

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, APRIL 4, 2023 – 7:00 P.M.
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: ____ Councilmember Demarest ____ Councilmember Reilly
____ Councilmember Vecchio ____ Councilmember Peperoni ____ Councilmember McNamara
____ Council President Davidson ____ Mayor Araneo

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION PRESENTATION

National Donate Life Month

MAYOR'S UPDATES

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments on Resolutions and Communications only.

Opened: Closed:

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.)

- | | |
|-----------|--|
| R2023-89 | Authorizing the Borough of Keyport to enter into the Developer's Agreement with 31 West Front Street, LLC (<i>tabled March 7, 2023</i>) |
| R2023-102 | Payment of Bills Listed on the March 24, 2023 Bills List |
| R2023-103 | Payment of Bills Listed on the April 4, 2023 Bills List |
| R2023-104 | Authorizing the Purchase of a Police Vehicle and Related Equipment through the New Jersey State Cooperative Purchasing Program |
| R2023-105 | Authorizing Donation of a Vehicle to Keyport Public Schools for Use and/or Disposal |
| R2023-106 | Authorizing the Appointment of Special Law Enforcement Officer |
| R2023-107 | Accepting Resignation of Department of Public Works Superintendent Robert Kutschman and Naming Steven O'Dwyer Temporary Acting Department of Public Works Superintendent |
| R2023-108 | Authorizing the Appointment of Robert Kutschman as Laborer-1 in the Department of Public Works |

- R2023-109 Authorizing Designated Improvements as Part of the Neighborhood Preservation Program (NPP) Year 3 Implementation Plan
- R2023-110 Authorizing an Appointment to the Green Team of the Borough of Keyport – Dennis Fotopoulos
- R2023-111 Authorizing the Borough of Keyport to Enter into the Buy Board National Purchasing Cooperative Interlocal Participation Agreement
- R2023-112 Appointing the Business Administrator as the New Jersey Civil Service Appropriate Authority for the Borough of Keyport
- R2023-113 Authorizing Borough of Keyport Police Department Police Week Event
- R2023-114 Authorizing Keyport Bayfront Business Cooperative (KBBC) 2023 Events on Borough Property
- R2023-115 Authorizing Keyport Bayfront Business Cooperative (KBBC) Farmers Market to be Held in Fireman's Park

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

MM: 2nd: Roll Call: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance – Amending Chapter III, Article I, Police Department as to Fees

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING SECTION 3-6.6 OF CHAPTER III, ARTICLE I (“POLICE DEPARTMENT”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH RESPECT TO FEES FOR OFF-DUTY POLICE SERVICES**

1a. Motion to Open Public Hearing

MM: 2nd:

1b. Motion to Close Public Hearing

MM: 2nd:

1c. Motion adopt Ordinance

MM: 2nd: **Roll Call:** Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

1d. Motion authorizing the Clerk to publish the Ordinance as adopted

MM: 2nd: Ayes: Nays:

MINUTES FOR APPROVAL

March 7, 2023 Council Meeting Minutes

MM: 2nd: Ayes: Nays:

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comment.

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

Opened:

Closed:

MM:

2nd:

Ayes:

Nays:

CLOSED SESSION

Closed Session Resolution **R#2023-116**

Matters of Attorney-Client Privilege – Redevelopment

ADJOURNMENT

Motion to Adjourn moved by:

2nd:

Time of Adjournment: PM

RESOLUTION #2023-

**AUTHORIZING THE BOROUGH OF KEYPORT TO
ENTER INTO THE DEVELOPER'S AGREEMENT WITH
31 WEST FRONT STREET, LLC.**

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, 31 West Front Street, LLC (the "**Developer**"), a developer seeking to construct a multi-story mixed use building with lower-level parking, a two-story restaurant and three levels of apartments upon the property known as Block 21.01, Lot 41 on the Borough's tax map (the "**Property**"); and

WHEREAS, Developer applied to the Unified Planning Board of the Borough of Keyport (the "**Planning Board**") for preliminary and final site plan approval with parking variance for its development of the Property; and

WHEREAS, the Planning Board conditioned its approval of the site plan on Developer entering into a Developer's Agreement setting forth various conditions related to Developer's development of the Property; and

WHEREAS, the Borough and Developer negotiated a Developer's Agreement outlining the conditions for Developer's development of the Property.

