

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.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Cooper, Goode, Pacheco, and Fotopoulos. Others present: Mayor Kennedy, Borough Administrator Stephen Gallo and Borough Attorney William P. Opel, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

A Moment of Silence was observed in honor of Dr. Martin Luther King's birthday

UNEXPIRED COUNCIL VACANCY

Motion was made to receive and file a letter from Keyport Democratic Committee Chair providing three names for consideration in filling the currently unexpired Council vacancy moved by Pacheco, carried by Cooper with ayes by all present

Motion to nominate Delia Sosa McDermott to the unexpired Council vacancy moved by Pacheco, carried by Sheridan

Councilmember Fotopoulos – stated he believes Mr. Blanks has the most experience in the Borough based on his experience on the Planning Board, mentoring and helping the youth of Keyport and his volunteer service with two organizations. He feels Mr. Blanks might be more suited to sit on this Council.

Councilmember Sheridan – stated he is very impressed with the three names put forward for the vacancy.

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco
Nays: Fotopoulos
Absent:
Abstain:

Mayor Kennedy called forward Delia Sosa McDermott to take the Oath of Office for the unexpired Councilmember term.

Borough Clerk Heilweil swore in Delia Sosa McDermott.

Delia Sosa McDermott spoke a few words.

Donny Blanks – asked if he could say a few words. He stated it is not about him but he thanked all who supported him. He said Keyport is a hidden gem and he will put all his efforts into polishing the stone.

PRESENTATION TO OUTGOING PLANNING BOARD MEMBER

Mayor Kennedy called forward John Kovacs and presented him with a Certificate of Appreciation thanking him for his 32 years of service as a Keyport Unified Planning Board member.

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 items listed on the Consent Agenda

- R42-19 Payment of Bills
- R43-19 Authorizing Reduction in Sewer Charges Due to Water Leak – 53 Walnut
- R44-19 Authorizing IN REM Tax Foreclosure of Certain Properties for Delinquent Taxes
- R45-19 Approving an Agreement with Vonage, Inc. for the Provision of Telephone Services
- R46-19 Authorizing the Purchase of Two (2) Vehicles under State Contract for Police Department
- R47-19 Receiving and Recognizing Letters of Appointment from the Mayor
- R48-19 Authorizing Purchase of Communications Equipment Under State Contract
- R49-19 Authorizing Purchase of Communications Equipment under State Contract
- R50-19 Adopting Certain Policies to Ensure Compliance with the Americans with Disabilities Act of 1990
- R51-19 Authorizing Salary Increase for Borough Public Defender – *Raymond Santiago*
- R52-19 Appointing Relief/Conflict Municipal Prosecutor – *Pasquale Menna*
- R53-19 Appointing Labor Counsel – *McManimon, Scotland & Baumann, LLC*
- R54-19 Appointing Special Redevelopment Counsel – *McManimon, Scotland & Baumann, LLC*
- R55-19 Appointing Marine & Coastal Engineer – *Matrix New World Engineering, Inc.*

APPOINTMENTS WITH COUNCIL CONSENT

- R56-19 Appointing Harbor Commission Member – *Nancy Smalling*
- R57-19 Authorizing Appointment as Recycling Coordinator – *Donna Purcell*
- R58-19 Authorizing Appointment of Deputy Recycling Coordinator – *Robin Sheridan*
- R59-19 Authorizing Appointment to Recycling Committee – *Robert Kutschmann*
- R60-19 Authorizing Appointment to the Recycling Committee – *Laura Barreca*
- R61-19 Authorizing Appointment to Recycling Committee – *James Lawson*
- R62-19 Authorizing Appointment to Keyport Public Library Board of Trustees – *Ed Carew*
- R63-19 Authorizing Appointment to Keyport Public Library Board of Trustees – *Gaylee Benedict*
- R64-19 Authorizing Appointment to Keyport Public Library Board of Trustees – *Rosemary Besrutschko*
- R65-19 Authorizing Appointment to Recreation Committee for an Unexpired Term – *Mary Holtz*
- R66-19 Appointing Director to Keyport Bayfront Business Cooperative (KBBC) – *Paul McKeefrey as Citizen Representative*
- R67-19 Appointing Director to Keyport Bayfront Business Cooperative (KBBC) – *Donna Purcell as Recycling Representative*
- R68-19 Authorizing Appointment to Keyport Green Team – *Harry M. Aumack II as Unified Planning Board Representative*
- R69-19 Authorizing Appointment to Keyport Green Team – *Christopher Hicks as DPW Representative*
- R70-19 Authorizing Appointment to Keyport Green Team – *Laura Barreca as Recycling Representative*
- R71-19 Authorizing Appointment to Keyport Green Team – *Kenneth DeGroat, D.C. as Environmental Commission Representative*
- R72-19 Authorizing Appointment to Keyport Green Team – *Michael Palmisano as Environmental Commission Representative*
- R73-19 Authorizing Appointment to Keyport Green Team – *Nancy Smalling as Harbor Commission Representative*
- R74-19 Authorizing Appointment to Keyport Green Team – *Stephen Gallo as Business Administrator*
- R75-19 Authorizing Appointment to Keyport Green Team – *Sue Kleinberg as Garden Club Representative*
- R76-19 Authorizing Appointment to Local Emergency Planning Committee (LEPC) – *James Lawson*
- R77-19 Authorizing Appointment to Local Emergency Planning Committee (LEPC) – *Henry Young*
- R78-19 Authorizing Appointment to Local Emergency Planning Committee (LEPC) – *Police Chief Mark Hafner*

