Certificate of Appreciation to Boy Scout Group #364 for volunteerism at Keyport Shelter during Hurricane Sandy

Mayor McLeod read a letter to Council from OEM Coordinator Ken Krohe. Councilwoman Tomczak presented the award.

2. KBBC Sandy Recovery Project, by KBBC President Cliff Moore and KBBC Executive Director Stuart Koperweis

Cliff Moore and Stewart Koperweis would like to hire a company to help business growth in town. Also interested in creating a committee that meets weekly.

3. Grow Monmouth by Freeholder Tom Arnone

Grow Monmouth Freeholder Tom Arnone was Mayor of Neptune City before running for Freeholder. President of NJ Conference of Mayors, Mr. Arnone spoke about Monmouth County Shared Services. Grow Monmouth has business resources as well as Municipal resources. Objective is to retain and grow business and create jobs in Monmouth County. They have GIS economic opportunity maps available to Monmouth County municipalities as a business analyst tool.

Board of Chosen Freeholders initiative is to develop an economic plan for the future of the County, a Comprehensive Economic Development Strategy. An Impact Survey will be going out to the Business Community.

APPROVAL OF MINUTES

November 8, 2012 – Work Session

Motion to approve made by Mr. Sheridan, second by Mr. McPeek

Role call vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, 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 Resolutions on the Consent Agenda

R296-12 Payment Of Bills

- R297-12 Application for Bingo License – St. Joseph Parish Council – Weekly Sundays from 2-4PM – 1/6/2013 through 12/29/2013
- R298-12 Authorizing Keyport Bayfront Business Cooperative to Coordinate Public and Private Restoration Efforts Following Superstorm Sandy
- R299-12 Authorizing Payment for Emergency Purchase of Generator for Sewer Pumping Stations
- R300-12 Supporting the Top 10 Ways for Jersey Central Power & Light (JCP&L) to Improve its Overall Level of Service to Municipalities and Customers that it Serves Based on the Collective Recommendations of Monmouth County Mayors During the 3rd Annual Snow Summit Held in the Borough of Tinton Falls
- R301-12 Application for Raffle License – Keyport Senior Citizens Advisory Committee – On-Premise 50/50 cash – 1/16/2013, 2/20/2013 & 3/8/2013
- R302-12 Application for Raffle License – Keyport Matawan Elks Lodge #2030 – Pull-tab machine – 1/1/2013-12/31/2013

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:45 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Mayor McLeod read Rules of Conduct for Council Meetings.

George Walling, 54 2nd Street, spoke of January 15th meeting in Freehold regarding 17 Atlantic Street. Asked who was attending that meeting and how someone was given a CO when this is before the Monmouth County Board of Appeals.

There being no more comments or questions from the public the meeting was closed to the public at 7:50 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

APPROVAL OF RESOLUTIONS

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

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #22-12 – 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 made by Mr. Sheridan, second by Ms. Ambrose to open public hearing at 7:51 PM

Ed Burlew, asked what the Chicken Ordinance is.

Mayor McLeod explained that it is an Ordinance that allows the keeping of chickens under certain circumstances.

Michael Lane, 51 First Street, gave issues he has with Ordinance.

Mayor McLeod explained that his suggestions have been addressed in the Ordinance.

Mr. Lane, had concerns about chickens roaming in backyards during the day. Suggested a hen house be within the enclosure.

Joseph Stahl, 86 Third Street, he is a chicken owner who has chickens for pets. Mentioned many animals can pass salmonella to people. Precautions are the same as with any pets. Mr. Stahl started an online petition that now has 238 signatures on it. His backyard is only 25 feet wide so he has a concern with the fence having to be 25 feet away from adjoining property lines.

Councilwoman Bolte agrees the restriction is unfair. Does not see a difference between keeping a dog in a fenced backyard and keeping chickens. Did not intend for them to be an enclosure within and enclosure.

Jennifer Henning, 102 Main Street, Doesn't see why there are such restrictions on chickens being kept when there have not been any complaints.

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. Toglia with ayes by all present to close the hearing at 8:32 PM

Mayor and Council went over what amendments they would like made to this Ordinance before re-introducing.

1b. Motion to approve Ordinance with amendments made by Mr. Toglia, second by Ms. Tomczak

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

1c. Motion authorizing the Clerk to publish the Ordinance with amendments moved by Mr. McPeck, second by Ms. Tomczak with ayes by all present.