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 Mayor of the Borough, the Borough Administrator and other reasonably necessary personnel are hereby authorized and directed to execute and enter into the Developer's Agreement with Developer, substantially in the form on file with the Borough Clerk, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor of the Borough in her discretion in consultation with legal counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
3. 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.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect as provided by applicable 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 Council Meeting of April 4, 2023.

Michele Clark, RMC
Borough Clerk

R23-102

RESOLUTION FOR THE PAYMENT OF BILLS 03/24/2023

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	\$ 173,083.80
	WATER/SEWER ACCT. 2023	\$ 24,608.92
	FEDERAL & STATE GRANTS	\$ 6,152.75
	TRUST OTHER FUND	\$ 5,439.75

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 FOR THE PAYMENT OF BILLS

R23-103
04/04/2023

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.2022	\$ 9,025.70
	WATER/SEWER ACCT.2022	\$ 7,373.50
	CURRENT ACCT. 2023	\$ 151,877.76
	WATER/SEWER ACCT. 2023	\$ 56,167.49
	GENERAL CAPITAL FUND	\$ 1,600.00
	FEDERAL & STATE GRANTS	\$ 1,601.89
	REC BAYFRONT IMPROVEMENT	\$ 2,912.86
	DEVELOPER ESCROW	\$ 1,430.00

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 #2023-**AUTHORIZING THE PURCHASE OF A POLICE VEHICLE AND
RELATED EQUIPMENT THROUGH THE NEW JERSEY STATE
COOPERATIVE PURCHASING PROGRAM**

WHEREAS, there is a need to purchase a vehicle for use by the Police Department of the Borough of Keyport; and

WHEREAS, the Police Chief has recommended the purchase of this vehicle and related equipment through the State of New Jersey Cooperative Purchasing program; and

WHEREAS, in accordance with the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-12, public bids are not required when a purchase is made utilizing a New Jersey State Cooperative Purchasing contract or other cooperative purchasing program, provided the purchase is approved by resolution of the governing body; and

WHEREAS, the Chief Financial Officer has certified the availability of funds from Budget Account #3-01-25-240-242-231 Police Department-Acquisition of Police Vehicles.

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

1. The purchase of the following equipment is hereby authorized: 2022 Ford Utility Interceptor vehicle, including the purchase and installation of related equipment, in an amount not to exceed \$48,500.00 pursuant to the New Jersey State Contract #20-Fleet-001189 (Winner Ford).
2. The Borough Administrator is authorized to issue purchase orders and execute all documents necessary to effectuate this purchase.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, Chief Financial Officer, and the Police Chief.

OFFERED:

SECONDED:

AYES:

NAYS:

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 April 4, 2023.

Michele Clark, RMC
Borough Clerk

Certification of Funds

I certify that funds are available in the amount of \$48,500.00 from Budget Account #3-01-25-240-242-231 Police Department-Acquisition of Police Vehicles

Thomas P. Fallon, Chief Financial Officer

RESOLUTION #2023-**AUTHORIZING THE DONATION OF A VEHICLE
TO THE KEYPORT PUBLIC SCHOOLS FOR USE AND/OR DISPOSAL**

WHEREAS, the Borough of Keyport has determined that a vehicle being a 2002 Ford F-150 Pickup having a VIN of 1FTPF17L32NB60575, and being over 20 years old, is no longer needed for public purpose due to physical deterioration and obsolescence; and

WHEREAS, the Borough desires to donate same to the Keyport Public Schools; and

WHEREAS, N.J.S.A. 40A:11-36(2) provides that such personal property may be sold to another governmental unit or quasi-governmental unit in the United States by private sale.

