

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date via videoconference in Borough Hall Council Chambers, Keyport, NJ, pursuant to 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.

Members of the public who wished to participate in the meeting used the following dial in information:

The following Link can be accessed from the Public Notice posted at www.keyportonline.com

Link: <https://zoom.us/j/93949682629?pwd=SVBEMWJnZnBrd1psTW1BMFBUTFlaZz09>

Meeting ID: 939 4968 2629

Passcode: 241121

Dial in Number: +1 646 558 8656 US (New York)

Mayor Kennedy called the Meeting to Order at 7:01PM. Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL:

On Roll Call the following were present via videoconference: Councilmembers McNamara, McDermott, Davidson, Araneo, and Peperoni. Present in Council Chambers: Mayor Kennedy and Borough Administrator Jay Delaney. Councilmember Pacheco was absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence of your choosing

PROCLAMATION

Mayor Kennedy read the Mayors Wellness Campaign Proclamation and explained the purpose of the campaign.

PUBLIC COMMENT PORTION

Mayor Kennedy tabled **R2022-59** Appointment of Recycling Coordinator for the Recycling Committee.

The **Borough Administrator** provided an explanation of **R2022-52** Approving a Five-Year Tax Abatement for Abby Home Builders -128 Luppataong (Block 28, Lot 13).

Discussion was had regarding the osprey nest.

The Meeting was opened to the public for comments or questions listed on the agenda at 7:33PM moved by Araneo, carried by Davidson with ayes by all present.

Lawrence Vecchio, 55 West Front Street - New President of KBBC – Questioned why there would be a closed session regarding KBBC.

Elmer Graham Jr., 22 St. Peters Place – He asked for explanation of **R2022-50** Authorizing the Borough of Keyport to Enter into Shared Services Agreement with the Township of Freehold for the Provision of Information Technology Services resolution, Mayor Kennedy provided an explanation.

Dolores Rilho, 8 Main St. Salty Zen- secretary to KBBC – wanted to introduce herself.

John Merla, 34 Broad St- Regarding **R2022-51** Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Osprey Nest Relocation, said the money is not there to pay engineer fees from RBIT. Regarding **R2022-52** Approving a Five-Year Tax Abatement for Abby Home Builders -128 Luppataong (Block 28, Lot 13), we need to take a look at these tax abatements.

Melissa O'Connell, 79-81 Broad St., Keyport Fun House, vice president of KBBC – wanted to introduce herself.

Mike Lane, 51 First St- He inquired about **R2022-52** Approving a Five-Year Tax Abatement for Abby Home Builders -128 Luppataong (Block 28, Lot 13), encouraged councilmembers to look at the amount of taxes paid before and after the improvements. Regarding **R2022-51** Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Osprey Nest Relocation, the Harbor

Commission was not included in the decision to move the nest. He said the last Osprey nest was moved by volunteers. He asked governing body members to provide updates on various issues.

There being no further comments or questions, the Meeting was closed to the Public at 7:58PM, moved by McNamara, carried by Davidson with ayes by all present

COMMITTEE REPORTS

(Councilmember is lead or co-lead liaison of Committees in bold)

Councilmember Pacheco: Police/MAC, Redevelopment, Harbor Commission, Board of Health/Registrar, Veterans - Absent

Councilmember McDermott: Environmental, KBBC, Fire/First Aid/OEM, NPP, Cultural/Civic
Reported on the following:

- Environmental Committing meeting next Monday
- Plan to plant trees at Cedar Street Park for dune protection
- KBBC donated Christmas tree to the project
- KBBC has a new Executive Board
- Support St. Patrick's Parade

Councilmember Davidson: DPW/Construction/Fire Bureau/Property Maintenance, Planning Board, Recreation/Senior Center, Parking, Mayors Wellness Campaign

Reported on the following:

- Read Construction Department report for 2021
- Fire Bureau - make sure smoke detectors are in working order and close doors when leaving a room
- Planning Board meeting next Thursday, January 27th – Reorganization Meeting
- Planning Board - hope to have parking in GCD on agenda soon

Councilmember McNamara: Recreation/Senior Center, Green Team, Finance/Grants, Parking, Cannabis*, Mayors Wellness Campaign

Reported on the following:

- Happy New Year and thank you for support as Council President
- Recreation Committee Chair is Dave Quinn
- Updates about parks coming soon
- Senior Center is open – masks required
- Senior Center - Atlantic City trips
- Green Team meeting next week
- Mayor's Wellness Campaign
- Osprey nest

Councilmember Araneo: Finance/Grants, NPP, Parking, Police/MAC, Harbor Commission, Cannabis*, Cultural/Civic

Reported on the following:

- Finance/Grants meeting next week
- Parking Committee report with Andrew
- Harbor Commission met January 10th
 - o Increase in seasonal boat ramp permits and kayak lockers
 - o Port-a-potties (April-November)
 - o Fishing pier cleaned up and power washed
 - o Pier warden
 - o Cameras in boathouse – property of police department
 - o Union Beach shared service – beach cleaning
 - o Osprey nest
- Municipal Alliance (MAC) met January 13th – no coordinator
 - o School programs
 - o Mental health