R79-19 Authorizing Appointment to Municipal Alliance Committee (MAC) – *Kenneth Krohe as Health Service Agency Representative*

R80-19 Authorizing Appointment to Municipal Alliance Committee (MAC) – *Cassandra Aumack as Public Prevention Organization Member*

R81-19 Authorizing Appointment to Municipal Alliance Committee (MAC) – *Sophia Lamberson as Parent Member*

R82-19 Authorizing Appointment to the Recreation Committee for an Unexpired Term – *John Hausmann*

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items listed on the agenda at 7:21PM moved by Pacheco, carried by Sheridan with ayes by all present

George Walling, 54 Second Street – asked about changes to the agenda. Asked Councilmember Delia Sosa McDermott about her background. She responded that she has been a resident since 2008, she has helped with PTO events. She has not been an official member of any organizations. Mr. Walling stated he supported Mr. Blanks and feels Council missed the bus on this one.

Elmer Graham, Jr., 22 St. Peters Place – welcomed new Councilmember Delia Sosa McDermott. He asked for an explanation of **R43-19** Authorizing Reduction in Sewer Charges Due to Water Leak – 53 Walnut, **R44-19** Authorizing IN REM Tax Foreclosure of Certain Properties for Delinquent Taxes and **R45-19** Approving an Agreement with Vonage, Inc. for the Provision of Telephone Services.

Borough Administrator Gallo – gave an explanation of each resolution.

Elmer Graham, Jr. – again asked whether there has been any progress in getting the Governor to come to Keyport.

Michael Lane, 51 First Street – requested the following items be covered under Unfinished Business:

- status of \$500,000 traffic calming
- update from FEMA – last letter dated October 4, 2018
- status of County planning to eliminate flooding when new bridge is built
- status of dumpster enclosures (mentioned Keyport Fishery dumpsters)
- status of collection of tax owed by property owner at 149 W. Front (it was talked about collecting two years' worth of taxes)
- status of back taxes on two properties with exemptions
- status of animal house ordinance
- 317 Beers Street, second principal dwelling converted to pool house, status of deck encroachment
- status of Boatworks
- status of Borough property by bridge not bulkhead (southwest corner)

Paul McKeefry, 107 Maple Place – as a member of the Democratic Committee he thanked the committee for the three names.

John Merla, 34 Broad Street – stated he is upset with the property maintenance where Atlantic Street was vacated by the Yacht Club. Six empty flower pots and debris line one side of that vacated street. He thinks it looks terrible and the Borough should do something.

Borough Administrator Gallo – gave an explanation of what happened with that street vacation.

Ed Burlew, 59 W. Front Street – complained about that eyesore last year. He thinks if it was turned over to topsoil and grass the property owner would then have to maintain it.

Michael Lane – just for the record, assessments for both properties increased there at

that location. The Yacht Club does pay taxes.

Gary Klein, 44 Beers Street – he is part of the partnership/developer at Cummins' property on Beers Street and discussed an HOA. He does not understand why he is not building just yet.

Business Administrator Gallo – said the Borough has not decided whether to accept the easement.

Curtis Riley, 21 Jackson Street, Highlands – said he was looking at a project in town but did not want to reveal the location.

There being no further comments or questions, the Meeting was closed to the public at 7:50PM moved by Sheridan, carried by Fotopoulos with ayes by all present

Councilmember Fotopoulos – stated that the list referenced in **R44-19** Authorizing IN REM Tax Foreclosure of Certain Properties for Delinquent Taxes appears to be incomplete.

Motion to Table **R44-19** Authorizing IN REM Tax Foreclosure of Certain Properties for Delinquent Taxes until the next meeting moved by Fotopoulos, carried by Goode with ayes by all present

Councilmember Sheridan - stated he needs to abstain from **R58-19** Authorizing Appointment of Deputy Recycling Coordinator – *Robin Sheridan*.

