

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:

Link: <https://us02web.zoom.us/j/86091811894?pwd=OUhyZmRjRGVDQmk1VnBFTms1MnNYdz09>

Meeting ID: 860 9181 1894
Passcode: 104714
Dial in Number: (646) 558-8656

Mayor Kennedy called the Meeting to Order at 7:08PM. Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present via videoconference: Councilmembers Goode, Pacheco, Fotopoulos, McDermott, Davidson and McNamara. Present in Council Chambers: Mayor Kennedy, Borough Administrator Jay Delaney. Borough Attorney Leslie London was present via videoconference.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy requested a moment of silence

LIQUOR LICENSE TRANSFER UPDATE

**Place-To-Place Transfer (Expansion of Premises) Keyport Liquor License LLC
Plenary Retail Consumption License 1322-33-012-008 to be sited at 2, 6-10 W. Front Street**

Attorney Leslie London – She said that the applicant provided an additional sketch. It was recommended that it go to the Borough Engineer, Trevor Taylor to look at. Additional information was presented and that Trevor was still waiting for the sketch for upstairs. The Police Chief also submitted her recommendation.

Trevor Taylor – He said that he received the sketch and application. He asked if a sketch is required for the second floor of the restaurant building.

Attorney Leslie London – She referenced the ABC Manual and said that a professional drawing is not required as long as the sketch is detailed.

Trevor Taylor – He said that he noticed a smoking area for the parking lot, but it is shown on Municipally owned property and does not believe that they are permitted to have a smoking area on Municipally owned property.

Mayor Kennedy – She said that she would agree with Mr. Taylor. The police noted that the drawing presented by Mr. Mandia with a handwritten notation indicated that the back needs to remain open for fire truck access. She asked Mr. Mandia who put that on the map that fire truck access had to be there.

Attorney Jason Mandia – He said it was something that they were guessing for safety. He said that they can put temporary barriers there that are removable if that is preferred. He said that the smoking area can be moved onto the property.

Council President Goode – He said with the delineation of the back area making sure that no liquor passes that line that there are no other areas that concern him with the liquor license itself.

Councilman Fotopoulos – He asked that they do not need a sketch of the second floor. Attorney London confirmed.

He asked if the notes that were sent in by Chief Torres needed to be addressed in the sketch or if it would be incorporated as a part of the approval.

Attorney Jason Mandia – He said that they did incorporate the comments except for the placement of the garbage dumpsters. The other one was the outdoor entertainment making sure they are in compliance with all Municipal Ordinances and that is something that they absolutely will comply with. The other comments were noted on the sketch.

Councilwoman McDermott – She thinks that there needs to be fencing around the property to ensure they don’t have any potential of alcohol consumption being transferred or dumped over. She said that Mr. Lane did provide insight of other bars in the area that had some issues with planters. She thinks it should be a secure enclosed area so that they know exactly what the lineage of the outside and inside is. In reference to the garbage enclosures, she said maybe they want to consider planning having that put into the region versus out in the other properties just in case. She has some concerns with liquids going through hallways and concerns with food being transported in a public hallway.

Councilwoman Davidson – She asked if the entrance on Broad Street needs to be identified on the new drawing and if this application is denied by the ABC, does it comes back before Council.

Attorney Leslie London – She said that there is an appeal process that is offered to them if ABC does deny it.

Attorney Jason Mandia – He said in regards to Broad Street, nothing is changing in that area.

Councilwoman McNamara – She likes the ideas of the planters, but that any fences need to be able to be moved rather easily because of firetruck access. She referenced the last meeting and said that Mr. Schwartz was talking about trying to be good neighbor by allowing those other buildings to have access for deliveries through the back. She said that whatever is there they have to be comfortable that they are not any type of a real permanent structure that would inhibit any of that movement.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions about the liquor license transfer at 7:35PM by Mayor Kennedy.

Michael Lane, 51 First St. – He said that he has a couple of concerns about the process. When the applicant modified the application between the November and December version, which was a few half dozen minor changes, he had to re-notice. These are major changes and that there is no re-notice. He said that the issue of fencing, Council needs to look at Uptown Bar and Grill. The issue with fire access, he said that he is a long time fireman and that he has driven firetrucks through fences. There is no problem putting a gate in like a driveway gate. He said the stairways between the first and second floor go all the way up to the third floor. He said that he thinks that the applicant should have to republish the fact that he has a new application.

Attorney Leslie London - She said that it is not a new application. She said that it is clarification providing more details to the application that was submitted.

There being no further comments or questions, the Meeting was closed to the public at 7:37PM.