Councilmember Peperoni: Fire/First Aid/OEM, Board of Health/Registrar, Recycling, DPW/Construction/Fire Bureau/Property Maintenance, Redevelopment, Veterans

Reported on the following:

- Emailed Fire Chief to meet
- OEM – spoke with Ken Krohe

- Board of Health – dog license renewals now

Councilmember Araneo read the Police Department Calls for Service Report

Mayor Kennedy: Library, Planning Board, KBBC, Green Team, Cultural/Civic, Mayors Wellness Campaign, Veterans

Reported on the following:

- KBBC Reorganization Meeting – new committee members
- Library Board of Trustees Meeting – new committee members
- Monmouth County Stigma Free meeting
- Mayors Wellness Campaign 2021 application
- Flood Damage Prevention Ordinance and model for FEMA - updates to be provided
- Cultural and Civic Committee will meet first quarter
- Veteran’s Committee to meet first quarter

MAYOR’S UPDATES

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.)

- R2022-47 Payment of Bills Listed on the January 14, 2022 Bills List
- R2022-48 Payment of Bills Listed on the January 18, 2022 Bills List
- R2022-49 Resolution Establishing a Cannabis Subcommittee and Authorizing Appointment of Members to Such Committee
- R2022-50 Authorizing the Borough of Keyport to Enter into Shared Services Agreement with the Township of Freehold for the Provision of Information Technology Services
- R2022-51 Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Osprey Nest Relocation
- R2022-52 Approving a Five-Year Tax Abatement for Abby Home Builders -128 Luppataong (Block 28, Lot 13)
- R2022-53 Appointment of Borough Physician – Immediate Care Medical Walk-in
- R2022-54 Appointment of Municipal Conflict Public Defender – Ray Raya, Esq.
- R2022-55 Appointment of Court Administrator – Sandra Akes
- R2022-56 Appointment of Recreation Secretary – Denise Nellis
- R2022-57 Appointment of School Crossing Guards – Jason Miller and Michael Ryan
- R2022-58 Appointment of Municipal Alliance Committee Members
- R2022-59 Appointment of Recycling Coordinator for the Recycling Committee

APPROVAL OF RESOLUTIONS

Motion to table **R2022-59** Appointment of Recycling Coordinator for the Recycling Committee and **R2022-51** Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Osprey Nest Relocation, moved by Peperoni and seconded by Araneo

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
 Nays:
 Absent: Pacheco
 Abstain:

Mayor Kennedy – Explained that whomever Motions to approve **R2022-49** Resolution Establishing a Cannabis Subcommittee and Authorizing Appointment of Members to Such Committee, will need to include the two councilmember names to be appointed.

Motion to approve Resolutions on the Consent Agenda **R2022-47** Payment of Bills Listed on the January 14, 2022 Bills List through **R2022-58** Appointment of Municipal Alliance Committee Members, with the exception of **R2022-51** Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Osprey Nest Relocation, and with councilmembers McNamara and Araneo appointed to **R2022-49** Resolution Establishing a Cannabis Subcommittee and Authorizing Appointment of Members to Such Committee, moved by Davidson and seconded by McNamara

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent: Pacheco
Abstain:

INTRODUCTION OF ORDINANCES

1. Ordinance – Use of Borough Property for Wedding Ceremonies and Revising Smoking Prohibition in Parks

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 11, ENTITLED “RECREATIONAL FACILITIES” AND CHAPTER 4, ENTITLED “POLICE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

Borough Attorney Leslie London – there needs to be a correction made to on the second page of the Ordinance, at 11-9.1. The statutory cite needs to be corrected to read N.J.S.A. 26:3D-56.

1a. Motion to introduce moved by Davidson, seconded by McNamara

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent: Pacheco
Abstain:

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

COMMUNICATIONS BY CONSENT

(For Approval)

1. Applications for Use of Borough Property from Keyport Garden Club/Walk requesting use of Waterfront Park Gazebo, Borough Hall Council Chambers, and the Mini Park for the purpose of the Keyport Garden Walk to be held June 4 & 5, 2022.
2. Request from Genevieve Kelly, Jersey Shore Ghost Tours, to begin the Keyport Ghost Tour season on March 19, 2022 and running through November 12, 2022. A schedule of dates and times is included.

