

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, FEBRUARY 20, 2024 5:30 PM
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: __ Councilmember Brady __ Councilmember Gross __ Councilmember McNamara
__ Councilmember Peperoni __ Councilmember Reilly __ Council President Vecchio
__ Mayor Araneo

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

EXECUTIVE SESSION (5:30PM – 7:00PM)

R2024-76 – 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. 10:4-12b for the following item(s): attorney-client privilege matters pertaining to contract negotiations: sale of borough property, PILOT agreements, personnel, and shared services pursuant to N.J.S.A. 10:4-12b(7).

MM: 2nd: Ayes: Nays:

OPEN SESSION (7:00PM)

PROCLAMATION

Black History Month

COMMITTEE REPORTS

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

Councilmember Brady: Environmental, Recreation/Senior Center, Fire/First Aid/OEM, Municipal Alliance, Green Team

Councilmember Gross: KBBC, Public Works/Water-Sewer, Recreation/Senior Center, Redevelopment

Councilmember McNamara: Finance/Grants, Cannabis, Green Team, Police, NPP

Councilmember Peperoni: Planning Board, Recycling, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Redevelopment, Harbor Commission,

Councilmember Reilly: Fire/First Aid/OEM, Police, Municipal Alliance, Finance/Grants, Cannabis

Council President Vecchio: Harbor Commission, NPP, Public Works/Water-Sewer

**Mayor Araneo: Library, Planning Board, KBBC, Green Team, Cultural/Civic, Mayors
Wellness Campaign**

PUBLIC COMMENTS

The Meeting is opened to the public for comments on **agenda items only**.

Opened: MM: 2ND: Closed: MM: 2ND:

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.)

- R2024-77 Payment of Bills Listed on the February 9, 2024 Bills List
- R2024-78 Payment of Bills Listed on the February 20, 2024 Bills List
- R2024-79 Authorizing Final Payment and Close out Change Order for S. Batata Construction, Inc. for Broad Street Sidewalk Improvements
- R2024-80 Approving a Five-Year Tax Abatement for 8 Raritan Cove in the Borough of Keyport
- R2024-81 Approving a Five-Year Tax Abatement for 206 Main Street in the Borough of Keyport
- R2024-82 Amending Claimant Certification Requirement (N.J.S.A. 40:5-16.5)
- R2024-83 Authorizing the Advertisement for the Receipt of Proposals for a Communications Facility at Cass Street and Highway 35
- R2024-84 Authorizing the Advertisement for the Receipt of Proposals for Lawn Maintenance/Groundskeeping Services through Competitive Contracting Process
- R2024-85 Authorizing Sewer Relief Due to Leaking Pipe – Holmdel Pointe Apartments
- R2024-86 Authorizing the Issuance of a Social Affair Permit for Raritan Post 23 American Legion
- R2024-87 Approving the Request of Our Lady of Fatima Parish to Conduct Palm Sunday and Good Friday Processions
- R2024-88 Authorizing Execution of a License Agreement with New Logic Marine Science Camp for Use of Cedar Street Park for Science Camp
- R2024-89 Authorizing Extension of a License Agreement with 31 West Front Street, LLC for the Use of Space in a Borough Parking Lot behind 31 West Front Street
- R2024-90 Authorizing Increase in Hourly Rate and Work Hours for Part-Time Neighborhood Preservation Program Coordinator for the Borough of Keyport
- R2024-91 Authorizing Keyport Bayfront Business Cooperative (KBBC) 2024 Events on Borough Property
- R2024-92 Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations within the Borough of Keyport
- R2024-93 Authorizing Appointment to the Keyport Bayfront Business Cooperative
- R2024-94 Granting the Renewal of an Inactive Plenary Retail Consumption Liquor License for Keyport Liquor 3, LLC for the 2023-2024 License Term
- R2024-95 Granting the Renewal of an Inactive Plenary Retail Consumption Liquor License for 6 Broad St Waterfront Liquor, LLC for the 2023-2024 License Term

- R2024-96 Resolution Suspending the Implementation of the Provisions of Chapter 12, Building and Housing, Section 12-19, Entitled “Abandoned Properties; Rehabilitation” of the Borough Code of the Borough of Keyport, County of Monmouth, State of New Jersey, Most Notably any and all Provisions Relating to Registration, Fines, Tax Liens, and Foreclosures
- R2024-97 Resolution of the Borough of Keyport, County of Monmouth, Opposing Assembly Bill No. 4/Senate Bill No. 50, which Proposes to Overhaul the Fair Housing Act (“FHA”) in a Way that Imposes Unrealistic Obligations with Unrealistic Deadlines Based upon Onerous Standards

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

APPROVAL OF MEETING MINUTES

Motion to approve the Minutes of the December 5, 2023 Workshop Meeting

MM: 2nd: Ayes: Nays:

PUBLIC HEARING/ADOPTION OF KEYPORT BID, INC. (KBBC) 2024 BUDGET

The Clerk reads the Budget by Title: **KEYPORT BID, Inc. (KBBC) 2024 BUDGET**

The Meeting is opened to the public for comments or questions on the Keyport BID, Inc. (KBBC) 2024 Budget.