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

1. The 2002 Ford F-150 Pickup having a VIN of 1FTPF17L32NB60575 is hereby declared to be surplus and is no longer needed for public purposes; and

2. The Borough Administrator is hereby authorized and directed to donate, on behalf of the Borough, said vehicle to the Keyport Public Schools for use and/or disposal.

OFFERED:

SECONDED:

AYES:

NAYS:

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 of April 4, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**AUTHORIZING THE APPOINTMENT OF SPECIAL LAW
ENFORCEMENT OFFICER**

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

WHEREAS, N.J.S.A. 40A:14-146.8 et seq. authorizes the appointment of Special Law Enforcement Officers (SLEO) for terms not to exceed one (1) year, including the appointment of special officers classified as “Class One”; and

WHEREAS, Section 3-10 of the Borough Code provides for the appointment of special law enforcement officers subject to approval by resolution of the Borough Council; and

WHEREAS, the Chief of Police has recommended the appointment of a qualified individual as a Class I Special Law Enforcement Officer and the Borough Administrator, as the designated Appropriate Authority, approves this recommendation.

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

1. Brendon James Bernard is hereby appointed as Class I Special Law Enforcement Officer for a term ending March 31, 2024.
2. All Special Law Enforcement Officers shall be compensated on an hourly basis within the hourly pay range established by ordinance and approved by the Chief of Police and Borough Administrator.
3. The Borough Clerk is directed to forward certified copies of this resolution to the Chief of Police and Borough Administrator.

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 Council Meeting of April 4, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**ACCEPTING THE RESIGNATION OF DEPARTMENT OF PUBLIC WORKS
SUPERINTENDENT ROBERT KUTSCHMAN AND NAMING STEVEN O'DWYER
TEMPORARY ACTING DEPARTMENT OF PUBLIC WORKS SUPERINTENDENT**

WHEREAS, Robert Kutschman has requested the opportunity to resign as Department of Public Works ("DPW") Superintendent of the Borough of Keyport (the "**Borough**") effective April 6, 2023; and

WHEREAS, the Governing Body believes it is in the best interest of the residents of the Borough to accept the resignation of Robert Kutschman; and

WHEREAS, the Governing Body believes it is in the best interest of the residents of the Borough to appoint Steven O'Dwyer as Temporary Acting DPW Superintendent. Steven O'Dwyer shall be compensated at an hourly rate of \$48.00 for performing the duties of Temporary Acting DPW Superintendent for a period not to exceed 180 days.

NOW, THEREFORE, BE IT RESOLVED, the resignation of Robert Kutschman as DPW Superintendent is accepted effective April 6, 2023 at 3:30PM.

BE IT FURTHER RESOLVED, that Steven O'Dwyer is appointed Temporary Acting DPW Superintendent effective April 6, 2023 at 3:30PM for a period not to exceed 180 days. Steven O'Dwyer shall be compensated at an hourly rate of \$48.00 for performing the duties of Temporary Acting DPW Superintendent.

OFFERED:

SECONDED:

AYES:

NAYS:

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 April 4, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE APPOINTMENT OF ROBERT KUTSCHMAN
AS LABORER-1 IN THE DEPARTMENT OF PUBLIC WORKS .**

WHEREAS, a vacancy exists within the Borough of Keyport (the "**Borough**")
Department of Public Works; and

WHEREAS, the Superintendent of Public Works has requested, and the Borough
Administrator has recommended an appointment to fill this vacancy.

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. Robert Kutschman is hereby appointed to the position of Laborer-1 effective April 6,
2023 at 3:30PM and shall be compensated in accordance with the Collective Bargaining
Agreement between the Borough of Keyport and the union representing this full-time
position in the Public Works Department.
2. The Borough Administrator is hereby authorized to execute all documents necessary to
effectuate this appointment.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough
Administrator, the Public Works Superintendent, and Robert Kutschman.

