

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, McPeek, Sheridan, Tomczak, Toglia, Mayor McLeod. Others present: Borough Attorney Andrew Provence; Absent: Borough Administrator Ms. Wright,

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

December 2012 – Drunk & Drugged Driving Prevention Month

PRESENTATION

Councilwoman Joy Tomczak spoke highly of Councilwoman Bolte at this, her last meeting. Councilman Joe Sheridan said a few words and thanked her for her service. Councilman McPeek spoke of Councilwoman Bolte's getting him to serve. Councilwoman Tomczak presented Ms. Bolte with a gift that included a copy of the minutes of her first meeting, January 1, 2007.

Mayor McLeod spoke favorably of Councilwoman Bolte, calling her bright, articulate, intelligent and prepared. He considers her a friend and stated he would miss her.

Councilwoman Bolte explained that she knew last year she could not be present at the 2013 Re-Org meeting due to a family member's wedding. Ms. Bolte said she has been honored to serve Keyport as a Councilmember. She cannot wait to be a volunteer for the community in other ways. Feels Sophia Lamberson will be a great addition to Council.

Mayor McLeod also mentioned that this is Councilwoman Ambrose's last meeting. She announced her resignation at the last meeting to due to her family's move to Puerto Rico.

Councilwoman Ambrose stated that it was her honor to serve.

APPROVAL OF MINUTES

November 20, 2012 – Regular Session

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

Roll 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 read resolutions on the Consent Agenda and gave explanations for those which were not self-explanatory.

R305-12 Payment Of Bills

- R306-12 Application for Bingo License – Keyport First Aid – Thursdays 3/21/13-3/6/14 from 5PM-11PM
- R307-12 Application for Raffle License – Keyport First Aid – Pull Tab Machine – 3/14/13 – 3/11/14
- R308-12 Application for Raffle License – Keyport First Aid – Tricky-Tray to be held March 9, 2013 from 6:30-11PM
- R309-12 Application for Raffle License – Eagle Hose Company – Off Premise 50/50 – Firemen's Park – July 13, 2013 at 11PM
- R310-12 Authorizing Execution of 2013 SCAT Agreement
- R311-12 Appointment of Department of Public Works Superintendant R. Calvin Bell
- R312-12 Authorizing Sale of \$50,000 Emergency Note to Water/Sewer Capital Fund
- R313-12 Authorizing Sale of \$57,000 Emergency Note to General Capital Fund
- R314-12 Authorizing Sale of \$79,000 Special Emergency Note to General Capital Fund
- R315-12 Cancel Trust Reserves
- R316-12 Transfer Appropriation
- R317-12 Emergency Repairs of Cedar Street and Maple Place Sewer Pumping Stations
- R318-12 Authorizing Sick Day Buy Back for Non-Union Employees
- R319-12 Authorizing Payment of Accumulated Sick Time Pay for DPW Supt. George Sappah

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 7:18 PM moved by Mr. Sheridan, second by Mr. McPeck with ayes by all present.

Mayor McLeod read Rules of Conduct at Public Meetings.

Ed Carew, 64 Broadway, expressed kind words to both Councilwomen Ambrose and Bolte.

Mr. Carew also spoke of things being done at the library to make it a better place:

- Some board members went to a workshop on how to be Library Trustees. Helped them learn what their responsibilities are
- Library recently had a gas conversion
- Building will be painted in the spring
- Completed storage shed installation
- Developing comprehensive library policies
- Working on a webpage
- Beginning stages of discarding old books – books will first be offered to public for free
- Working on digitizing – made contact with Middlesex Consortium

Ed Burlew, 59 W Front Street, asked when American Legion Drive will be relit.

Mayor McLeod, responded that he did not know but that Councilwoman Bolte stated she will include that in her report.

Ed Burlew, also asked about the highway sign.

Attorney Provence, stated he has not had a response from DOT but will follow up again.

Ed Burlew, asked how joint court is working out?

Mayor McLeod, stated there has not been a meeting since before Hurricane Sandy. There were some unanticipated costs so cost savings will not be seen until next year.

George Walling, 54 Second Street, asked for an update on Borough Administrator Lorene Wright.

Mayor McLeod, asked Ms. Wright's attorney to approach. He explained that she was injured by a Police Officer last week. Ms. Wright has been cleared for light duty. He provided the Borough Clerk with a signed Rice Notice stating she wished to be heard in closed session.