Motion to approve the application as outlined in the drawing was moved by Goode, carried by Davidson.

Roll Call: Ayes: Goode, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Absent:
 Abstain: Pacheco

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions listed on the Agenda at 7:38PM moved by Goode, carried by McDermott with ayes by all present.

Michael Lane – He asked Councilwoman Davidson about the abandoned RV. He asked Councilwoman Pacheco if she could give an update on when the public session is going to be held to lay out the plan for Complete Streets.

He asked if Councilman Fotopoulos could report on any plans to review and comment on the Browns Point Marina remediation plan. He asked Councilwoman McDermott about the NPP flood gate.

There being no further comments or questions, the Meeting was closed to the public at 7:42PM moved by Goode, carried by Fotopoulos.

COMMITTEE REPORTS

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

Councilman Goode: Fire/First Aid/OEM/Redevelopment/Finance/Grants/Recreation/Senior Center

- Fire Department Report read
- Reminded residents to not bring in propane or charcoal grills to heat their house. If you need heat, there are people to call.

Councilwoman Pacheco: Police/MAC/Harbor/Complete Streets/Library Construction/Redevelopment/Public Works/Construction/ Fire Bureau/Property Maintenance/Zoning

- Complete Streets
- Police will meet this week to discuss the upcoming year; A 5-year plan is in the final draft as is implementation of bodycams
- Officers received vaccines
- Reminder to lock cars when parked
- Executive Order allows parents to watch their kids at sports activities
- Police Report read
- Deferred Harbor Commission report

Councilman Fotopoulos: Finance/Grants/Board of Health/Registrar/Recycling/Environmental/Complete Streets/Fire/First Aid/OEM

- Finance Committee met
- No Recycling meeting; brochures are up on the Borough Website and KeyportRecycles.com
- Thanked Donna Purcell and Robin Sheridan
- Board of Health/Registrar Report read
- Environmental Commission met
- Browns Point at the next Environmental Commission meeting
- Outfall pipe at Benjamin Terry Park was discussed
- Clean-up debris at Cedar Street, which is coming from the Aeromarine property
- Christmas trees were fixed in the Dune area
- Discussed a possible pathway to the back beach area behind the Dunes could be constructed with Green Acre Grant Funds

Councilwoman McDermott: Keyport Bayfront Business Cooperative/Neighborhood Preservation Program/Library Construction/Police/MAC

- No Library Construction Committee updates
- NPP flood gate sustained damage and is under review. Recommended by the Police Department to not operate them.
- Year one, progressive final stages was extended until June 30, 2021 for NPP Activity
- NPP year two is proposed in the State Budget. If approved it will run from July 1, 2021 through June 30, 2022. Funds will be determined
- KBBC Board of Directors Reorganization has been completed
- Board of Directors meetings are held the second Wednesday of each month at 6:30PM and are currently virtual due to COVID
- Keyport Cash

Councilwoman Davidson: Public Works/Construction/Fire Bureau/Property Maintenance/Zoning/Planning Board/Neighborhood Preservation Program

- Construction Department Report read
- Met with DPW and discussed responsibilities and equipment needs
- In response to Mr. Lane's inquiry, they are working on the removal of the abandoned RV

Councilwoman McNamara: Recreation/Senior Center/Green Team/Harbor/Board of Health/Registrar

- Green Team received the Bronze certification
- Application for a Healthy Town was submitted
- Community Garden effort for Organic practices and food donations to the Pantry
- Senior Center repairs
- Skipper Bus being started regularly, although not in use
- Senior Center equipment purchased through the Cares Act
- Additional Virtual Dance Classes have been added every Wednesday at 2PM
- Bingo
- Wellness calls
- Newsletters are going out
- Bethany Manor received COVID-19 vaccines, second dose will be on February 26, 2021
- Black History Month slideshow
- Recreation Snowman Contest
- Recreation is working on replacement activities
- Harbor Commission and Recreation inquired about the Kayak Lockers
- Beach cleanup investigation
- Request to get the Boat Ramp cleaned up
- RFP waterfront concessions process
- Anbaric
- Boat Ramp passes

Mayor Kennedy – She said that the dock off of the fishing pier needs to be addressed. She clarified that both flood gates are not being used until repairs are made.

MAYOR'S UPDATES

- Library Board of Trustees meeting
- KBBC meeting
- Waverly and First Street project was put on notice about the utilities underground
- HOA cannot be established until the Deed is transferred
- Budget
- DPW manpower and materials requested
- Sewer system has not been serviced and proper service is not being provided
- She pleaded to have these things put into the budget moving forward
- Reporting structures and technology for employees
- Equipment needs to be purchased, subcontract it out or go into a Shared Service with another Municipality
- Requested a TORT Claim report from Administration

Councilman Fotopoulos – He asked for specifics.

