

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, The Independent, and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Araneo called the Meeting to Order at 7:01PM. The Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Demarest, Reilly, Vecchio, Peperoni, McNamara, Council President Davidson and Mayor Araneo. Also present were Borough Attorney Victoria Flynn, Borough Engineer Derek Jordan and Police Chief Shannon Torres.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

MAYOR'S UPDATES

Mayor Araneo attended the Bayshore Mayors meeting which was the first meeting of the year. She attended the Bayshore Bucs award banquet which was wonderfully attended. Mayor Araneo officiated her first wedding. She participated in Read across America reading to students who then received a swag bag of school supplies. She met with NJ DEP regarding many notices of violations for ongoing issues not taken care of. There are ongoing issues related to cleanup at the DPW yard and the water plant. She received a report of another emergency gas leak which required road opening on Church Street on March 2nd. The gas company has 24 hours to file a permit and the engineer will follow up with them. NJNG willing to repave the road from Maple to Warren, curb-to-curb.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 7:07PM for comments on Resolutions and Communications only moved by Peperoni, carried by Davidson with ayes by all present.

Lena, 33 W. Front Street, said she owns the building and her husband runs Calabrese's Barbershop out of it. She raised concerns about the development at 31 W. Front Street. She said the buildings are attached and have an adjoining wall. She said the Planning Board said this issue should go before council. She requested that specific language be added to the resolution that specifically addresses the safety of the building and the structural integrity. There is also going to be digging in the back for underground parking. She wanted to go on record in case something happens.

Borough Attorney Victoria Flynn said she reached out to the developer's attorney and made them aware of the concerns and that we expect that those types of issues impacting your business or your right to use your property are not interfered with by way of them doing this work. There is language in the agreement that says they are to follow all health and safety codes.

Councilmember McNamara said there may still be outstanding documents and asked about proof of insurance. She feels that we could "put more meat" into the resolution. She said her understanding is the Planning Board does their resolution and the developers agreement is based on that resolution. Her concern is that since the Planning Board doesn't have any authority over building and construction issues that might be something the Borough can put into the developers agreement. Ms. Flynn said the Borough Engineer has a responsibility to make sure codes and standards are adhered to.

Borough Engineer Derek Jordan said he defers to the attorney about what can be put into the agreement. He said typically there is a preconstruction meeting. The developer needs to come with his demolition company and explain how it's going to be done to the satisfaction of everybody in the room. The engineer watches continuously as they go and if they start deviating from the plan they will stop them. They have to post a performance bond as well.

Councilmember McNamara saw that T&M had requested something with the flood manager. Ms. Flynn said they have to comply with all flood mitigation laws. Mr. Jordan said the Borough

Engineer has always been the flood plain manager so we would have to do the certifications that they build everything in accordance with the flood rules.

Councilmember McNamara stated the Borough has a Master Plan and the Borough established historic preservation districts. She looked at the picture of this and the historic character is not there.

Council President Davidson stated that in respect to the historic nature of it, in paragraph 16 of the resolution of the Planning Board, we did comment on how modern the structure was and they were supposed to submit, or will be submitting, revised plans to show a little bit more historic nature attributes. Ms. Flynn stated that is also in the agreement. Council President Davidson asked if it is necessary to have an inspection of 31 W. Front Street prior to construction to ensure the integrity is what it is now so that it protects the developer as well as the building owner. Mr. Jordan said he can have his structural engineer take a look at it.

Michael Lane, 51 First Street, said he recommends approval of the Garden Walk without a fee. Relative to resolution for developers agreement, he said not only are there common walls but they are going to dig deeper into the ground, below the footing of the adjacent walls and that is a structural problem. They are going to remove the hill completely. They are going to lower the ground level below the base VE zone level. This site is in a special flood hazard area (a handout was distributed). The developer hasn't provided documentation on the flood zone boundaries. Also he is going to excavate the ground 6 feet which is below the VE zone. He is proposing to build a multi-family unit in a VE zone and he hasn't filed a CAFRA permit. He said the Planning Board sort of punted on the issues. T&M had no flood plain managers at the meeting. Mr. Lane stated the developer never provided the flood zone boundaries. He suggested council get more feedback from engineer. Mr. Lane said the developer's agreement is supposed to provide all conditions the developer has to meet.

Andrew Kelsey, 29 St. Peters Place, said if you want there to be regulations on the aesthetics of the building or if you want anything in the Master Plan to have teeth then that's going to be what the Borough Council needs to do. He said it's the Borough ordinances and State law that guides the Planning Board.

Elmer J. Graham, Jr., 22 St. Peters Place, asked what exactly does the developer want to do. Mr. Jordan said the developer is going to demo the existing building and construct a new building with parking underneath and residences above.

