

**BOROUGH OF KEYPORT
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 20, 2024 5:30 PM**

CALL TO ORDER: 5:37 PM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in Borough Hall Council Chambers, Keyport, NJ, pursuant to the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L.1975, c.231.

ROLL CALL:

Members present: Councilmember Brady, Councilmember Gross, Councilmember McNamara, Councilmember Peperoni, Councilmember Reilly, Council President Vecchio, Mayor Araneo

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

EXECUTIVE SESSION

Resolution #2024-101 read by Attorney Nick DePaolo in the absence of Attorney Victoria Flynn

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).

RESOLUTION #2024-76

**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.

Motion to go into Closed Session at 5:39 PM.

Moved by Peperoni, Carried by McNamara. Ayes by all present.

Council President Vecchio left the room at 5:39 PM.

OPEN SESSION

Council reconvened to Open Session at 7:30 PM.

Council President Vecchio returned for Open Session at 7:30 PM.

PROCLAMATION

Black History Month – read by Mayor Araneo

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

- Environmental Commission – bid farewell to Jim Aumack, welcomed reappointment of Doug Weider and Joe Sheridan, and welcomed appointment of new member Lynne Kosobucki to the commission; provided Cedar Street Park beach cleanup update.
- Recreation – Chair Mary Holtz is leading effort to update bylaws; Pride Month celebration in June; Collaborating with MAC regarding August Overdose Awareness Month; next event is the Easter Egg Hunt on March 10th with a March 30th rain date; looking for volunteers for both groups.

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

- Public Works – provided updates regarding the library floor, fire hydrants, and ongoing water meter repairs.
- KBBC – hired Jack Straub as the Administrative Coordinator, established sub committees, discussed social media updates, reviewed and approved 2024 events.

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

- Finance – CFO and Borough Administrator are looking to automate payroll system and take advantage of a purchase order system; met with Fire, DPW and Police regarding their budgets; noted upcoming recreation grant deadline.
- Cannabis – Highway 35 location – denied motion for stay filed by KGNJ therefore order is in favor of the Borough; appeal is still proceeding in the Appellate division; the Green & Gold trial scheduled for March 22nd.
- Green Team – rolling out the “Explore the Bayshore” program, beginning with the February 28th event on the exploration of horseshoe crabs.

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

- Planning Board – the following were appointed: Chairman Joe Merla, Vice Chairman Harry Aumack, Secretary Denise Nellis, attorney Marc Leckstein, engineer CME, planner CME.
- Read the Treasurer’s report for Board of Health, and Construction Office report.

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

- Read the Fire Department calls for service report.
- MAC – working with the attorney and MAC to draft an ordinance to facilitate better police enforcement of State laws; Overdose Awareness Day is in August; starting new student club in school; Senior Center to host self-defense and fraud information sessions;
- Commented on the numerous meetings and emails that don’t benefit the Borough; disheartened by personal agendas that distract from appropriate legal and necessary Borough business.

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

- Harbor Commission – members sworn in at last meeting; seasonal passes and replacement kiosk ordered; Requests for Proposals were received; no wake buoys are top item for this year.
- NPP – ARP grant is being executed and Beach Park work can begin. NPP 2024 funds have not yet been released.
- Echoed Councilmember Reilly’s comments that the Governing Body is here to help the town and people should be respectful to each other.

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

- Library Board – received contractor report noting that the first floor has a water intrusion problem, which created mold growth. Air sample collected indicated normal indoor concentration and did not identify any elevated mold in the air. Water intrusion can be corrected and the space will be cleaned; some bookcases were removed; floors are being replaced; exploring the cost for weatherproofing. Twice in January the boiler stopped working, and there was sludge buildup that needed cleanup. Young Authors Night was a huge success. Library raising price for paid library cards due to uptick from non-residents.
- Veterans meeting – Food pantry at military bases have a food shortage; Keyport American Legion Post 23 delivered 1,100 pounds of food in January; they are looking to increase their membership.
- Forming a Mayors Wellness committee that will work with Recreation committee; Walk and Talk with the Mayor for the spring and hosting a health fair, date TBD.
- Formed a Juneteenth committee and Semiquincentennial committee for the nation's 250th anniversary, 7/4/26; residents who would like to be involved should contact the mayor.
- Will be adding a status update into mayor's monthly report. The Borough Administrator is looking into the NPP floodgates. There is no update on the Planning Board letter sent to council addressing inconsistencies; however, an advisory committee will be created. There is no report regarding post office property. There is no update on the utility pole cleanup but requested code enforcement provide an update. Aeromarine cleanup – the NJ DEP is part of this and the lawsuit; no further update at this time. Complete Streets program – the First Street four-way stop was denied by the County previously but the mayor asked that this be revisited.