1a. Motion to Open Public Hearing

MM: 2nd:

1b. Motion to Close Public Hearing

MM: 2nd:

Resolution #2024-98 Approving the Keyport BID, Inc. (KBBC) Budget for 2024

Motion to adopt **Resolution #2024-98** Approving the Keyport BID, Inc., (KBBC) Budget for 2024

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

INTRODUCTION OF ORDINANCES

1. **Ordinance** – Establishing the Elizabeth Street Community Garden

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING THE KEYPORT BOROUGH CODE TO ESTABLISH WITHIN CHAPTER 9 A CHAPTER ENTITLED “ELIZABETH STREET COMMUNITY GARDEN”**

1a. Motion to introduce:

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

- 1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing MM: 2nd:

REPORTS

1. Municipal Clerk's Report for January 2024
2. Tax/Water/Sewer Collector's Report for January 2024
3. Board of Health Treasurer's Report for January 2024
4. Building Department Report for January 2024
5. Municipal Court Report for January 2024

MM: 2nd: Ayes: Nays:

PUBLIC COMMENTS

The Meeting is opened to the public for comments.

Please limit comments to no more than five minutes per person.

Opened: MM: 2ND: Closed: MM: 2ND:

ADJOURNMENT

Motion to Adjourn MM: 2nd:

PUBLIC NOTICE

**KEYPORT BOROUGH COUNCIL
EXECUTIVE SESSION
FEBRUARY 20, 2024 – 5:30 P.M.**

Pursuant to the notice requirements of the Open Public Meetings Act (P.L. 1975, c.231) this shall serve as public notice that an Executive Session of the Keyport Borough Council closed to the public will take place on Tuesday, February 20, 2024, beginning at 5:30 P.M. in Council Chambers, Borough Hall, 70 W. Front Street, Keyport. Formal action will not be taken.

The Regular Meeting of the Borough Council will begin at **7:00 P.M.** as scheduled. Formal action will be taken.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**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 matters related to contract negotiations: sale of borough property, PILOT agreements, personnel, and shared services pursuant to *N.J.S.A. 10:4-12b(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 February 20, 2024 and determined that an Executive Session closed to the public shall be held on February 20, 2024 at approximately 5:30 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.

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

R24-77
02/09/2024

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2024	\$ 184,463.98
	WATER/SEWER ACCT. 2024	\$ 23,957.15
	PAYROLL FUND BUDGET	\$ 650.00
	FEDERAL & STATE GRANTS	\$ 4,778.61
	TRUST OTHER FUND	\$ 3,381.50

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

R24-78

02/20/2024

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT.2023	\$ 55,905.63
	WATER/SEWER ACCT.2023	\$ 7,196.26
	CURRENT ACCT. 2024	\$ 1,261,535.03
	WATER/SEWER ACCT. 2024	\$ 6,853.42
	FEDERAL & STATE GRANTS	\$ 2,582.48
	TRUST OTHER FUND	\$ 9,089.20
	REC BAYFRONT IMPROVEMENT	\$ 2,473.98
	UNEMPLOYMENT TRUST	\$ 534.09
	OPEN SPACE TRUST FUND	\$ 22,883.95
	DEVELOPER ESCROW	\$ 4,287.24

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION #2024-**AUTHORIZING FINAL PAYMENT AND CLOSE OUT
CHANGE ORDER FOR S. BATATA CONSTRUCTION INC.
FOR BROAD STREET SIDEWALK IMPROVEMENTS**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, on July 5, 2022, the Borough entered into a contract with S. Batata Construction, Inc. ("**SBC**") for Broad Street Sidewalk Improvements (the "**Contract**"); and

WHEREAS, SBC has completed the improvement work required under the Contract and issued a two (2) year maintenance bond in the amount of \$36,692.74, which represents 20% of the total Contract amount; and

WHEREAS, SBC has submitted a proposed Final Payment and Closeout Change Order for this Contract in the amount of \$61,886.86, which represents a decrease to the final cost of the Contract to \$183,463.70, and a decrease to the original Contract price of \$94,086.30, which is on file with the Office of the Borough Clerk; and

WHEREAS, the Borough must execute the Final Payment and Closeout Change Order to authorize the release of the final payment in the amount of \$61,886.86, to confirm the decrease in the Contract price, and to confirm the completion of the improvement work required under the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough authorizes the release of the final payment for the Contract in the amount of \$61,886.86 and the final change order to the Contract confirming the final Contract cost of \$183,463.70.
3. The Mayor of the Borough, the Borough Administrator and other reasonably necessary personnel are hereby authorized and directed to execute the Final Payment and Closeout Change Order on file with the Office of the Borough Clerk.
4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