John Merla, 34 Broad Street, asked regarding the gas leak on Church Street who declared the emergency, the Borough or the gas company. Mr. Jordan said the gas company received a report of a leak, somebody smelled gas. The gas company showed up and smelled gas as well so they declared an emergency so that they could make an emergency repair. Mr. Merla said nine months ago the same thing was done. He said the damage is done and the people doing the work are getting away with it. He also said there is only one section in town registered as being an historic preservation area – Church to Broad on East Front. The Planning Board just approved a big project where the VNA is on East Front Street and if you think that project is historic you'd better take a good look at it again. Regarding Communication no. 8, other towns have summer recreation programs. We need to think about this in the future. He asked regarding Communication no. 9 how are we getting that message out to the public. Mayor Araneo said we will post on the Borough website and send out to everybody if we can.

Ed Carew, 64 Broadway, spoke regarding the resolution that authorizes mosquito spraying. He said when they spray for mosquitos they kill dragonflies which eat mosquitos in the larval stage. The spraying doesn't make any sense.

There being no further comments or questions the Meeting was closed to public at 7:44PM moved by Peperoni, carried by Reilly with 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.)

R2023-87 Payment of Bills Listed on the February 24, 2023 Bills List
R2023-88 Payment of Bills Listed on the March 7, 2023 Bills List
R2023-89 Authorizing the Borough of Keyport to enter into the Developer's Agreement
 with 31 West Front Street, LLC
R2023-90 Authorizing the County of Monmouth Mosquito Control Division to Conduct
 Aerial Mosquito Control Operations within the Borough of Keyport
R2023-91 Authorizing Execution of License Agreement with New Logic Marine Science
 Camp for Use of Cedar Street Park for Science Camp

APPROVAL OF RESOLUTIONS

Motion to table the developer's agreement moved by McNamara, carried by Davidson with ayes by all present.

Council President Davidson asked regarding **R2023-91** Authorizing Execution of License Agreement with New Logic Marine Science Camp for Use of Cedar Street Park for Science Camp, if we were aware of any issues or problems coming out of that camp last year. Is there anything else we need to add into the language for the camp – none.

Motion to approve R2023-87 through R2023-91 and tabling R2023-89 moved by McNamara, carried by Reilly

Roll Call: Ayes: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson
 Nays:
 Absent:
 Abstain:

PUBLIC HEARING/ADOPTION OF KEYPORT BID, INC. (KBBC) 2023 BUDGET

The Clerk read the Budget by Title: **KEYPORT BID, Inc. (KBBC) 2023 BUDGET**

The Meeting was opened to the public for comments or questions on the Keyport BID, Inc. (KBBC) 2023 Budget.

1a. Motion to Open Public Hearing at 7:46PM moved by McNamara, carried by Davidson with ayes by all present

Elmer J. Graham, Jr., 22 St. Peters Place, asked if there was a representative at the meeting to explain or summarize the budget.

Melissa O'Connell, 79-81 Broad Street, Funhouse and KBBC Vice President, explained that the business owners have an additional tax and that pays for the BID. She said we start out with \$171,500 every year and break that down between events, capital improvements, marketing, media and administration. We do have a roll over. We are planning on spending \$85k to \$90k on events, marketing is about \$40k and \$20k is earmarked for visual improvements. We also have a rollover of \$100k from last year.

Jack Straub, 235 Main Street, said he is no longer a business owner and no longer on KBBC. He said one thing to be resolved from 2021 is the former Mayor, as a member of the KBBC, made a motion for the KBBC to pay for the paving of the municipal parking lot. The sealing never happened and KBBC lost \$25k. He said the Borough should reimburse KBBC that \$25k or come to some kind of conclusion with the parking lot because it is a disaster.

1b. Motion to Close Public Hearing at 7:51PM moved by Peperoni, carried by Reilly with ayes by all present

Council President Davidson stated there are a lot of great things the KBBC does. The events are great and bring a lot of people to the town. One thing KBBC might want to consider in the future is a little bit more focus on the actual business improvement part of the BID as a business improvement district. Where is the economic development portion of this? Where is the education to some of our businesses to help them do their own marketing to get out there, especially the newer ones and smaller mom and pop shops?

Resolution #2023-92 Approving the Keyport BID, Inc. (KBBC) Budget for 2023

Motion to adopt **Resolution #2023-92** Approving the Keyport BID, Inc., (KBBC) Budget for 2023 moved by Vecchio, carried by Davidson

Roll Call: Ayes: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

Nays:

Absent:

Abstain:

COMMUNICATIONS BY CONSENT

Council President Davidson asked regarding Communication no. 3 if we know when the parking lot will reopen. She also asked regarding the 5K do we have to change the route this year. Councilmember Peperoni said they are recertifying the route so it will be changing a little bit.

Councilmember Peperoni said regarding Communication no. 4 we should change use of the bathrooms from all day to 11AM.

Councilmember Vecchio asked if there would be someone in here to monitor any issues with the bathrooms.

Council President Davidson asked the Governing Body's thoughts on the waiver of fees for this application.

Chief Torres requested to know the route as soon as possible since they are requesting crossing guards and they need to be scheduled.

Council President Davidson requested we receive and file with the exception we are not going to waive the fees and change the times for the bathrooms.

