

Minutes of the Work 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.

Mayor Aumack called the meeting to order at 7:00PM and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Howe, Lamberson, Cooper and Goode. Councilman Chamberlain was absent. Others present: Borough Administrator Stephen J. Gallo, Borough Attorney Gordon Litwin and Borough Engineer Trevor Taylor of CME

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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.)

Clerk Heilweil read the Resolutions listed on the Consent Agenda:

R318-15 Payment of Bills

R319-15 Certifying the Cost of Cleaning Up Properties and Placing a Lien Upon Such Lands

R320-15 Temporary Part-Time Seasonal Crossing Guards – C .Headden & D. Hecker

R321-15 Authorizing the Sale of One Surplus Police Vehicle

R322-15 Authorizing the Donation of Two Ambulances to the Keyport First Aid Squad for Use and/or Disposal

R323-15 Authorizing Closeout Change Order to Contract with Bird Construction for Firemen's Park Boardwalk Replacement

R324-15 Authorizing Sale of \$105,600 Special Emergency Note to General Capital Fund

R325-15 Extending the Temporary Appointment of Jessica Wroblewski as Part-Time Clerical Worker in the Building Department for Work to Be Performed in Connection with State Grant

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions on items listed on the agenda at 7:04PM moved by Sheridan, carried by Howe with ayes by all present

George Walling, 54 Second Street – asked about three police officer settlements he heard about.

Elmer Graham, Jr., 22 St. Peters Place – asked about **R324-15** Authorizing Sale of \$105,600 Special Emergency Note to General Capital Fund.

Administrator Gallo – explained we are borrowing money from our capital funds to pay off notes. This allows us to avoid interest costs and is a short-term effect.

There being no further comments or questions, the Meeting is closed to the public at 7:08PM moved by Sheridan, carried by Goode with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve Resolutions on the Consent Agenda moved by Sheridan, carried by Goode

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

APPROVAL OF MINUTES

November 10, 2015 – Work Session
November 24, 2015 – Regular Session

Motion to approve the above Minutes moved by Howe, carried by Goode with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Letter from Keyport Public Schools requesting support in the form of an ad in the Keyport High School Yearbook

Motion to approve a half-page ad moved by Howe, carried by Goode with ayes by all present

2. Letter from NJ General Assembly requesting the Borough's participation in Project Little Soldier campaign, which aims to bring cheer to the children of servicemen and women

Motion to approve Councilwoman Lamberson to reach out to PBA and the do the best she can with it moved by Lamberson, carried by Sheridan with ayes by all present

3. Results of the December 2nd Keyport Fire Department election

Motion to accept and congratulate those elected moved by Goode, carried by Howe with ayes by all present

4. Flyer from Keyport Recreation regarding the Thursday, December 17th (6:30PM-9PM) judging of the Outdoor Holiday Decorations

Motion to approve and thank First Aid moved by Sheridan, carried by Howe with ayes by all present

5. Email from Keyport Recreation regarding a bus trip to Hazlet and Union Beach to view holiday lights on Wednesday, December 23rd departing from Firemen's Park at 6:30PM

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

NEW BUSINESS

None

UNFINISHED BUSINESS

1. **Browns Point Marina**
Continuation of Public Hearing

Motion made and carried with ayes by all present to open the hearing to the public for comments or questions on the application under Borough Ordinance 12:5-2

Borough Engineer, Trevor Taylor of CME, will report on the matter tonight.

Louis Zugner, Engineer, representing the applicant, Sam Schneider, appeared. Mr. Zugner stated Mr. Schneider runs the marina.

Bob Burlew, Construction Official/Zoning Officer, was also present.

Attorney Litwin swore in Louis Zugner, Sam Schneider, Trevor Taylor and Robert Burlew.

Administrator Gallo – Improvements were constructed and a hearing is required under our Borough Ordinance. If work was constructed without permits, then an enforcement action would ensue. In some cases, the line was blurry between restored and reconstructed improvements.

Administrator asked questions of Mr. Burlew.

Mr. Burlew stated he did not feel the applicant needed to come before the Planning Board nor do they need a site plan. The applicant lost a structure (in the AE zone) and replaced the structure, one moveable, the other on a fixed foundation. The only outstanding issue is to conduct one more inspection.

Attorney Litwin – asked Mr. Burlew to stay for full hearing in case there are any questions.

Mr. Lane – asked about our flood prevention Ordinance in relation to these structures.

Mr. Burlew – explained these are considered secondary structures. It would be considered the same as a mobile home, except that, as an office, this is a secondary structure. The criteria is for overnight-stay.

Mr. Lane – asked Mr. Burlew if he was aware that if this is considered the same as a mobile home, then there would not be a tax assessment on that mobile structure. He also believes it needs to be above the base flood elevation.

Attorney Litwin – asked Trevor Taylor if there had been any additional correspondence.

Trevor Taylor – responded yes, there is a letter of December 1, 2015 from MidAtlantic Engineering and a December 7, 2015 letter from CME to Keyport's Borough Administrator.

He went over the items that were addressed:

CME has requested additional information indicating that the timber piles are adequate to support the floating docks. CME has also requested that the applicant indicate if any other measures were made to ensure that the floating docks will not overtop the piles during a flood hazard.

Mr. Zugner – stated that he agrees with what the Engineer has brought up. Fire suppression was discussed.

Sam Schneider – stated no pouring of fuel is allowed at the marina.

Mayor Aumack – suggested there be a fire zone where parking is prohibited.

Attorney Litwin – asked whether Council or the public had any questions.

Mr. Lane – asked whether Council had a set of the revised drawings. He said the drawings need to be updated to reflect the information from the letter. Also said the heights of the pilings are not shown.

Trevor Taylor – stated the site plan drawings were not revised.