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 Council Meeting of April 4,
2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**AUTHORIZING DESIGNATED IMPROVEMENTS AS PART OF
THE NEIGHBORHOOD PRESERVATION PROGRAM (NPP)
YEAR 3 IMPLEMENTATION PLAN**

WHEREAS, the Borough of Keyport participates in the Neighborhood Preservation Program (the "NPP") established by the State of New Jersey, Department of Community Affairs (the "DCA");

WHEREAS, the Borough NPP Coordinator, with the assistance of the Neighborhood Preservation Program Stakeholder Planning Team, developed a five (5) year Neighborhood Preservation Program plan (the "**Plan**"); and

WHEREAS, the NPP Year 3 Implementation Plan provides for a total budget of \$150,000 including the NPP grant in the amount of \$125,000 and a local match of \$25,000, which provides funding for management of and improvements to public facilities within the NPP district; and

WHEREAS, the NPP Coordinator has solicited quotes and is requesting authorization to proceed with several improvements which have been endorsed by the NPP Stakeholder Planning Team and reviewed by the Borough Administrator.

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

1. The following expenditures for improvements to public facilities are hereby authorized:

<u>Improvement</u>	<u>Amount Not to Exceed</u>
Kearney Street/Jack Conway Senior Park Plan	
Benches, Bench Swings, Tables, Trash Receptacles The Park and Facilities Catalog	\$10,500.00
Concrete Picnic/Paver Removal Pereira Masonry LLC	\$11,500.00
Ornamental Shade Trees, Supplies Scenic View Landscaping	\$3,800.00
Umbrellas and Bases Home Depot	\$600.00

2. The NPP Year 3 Implementation Plan is amended as necessary to include the above public facility improvements.
3. The appropriate Borough officials are authorized to execute any documents necessary to complete these improvements.
4. The funding for these improvements is made available and shall be paid from 2023 NPP Grant Number: G-01-41-721-002-301

5. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator and NPP Coordinator.

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 Council Meeting of April 4, 2023.

Michele Clark, RMC
Borough Clerk

Certification of Funds

I certify that funds are available from: 2023 NPP Grant Number: G-01-41-721-002-301

Thomas P. Fallon, Chief Financial Officer

RESOLUTION #2023-**AUTHORIZING AN APPOINTMENT TO THE GREEN
TEAM OF THE BOROUGH OF KEYPORT – *Dennis
Fotopoulos***

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") created the Keyport Green Team (the "**Green Team**") by Ordinance of the Borough; and

WHEREAS, the Green Team is a group of unpaid volunteers appointed by the Keyport Borough Mayor and Council as an adjunct team to the Environmental Commission; and

WHEREAS, there exists a need for the appointment of new members to the Green Team; and

WHEREAS, it is the recommendation of the Mayor, and the Borough Council consents thereto, to the appointment of Dennis Fotopoulos, as a Board of Education member of the Green Team for a one (1) year term, ending December 31, 2023.

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. Dennis Fotopoulos, is hereby appointed as a Board of Education member of the Green Team, by the Mayor of the Borough and with the advice and consent of the Borough Council, for a one (1) year term.

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 Council Meeting of April 4, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE BOROUGH OF KEYPORT TO ENTER INTO
THE BUY BOARD NATIONAL PURCHASING COOPERATIVE INTERLOCAL
PARTICIPATION AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Buy Board National Purchasing Cooperative, hereinafter referred to as the "Lead Agency" has offered voluntary participation Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on April 4, 2023, the Governing Body of the Borough of Keyport, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Keyport.

AUTHORITY

Pursuant to the provisions of N. J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

CERTIFICATION

I, Michele Clark, Municipal Clerk, Borough of Keyport, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the April 4, 2023 Council Business Meeting.