Mayor Kennedy – She directed Councilman Fotopoulos to meeting minutes.

Discussion ensued regarding DPW concerns.

Mayor Kennedy – She asked about **R74-21** Authorizing Final Payment and Close Out Change Order for V&K Construction, Inc. for Contract for Improvements to Main Street Park. She said that the fencing was not installed properly and needed more securing on the joints and posts.

Administrator Delaney – He said that those were some punch list items that popped up on the inspection prior to final close out. This has a Maintenance Bond so any items that do pop up between now and the two-year Maintenance Bond will be covered.

CONSENT AGENDA

- R72-21 Payment of Bills for the February 9, 2021 Bills List
- R73-21 Payment of Bills for the February 16, 2021 Bills List
- R74-21 Authorizing Final Payment and Close Out Change Order for V&K Construction, Inc. for Contract for Improvements to Main Street Park
- R75-21 (Amending R60-20) Authorizing the Borough of Keyport to Appoint Fairview Insurance as the Borough's Risk Manager

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by McDermott, carried by Davidson.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Absent:
 Abstain:

INTRODUCTION OF ORDINANCES

- 1. **Ordinance – Amending and Supplementing the Borough’s Stormwater Management and Control Ordinance**

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXIV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT GOVERNING THE BOROUGH’S STORMWATER MANAGEMENT AND CONTROL**

- 1a. Motion to introduce moved by Goode, carried by Pacheco.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Absent:
 Abstain:

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

Council President Goode – He said that the Ordinance should be referred to the Planning Board for their comments.

Mayor Kennedy – She asked if they needed an expected date back before she publishes the Public Hearing.

Council President Goode – He said that they can’t pass this until the Planning Board gives the okay to say it’s consistent with the Master Plan.

Mayor Kennedy – She said they are only Motioning the introduction and not a Hearing date.

COMMUNICATIONS BY CONSENT
(For Approval)

- 1. Letter dated February 5, 2021 from Andrew Kelsey requesting approval to create a Parking Advisory Committee website

Administrator Delaney – It is his recommendation that there not be a separate website. He said that any information that needs to be disseminated to the public by virtue of the Boroughs website.

Mayor Kennedy – She agreed with Mr. Delaney.

Council President Goode – He thought that they can set up a separate page on the Boroughs website.

Councilwoman Pacheco – She agreed with Council President Goode this way everything is contained in one spot.

Administrator Delaney – He said that is an option.

Councilwoman Davidson – She said that there were two letters of resignation and asked if the other one could be added to the next Council Meeting. Administrator Delaney responded, yes.

(To Receive and File)

- 2. Letter of resignation from Public Works Laborer Jonathan Hurlburt effective December 18, 2020
- 3. Letter dated January 15, 2021 from Monmouth County Park System regarding Municipal Open Space Grant Program Application

- 4. Letter dated January 27, 2021 from Monmouth County Board of County Commissioners enclosing a check in the amount of \$81,768.68 reimbursing the Borough for COVID-19 expenditures through CARES Act funding
- 5. Letter dated February 1, 2021 from Monmouth County Mosquito Control Division requesting a resolution authorizing aerial mosquito control operations within the Borough
- 6. Email dated February 3, 2021 from Sustainable Jersey congratulating the Borough on achieving Sustainable Jersey bronze recertification

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on Communications by Consent to Approve moved by Goode, carried by Pacheco.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays:
Absent:
Abstain:

MINUTES FOR APPROVAL

January 1, 2021 Reorganization Meeting
January 19, 2021 Regular Meeting

Motion to approve the Minutes was moved by Goode, carried by Pacheco.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays:
Absent:
Abstain:

REPORTS OF DEPARTMENTS

- 1. Municipal Clerk’s Report for January 2021
- 2. Tax/Water/Sewer Collector’s Report for January 2021
- 3. Board of Health Treasurer’s Report for January 2021
- 4. Building Department Monthly Report for January 2021
- 5. Municipal Court Monthly Report for January 2021

Motion to receive and file moved by Pacheco, carried Davidson by with ayes by all present.

NEW BUSINESS

Recreation requested an Easter Bunny travel on a Firetruck around the Borough

Discussion ensued amongst the dais.

Councilwoman Davidson – She asked if all of the fire departments were going to be involved so that each District would have this experience.

Councilwoman McNamara – She said that it would be two bunnies and two firetrucks for the entire Borough.

