

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

Mayor Aumack called the meeting to order at 7:00PM. Borough Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Kennedy, Lamberson, Cooper and Goode. Others present: Mayor Aumack, Borough Administrator Stephen Gallo and Borough Attorney Bill Opal. Councilwoman Pacheco was absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

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.)

R114-18 Payment of Bills

R115-18 Authorizing Award of Contract to Excel Environmental Resources, Inc. for a Preliminary Assessment and Geophysical Survey of Main Street Park

R116-18 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A 40A:4-87– 2018 Distracted Driving Crackdown

R117-18 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 – Pedestrian Safety, Education and Enforcement Fund

R118-18 Authorizing the Purchase of Water from New Jersey American Water at the Rate Proposed for Summer 2018

R119-18 Authorizing a Salary Increase and Concurrent Increase in Days Worked for Borough Construction Official – *George Falco*

R120-18 Authorizing Salary Increase and Elimination of Compensation for Afterhours Call-Outs for Borough Court Administrator – *Jennifer Ingenito*

R121-18 Authorizing a Salary Increase for Borough Registrar – *Donna Purcell*

R122-18 Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items listed on the agenda at 7:03PM moved by Sheridan, carried by Cooper with ayes by all present

John Merla – asked whether the County was contributing to the survey of Main Street Park.

Administrator Gallo – replied the County is not. However, we may be eligible for Brownfields grant assistance.

Michael Lane, 51 First Street – asked about last meeting's closed session regarding Aeromarine. Asked about 149 W. Front and 317 Beers Street.

Administrator Gallo – stated we will move to some sort of enforcement for 317 Beers Street.

Michael Lane – asked Mayor Aumack whether he has gotten anything from FEMA; No.

Michael Lane – also asked about enforcement of dumpster enclosures outside the commercial area.

Administrator Gallo – stated there have been summonses written. We do it on a complaint-received basis.

Michael Lane – made an OPRA request for Boatworks. Documents required in the resolution have not been filed yet. Also asked about a Borough parking lot at Church and Second.

Administrator Gallo – explained we are paving the gravel lot at the waterfront and engineers have been asked for a proposal for paving the gravel lot at Church and Second.

Ed Burlew, 59 W. Front Street – asked when the bridge will reopen; Memorial Day 2018. He asked whether anyone has noticed the dumpsters on the highway. He asked whether multiple dumpsters behind Town & Country on Maple Place are allowable. He asked why Beers Street has not been repaved since 45 Beers is now complete. It was repaved in the Bergen era. He asked about the fishing boat bid as well.

Elmer Graham, Jr., 22 St. Peters Place – asked for an explanation of R115-18 Authorizing Award of Contract to Excel Environmental Resources, Inc. for a Preliminary Assessment and Geophysical Survey of Main Street Park, which Administrator Gallo provided. Mr. Graham asked for an explanation of R122-18 Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement; Administrator Gallo clarified he would be replacing Captain John. Mr. Graham asked whether there has been any progress for a town-hall meeting here in Keyport with Governor Murphy. He also mentioned the Beach Sweep at Beach Park this Saturday.

Ann Boyce, representative for the KBBC – stated the Board wished to thank the Borough Administrator for his help in hiring the KBBC's new Director, Steve Mamakas.

Michael Lane – asked the size and capacity of the boat to replace Captain John's.

Councilwoman Kennedy – stated the paperwork says 99 passengers, but she believes its 110.

Motion to pull **R122-18** Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement for separate consideration moved and carried

Councilwoman Kennedy – said the paperwork states 99 person boat but boat capacity is listed as 110 passengers. She expressed concern businesses in town who pay taxes only receive three-hour parking. This business will receive unlimited parking. She would rather see a dock-and-dine.

Administrator Gallo – explained we do not own riparian rights where the dock is located. We expect to have a meeting with the DEP. He had a discussion with our Marine and Coastal Consulting Engineer who said the DEP will give us a temporary license initially. There is no issue with proceeding.