6. This Resolution shall take effect as provided by law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

R24-80

RESOLUTION #2024-

**APPROVING A FIVE-YEAR TAX ABATEMENT FOR
8 RARITAN COVE IN THE BOROUGH OF KEYPORT**

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the State of New Jersey enacted the “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1 et seq., which authorizes municipalities in the state of New Jersey to adopt ordinances which would allow for tax exemption or abatement for improvement, conversion or construction of a multiple-dwelling, commercial or industrial structure located within an area in need of rehabilitation; and

WHEREAS, Chapter 12, Section 8 of the Borough’s Municipal Code establishes the Borough’s program and procedures for application for tax exemption or tax abatement for properties within the Borough; and

WHEREAS, Claudia L. St. John and Leonard J. Sitar (the “**Applicants**”) are the owners of the property at Block 22, Lot 19.08, Qualifier C08, on the Borough’s tax map, commonly known as 8 Raritan Cove (the “**Property**”); and

WHEREAS, the Applicants have completed construction of a townhome on the Property and applied for a tax abatement with the Borough for the property; and

WHEREAS, the Borough Tax Assessor has reviewed the Applicants’ application confirming that the application was timely filed and meets the requirements for approval; and

WHEREAS, the Borough Tax Assessor recommends a thirty percent (30%) tax abatement for the improvement value of the townhome for a duration of five (5) years as of February 1, 2024; and

WHEREAS, the Borough Tax Assessor has estimated that the tax abatement will result in a difference of approximately \$2,907.95 per year for a total tax difference of approximately \$14,540.00 for the Property for all five (5) years; and

WHEREAS, based on the recommendation and estimates provided by the Borough Tax Assessor, the Borough seeks to grant the application for a five (5) year tax abatement pursuant to the “Five-Year Exemption and Abatement Law.”

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough hereby grants the Applicants' application for a tax abatement and grants a thirty percent (30%) abatement for the improvements on the Property for a total of five (5) years.

3. The Mayor, the Borough Administrator, and/or the Borough Chief Financial Officer is authorized to effectuate the tax abatement granted by this resolution and in furtherance of this resolution.

4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

5. A copy of this Resolution shall be available for public inspection at the Office of the Borough Clerk.

6. This Resolution shall take effect as provided by applicable law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**APPROVING A FIVE-YEAR TAX ABATEMENT FOR
206 MAIN STREET IN THE BOROUGH OF KEYPORT**

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the State of New Jersey enacted the “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1 et seq., which authorizes municipalities in the state of New Jersey to adopt ordinances which would allow for tax exemption or abatement for improvement, conversion or construction of a multiple-dwelling, commercial or industrial structure located within an area in need of rehabilitation; and

WHEREAS, Chapter 12, Section 8 of the Borough’s Municipal Code establishes the Borough’s program and procedures for application for tax exemption or tax abatement for properties within the Borough; and

WHEREAS, Jennifer Kaufmann (the “**Applicant**”) is the owners of the property at Block 48, Lot 7.01, on the Borough’s tax map, commonly known as 206 Main Street (the “**Property**”); and

WHEREAS, the Applicant has completed construction of a single-family home on the Property and applied for a tax abatement with the Borough for the property; and

WHEREAS, the Borough Tax Assessor has reviewed the Applicant’s application confirming that the application was timely filed and meets the requirements for approval; and

WHEREAS, the Borough Tax Assessor recommends a thirty percent (30%) tax abatement for the improvement value of the single-family home for a duration of five (5) years as of February 1, 2024; and

WHEREAS, the Borough Tax Assessor has estimated that the tax abatement will result in a difference of approximately \$3,437.67 per year for a total tax difference of approximately \$17,188.00 for the Property for all five (5) years; and

WHEREAS, based on the recommendation and estimates provided by the Borough Tax Assessor, the Borough seeks to grant the application for a five (5) year tax abatement pursuant to the “Five-Year Exemption and Abatement Law.”

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough hereby grants the Applicant's application for a tax abatement and grants a thirty percent (30%) abatement for the improvements on the Property for a total of five (5) years.

3. The Mayor, the Borough Administrator, and/or the Borough Chief Financial Officer is authorized to effectuate the tax abatement granted by this resolution and in furtherance of this resolution.