(To Receive and File)

3. Letter dated December 15, 2021 from Board of County Commissioners Deputy Director Susan M. Kiley advising the Borough’s 2021 Park Improvement project has been selected to receive grant funding in the amount of \$140,000.
4. Keyport BID, Inc., Independent Auditor’s report (for the two years ended December 31, 2020 and 2019) and supplemental information.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve communication #1 as to the dates with the fees to be considered and communicated back when finalized by council, communication #2 approved to start March 26th subject to change if there is a conflict with a Borough event, and communications #3 and #4 approved as is, moved by McDermott and seconded by McNamara

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent: Pacheco
Abstain:

REPORTS

1. Municipal Clerk’s Report for December 2021
2. Tax/Water/Sewer Collector’s Report for December 2021
3. Board of Health Treasurer’s Report for December 2021

4. Board of Health Treasurer's End of Year Report for 2021
5. Building Department Monthly Report for December 2021
6. Municipal Court Monthly Report for December 2021

Motion to file the reports moved by McDermott, seconded by McNamara with ayes by all present

NEW BUSINESS

Cottage Food Law

Borough Attorney Leslie London – previously distributed a memo regarding new regulations implemented by the New Jersey State Department of Health that allows bakers and confectioners to apply for a permit to operate a cottage food business from their kitchens. She asked do we want to have any kind of registration from the municipal local level. It is not a requirement.

Borough Administrator Jay Delaney – suggested the council committee for the Board of Health have a chance to look at this and discuss.

Mayor Kennedy – regarding the 2022 St. Patrick's Parade, the performance and judging stage will be moved to the Mini Park area. She asked if there were any objections to having the area decorated for the day - No objections received.

Regarding proclamations, she had been asked to stop making them on behalf of Mayor and Council, which she did. She would like to resume making the proclamations on behalf of Mayor and Council unless there are objections - No objections received.

She pointed out a change to the agenda moving forward from "Attorney Report" to "Dais Updates." There had been commentary last year as to instances where there was "nothing to report" for the Attorney Report. She said she can remember when the Attorney Report was longer than the Committee Reports due to the amount of litigation involving the Borough. Dais Updates will give all of the professionals an opportunity to provide updates.

UNFINISHED BUSINESS

DAIS UPDATES

Borough Administrator Jay Delaney – Flood Damage Prevention Ordinance review has been completed with the Borough Engineer. It will be listed as a discussion item for the next meeting.

Chief Torres – Followed up on the Police Department Report - Officer Devlin assisted with an arrest resulting in multiple charges of robbery at the Stop & Shop; three rapid deployment force call outs; Fulton Street fire; chaplain program; officer injured and recovering at home; detectives responded to Keansburg hostage situation;

Borough Attorney Leslie London – Followed up on Cannabis subcommittee to advise March 15th is start of applications for cannabis licenses other than cultivation. She asked for direction as to whether she should draft a form of application and/or an RFP. She provided an update regarding the 5G ordinance.

Borough Engineer Trevor Taylor – Provided an update on the Flood Damage Prevention Ordinance; he met with the county engineer regarding the 25mph speed limit on all roadways; the TAP is currently with the DOT.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments at 8:59PM moved by McDermott, seconded by Davidson with ayes by all present

George Walling, 54 2nd Street – asked borough administrator the status of the dumpster enclosures; asked about lead pipes and if report was ready for the State; administrator reported ID is ongoing, first phase initial assessment is complete. Mr. Walling said jobs posted on the website have no job description.

Elmer J. Graham, Jr., 22 St. Peters Place – asked when the Veteran's Committee meetings will resume – sometime in the first quarter of the year.

John Merla – requested council review the 311 forms. He said he has received no answer to his complaints.

Borough parking lot behind Old Glory paved; dangerous intersection sign at Second and Fulton Streets; asked if volunteer applicants have a background check; asked questions about ordinance 32-89 appointing Borough Attorney.

Mike Lane – spoke about cottage food law and recommended having a best practice monthly status report for unfinished business.

There being no further comments or questions, the Meeting was closed to the public at 9:14PM moved by Davidson, seconded by McNamara with ayes by all present

Motion to proceed to Closed Session at 9:15PM moved by Davidson, seconded by McNamara with ayes by all present

CLOSED SESSION

RESOLUTION #2022-60

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, attorney-client privileged issues related to Council options with respect to the KBBC pursuant to *N.J.S.A. 10:4-12(b) (7)*.

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 18, 2022 and determined that an Executive Session closed to the public shall be held on January 18, 2022 at approximately 7:00 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: MCDERMOTT

SECONDED: DAVIDSON

AYES: MCDERMOTT, DAVIDSON, MCNAMARA, ARANEO, PEPERONI

NAYS:

ABSTAIN:

ABSENT: PACHECO

Motion to reconvene to open session at 10:32PM moved and carried by all present

Borough Attorney Leslie London - stated what was discussed in closed session – forming a subcommittee pertaining to KBBC to review the ordinance, policy, and procedures and make any recommendations. No formal action was taken in Closed Session.

Mayor Kennedy – welcomes new KBBC board members and makes recommendation to appoint Leslie London, Jay Delaney, Lori Ann Davidson and Delia Sosa McDermott to the subcommittee – no objections received.

ADJOURNMENT

Motion to Adjourn at 10:39PM moved by McDermott, seconded by McNamara with ayes by all present