Councilman Goode – stated the lease does limit passengers to 100. The lease says times will be upon agreement.

Mayor Aumack – said if the Borough has to pay a license fee for a DEP permit, he believes the operator should pay that fee.

Councilman Goode – reminded the Mayor this is a non-exclusive lease.

There being no further comments or questions, the meeting was closed to the public at 7:24PM moved by Sheridan, carried by Goode with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda, with the exception of **R122-18** Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement which was pulled for separate consideration, moved by Sheridan, carried by Goode

Roll Call: Ayes: Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent: Pacheco
Abstain:

The Meeting was opened to the public at 7:39PM for comments or questions on **R122-18** Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement moved by Lamberson, carried by Kennedy with ayes by all present

Andrew Kelsey, 29 St. Peters Place – thinks the Borough should work with the boat captain to have patrons park somewhere else.

Michael Lane – asked if the Borough has delineated where the boat can be parked as it cannot infringe on the channel. Also, he is concerned what draft he has. The Captain John could not get into his docking area at low tide. He suggested we review this with the KBBC.

Ed Burlew – believes dock-and-dine would be the talk of the State.

Dennis Fotopoulos, 77A Beers Street – asked Councilwoman Kennedy if she knew what businesses closed on Sunday due to no parking. She mentioned Blue River Market and Toad Hollow.

Councilwoman Kennedy - stated she would like Thursday evenings excluded since there are events in the Borough on that night.

Dennis Fotopoulos – went to every business and was told they got a lot of business from Captain John's boat.

Councilwoman Kennedy – disagreed but would not say which businesses stated they did not get any business from the fishing boat patrons.

Elmer Graham, Jr. – stated outside of the parking issue, he believes having a fishing boat can only help the Borough.

John Merla - said the Captain John had Keyport at heart. He used to go on the Captain John a lot, but the boat was never filled except on 4th of July. The Yacht Club on First Street uses all the street parking there and that was worked out. He feels having a fishing boat is only a plus.

Administrator Gallo – stated a background check was conducted and everything came back clean. A three-month suspension of his license was voluntary as a settlement for an administrative issue.

There being no further comments or questions, the public hearing was closed at 7:58PM moved by Kennedy, carried by Sheridan with ayes by all present

Motion to approve **R122-18** Authorizing the Award of Contract for the Operation of a Charter Fishing and Party Boat Service from the Municipal Pier Pursuant to a Non-Exclusive Lease Agreement moved by Goode, carried by Cooper

Roll Call: Ayes: Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent: Pacheco

INTRODUCTION OF 2018 KEYPORT BID (KBBC) BUDGET

Resolution #123-18 – Introduction of Business Improvement District Budget

Administrator Gallo – stated this does not increase the levy on the businesses.

Offered: Sheridan
Seconded: Goode

Roll Call: Ayes: Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent: Pacheco
Abstain:

INTRODUCTION OF ORDINANCES

1. Bond Ordinance – For 2018 Road Improvement Program

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR THE 2018 ROAD IMPROVEMENT PROGRAM IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

It was explained that this bond ordinance will be for improvements to Main Street from Front Street to Maple Place, Madison Street, Monroe Street, and water main work

2a. Motion to introduce moved by Sheridan, carried by Goode

Roll Call: Ayes: Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent: Pacheco
Abstain:

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Goode, carried by Sheridan with ayes by all present

2. Bond Ordinance – Improvements to Veterans Park and Benjamin Terry Park

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VETERANS PARK AND TERRY PARK IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$285,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$270,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

It was stated that plans and specs are available today and will be placed on the Borough website.