The Mayor asked if councilmembers had questions about resolutions on the Consent Agenda.

Councilmember McNamara – Asked if **R2024-29** Broad Street sidewalk improvements are related to where regular flooding has been going on. The Borough Administrator responded it is regarding the pedestrian crossing. Regarding **R2024-83**, Councilmember McNamara asked who is working on the advertisement of communications bid, to which the Borough Administrator responded that FSD wrote the bid and the Borough will review it. She further asked about the renewal of pocket licenses under Resolution Nos. **2024-94** and **2024-95**, since one has been inactive since 2009 and the other since 2012, and requested that they come in and explain why they keep requesting the extension; she understands that a licensee is permitted two extensions; would like to table these resolutions.

Councilmember Brady – asked if the KBBC appointee is replacing someone, and the mayor responded yes.

Discussion ensued about the liquor license renewals and extensions. The Borough Clerk provided additional context and referenced new legislation.

PUBLIC COMMENTS

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

Opened: 7:31 PM Motion by Peperoni, Carried by Gross, Ayes by all present.

George Walling, 54 Second Street – urged reconsideration of **R2024-89** to raise the \$250 fee to \$300. Currently they are using more than two parking spots and area needs to be cleaned up.

John Merla, 34 Broad Street – asked about the engineer's report for the final payment and close out change order under **R2024-79**; noted there is deterioration and it needs to be inspected. Asked about the proposal to lease antennas under **R2024-83** and the Borough Administrator said it's a renewal. He stated Main Street Park and Cedar Street Park are used by the school and they should maintain it.

Elmer J. Graham, Jr., 22 St. Peters Place – echoed Council President Vecchio and Councilmember Reilly about treating people with respect, and councilmembers are deserving of respect. Asked for explanation of **R2024-80** and **R2024-81**, which the mayor provided.

Thanked the mayor for speaking up in support of the American Legion Post #23 and Police Chief Torres for attending most recent meeting.

Robert Bergen, 16 Green Grove Avenue – asked about the tax abatement resolutions, **R2024-80** and **R2024-81**, and why granting abatements for new construction, with over \$110,000 in tax abatements recently between these two properties and the five tax abatements approved in November 2023. With Hudson Pointe development, the Atlantic Street project, and Main Street house, you're approaching \$2 million in tax abatements for new construction during a real estate boom. The ordinance is permissive that abatements "may" be given for up to five years, and some abatements granted are not owner occupied. Asked if the finance committee is reviewing or recommending these before they're on the agenda. Commented on the project across the street from Pedersen's.

Mike Lane, 51 First Street – thanked the mayor for her status report. Asked for insight about the executive session topics, under **R2024-76**. The mayor replied that discussion was about Mariner's Village and there will be a Town Hall. He asked if the KBBC appointment, under **R2024-93**, is a business owner, to which the mayor responded yes, from Italian Touch. Commented on liquor license renewal applications for inactive licenses. Urged bringing applicants in to discuss their plans. Stated that the Borough Administrator sent documentation to the Environmental Commission regarding Aeromarine issues; recommended council put together the plan.

Dennis McNamara, 162 Broadway – stated that he spoke with Borough Attorney Vicky Flynn, saying that a lease for the Garden Club was being put in place. Commented that the Fire Museum is being leased for \$1 and the lease for the community garden would cost the Garden Club \$450.

The mayor noted the resolution about the Garden Club lease is separate from the consent agenda.

Tony Vecchio, 141 Washington Street - was asked to provide background on the Fire Museum. He stated that the Fire Museum started with a grant from the Department of Community Affairs (DCA) for \$89,000. The building was purchased from the Straub family to operate a museum and educational center. The building was then donated to the Borough. Noted that for \$1.00 per year, the Fire Museum pays \$565 in water and sewer, maintains the property inside and outside, including with security cameras, to protect this public investment. The Borough pays for insurance. The museum is also open to the general public on weekends, except a couple months during the winter.