Councilmember Fotopoulos - asked about other professional service appointments that need to be done.

Borough Administrator Gallo - said the professionals were prequalified at our December meeting.

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Sheridan, carried by Cooper

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos

Nays:

Absent:

Abstain: McDermott,

Sheridan from **R58-19** Authorizing Appointment of Deputy Recycling Coordinator – *Robin Sheridan*

MAYOR'S APPOINTMENTS

Appointments of Planning Board Members:

Mayor Kennedy announced the re-appointment of Nicholas Vecchio as Class II Member with a One-Year term to expire 12/31/19

Mayor Kennedy announced the appointment of Donald Pacheco as a Class IV member to fill an Unexpired term to expire 12/31/19

Mayor Kennedy announced the appointment of Harry M. Aumack II as a Class IV member for a Four-Year term to expire 12/31/22

Mayor Kennedy announced the appointment of Joanne Royster as an Alternate #2 member for a Two-Year term to expire 12/31/2020

Appointments of Environmental Commission Members:

Mayor Kennedy announced the appointment of Kenneth DeGroat to a Three-Year term

to expire 12/31/2021

Mayor Kennedy announced the appointment of Michael Palmisano to a Three-Year term to expire 12/31/2021

Mayor Kennedy announced the appointment of Donald J. Pacheco to an Unexpired term to expire 12/31/2019

Mayor Kennedy announced the appointment of Heather Brady as an Alternate #2 to a Two-Year term to expire 12/31/20

INTRODUCTION OF ORDINANCES

1. Ordinance – Amend Salary Range

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPERSEDING THE ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT**

1a. Motion to introduce moved by Fotopoulos, carried by Sheridan:

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos

Nays:

Absent:

Abstain: McDermott

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

2. Ordinance – Amend Police & Fire Ordinance

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER III, “POLICE AND FIRE DEPARTMENTS,” ARTICLE II, ‘FIRE DEPARTMENT,’ TO REFLECT CERTAIN REVISIONS**

2a. Motion to introduce moved by Goode, carried by Pacheco

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos

Nays:

Absent:

Abstain: McDermott

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Goode, carried by Pacheco with ayes by all present. Councilmember McDermott abstained.

COMMUNICATIONS AND PETITIONS BY CONSENT

1. Millennium Strategies Monthly Activity Report for December 2018
2. Minutes of the Keyport Senior Bus Project Sub-Committee Meeting of December 13, 2018
3. Application for a Raffle License from B.P.O.E. Lodge #2030, Keyport-Matawan for a pull-tab machine to be licensed Feb. 1, 2019 through December 31, 2019
4. Application for a Raffle License from St. Joseph RC Church for a pull-tab machine to be licensed Feb. 1, 2019 through December 31, 2019
5. Application for a Bingo license from St. Joseph Parish Council for weekly Wednesday Bingo to be held from February 6, 2019 through December 18, 2019, 12Noon – 2pm

6. Application for a Bingo License from St. Joseph RC Church for weekly Sunday Bingo to be held from February 3, 2019 through December 29, 2019, 2PM – 4PM
7. Application for Raffle License from Keyport First Aid Squad for a pull-tab machine to be licensed March 15, 2019 through March 14, 2020
8. Application for a Bingo License from Keyport First Aid Squad for weekly Thursday Bingo to be held from March 21, 2019 through March 12, 2020 and request that all local Bingo and Raffle fees be waived
9. Request for donations from Keyport Fire Department St. Patrick's Parade Committee
10. Application for membership in Eagle Hose Fire Company from Daniel O'Grady (subject to State approval) and notice that at the December 10th meeting the membership accepted the resignation of Jeremy Brito as an active member
11. Application for membership in Keyport Fire Patrol from Edward Schroeder (subject to State approval) and notice that at the December 4th meeting the membership accepted the resignation of Michael Vaughn as an active member
12. Application for membership in Keyport Hook & Ladder Company from Matthew Farparan (subject to State approval) and notice that at the December 13th meeting the membership accepted the resignation of William Smith as an active member
13. Application for a Street Opening Permit from NJ Natural Gas at 5 Theresa Avenue for the purpose of retiring a gas service

Mayor Kennedy – with reference to Communication #13, the property owner requests the line be cut at the curb rather than in the road (capped inside the curb). The plan is to reuse the gas line at some point.

Motion to approve Communication #13 and refer to Engineer moved by Sheridan, carried by Pacheco with ayes by all present. Councilmember McDermott abstained.