4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

5. A copy of this Resolution shall be available for public inspection at the Office of the Borough Clerk.

6. This Resolution shall take effect as provided by applicable law.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

224-82

RESOLUTION #2024-

**AMENDING CLAIMANT CERTIFICATION REQUIREMENT
(NJSA 40:5-16.5)**

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in N.J.S.A. 40A:5-16(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer recommends that the claimant signature only be required for Refunds, Advance Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual (i.e.) sole proprietors); and

WHEREAS, as a continued internal control, N.J.S.A. 40A:5-16(b) still requires local units a written or electronic certification of some officer or duly designated employee of a local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit prior to any disbursement of funds; and

WHEREAS, the Chief Financial Officer recommends the adoption of this Claimant Signature policy.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Keyport that, effective immediately, claimant's signatures will only be required for Refunds, Advanced Payments, Employee Reimbursements, or for services provided exclusively and entirely by an individual.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE ADVERTISEMENT FOR RECEIPT OF
PROPOSALS FOR LEASE FOR A COMMUNICATIONS
FACILITY AT CASS STREET AND HIGHWAY 35**

WHEREAS, the Mayor and Council of the Borough of Keyport desire to authorize the solicitation of bids for the lease of real property for placement of Communications antennas and facilities on the Water Tower at property located at Block 33, Lots 18 and 19, known as Cass Street and Highway 35, Keyport, NJ, 07735.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keyport that the Borough Administrator be and is hereby authorized and directed to advertise, as required by law, in the Borough's officially designated newspapers an Invitation for Bidders for sealed proposals to be received by the Borough Clerk for a Lease for antenna attachment on a municipal water tower and ground space for ancillary support equipment and structures with simultaneous leasing and co-location of additional carriers at the same site on the property known as Block 33, Lots 18 and 19, Cass Street and Highway 35, Keyport, NJ, 07735; and

BE IT FURTHER RESOLVED that sealed proposals will be opened and read in public at Borough Hall, Council Chambers, 70 W. Front Street, Keyport, New Jersey, on a date and at a time to be determined by the Borough Administrator.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the regular meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

R24-84

RESOLUTION #2024-

**AUTHORIZING ADVERTISEMENT FOR PROPOSALS
FOR LAWN MAINTENANCE/GROUNDSKEEPING SERVICES
THROUGH THE COMPETITIVE CONTRACTING PROCESS**

WHEREAS, the Borough of Keyport (the "Borough") has a need for certain lawn maintenance/groundskeeping services for the calendar year 2024; and

WHEREAS, the Borough hereby authorizes and directs the use of the competitive contracting process in accordance with N.J.S.A. 40A:11-4.1 et. seq. of the Local Public Contracts Law for the solicitation of proposals for certain lawn maintenance/groundskeeping services; and

WHEREAS, pursuant to and in accordance with N.J.S.A. 40A:11-4.3, the aforesaid competitive contracting process shall be administered by the Borough Administrator, Legal Counsel or the Borough's Qualified Purchasing Agent.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the Borough Officials, including the Borough's Qualified Purchasing Agent, be and are hereby authorized to advertise for proposals for certain lawn maintenance/groundskeeping services for the 2024 calendar year.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

AUTHORIZING SEWER RELIEF DUE TO LEAKING PIPE

*Holmdel Pointe Apartments, 36 Center Street
(Service Location: Clark Street – Building 5)*

WHEREAS, Teaneck Road Partners, LLC, owner of Holmdel Pointe Apartments, 36 Center Street, having a service location at Clark Street – Building 5, received a high water/sewer bill due to a leaking pipe; and

WHEREAS, the leaked water did not go into the sewer system; and

WHEREAS, based on the letter and pictures received from Teaneck Road Partners, LLC, the leaking pipe has been identified and repaired; and

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments, payment plans and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments, payment plans and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. Formal authorization to reduce the sewer portion of the December 2023 water/sewer bill due to a leak that did not go into the Keyport sewer system.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
70001000-5	Teaneck Road Partners LLC	\$2,075.77	Reduce Sewer due to leak

2. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held February 20, 2024.

Michele Clark, RMC
Borough Clerk

R24-86

RESOLUTION #2024-

**AUTHORIZING THE ISSUANCE OF A SOCIAL AFFAIR PERMIT FOR
RARITAN POST 23 AMERICAN LEGION**

WHEREAS, Raritan Post 23 has filed an application for a Social Affair Permit for an event to be held March 23, 2024, from 10:00 AM to 11:59 PM (with a rain date of March 24, 2024) at 81 W. Front Street, Keyport, New Jersey; and

WHEREAS, the application is complete in all respects.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby authorize the issuance of the Social Affair Permit to Raritan Post 23 American Legion for an event to be held March 23, 2024, from 10:00 AM to 11:59 PM (with a rain date of March 24, 2024) at 81 W. Front Street, Keyport.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024**APPROVING THE REQUEST OF OUR LADY OF FATIMA
PARISH TO CONDUCT PALM SUNDAY AND GOOD
FRIDAY PROCESSIONS**

WHEREAS, a request has been received from Our Lady of Fatima Parish to conduct two Processions in the Borough of Keyport on Sunday, March 24, 2024 at 12:00 PM, and Friday, March 29, 2024 at 7:00 PM; and