(For Approval)

1. Letter from Our Lady of Fatima Parish requesting permission to have a Palm Sunday Procession on April 2, 2023 at 12PM and a Good Friday Procession on April 7, 2023 at 7PM.
2. Letter from Knights of Columbus requesting permission to fundraise and "Shake the Cans" at the traffic light by the Keyport Matawan Elks on Broadway on April 28th, 29th and 30th 10AM-4PM each day – pending County approval.
3. Letter from Keyport Fire Department requesting the use of Fireman's Park on Saturday, May 20, 2023 for the Annual Fire Department Inspection. Requesting to close half the parking lot beginning at 10PM the night before. See also request regarding changes at Fireman's Park.
4. Application for Use of Borough Property from Keyport Garden Club/Walk requesting use of Waterfront Park Gazebo, Borough Hall Council Chambers and bathrooms, and the Mini Park for the purpose of the Keyport Garden Walk to be held June 3 & 4, 2023.
5. Application for a Social Affair Permit from the Keyport Yacht Club to hold the Club's Annual Bill Volk Regatta Charity Fundraiser on June 10 and June 11, 2023 from 10AM-Midnight.
6. Application for a Social Affair Permit from the Keyport Yacht Club to hold the Club's Annual Open House on June 17, 2023 from 1:30PM-7PM.
7. Letter from Keyport Fire Department requesting approval for various items related to the Fireman's Fair to be held August 7-13, 2023 (set up July 31st and breakdown August 14th) at Fireman's Park.
8. Recreation Committee 2023 Program & Activity Planning Summary Forms for the following events: Somerset Patriots Game, Recreation Awards, Movie Nights, Mini-Camps, KeyportFest 5K, Halloween House Decorating Contest and Holiday House Decorating Contest submitted for approval.

(To Receive and File)

9. Mosquito Madness Tire Pick-Up Program flyer from Monmouth County advising tires will be picked up between now and March 31, 2023.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve Communications 1 through 8, 9 receive and file, and no. 4 to receive and file, change the time and not waive the fee, moved by Davidson and carried by Reilly

Roll Call: Ayes: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson
Nays:
Absent:
Abstain:

MINUTES FOR APPROVAL

Motion to approve February 7, 2023 Council Meeting Minutes moved by McNamara, carried by Reilly with ayes by all present, with the exception of Council President Davidson who abstained.

NEW BUSINESS

DPW Appointment – Council President Davidson said if this regarding personnel we should pull it and have a separate conversation. All in favor.

UNFINISHED BUSINESS

DAIS UPDATES

Borough Engineer spoke about the Church Street gas leak. He said on March 2nd the gas company received a call reporting an odor of gas, responded and began opening the street to fix the leak. Mr. Jordan went out to the site. When he arrived the hole had already been opened and you could still smell a little bit of gas. He told the gas company to follow up with a road opening permit since they were proceeding as an emergency and that we also need to talk about the correct repair because it was a recently paved street. We want curb-to-curb replacement. Mayor Araneo confirmed that they only want to pave the two blocks, not the whole road.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments at 8:06PM moved by Peperoni, carried by McNamara with ayes by all present

Tom Galante, 31 W. Front Street, said the township has condemned the building and it is an imminent hazard and waiting to do the developers agreement is going to be a problem. Our engineers and architects have been in there and sent reports to the town. Everything is complied with and we did everything we were supposed to do.

John Merla, 34 Broad Street, objected to the fees being raised for volunteer organizations and is opposed to even having a fee. He said to reconsider the ordinance. He said the Main Street parking lot was paved and never striped so people are parking all over. He said Northwest First Street is a dumping ground and Code Enforcement needs to go out and reinforce what the resolution said. The resolution said they would keep the properties clean. He asked if they've found out what is wrong with the Borough Hall roof. Mr. Jordan said a company came out and did a spray test on the building and once we get the final report we will analyze it to see where the water is coming from. Mr. Merla said an air conditioning unit was dropped on the roof and that could be problem.

Michael Lane, 51 First Street, commented again regarding 31 W. Front Street. He said it is an empty building and there is time to work the problem. He said the building sits on sandy soil that washes away very easily. Mr. Lane stated the Borough ordinance on site plan subdivision requires that the developer in his site plan for the building delineate the flood boundaries and that hasn't been done. The CAFRA application hasn't been made. A CAFRA permit hasn't been granted. CAFRA requires that you notify all neighbors within 200 feet.

Mr. Galante said we have complied with everything. Mr. Jordan said T&M signed off on the plans.

Jack Straub asked that when there is a public hearing that the supporting documents are made part of the agenda put up on Friday.

Elmer J. Graham, Jr. said we should not charge volunteers for anything. He spoke about We Care Adult Care needing volunteers and asked about the Veterans Committee meetings. There being no further comments or questions the Meeting was closed to the public at 8:19PM moved by Peperoni, carried by Reilly with ayes by all present

ADJOURNMENT

Motion to Adjourn at 8:20PM moved by Peperoni, carried by Davidson with ayes by all present