Attorney Litwin – stated the resolution has been drafted so that we are not giving any land use approval. We are approving the water-related improvements only.

Mike Lane – stated three (3) sheets of the drawings talk about parking requirements. It will be interesting to see how the resolution separates the facts. It does not specify the environment in which this design will be functional. This is a zone where the wave action is greater than three (3) feet. Anchoring has to support weight of docks as well

as momentum of the waves and the boats tied to the dock. He believes in a storm these docks will float away with these boats attached. There is no definition in the design package of the attachment to the piles. He wanted to talk about parking which he said is shown all over the drawings.

Attorney Litwin – stated it may be on the drawings, but parking is not relevant to tonight's hearing.

Trevor Taylor – stated several items are being requested from the applicant.

Sam Schneider – mentioned that there appears to be an assumption that the boats will stay in the event of a storm. Owner's come to either take their boat home or elevate it. During Sandy, piles lost were from buoyancy, not from wave action.

Trevor Taylor – stated once he receives information requested in his December 7th letter (items #5 and #6) he believes the project is satisfactory.

Attorney Litwin – stated the proposal is that we receive the updated information and approve the resolution at next week's meeting of December 15th.

Bob Ludwig - suggested contoured reverse guardrails on the elevated walkway as a safety measure.

Attorney Litwin – said Borough Council has no jurisdiction to require that.

There being no further comments or questions, the Hearing is closed to the public at 8:22PM moved by Howe, carried by Lamberson with ayes by all present

Attorney Litwin – stated this public hearing will end with the understanding that the information will be provided by the next meeting.

RESOLUTION # 326-15– Approving Application for a Permit to Expand Piers, Docks and Slips at Brown's Point Marina

Motion to Table **Resolution # 326-15** Approving Application for Permit to Expand Piers, Docks and Slips at Brown's Point Marina until next meeting on December 15th moved by Howe, carried by Lamberson with ayes by all present

2. Water System Privatization Process – Presented by Special Council Joe Baumann of McManimon Scotland & Baumann

Joe Baumann – stated water acquisition costs are the biggest expense. He believes Mr. Gallo's recommendation to improve the water system is "spot-on." He explained the process in selling the utility, should Council choose to do so. The process takes more than a year-and-a-half.

ATTORNEY'S REPORT

Attorney Litwin reported on Williamson Street status. He stated the Planning Board has given approval so the vacation of Williamson Street will now happen.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Surplus vehicles
- Building Department clerical staff
- Brown's Point Marina
- Water System privatization
- Water Meter Replacement Project
- 2016 Omnibus Paving Project
- Replacement of Matawan Creek Bridge
- Water Treatment Plant Upgrade

- FEMA/NJDEP Mitigation Grant Opportunities
- Long Range Flood Mitigation
- Property Maintenance
- Assessment Demonstration Program
- Annual Employee Evaluations – 2016
- Redevelopment
- Keyport Main Parking Lot
- Bethany Manor PILOT

PUBLIC COMMENT PORTION

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

Bob Burlew - mentioned the Brown's Point Marina work started without the Borough's knowledge. A stop-work order was issued by the DEP. He says zoning needs to be done for the expansion.

Mayor Aumack – says it sounds like they will need site plan.

Mr. Lane – passed out a handout and went over each of the lots in question.

Mayor Aumack – stated both he and Councilman Cooper are on the Planning Board and that is where these questions should come up.

Mr. Lane – says he is only talking about zoning ordinances that are not being enforced.

Attorney Litwin – suggested those items be addressed to the Zoning Officer.

Bob Burlew – agreed there are other issues that should be looked at.

Mr. Lane – believes these lots should be merged.

George Walling, 54 Second Street – asked about the trailer at the boat ramp and why is it not being moved for the winter.

Joe Ruth, Keyport PBA – on behalf of the PBA he presented a \$500 donation to Councilman Cooper for the food pantry.

Ed Burlew, 59 W. Front Street – asked why these zoning issues were not brought up when Brown's Point Marina people were here.

Attorney Litwin – stated the issues need to be brought before the Planning Board, for zoning and use of the property. The Borough only acted on the question of piers and pilings in the riparian area.

Ed Burlew – suggested we have United Water come in to talk to Council about the purchase of our water utility. He also spoke of the Henry Hudson Trail in Keyport which he feels is a disgrace. He says it is full of leaves from residents who pile them there. He would like to see that cleaned up.

Administrator Gallo – stated he will make calls tomorrow to take care of it.

George Walling – mentioned a bench that was installed on Atlantic Street by the Cornucopia Restaurant.

Mike Lane – asked the Administrator when he is speaking to the County if he can follow up on the First Street crosswalks. He also mentioned our water rates are about half of Shoreland's rates.

Elmer Graham, Jr. – asked again about the 45 Beers Street project.

Administrator Gallo – stated removal is pending on an asbestos issue at that site.

Mr. Lane – asked about the Telemonde property at Third Street and Broad.

George Walling – asked about Uber.

There being no further comments or questions, the Meeting is closed to the public at 9:20PM, moved and carried with ayes by all present

Motion at 9:20PM to go into Closed Session after a five-minute break moved by Sheridan, carried by Lamberson with ayes by all present

Council reconvened to Open Session at 9:58PM.

Attorney Litwin stated what was discussed in Closed Session:

- Litigation
- Personnel Evaluation

CLOSED SESSION

RESOLUTION # 327-15 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:

- Borough Administrator's Review
- Police Chief - Discussion of Employee-Related Communication

Litigation

- Keyport Yacht Club 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 Personnel and 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: Sheridan
Second: Lamberson

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

ADJOURNMENT

Motion to Adjourn at 9:59PM moved by Goode, carried by Howe with ayes by all present