Mayor McLeod, explained that was Mr. Walling's answer.

Mr. Walling, further asked whether anyone was notified Ms. Wright would not be in.

Mayor McLeod, answered yes; he was notified as well at the Borough Clerk.

Elmer Graham Jr., St. Peters Place, asked whether tax payers are on the hook for R319-12 Authorizing Payment of Accumulated Sick Time Pay for DPW Supt. George Sappah. Mr. Graham also feels Administrator should take a leave until her legal issues are over.

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 Mr. McPeek with ayes by all present.

Motion was made and carried to vote separately on R311-12 Appointment of Department of Public Works Superintendant R. Calvin Bell after closed session.

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, 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. Tomczak to open public hearing at 7:41 PM

Ed Burlew, asked who will police this Ordinance?

Mayor McLeod, reports of violations will be made to the Secretary of the Board of Health who will send out the Monmouth County Board of Health Officer to investigate.

Mike Lane, 51 First Street, corrected a typo on page one of Ordinance. XXXIII should read XXIII. Asked about the enclosure area for the chickens.

Councilwoman Bolte, gave her explanation.

Mayor McLeod, stated the Ordinance is clear to anyone not looking for loopholes. We are not changing it.

Ed Burlew, asked if the hen house requires a building permit?

Mayor McLeod, not if it is under 10x10 feet.

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 7:55 PM

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

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

Nays:

Absent:

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

2. Ordinance #24-12 – 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

2a. Motion made by Mr. Sheridan, second by Ms. Tomczak to open public hearing at 7:56 PM

There being no comments or questions from the public, motion was made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present to close the hearing at 7:57 PM

2b. Motion to adopt Ordinance made by Ms. Bolte, second by Mr. Sheridan

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

Nays:

Absent:

Abstain:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted

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

COMMUNICATIONS AND PETITIONS

1. Letter from Keyport First Aid requesting all Borough licensing fees for Bingo and Raffle licenses be waived

Motion to approve made by Mr. McPeek, second by Mr. Toglia with ayes by all present to waive all fees

2. Letter from Keyport First Aid requesting the waiving of local fees for their annual Tricky Tray

Motion to approve made by Ms. Ambrose, second by Ms. Bolte with ayes by all present

3. Memo from the Harbor Commissioner John Olsen recommending the reappointment of Daniel Bach to the Harbor Commission

Motion to receive and file and put on list of proposed appointments made by Mr. Sheridan, second by Ms. Bolte with ayes by all present

4. Project Rebuild Keyport Proposal from Troop 364 regarding Project Rebuild Keyport Proposal

Motion made to refer to Fire Chief, Fire Inspector and DPW for recommendations made by Mr. Sheridan, second by Mr. McPeek with ayes by all present

5. Letter from Massage Envy of Buford, Georgia, expressing encouragement and contributing donation collected from Massage Envy employees in light of Hurricane Sandy

Motion to receive and file, refer to the KBBC and send thank you letter made by Ms. Bolte, second by Mr. Sheridan with ayes by all present

6. Keyport Fire Department 2013 Election Results

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

7. Letters of Resignation from John Ambrose regarding his position as member of Planning Board and Environmental Commission

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

REPORTS OF DEPARTMENTS

1. Board of Health Treasurer's Report for November 2012
2. Tax/Water/Sewer Collector's Report for November 2012
3. Municipal Clerk's Monthly Report for November 2012

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

COMMITTEE REPORTS

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

- Thanked Ed Carew for library information. To volunteer please call the library at 732-264-0543
- Gave a report as to Hurricane damage to Keyport and what repairs will be made. Rough estimate to damage to municipal property is around \$1,000,000.00

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

- Recreation's Christmas light decoration contest took place December 15th
- 4:15 AM today a large fire was reported. Thanked all for bravery and dedication

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

- Budget requests spreadsheets are coming in
- Candlelight Tour held Saturday 12/15, 225 people attended
- Comedy Night was Saturday 12/15 for First Aid Cadets
- Sandy meeting was held prior to tonight's Council Meeting
- Firemen worked from 4AM – 3PM on fully engulfed fire. Difficult fire because it kept restarting

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

- Read updated statistic report for Police Department
- Motor vehicle stops are down
- One report of gang activity
- DWI arrests

Councilwoman Ambrose: Public Works/Recycling/Property Maintenance: Ms. Ambrose reported on the following:

- Interviewed candidates at last meeting for DPW Superintendent – has been trying to get him all he needs to get set up for the job
- Asked new DPW Superintendent Mr. Calvin Bell to come up and introduce himself

Mr. Bell stated that he is pleased to be here. Hopes to do as good or better than his predecessor.