Councilmember Peperoni – acknowledged his support of the Garden Club but indicated that no one benefits from the garden unless being in it. The museum benefits the whole town.

Councilmember Brady – noted that there is a stipulation in the lease that the garden should be open to the public.

Councilmember Reilly – thought that the \$450 payment meant the Garden Club can set the plot price to be however much they choose, but \$15 per plot would go to the Borough.

Dennis Fotopoulos, 77A Beers Street – commented on the five-year tax abatements, under **R2024-80** and **R2024-81**, and said the guidance from previous counsel was different. Believes it's legitimate to not offer abatements to owners who rent the properties. Not entirely opposed to abatement but urged governing body members to grill counsel about what can be done in cases where there might not be justifiable cause for an abatement. Commented on the Mariner's Village PILOT. Referenced the NJ DCA tax abatement handbook and stated that PILOTs are not meant to incentivize developers only.

Robert Bergen – asked that the tax abatement resolutions, **R2024-80** and **R2024-81**, be pulled from the consent agenda and be voted on separately.

Ed Carew, 64 Broadway – asked about **R2024-92** and what would happen with mosquito spraying if this was not approved, and why it's on the agenda if it's not optional. Noted he'll bring his concerns to the county.

Michael Warren, 81 Division Street – asked if **R2024-97** is a model resolution, and asked for clarification about why it’s on the consent agenda and receiving only one reading, to which the Borough Administrator provided an explanation about the process for resolutions compared to ordinances.

Mike Lane – asked about the application for Mariner’s Village being made available to the public prior to a town hall meeting. Asked about **R2024-96**, suspending the abandoned property ordinance. The Borough Administrator explained that the ordinance has not been followed precisely so it’s under further review.

Robert Bergen – asked if the developer posted escrow for Borough professionals, which the mayor confirmed has been done.

Closed: 8:44 PM Motion by Peperoni, Carried by Reilly. Ayes by all present.

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 pull **R2024-92** from the Consent Agenda.

MM: Reilly 2nd: McNamara Ayes: all present Nays:

Motion to approve resolutions **R2024-77 through R2024-97** on the Consent Agenda, except for **R2024-92** which was pulled.

MM: Vecchio 2nd: Reilly

Roll Call: Ayes: Brady, Gross, McNamara (with exception of R2024-94, R2024-95 and R2024-96), Peperoni, Reilly, Vecchio

 Nays: McNamara on R2024-94, R2024-95, and R2024-96

 Absent:

 Abstain:

APPROVAL OF MEETING MINUTES

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

MM: Peperoni 2nd: Reilly Ayes: all present Nays:

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

The Clerk read 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: 8:46 PM

 MM: Peperoni 2nd: Vecchio

Elmer J. Graham, Jr. – asked if Mr. Straub could summarize the BID budget, which he did.

1b. Motion to Close Public Hearing: 8:49 PM

 MM: Peperoni 2nd: Reilly

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: Peperoni 2nd: Reilly

Roll Call: Ayes: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

 Nays:

 Absent:

 Abstain:

Resolution #2024-99 Authorizing Execution of Lease of Borough Property with the Keyport Garden Club for Use as a Community Garden

The Meeting was opened to the public for comments on **Resolution #2024-99 only**.

Opened: 8:52 PM Motion by Vecchio, Carried by Reilly. Ayes by all present.

Mike Warren – expressed disappointment with the Resolution and not being able to see the lease agreement before this meeting.

Bill Shadel – acknowledged that the lease is a start and that weeds are not a lease issue. Reviewed the details and presented questions, including why it's a short one-year lease instead of five years. Asked about the real costs. Noted it's difficult to clear snow and ice, a March 1st cleaning is early since that's generally when most people begin signing up. Advised against restricting plots to one per household. It should be locked when nobody is there, not locked at all times. Parking is on the street, there is no off street parking. Asked about the signs stipulations. It's a good start but it doesn't really work.

Robert Bergen – asked why not lease it to the Garden Club for \$1.00 and have them be responsible for it.

Claire Skeen, 33 St. Peters Place – pleased there is a draft lease, and echoed that the community garden adds value to the community. On its worst day the property is better than what it was when the standpipe was on it.