WHEREAS, the Sunday, March 24th procession would depart Jesus the Lord Church at 120 Broad Street, going right from the front driveway heading towards Warren Street and making a right on the street. The procession will continue on Warren Street, turning right onto Main Street, proceeding to West Front Street and turning right. From West Front Street the procession will continue to Broad Street, turning right and returning to Jesus the Lord Church; and

WHEREAS, the Friday, March 29th procession would turn left out of the Jesus Lord parking lot onto Broad Street toward West Front Street, turning left onto West Front Street, proceeding to Broadway and turning left, continuing up Broadway and turning right onto West Fourth Street to go up over the overpass, continuing onto Nappi Place and turning right onto Broadway, and finally turning right into the parking lot of the church.

WHEREAS, the Police Chief has reviewed the request and has offered no objections as to the date, time, and route requested.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that:

1. This Resolution shall constitute approval to permit Our Lady of Fatima Parish to conduct the processions on Sunday, March 24, 2024, at 12:00 PM and Friday, March 29, 2024, at 7:00 PM as set forth herein and in accordance with the request received from the Pastor dated February 13, 2024.
2. The Municipal Clerk is directed to forward a certified copy of this Resolution to the Chief of Police and the Pastor of Our Lady of Fatima Parish.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING EXECUTION OF LICENSE AGREEMENT
WITH NEW LOGIC MARINE SCIENCE CAMP FOR USE
OF CEDAR STREET PARK FOR SCIENCE CAMP**

WHEREAS, the Borough of Keyport, County of Monmouth (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, New Logic Marine Science (“New Logic”) is seeking to hold a science camp from July 29, 2024 to August 2, 2024 from 9:00 a.m. to 2:00 p.m. at Cedar Street Park; and

WHEREAS, the Borough and New Logic have negotiated a license agreement (the “Agreement”), on file with the Office of the Borough Clerk, whereby New Logic will be allowed to hold its science camp on the dates and times requested; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough authorizes the execution of the Agreement on file with the Office of the Borough Clerk.
3. The Mayor or Business Administrator be and is hereby authorized and directed to execute the Agreement on file with the Office of the Borough Clerk for New Logic to hold a science camp from July 29, 2024 to August 2, 2024 from 9:00 a.m. to 2:00 p.m. at Cedar Street Park.
4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at a Regular Council Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

R2489

RESOLUTION #2024-

**AUTHORIZING EXTENSION OF A LICENSE AGREEMENT
WITH 31 WEST FRONT STREET, LLC FOR THE USE OF
SPACE IN A BOROUGH PARKING LOT BEHIND 31 WEST
FRONT STREET**

WHEREAS, Resolution #2023-326 adopted November 21, 2023, authorized a license agreement with 31 West Front Street, LLC for the use of two (2) parking spaces in the Borough parking lot behind 31 West Front Street for the purpose of positioning a construction trailer to be utilized during the period of demolition and construction of property located at 31 West Front Street (Block 21.01, Lot 41); and

WHEREAS, the Local Lands and Building Law N.J.S.A. 40A:12-1 et seq., and case law interpreting same allows municipalities to grant non-possessory interests in land for limited purposes for limited periods of time without advertising for bids or public bidding.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

1. The Borough Administrator is authorized to extend the license agreement with 31 West Front Street, LLC for the use of two (2) parking spaces in the Borough parking lot behind 31 West Front Street for a period not to exceed six (6) months beginning May 1, 2024, pursuant to the terms and conditions of the license agreement attached hereto and made a part hereof by reference.
2. A copy of this Resolution shall be made available for public inspection at the office of the Borough Clerk.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING INCREASE IN HOURLY RATE AND
WORK HOURS FOR PART-TIME NEIGHBORHOOD
PRESERVATION PROGRAM COORDINATOR FOR THE
BOROUGH OF KEYPORT**

WHEREAS, the Borough of Keyport, County of Monmouth (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough has been accepted into the Neighborhood Preservation Program established by the State of New Jersey, Department of Community Affair (“DCA”); and

WHEREAS, the DCA requires that participating municipalities appoint or designate a Neighborhood Preservation Program Coordinator to coordinate the preparation and implementation of a Neighborhood Preservation Program (“NPP”) for each participating municipality; and

WHEREAS, Resolution #2023-289 adopted September 19, 2023, authorized the appointment of Jack Straub on a part-time basis to serve as the Borough’s NPP Coordinator at an hourly rate of \$20 to work up to twenty (20) hours a week; and

WHEREAS, during a transition period the previous NPP Coordinator Nicole Henn was advising Mr. Straub on a part-time basis at an hourly rate of \$25 for up to five hours per week; and

WHEREAS, the transition period has ended and Ms. Henn is no longer in the position to advise Mr. Straub; and

WHEREAS, the Borough Administrator has recommended an increase to Mr. Straub’s hourly rate to \$25 and to increase the work hours to up to twenty-five (25) hours per week; and

WHEREAS, the Borough will utilize grant funds awarded through the NPP to pay the hourly salary of Jack Straub.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough hereby authorizes an increase to Jack Straub’s hourly rate to \$25 and an increase in work hours up to twenty-five (25) hours per week as a part-time Neighborhood Preservation Program Coordinator subject to the availability of grant funds from the Neighborhood Preservation Program effective March 1, 2024.

3. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING KEYPORT BAYFRONT BUSINESS COOPERATIVE (KBBC)
2024 EVENTS ON BOROUGH PROPERTY**

WHEREAS, the Borough of Keyport, County of Monmouth (the “Borough”) is a public body corporate and politic of the State of New Jersey (the “State”); and

WHEREAS, the Borough established the Keyport Business Improvement District (the “District”) pursuant to *N.J.S.A. 40:56-65 et seq.* by Borough Ordinance No. 25-99, as amended by Borough Ordinance No. 6-02; and

WHEREAS, by Borough Ordinance No. 15-13, the Borough designated the non-profit corporation Keyport BID, Inc. (also known as the Keyport Bayfront Business Cooperative, Inc., and hereinafter referred to as the “KBBC”), incorporated pursuant to *N.J.S.A. 15A:1-1 et seq.*, as the District Management Corporation for the District; and

WHEREAS, the KBBC has requested authorization to hold the following events on various properties that are owned by the Borough:

1. Saturday, March 16, 2024 – Bunny Hop & Shop, 12PM-5PM
(Saturday, March 30, 2024 rain date)
2. Saturday, May 5, 2024 – Cinco de Mayo Sip & Shop, 12PM-5PM
3. Saturday, May 18, 2024 – I ♥ Keyport Day, 12PM-6PM
(Sunday, May 19, 2024 rain date)
4. Saturday, June 1 & Sunday, June 2, 2024 – Music in the Mini Park, 3PM-6PM
5. Thursday, June 6, 2024 – Woof-Stock (Music/Dogs Night Out) 6PM-9PM
(Thursday, June 13, 2024 rain date)
6. Thursday, June 20, 2024 – Classic Car Show, 6PM-9PM
(Thursday, June 27, 2024 rain date)
7. Thursday, July 4, 2024 – Concert on the Bay, 6PM-9PM
(Thursday, July 11, 2024 rain date)
8. Thursday, July 18, 2024 – Dancing in the Park – 70’s (Music), 6PM-9PM
(Thursday, July 25, 2024 rain date)
9. Thursday, August 8, 2024 – Light up the Bay (Music/Boat Light Show), 6PM-9PM
(Thursday, August 15, 2024 rain date)
10. Thursday, August 22, 2024 – Dancing in the Park – 80’s (Music), 6PM-9PM
(Thursday, August 29, 2024 rain date)
11. Thursday, September 12, 2024 – Car Show, 6PM-9PM
(Sunday, September 15, 2024 rain date)
12. Saturday, October 5, 2024 – Howl-o-ween Costume Dog Stroll & Movie, 3PM-8PM
(Sunday, October 6, 2024 rain date)
13. Saturday, October 19, 2024 – Wake the Dead (Zombie Stroll) 12PM-5PM
(Sunday, October 20, 2024 rain date)
14. Saturday, October 26, 2024 – BeWitched, 12PM-6PM
(Sunday, October 27, 2024 rain date)

15. Saturday, November 30, 2024 – Miracle on Front Street/Shop Small Saturday,
11AM-9PM
16. Saturday, December 14, 2024 – Holiday Market, 11AM-5PM
(Sunday, December 15, 2024 rain date)
17. Saturdays, December 7, 14 & 21, 2024 – Holiday Sip & Shop Saturdays, 12PM-6PM

WHEREAS, KBBC Program and Activity Request forms have been provided to the Borough Clerk and the Police Chief; and

WHEREAS, some events will require the closure of roadways within the Borough which will be coordinated with the Police Chief.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport hereby authorizes the events listed herein taking place on Borough property in the year 2024.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on February 20, 2024.

Michele Clark, RMC
Municipal Clerk

RESOLUTION #2024-**AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL
DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN
THE BOROUGH OF KEYPORT**

WHEREAS, the Monmouth County Board of County Commissioners, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Keyport is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

The Governing Body of the Borough of Keyport hereby authorizes the Monmouth County Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

- a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
- b. such operations will be performed in compliance with applicable Federal and State regulations; and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on February 20, 2024.