2. Ordinance #23-12 – 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

1a. Motion made by Mr. Sheridan, second by Ms. Bolte to open public hearing at 8:52 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Mr. McPeck with ayes by all present to close the hearing at 8:52 PM

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

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

1c. Motion authorizing the Clerk to publish the Ordinance as adopted made by Mr. Sheridan, second by Ms. Bolte with ayes by all present

INTRODUCTION OF ORDINANCE

1. Ordinance – Limitation of number of Dogs and Cats as Pets and Managed care of Feral Cats

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XXIII, BOARD OF HEALTH REGULATIONS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

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

Roll Call Vote: Ayes: Councilmembers Bolte, McPeek, Sheridan, Tomczak, 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 December 18, 2012

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

COMMUNICATIONS AND PETITIONS

1. Letter of thanks to the Borough, OEM, Council Members, Volunteers and High School Students from resident Ruth Bowen of 500 Broad Street for care during Hurricane Sandy

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

2. Notice of retirement from DPW Superintendent George Sappah, effective January 1, 2013.
(Last day of work to be December 6, 2012)

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

3. Email from Keyport Historical Society Treasurer James Bacci providing update of the status of the Steamboat Dock Museum since the storm

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

4. Letter from Keyport Recycling Coordinator recommending changes to the current recycling program (side by side)

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

Administrator Wright explained this eliminates Saturday pick-up and allows for side by side pick-up. Papers and cardboard will go side by side with plastics, bottles and cans and a single truck will pick up all recycling. This will reduce our tipping fee at the landfill.

NEW BUSINESS

1. Flood Maps – FIRM

July 2012 started the preparation of the FEMA maps. It is recommended we adopt these recovery maps as part of the plan. Non-conforming properties will see a 25% cost increase in their premiums. We can get a reduction in our flood rates if we build above base flood elevation. She also explained the process to get flood elevation certificate for one's insurance company. She requested Council's permission to have a flood meeting as soon as possible.

2. USDA Natural Resource Conservation Service

Met with USDA. Only jurisdiction for this grant would be the creek by East 8th & Florence. Borough would contract to get work done and would then be reimbursed. Administrator will coordinate with Environmental Commission.

Councilwoman Ambrose announced her resignation effective Friday, December 21st due to her moving and retiring in Puerto Rico.

Councilman Sheridan would like to move forward with an ad-hoc post Sandy Committee that had been set up for Hurricane Irene.

Motion made by Mr. McPeek, second by Mr. Sheridan with ayes by all present to put together the ad-hoc committee and move forward.

Councilwoman Bolte mentioned posters were made to be put in the windows of businesses that helped out during the hurricane. Encouraged all to thank those businesses.

UNFINISHED BUSINESS

1. South Wall Building Facade

T&M has prepared two different options:

1. Change order to existing contract
2. Change order would go out to public bid. There would be additional costs to bid this as a separate contract.

Entire change order is about \$40,000.00, there is no guarantee. We are trying to fix a problem in the easiest way possible.

Attorney Litwin stated if price can be kept within \$41,000.00, we can do the work without public bidding.

Under Local Public Contract Law, cannot exceed more than 20% of the contract price.

Motion made and carried to add Resolution 303-12 Authorizing Change Order of South Wall Building Façade Project not to exceed \$41,000.00 moved by Mr. Sheridan, second by Mr. Toglia

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

Nays:

Absent:

Abstain:

ATTORNEY'S REPORT

Will discuss in closed session

ADMINISTRATOR'S REPORT

Administrator Wright reported on the following:

- Water Plant – going to bid in January
- Proposed adoption of events guideline
- USDA project about 66% complete should be done by end of January
- Sewer Water Plant – spent \$34,000.00 on generator.
- Fire extinguishers looked at this week
- Regarding post storm activities - Administrator met with insurance adjusters for Steamboat Museum. Once we have a verbal report we can demo
- Borough has received a grant for jobs for temporary laborers and a bookkeeper
- Working on developing a plan for outreach on a municipal level – any improvements completed in 2013 will be assessed in 2013. You may experience no reduction in property tax
- Asked for clarification on the Ordinance regarding piers and wharfs
- Both a reduction in tax and an added-omitted will be shown on the third quarter of 2013 for material damage and improvements due to storm damage

Councilwoman Bolte asked for a written report of damage from T&M, Borough Engineers.

Administrator stated that Engineer has been here.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:47 PM moved by Mr. McPeek, second by Mr. Sheridan with ayes by all present.

Mike Lane, 51 First Street, spoke of bulkhead damage to the residences on First Street. Neighbors there have met and are considering hiring an Engineer to do all the bulkheads. He would also like Council to authorize a waiver of the Pier and Wharf Ordinance requiring residents to come before Council in order to raise their bulkheads two feet.

In response to Mr. Lane's bulkhead issue Administrator Wright stated mitigation monies (406 funding) are available but she needs a plan to protect the beach.

Dennis Fotopoulos, 77 Beers, confused about whether or not the Engineer has communicated regarding storm damage.

Councilwoman Bolte, responded he has not.

There being no comments or questions from the public, the public comment portion was closed to the public at 10:00 PM moved by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Motion made by Mr. McPeek, second by Ms. Tomczak to go into Closed Session at 10:01 PM with ayes by all present.

CLOSED SESSION

R 304-12 - Closed Session **Resolution:**

RESOLUTION NO. 304-12 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:
 - DPW Grievance
 - PBA Grievance
 - DPW Director
- Potential Litigation:
 - Benjamin Terry Park
 - Waterfront Park
- Acquisition of Property
 - Captain John

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, Potential Litigation and Acquisition of Property 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. Bolte, Seconded by: Mr. Toglia

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 10:52 PM

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Mr. McPeek and carried with ayes by all present at 10:53 PM