Michele Clark, RMC
Municipal Clerk

ATTEST BY:

Kimberly M. Humphrey
Borough Administrator, Qualified Purchasing Agent

RESOLUTION #2023-**APPOINTING THE BUSINESS ADMINISTRATOR AS THE
NEW JERSEY CIVIL SERVICE APPROPRIATE
AUTHORITY FOR THE BOROUGH OF KEYPORT**

WHEREAS, the Borough of Keyport shall designate a person as the appropriate authority pursuant to State law, N.J.S.A. 40A:14-118; and

WHEREAS, the Business Administrator serves as the Chief Administrative Officer of the Borough, and is therefore responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough; and

WHEREAS, the law permits the Mayor and Council to designate the Business Administrator to serve as the appropriate authority;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby appoints the Business Administrator to serve as the appropriate authority for the Borough in accordance with the law.

OFFERED:

SECONDED:

AYES:

NAYS:

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 of April 4, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING BOROUGH OF KEYPORT POLICE DEPARTMENT
POLICE WEEK EVENT**

WHEREAS, the Keyport Borough Police Chief has requested authorization to hold an awards ceremony and community relations event in the Borough on May 18, 2023 from 4PM to 8PM on West Front Street; and

WHEREAS, the event will require the closure of West Front Street between Main Street and Beers Street; and

WHEREAS, a formal detailed plan has not yet been provided to the Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport hereby authorizes the Police Week event for the Keyport Police Department. This authorization is contingent upon a detailed plan being submitted to the Borough Administrator and approved by the Borough Administrator.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, 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 April 4, 2023.

Michele Clark, RMC
Municipal Clerk

RESOLUTION #2023-**AUTHORIZING KEYPORT BAYFRONT BUSINESS COOPERATIVE (KBBC)
2023 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, May 13, 2023 – Bayfest (Music/Chili & Chowder Crawl) 11AM-5PM
2. Saturday, June 3, 2023 – Music on the Bay, 3PM-6PM
3. Sunday, June 4, 2023 – Music on the Bay, 3PM-6PM
4. Thursday, June 15, 2023 – Woof-Stock (Music/Dogs Night Out) 5PM-8PM
5. Saturday, June 10, 2023 – Borough-wide Yard Sale/Downtown Sidewalk, Book & Bling Sale
6. Thursday, June 22, 2023 – Cars & Blues Show (Thursday Music) 5PM-8PM
7. Thursday, July 13, 2023 – Fat Thursday (Music) 6PM-9PM (Thursday, July 20, 2023 rain date)
8. Thursday, August 17, 2023 – Light up the Bay (Music/Boat Light Show) 6PM-9PM (Thursday, August 31, 2023 rain date)
9. Saturday, September 16, 2023 – I Heart Keyport Day – 12PM-7PM
10. Sunday, October 15, 2023 – Wake the Dead (Dine, Shop, Stroll like a Zombie) 11AM-4PM
11. Saturday, October 21, 2023 – BeWitched Keyport – 11AM-5PM
12. Saturday, November 25, 2023 – Miracle on First Street/Shop Small Saturday/and Tree Lighting, 11AM-8PM
13. Thursday, December 7, 2023 – Ugly Sweater Shop & Stroll, 4PM-7PM (Thursday, December 14, 2023 rain date)
14. Saturdays, December 9, 16 and 23, 2023 – Sip & Shop Saturdays, 3PM-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; and

WHEREAS, the KBBC has estimated the outdoor events use of Borough property fees to be \$150 each for 13 events (excluding the Borough-wide Yard Sale) for a total of \$1,950.

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 2023.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, 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 April 4, 2023.

Michele Clark, RMC
Municipal Clerk

RESOLUTION #2023-**AUTHORIZING KEYPORT BAYFRONT BUSINESS COOPERATIVE (KBBC)
FARMERS MARKET TO BE HELD IN FIREMAN'S PARK**

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 a Farmers Market in Fireman's Park parking lot every Thursday beginning May 4, 2023 through October 26, 2023 from 2PM-7PM; and

WHEREAS, a KBBC Program and Activity Request form has been provided to the Borough Clerk and the Police Chief; and

WHEREAS, any outdoor events use of Borough property fees that may apply have not yet been determined.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport hereby authorizes the KBBC to use Fireman's Park parking lot for a Farmers Market on Thursdays beginning May 4, 2023 through October 26, 2023 from 2PM-7PM.