Michele Clark, RMC
Municipal Clerk

RESOLUTION #2024-**AUTHORIZING AN APPOINTMENT TO THE KEYPORT BAYFRONT
BUSINESS COOPERATIVE – *Jetmir Kacaj***

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) established the Keyport Business Improvement District by Borough Ordinance in accordance with the provisions of N.J.S.A. 40:56-65 et seq. and designated the Keyport Bayfront Business Cooperative (the “**KBBC**”) as the managing entity of the Keyport Business Improvement District; and

WHEREAS, the operations of the KBBC are managed by a Board of Directors (“**Board**”) selected in accordance with section 21-7 of the Borough Code and comprised of the Mayor, or the Mayor’s designee; one (1) member of the Borough Council; one (1) member of the Recycling Committee, Environmental Commission or a Code Enforcement Official; one (1) resident or property owner not assessed by the Business Improvement District, or an employee of the Borough; and nine (9) business property owners or occupants of assessed properties located within the Business Improvement District; and

WHEREAS, there exists a need for the appointment of a business property owner or occupant of assessed properties located within the Business Improvement District and the Mayor has nominated Jetmir Kacaj to serve in this position until the next election scheduled pursuant to the Bylaws of the KBBC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Jetmir Kacaj is hereby appointed to the KBBC Board of Directors, by the Mayor of the Borough and with the advice and consent of the Borough Council, until the next election scheduled pursuant to the Bylaws of the KBBC, all in accordance with Borough Code 21-7i.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Reorganization Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**GRANTING THE RENEWAL OF AN INACTIVE PLENARY RETAIL
CONSUMPTION LIQUOR LICENSE FOR KEYPORT LIQUOR 3, LLC
FOR THE 2023-2024 LICENSE TERM**

WHEREAS, the plenary retail consumption liquor license (License No. 1322-33-007-016) issued to Keyport Liquor 3, LLC ("License Holder") is currently an inactive "pocket" license in the Borough of Keyport; and

WHEREAS, the license holder has submitted a verified petition to the State of New Jersey Department of Public Safety, Division of Alcoholic Beverage Control for a Special Ruling under N.J.S.A. 33:1-12.39; and

WHEREAS, the Director issued a Special Ruling, dated August 9, 2023, to permit the renewal of this inactive license for the 2023-2024 license term; and

WHEREAS, the renewal application is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.

NOW THEREFORE BE IT RESOLVED that the plenary retail consumption license of Keyport Liquor 3, LLC, License #1322-33-007-016, be renewed for the 2023-2024 license term; and

BE IT FURTHER RESOLVED the Borough Clerk is hereby directed to transmit a certified true copy of this resolution to the New Jersey Division of Alcoholic Beverage Control.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-
GRANTING THE RENEWAL OF AN INACTIVE PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE FOR 6 BROAD ST WATERFRONT LIQUOR LLC
FOR THE 2023-2024 LICENSE TERM

WHEREAS, the plenary retail consumption liquor license (License No. 1322-33-008-008) issued to 6 Broad St Waterfront Liquor LLC ("License Holder") is currently an inactive "pocket" license in the Borough of Keyport; and

WHEREAS, the license holder has submitted a verified petition to the State of New Jersey Department of Public Safety, Division of Alcoholic Beverage Control for a Special Ruling under N.J.S.A. 33:1-12.39; and

WHEREAS, the Director issued a Special Ruling, dated August 10, 2023, to permit the renewal of this inactive license for the 2023-2024 license term; and

WHEREAS, the renewal application is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.

NOW THEREFORE BE IT RESOLVED that the plenary retail consumption license of 6 Broad St Waterfront Liquor LLC, License #1322-33-008-008, be renewed for the 2023-2024 license term; and

BE IT FURTHER RESOLVED the Borough Clerk is hereby directed to transmit a certified true copy of this resolution to the New Jersey Division of Alcoholic Beverage Control.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at a Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

R24-96

RESOLUTION #2024-

RESOLUTION SUSPENDING THE IMPLEMENTATION OF THE PROVISIONS OF CHAPTER 12, BUILDING AND HOUSING, SECTION 12-19, ENTITLED "ABANDONED PROPERTIES; REHABILITATION" OF THE BOROUGH CODE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, MOST NOTABLY ANY AND ALL PROVISIONS RELATING TO REGISTRATION, FINES, TAX LIENS, AND FORECLOSURES

WHEREAS, the Borough of Keyport has adopted ordinances related to abandoned properties, which are codified in Chapter 12 of the Borough Code, most notably, Section 12-19, entitled "Abandoned Properties; Rehabilitation"; and,

WHEREAS, the Borough now has concerns that provisions of this Section may no longer be in compliance with State law as to abandoned properties; and,

WHEREAS, the Borough has determined to suspend the implementation of the provisions of Section 12-19 of the Borough Code, most notably as to any and all provisions related to registration, fines, tax liens and foreclosures for a period of time while the Borough seeks to bring Section 12-19 into compliance with State law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey that the provisions of Section 12-19 of the Borough Code, in regard to abandoned properties, most notably as to registration, fines, tax liens and foreclosures, are hereby suspended as to enforcement of same until the Borough revises the provisions of Section 12-19 by Ordinance to seek compliance with State law or September 1, 2024, whichever comes first.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on February 20, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHAUL THE FAIR HOUSING ACT ("FHA") IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS.