Councilwoman McDermott – She said that a map would be good and no candy.

Motion to allow the Recreation Committee to work with the Fire Company to have an Easter Bunny display throughout the town on a firetruck and that everybody practice CDC guidelines and approve up to \$150 for a costume, moved by Fotopoulos, carried by McNamara.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays:
Absent:
Abstain:

Kayak Locker Rentals

Councilwoman McNamara – She spoke about the locker renewal. She said that it came up in both Recreation and Harbor that Keyport residents should be given priority to any new opening and that there should be a right of first refusal to current kayak locker holders. A suggestion was made that letters or emails go out to current locker lessees and offer renewal.

Councilwoman McDermott – She asked about the fees.

Councilwoman McNamara – She said that there was no mention about increasing the fees.

Councilman Fotopoulos – He asked that the right of first refusal would be a new contract. Councilwoman McNamara confirmed.

He said that there is a waiting list and asked if we could accept applications from everybody.

Administrator Delaney – He said that those who currently rent have the right to renewal by a certain date, but by that point we would have a pool of those who are interested in renting whatever might become available. He recommended establishing a lottery as of April 1st.

Councilwoman McNamara – She said that she does not agree with the April 1st deadline because they want people to pay immediately. She said if people were not going to renew, they would know in advance.

Seasonal Boat Ramp Permits

Councilwoman McNamara – She said that most of the boat ramp passes are done through the kiosk and does not know if we have current information as to how many were sold. She was not personally a fan of extending it another year.

Mayor Kennedy – She said to clarify, for a seasonal pass they still have to come to Borough Hall. Anything at the kiosk is daily passes. They still have to register and they would have a list of who had boat passes. She asked Councilwoman McNamara if she wanted to get further information from the Harbor Commission.

Councilwoman McNamara – She said that anything from them is a recommendation and that she would like to get some input from the Council.

Councilwoman McDermott – She would deter from giving a waiver for 2021 because it's one of the biggest revenues. It's a way to market ourselves as a town.

Councilwoman Pacheco – She recommends circling back after it is confirmed with the Harbor Commission as to exactly what they are looking for.

Councilman Fotopoulos – He asked how many season passes were purchased last year.

Mayor Kennedy – She said that they will table this until the next meeting when they have more information.

Councilwoman McNamara – She said that she will get more information.

Beach Sweeps

Mayor Kennedy – She said that Clean Ocean Actions reached out about Clean Ocean Action Beach Sweeps and asked if we want to participate. Each year they delegate that to the Council representative to bring it back to make sure that the members of the Environmental Commission are up for doing the tasks of running it again. She said that right now Council agreed to hold off all outdoor activities for the Borough that required gathering through the end of April. She thinks it would only be fair if they confirmed if they were going to hold that to the Beach Sweeps. A suggestion that she could try and make is to have two areas, the area by Beach Park and Cedar Street, so it's not everyone at the same area to reduce a larger amount of gathering at the same place.

Councilman Fotopoulos – He said that they put a moratorium through the first quarter so the point is moot.

Mayor Kennedy – She asked what if they split it up and had 25 at each beach.

Councilman Fotopoulos – He said that the response he got back from Clean Ocean Actions that it is the same everywhere. He said that he has an Environmental meeting coming up and he will bring it up. He thinks that if they get a consensus from the Environmental Commission, if it's possible to limit the number of people to do it or stagger the times for the people then that might be an alternative. He asked if 25 is the number for the outdoor gathering.

Mayor Kennedy – She said currently yes and anything sponsored by the Borough has been put on hold through April. Before Councilman Fotopoulos asks Environmental, she thinks its due diligence for Council's input. She asked Council for their input and if they are sticking to the end of April. She said that they could possibly do their own beach sweeps when things lift up and that it does not always have to be in conjunction with Clean Ocean Action.

Councilwoman McDermott – She prefers to stick to what they did originally for everyone's safety and to be fair across the board to all committees and boards.

Councilwoman Davidson – She agrees with Councilwoman McDermott for consistency's sake. She said that maybe the Environmental Commission can put together their own groups in a safe way.

Legalization of Recreational Marijuana

Mayor Kennedy – She said that Ms. London put together a summary where the State stands, where Municipalities stand previously and what would need to be done moving forward.

Attorney Leslie London – She said there will be Regulations coming out to further assist Municipalities. She is sure that the League of Municipalities will be providing some additional guidance. It is a work in progress. The Legislation, although it passed both Houses, it is still on the Governor's desk. They are trying to work out some other line of issues with the bill before the Governor signs it, but it's good to start planning and thinking through. Everything has to be done by Ordinance.