3a. Motion to introduce moved by Sheridan, carried by Cooper

Roll Call: Ayes: Sheridan, Kennedy, Lamberson, Cooper, Goode
Nays:
Absent: Pacheco
Abstain:

3b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Sheridan, carried by Goode with ayes by all present

COMMUNICATIONS AND PETITIONS

1. Letter from KFAA Sergeant-at-Arms, John Merla, requesting the Mayor and Council's help on behalf of the Keyport Football Alumni Association, who will be playing against Keansburg on Saturday, June 16, 2018. Specifically requesting:

- Promotion of the game. Signs, Banners, Message Boards, Ticket Sales
- Police & Fire: Representatives of both departments to attend the game.
- Financial Contribution: to KFA to help offset expenses such as insurance, equipment, etc.
- CERT-EMS-To have a game for assisting crowd control and medical services.
- Fundraising.

Councilwoman Kennedy had some questions.

The game is being held in Keansburg. John Merla was present to explain the event and the request. He is only asking that Council have no objection to his asking Police, Fire, EMS and CERT for help and support. They will be soliciting businesses asking for sponsorships. They mainly need the Borough's support for awareness. They will also be approaching Union Beach and the Board of Education.

Motion to approve moved by Sheridan, carried by Cooper with ayes by all present

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for March 2018
2. Tax/Water/Sewer Collector's Report for March 2018
3. Board of Health Treasurer's Report for March 2018
4. Building Department Monthly Report for March 2018
5. Municipal Court Monthly Report for March 2018

Motion to accept reports moved by Goode, carried by Sheridan with ayes by all present

COMMITTEE REPORTS

Councilwoman Pacheco: Board of Health/Library
Absent

Councilman Sheridan: Finance/Grants/Redevelopment

- Clean Ocean Action Beach Cleanup is this Saturday from 9AM-1PM at Cedar Street
- Memorial Day Parade May 27th at 1PM
- subcommittee for WWI Memorial Trees
- Keyport Historical Society hours

Councilwoman Kennedy: Public Works/Construction Department/Recycling/Property Maintenance

- weekend seasonal help has begun at Waterfront Park and Fireman's Park
- will be adding additional recycling and trash cans
- read some Construction Department figures
- shredding event
- KBBC updates
- vacant property task force continues

Councilwoman Lamberson: Police/Drug Alliance

- read Detective Bureau calls for service and gave Police Department arrest figures
- hosting a community presentation "The Ugly Truth" regarding the heroin and prescription drugs epidemic
- May 2nd Narcan training in Borough Hall

Councilman Cooper: Recreation/Senior Center

- movie nights will be every other weekend during the summer
- Yoga by the Bay will be Wednesdays and Sundays

Councilman Goode: Fire/First Aid/Emergency Services

- read Fire Department statistics for March
- commended the Fire Department for its professionalism during a large house fire on Broadway
- First Aid Squad was nominated for honors by PIX11

NEW BUSINESS

Councilwoman Kennedy – stated active shooter training was hosted at a house of worship in the Borough. There is an interest in having house of worship meetings moving forward.

Councilwoman Lamberson – stated off-duty police officers have been hired by the Board of Education during school hours in each school.

UNFINISHED BUSINESS

Administrator Gallo – stated we are working on zoning and flood control ordinance revisions. Two short-term tax exemption ordinances will be put out for comment prior to introduction. Also, there is a housing advocate looking to purchase homes for disabled people to live together and become productive members of society.

ATTORNEY'S REPORT

Nothing to report

ADMINISTRATOR'S REPORT

- met with Paul McKeefry regarding Borough issues
- met with an affordable housing advocate
- met with Joe Ettore regarding county engineering issues
- met with a developer interested in Aeromarine
- met with counsel and our financial advisors regarding Mariner's Village
- met with Mike Lane regarding the draft zoning and flood prevention ordinances
- conducted summer help interviews
- attended the Keyport First Aid dinner
- dealt with issues regarding the Keyport Stationary Emergency Signal

Ongoing Capital Projects

- Maple Place Fire Hydrant Replacement – we have applied for the necessary road opening permits from the county which we need to obtain prior to commencing the project. We should have the permit sometime this week.
- Beach Park and Beers Street Outfall Reconstruction – waiting for final approval for this project from NJDEP and Army Corps of Engineers
- Improvements to Benjamin Terry and Veteran's Park – the final plans are available and have been circulated to the governing body and interested parties to review and comment before going out to bid.
- DPW Building-Rollo Place – bid specs should be ready for review this month.
- Scattered Site Redevelopment Plan – I had a meeting with redevelopment counsel and now have a clearer understanding of the requirements we must follow in order to finalize our redevelopment designation. We expect to have the required notifications in the mail by the end of the month.