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

- Asked Chief McCleaster to come up and give his report on the fire

Chief McCleaster stated the fire was in the attic at 138-140 Broad Street. Suspicious because accelerants have been found.

Councilman Toggia stated it has been a pleasure to work with Councilwomen Ambrose and Bolte.

UNFINISHED BUSINESS

None

ATTORNEY'S REPORT

Will discuss in closed session

ADMINISTRATOR'S REPORT

Administrator Wright was absent

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:15 PM moved by Mr. Sheridan second by Ms. Tomczak with ayes by all present.

Ed Burlew, asked what items will be discussed in closed session

Attorney Provence, replied that the following will be discussed in closed session:

- Anticipated Litigation:
 - Benjamin Terry Park
 - 17 Atlantic Street
 - KBA
 - Waterfront Riparian Rights
 - Administrator's Position

Kishore, 22 First Street, thanked the Councilwomen who are leaving.

Dennis Fotopoulos, 77A Beers Street, thanked Councilwoman Ambrose at the last meeting and would like to thank Councilwoman Bolte as well for her service. Mr. Fotopoulos would like himself named as the Administrator for volunteerism in light of his creation of the volunteer site for Keyport (volunteerkeyport.org and volunteerkeyport.com)

Mike Lane, gave his Planning Board history of 17 Atlantic Street as an illegal conversion.

Lt. Anthony Gallo, stated that the railing is missing at the fishing pier and boat ramp. Closed off now only with tape. Would like some fencing put there for safety reasons.

Mayor McLeod, stated Mr. Bell will follow-up on that.

There being no more comments or questions from the public, the meeting was closed to the public at 8:25 PM moved by Mr. Sheridan, second by Mr. Toglia with ayes by all present.

Motion made by Mr. Sheridan, second by Mr. Toglia with ayes by all present at 8:26 PM to go into closed session after a short recess.

CLOSED SESSION

R 321 -12 - Closed Session **Resolution:**

RESOLUTION NO. 321-12 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
 - Administrator's Position
 - Superintendent Position
- Anticipated Litigation
 - Benjamin Terry Park
 - 17 Atlantic Street
 - KBA
 - Waterfront Riparian Rights
 - Administrator's Arrest

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 Anticipated 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, Ambrose, Toglia
Nays:
Absent:
Abstain:

Motion to return to open session at 10:03 PM made by Mr. Sheridan, second by Ms. Tomczak with ayes by all present.

Attorney Provence went over what was discussed in closed session.

R311-12 Appointment of Department of Public Works Superintendant R. Calvin Bell

Terms are set forth in the letter.

Mayor read the Resolution aloud. Mr. Bell was the only one present.

Motion to approve R311-12 Appointment of Department of Public Works Superintendant R. Calvin Bell made by Mr. McPeck, second by Mr. Sheridan

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

Mr. Bell mentioned temporary DPW employees will be starting soon.

As a result of closed session discussion the following resolution was added to the agenda:

**RESOLUTION 320-12
AUTHORIZING MOVING DESIGNATED PARKING SPACES FOR ADMINISTRATOR AND
MAYOR AND COUNCIL**

BE IT RESOLVED that the DPW is directed to move the sign, currently indicating the Administrator's parking space behind the Old Borough Hall, to the new parking space behind new Borough Hall, currently indicated for Mayor & Council; and

BE IT FURTHER RESOLVED that the DPW move the sign removed from behind New Borough Hall and place it at the parking space previously reserved for the Administrator.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief of Police, DPW Superintendent and a copy will be placed on file for review in office of the Borough Clerk.

OFFERED BY: Sheridan, Second by: Toglia

ROLL CALL VOTE: Ayes: Bolte, McPeck, Sheridan, Tomczak, Ambrose, Toglia
Nays:
Absent:
Abstain:

ADJOURNMENT

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