Dennis Fotopoulos – addressed Councilmember Peperoni, saying he is saddened by the perception that the food pantry is anything other than helpful to the community. Councilmember Peperoni stated his point was misunderstood and he wants to see this move forward. The mayor added there has yet to be any legal document for the garden’s operation.

Jennifer Henning, 102 Main Street – members of audience have not seen what is being voted on tonight. Both the Fire Museum and garden are educational entities in town that provide services to people. People don’t know what is in the lease, and urged that this be tabled until citizens can understand what’s being asked. Doesn’t understand why the \$450 is being charged for providing a public service.

Councilmember Reilly – responded that the Garden Club charges for a plot. Clarified that the Borough is trying to legally have protection so the Garden Club can garden.

Councilmember Brady – asked about the change from \$10 to \$15 per plot and the club reviewing the lease before voting.

Discussion ensued regarding Councilmember McNamara abstaining from voting on the matter.

Motion to table **Resolution #2024-99** Authorizing Execution of Lease of Borough Property with the Keyport Garden Club for Use as a Community Garden

MM: McNamara 2nd: Gross
Roll Call: Ayes: Brady, Gross, McNamara, Peperoni
Nays: Reilly, Vecchio
Absent:
Abstain:

INTRODUCTION OF ORDINANCES

1. Ordinance – Establishing the Elizabeth Street Community Garden

The Clerk read 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 table the introduction:

MM: Gross 2nd: Brady
Roll Call: Ayes: Brady, Gross, McNamara, Peperoni
Nays: Reilly, Vecchio
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing.
Motion was not considered.

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: Peperoni 2nd: Reilly Ayes: all present Nays:

PUBLIC COMMENTS

The Meeting was opened to the public for comments.

Opened: 9:13 PM Motion by Gross, Carried by Brady. Ayes by all present.

George Walling – commented again that 31 W. Front Street is currently using more than two parking spaces and only paying \$250 per month; asked about enforcement of the lease.

Michael Warren – asked for clarification from Councilmember Reilly about her MAC committee report regarding an ordinance to assist law enforcement. She clarified that the MAC asked its

attorney to work on an ordinance to strengthen enforcement regarding the sale of vapes to minors and displays of products.

Robert Bergen – commented on the Cass Street property that’s improperly operating as an auto junk yard, and noticed a third of the property was paved. Contacted the Borough Administrator, who stated it was ordered by the NJ DEP. He said the email from the Borough Administrator says nothing about paving. He read an email received from the DEP, which didn’t take responsibility for directing the landowner to pave it; however, the property has contaminated historic fill. He wanted to get into the record that we have a real problem with our enforcement people, particularly zoning. He commented on the shooting range being allowed in town.

Mike Lane – commented on contact with county regarding: (1) four way stops, at First and Broad Street by Beach Park and the playground, as well as on First Street and Atlantic by the Yacht Club, and (2) cleanup of the Henry Hudson Trail. The Borough Administrator responded that the Borough Engineer is working with the County Engineer and is meeting with the County Park System about the trail.

Elmer J. Graham, Jr. – thanked the Governing Body for caring about the Borough. Pitched We Care Adult Care in Red Bank. Mayor Araneo asked Mr. Graham to suggest We Care Adult Care send representation for the Mayor’s Wellness initiative.

Robert Bergen – asked about the four-way stop by Green Grove Avenue and Third Street.

John Merla – glad the Borough is moving forward with a Garden Club lease but thinks discussions between the Borough Attorney and Dennis McNamara should continue and be resolved by the next meeting. Commented regarding **R2024-92**, noting his previous service on the (now abolished) mosquito commission and that the resolution would authorize spraying but aerial spraying is mostly obsolete, and he agrees with Mr. Carew. Suggested Mariner’s Village should go before Technical Review Committee. The Borough Administrator clarified that the County acknowledged stopping the mosquito spraying program, and the resolution would authorize their resuming the program.

Andrea Shadel – stated **R109-16** was the original Garden Club resolution and asked if that is sufficient for the lease.

George Walling – commented regarding the five-year tax abatement saying it is already on MODIV even though it wasn’t voted on until tonight.

Closed: 9:31 PM Motion by Peperoni, Carried by Reilly. Ayes by all present.

Council President Vecchio commented that we are not trying to pit organizations against each other.

ADJOURNMENT

Motion to Adjourn

MM: Peperoni 2nd: Reilly Ayes: all present Nays:
Time of Adjournment: 9:33 PM