APPROVAL OF COMMUNICATIONS

Motion to receive, file or approve items listed under Communications and Petitions by Consent moved by Fotopoulos, carried by Sheridan

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos
Nays:
Absent:
Abstain: McDermott

NEW BUSINESS

Borough Administrator Gallo – discussed the 2020 Census. We may wish to create a subcommittee.

UNFINISHED BUSINESS

Borough Administrator Gallo – responded to Mike Lane's inquiries:

- TAP Grant – procuring a professional from the State regarding traffic calming for First Street, Front Street and Broadway
- FEMA Flood Zone – reauthorized expenditure with Andy Raichle
- Chingarora Creek Bridge – will get a status report from Trevor
- Fishery dumpsters – will speak with them
- 149 W. Front Street – assessment has been increased. A bill was sent and a meeting is to be scheduled.
- 5-year tax exemption properties
- Animal House Ordinance – letter was sent to all multiple dwelling owners
- 317 Beers Street – will get a status update
- Boatworks and Borough-owned bulkhead – the Borough has applied for a bulkhead improvement grant

Mayor Kennedy – asked for a Senior Bus update.

Councilmember Sheridan – the bus is coming in February. We are working on getting bus drivers and dispatchers. The next meeting is tomorrow at 5PM.

Mayor Kennedy – introduced new Borough Attorney, Bill Opel.

ATTORNEY'S REPORT

None

ADMINISTRATOR'S REPORT

Borough Administrator Gallo reported on the following:

- met with Senator Gopal
- met with John Schneider
- met with Joe Baumann, Esq.
- met with Mayor Kennedy and Councilman Goode
- attended reorganization meeting
- met with the Bay Keeper and Councilman Sheridan
- met with Grants Council and Councilman Fotopoulos
- met with developer Gary Klein
- met with DPW employees
- met with an employee regarding retirement

Ongoing Capital Projects

- Beach Park and Beers Street Outfall
- Improvements to Benjamin Terry and Veteran's Parks
- DPW Building – Rollo Place
- Scattered Site Redevelopment Plan

Upcoming Capital Projects

- 2018 DOT Local Aid project
- TAP Grant Streetscape project
- Main Street Park
- Jack Conway Kearney Street Park

Redevelopment

- Brown's Point Redevelopment Plan
- Aeromarine Redevelopment Plan
- Longview/Boatworks Redevelopment Plan
- Ye Cottage Inn property

Water and Sewer Projects

- Perry Street Water Treatment Plant Upgrades

Other:

- Bike Share Program
- Complete Streets Project/Pedestrian Safety
- Harbor Issues
- County Dispatch
- Zoning and Flood Control Ordinance Updates
- Shared Services
- Tech Review
- Parking
- Library Bond
- Grants Planning
- CY 2019 Budget

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:36PM moved by

Fotopoulos, carried by Pacheco with ayes by all present

Andrew Kelsey, 29 St. Peters Place – spoke about a new WAWA being constructed on Route 36 going into Hazlet. There has been discussion about having a sidewalk put in.

Mike Lane – said the Borough Administrator introduced the concept of lighted STOP signs and would like to know what we need to do to get them.

Borough Administrator Gallo – stated that we have them and will be installing them in appropriate locations.

Police Chief Hafner – also installing three solar-powered speed signs.

Mike Lane – stated he hopes every member of Council has read the Beers Street Neighborhood Plan. It should be given to anyone purchasing property in that neighborhood.

Elmer Graham, Jr., - asked when we will have more Complete Streets public meetings.

Inga Westphal, 8 Theresa Avenue – spoke of parked cars on the street which have not been moved in three months. She would like on-street parking on Theresa Avenue to be prohibited during snow removal. She also spoke of a mosquito issue at neighboring property.

There being no further comments or questions, the Meeting was closed to the public at 8:52PM moved by Fotopoulos, carried by Pacheco with ayes by all present

Motion to go into Closed Session after a 5-minute recess moved by and carried with ayes by all present

CLOSED SESSION

RESOLUTION #83-19

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, negotiations relating to the Mystic at Keyport development, pursuant to *N.J.S.A. 10:4-12(b)*.

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 January 15, 2019 and determined that an Executive Session closed to the public shall be held on January 15, 2019 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: PACHECO

SECONDED: SHERIDAN

AYES: SHERIDAN, COOPER, GOODE, PACHECO, FOTOPOULOS

NAYS:

ABSENT:

ABSTAIN: MCDERMOTT

Council reconvened to Open Session at 9:18PM and Attorney Bill Opel stated what was discussed in Closed Session:

- Mystic at Keyport potential development and negotiations with owner/developer Mr. Klein

ADJOURNMENT

Motion to Adjourn at 9:19PM moved and carried with ayes by all present