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 ("FHA"); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder's remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder's remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need "based on development and growth which is reasonably likely to occur" and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred "primary jurisdiction" on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center ("FSHC") -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH's failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element,

or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far

exceeds any number a municipality can realistically achieve through inclusionary zoning;
and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Governing Body of the Borough of Keyport objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the State Legislators in the General Assembly and Senate representing our District immediately.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on February 20, 2024.

Michele Clark, RMC
Municipal Clerk

R24-98

PUBLIC
HEARING
✓ ADOPTION

RESOLUTION #2024-

**APPROVING THE KEYPORT BID, INC.
BUDGET FOR 2024**

WHEREAS, the Borough of Keyport has a Business Improvement District, managed by a designated nonprofit corporation known as the Keyport BID, Inc., doing business as the Keyport Bayfront Business Cooperative (the "KBBC"); and

WHEREAS, the attached Budget for the Year 2024 has been properly advertised and a hearing has been held.

NOW THEREFORE BE IT RESOLVED, that the Business Improvement District KBBC budget for the year 2024 be adopted as presented.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify this to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of February 20, 2024.

Michele Clark, RMC
Borough Clerk

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**KEYPORT BAYFRONT BUSINESS COOPERATIVE
2024 BUDGET NOTICE**

**The Mayor and Council of the Borough of Keyport do hereby approve the following as the
Business Improvement District (KBBC) Budget for the Year 2024:**

January - December 2024

	<u>Total</u>
Income	
4000 Assessment Revenue	171,500.00
4140G Event Revenue Other	12,000.00
4200 Sponsorships	5,000.00
Uncategorized Income	<u>50,000.00</u>
Total Income	<u>\$238,500.00</u>
Gross Profit	\$238,500.00
Expenses	
5000 Events and Programs	
5010 Event Licenses and Permits	2,300.00
5011 Winter/Holiday Events	15,300.00
5027 Spring Events	10,000.00
5031 Summer Events	15,000.00
5032 Fall Events	18,000.00
5035 Charitable Contributions	<u>10,000.00</u>
Total 5000 Events and Programs	\$ 70,600.00
5100 Marketing and Promotions	
5101 Marketing-Other	
5101b Keyport Cash	15,000.00
5101d Social Media	<u>22,500.00</u>
Total 5101 Marketing-Other	\$ 37,500.00
5103 Website/Internet	13,550.00
5111 Broadcast Media	2,200.00
5112 Print Advertising	<u>6,000.00</u>
Total 5100 Marketing and Promotions	\$ 59,250.00
5200 Visual Improvements	
5201 Seasonal Holiday Decor	17,500.00
5201a Window Decor Holidays	12,000.00
5202 Seasonal Planting	5,000.00
5203 Other-Improvements & Decor	<u>15,000.00</u>
Total 5200 Visual Improvements	\$ 49,500.00
6000 Administration	
6001 Staff Support - Admin	18,000.00
6002 Audit	7,500.00

6004 Annual Report	100.00
6005 Board Elections	1,000.00
6006 Advertising Public Notices	2,000.00
6007 Legal Fees	23,000.00
6008 Office Supplies & Equipment	1,500.00
6009 Postal Service	200.00
6011 Insurance	1,500.00
6025 Worker Comp	2,000.00
Total 6011 Insurance	\$ 3,500.00
6018 Bank Fees	100.00
6020 Dues and Subscriptions	1,000.00
6026 Professional Fees	1,250.00
Total 6000 Administration	\$ 59,150.00
Total Expenses	\$238,500.00
Net Operating Income	\$ 0.00
Net Income	\$ 0.00

Notice is hereby given that the Business Improvement District Budget (d/b/a/ Keyport Bayfront Business Cooperative-KBBC) was approved by the Mayor and Council of the Borough of Keyport, County of Monmouth, on first reading on January 16, 2024.

A public hearing on the Business Improvement District Budget will be held at the Keyport Municipal Building, Council Chambers, 70 W. Front Street, Keyport, NJ on February 20, 2024 at 7PM at which time and place objections to said budget for the Year 2024 may be presented by taxpayers or other interested parties.

Michele Clark, RMC
Borough Clerk

ORDINANCE FOR INTRODUCTION

**ORDINANCE AMENDING THE KEYPORT BOROUGH CODE TO ESTABLISH
WITHIN CHAPTER 9 A CHAPTER ENTITLED "ELIZABETH STREET COMMUNITY
GARDEN"**

**WILL BE PROVIDED SEPARATELY BY
BOROUGH ATTORNEY**