BE IT FURTHER RESOLVED that this approval is contingent upon any outdoor events use of Borough property fees being determined prior to May 4, 2023.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, 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 April 4, 2023.

Michele Clark, RMC
Municipal Clerk

ORDINANCE #2023-2

AN ORDINANCE AMENDING SECTION 3-6.6 OF
CHAPTER III, ARTICLE I ("POLICE DEPARTMENT") OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT
WITH RESPECT TO FEES FOR OFF-DUTY POLICE SERVICES

WHEREAS, Section 3-6.6 of the Revised General Ordinances of the Borough of Keyport sets forth fees to be paid by persons or entities contracting with the Borough for off-duty police services, which ordinance was last updated in 2015; and

WHEREAS, the Mayor and Council deem it appropriate to update the ordinance to confirm that the Borough may enter into a contract with a third party to administer and perform actions related to off-duty employment contracted police services, which will permit the secondary service provider to charge a fee for services that is above and beyond the fee structure as provided by the terms of the agreement between the Borough and the secondary service provider;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Section 3-6.6 of the Revised General Ordinances of the Borough of Keyport, Chapter III, Article I ("Police Department") be and is hereby amended and revised as set forth below.

a. Findings

SECTION I. Amendments to the Revised General Ordinances. Section 3-6.6 is hereby amended and revised to read as follows:

- a. *Findings.* The Mayor and Borough Council of the Borough of Keyport hereby find and declare as follows:
 1. *No change*
 2. *No change*
 3. It is in the best interest of the Borough of Keyport to establish a procedure for the assignment of police officers for contracted off-duty police services which will allow for the greater protection of the citizens of the Borough, and the Borough may execute an agreement with a third-party provider to administer off-duty police contracting services on the Borough's behalf.
- b. *Assignments.* [No change]
- c. *Contracts with Persons or Entities.* [No change]

d. *Payment for Off-Duty Assignments.* [No change]

e. *Administrative Costs.*

1. In addition to the aforementioned fees to be collected by the Borough of Keyport from said person or entity, private or public, for the payment of said off-duty police officers, the Borough of Keyport shall collect an administrative fee of five (\$5.00) dollars per hour, per person, assigned to the said private entity. Said fee shall be used to offset the administrative costs associated with the assignment of Borough Police Officers. Also, if the Borough of Keyport has an agreement with a third-party provider to administer off-duty police contracting services on the Borough's behalf, the secondary service provider may charge an additional fee for services that is above and in addition to the fee structure stated herein and may utilize business type collection rules as set forth in the contract between the Borough and the secondary service provider.

2. In addition to the aforementioned administrative fee, said person or entity shall pay the Borough for the use or rental of any Borough equipment based upon the following pay scale:

(A) Police Vehicle \$25.00 / hour

(B) Flares \$2.00 / each

(C) Signage (i.e. signs, vehicle barricades, traffic cones, etc.) \$1.00 / hour

(D) Electronic Signage:

(a) For each day or part thereof in excess of four (4) hours\$200.00

(b) For four (4) hours or less in any day\$100.00

f. *Workers Compensation Fund and Insurance.* [No change]

g. *Emergencies.* [No change]

h. *Indemnification.* [No change]

i. *Failure to Comply.* [No change]

j. *Severability.* [No change]

SECTION II. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed as to the extent of such inconsistency.

SECTION III. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by Judgment of any Court of competent jurisdiction, the subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

SECTION IV. This Ordinance shall take effect immediately after final passage and publication as required by law.

Introduced: March 21, 2023
Public Hearing: April 4, 2023
Adopted:

Michele Clark, RMC
Borough Clerk
Borough of Keyport

Rose Araneo, Mayor
Borough of Keyport