Mayor Kennedy – She suggested forming a committee of Councilmembers that have things to discuss and proposals to work on together to present to the Governing Body. She recommended three Councilmembers if they are still willing to do that.

Councilwoman McNamara – She asked if they had to act upon each of those six items.

Attorney Leslie London – She said that there are six types of licenses that can be permitted. She said that in the Ordinance you want to be as comprehensive as you can and address specifically which license, under which circumstance and which license you cannot have under which circumstances.

Councilman Fotopoulos – He asked for clarification of what we need to do in the first 180 days.

Attorney Leslie London – She clarified the 180 days.

Discussion ensued amongst the dais.

Attorney Leslie London – She will provide information to Mr. Delaney to distribute clarifying the 180 days.

Motion to table and continue this discussion at the next meeting with an option for Public participation moved by Fotopoulos, carried by Pacheco with ayes by all present.

Councilman Fotopoulos – He asked if there is has been progress on the Parking Committee Appointments.

Mayor Kennedy – She said that no members of Council have reached out to express interest. She can put a resolution together for the next Council meeting.

Councilwoman Pacheco – She said that she can be on it.

Councilwoman McDermott – She said that she can be on it unless the Mayor wants to.

Mayor Kennedy – She said that are also waiting for the forms to be created and updated online for people to apply for it. She asked Mr. Delaney to confirm.

Administrator Delaney – He said that he will get it to Mayor Kennedy.

Councilwoman Davidson – She said that she was on the Circulation Committee and if there is space she has no problem being on the Parking Committee as well.

Councilwoman McDermott – She asked about the businesses on the waterfront (hot dog vendor, boat ramp). She said that she knows that there were leases and licenses with those vendors.

Councilwoman Pacheco – She said that the Harbor Commission is currently reviewing those.

Mayor Kennedy – She said that as of last week they were still trying to confirm if those proposals were ever reviewed by Green Acres.

Administrator Delaney – He said that it doesn't appear that they do because they are less than one year, or one year, but he will confirm.

UNFINISHED BUSINESS

None

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:19PM moved by Fotopoulos, carried by Pacheco with ayes by all present.

Andrew Kelsey, 29 St. Peters Place – He said regarding his request for the website the most important part of the website was to be able to set up surveys online using a certain survey software to conduct surveys for the parking study. Not being able to do that will hamper his ability to collect certain information. He asked if they could work something out to get that function.

Administrator Delaney – He asked Mr. Kelsey to call him to discuss further.

Patrick Moroney, 313 Main St. – He wanted to follow up about his comments from a couple weeks ago regarding 5G. He asked if there was any conversation with Mr. Baumann regarding his experience in Hoboken.

Administrator Delaney – He said that there has not been further dialogue, but he will follow up with Mr. Baumann.

Patrick Moroney – He asked what the best way is to follow up on that.

Mayor Kennedy – She asked for it to go under Unfinished Business for the next meeting to follow up on 5G.

Elmer J. Graham, Jr., 22 St. Peters Place – He asked Mayor Kennedy about reestablishing a Veteran's Committee.

Mayor Kennedy – She said that she is in the process of working on that and that she had dialogue with Mr. Sheridan the other day and he is willing to continue to serve on it.

Elmer J. Graham, Jr. – He asked Councilwoman Davidson about the Quality of Life Committee.

Mayor Kennedy – She will follow up with Councilwoman Davidson.

Michael Lane – He complemented Councilman Fotopoulos for working with Mr. Grabowski about the debris on the beaches. He said that the tree problem is not from fresh cutting and that it is due to significant erosion. He said that the soil around the roots of the trees is being eroded away. He said that they need to work on the erosion problem in Aeromarine. He asked the status of the 25MPH signs on First Street. He

thanked Mayor Kennedy for confirming that there was no HOA at First and Waverly. He asked if the marijuana data provided by the Attorney is OPRA-able.

Attorney Leslie London – She said that it is just a summary and that there is not client-attorney privilege.

Mayor Kennedy – She asked if it could be added to the next packet.

Michael Lane – He said that he doesn't want to wait that long so he will put in an OPRA request.

Mayor Kennedy – She said that the MOD-IV does say that it will have to have an HOA. She doesn't think that the HOA can be created until the Developer is off of the Deed. She will get clarification for that.

There being no further comments or questions, the Meeting was closed to the public at 9:31PM moved by Pacheco, carried by McDermott with ayes by all present.

ADJOURNMENT

Motion to Adjourn at 9:31PM moved by Pacheco, carried by McDermott with ayes by all Present.