Upcoming Capital Projects

- Regarding this year's paving project, on this evening's agenda is a bond ordinance authorizing the funds necessary to pursue this year's paving project. We are planning on resurfacing and utility improvements on portions of Main Street, Madison Street and Monroe Street.
- We've been advised that NJDOT has awarded us \$340,000 for the 2018 local aid paving project. Streets to be included are sections of Division Street, East Front Street and Third Street. This project will likely be done in 2019.
- Main Street Park – we are still waiting for the federal government to release this year's CDBG funding. The County has reported favorably on our funding request. We did receive word of our Tony Hawk Foundation Grant being approved at the \$5,000 level.

Redevelopment

- Brown's Point Redevelopment Plan – I met with our redevelopment counsel and financial advisor to review draft documents submitted by the developer in anticipation of finalizing a PILOT Agreement.
- Aeromarine Redevelopment Plan – we have a conference call scheduled for next week with the developer to discuss their progress.
- Longview/Boatworks Redevelopment Plan – I have inquired regarding the status of this project with their counsel and principals.
- Ye Cottage Inn – we are working to correct the error in the tax maps for the parcels involved in this project. A new silt fence is on site and expected to be installed.

Water and Sewer Projects: Mott MacDonald

- USDA-RD Funded – Perry Street Water Treatment Plant Upgrades – we have an authorization on our agenda for the purchase of supplemental water to cover us while our plant is under construction.

Other

- Bike Share Program – LimeBike has advised they will be able to launch the project on June 15th.
- Complete Streets Project/Pedestrian Safety – I am working to develop a quick start project that we could launch before summer to demonstrate what complete streets is all about. The County Engineer has indicated that he would be receptive to converting Main and Broad Streets to one way streets from Maple Place to Front Street. We are working out the details of a concept plan which we will share when a draft is available.
- Harbor Issues – we have received on proposal for the provision of fishing boat services from our municipal slip. Our counsel and purchasing agent have approved the proposal and it is on our agenda this evening. We are working with our Marine and Coastal Engineer to correct what seems to be a deviation from our riparian grant at the water front. A conference call has been requested and is expected to be conducted within the next week or so. Our engineer suggests that the process of curing might take several months up to a year, but that we will most likely be able to get temporary license while we work this issue out.
- County Dispatch – We are waiting for a report from the Fire Department regarding their position on this matter. In the meanwhile, we may schedule a town hall meeting to discuss the various options.
- MA14 Bridge Project and Route 6 Bridge Project – we met with the County Engineer who reported the results of his attempts to revise the MA-14 project to increase the height of the bridge landings. He reports that he has been able to increase the height to a total increase of 1.5 feet. He has also heard our concerns about the CR Route 6 Bridge and is endeavoring to maximize the overall height of the bridge and landings to increase resilience to flooding.
- 6PM Chimes – I have spent a good deal of my time over the past two weeks dealing with issues related to the suspension of the so-called 6PM chimes. We have received a number of calls from Helen Falvo, Environmental Coordinator for the Monmouth County Health Department regarding the sounding of the chimes. Ms. Falvo reported that the chimes had been addressed a few years ago, but had now begun reoccurring and that doing so was a violation of the State noise regulations. In no uncertain terms, she ordered us to cease playing the chimes or face enforcement action. I initially told her I'd look into the matter and suspended the sounding of the chimes until I had a better understanding of the regulations. Unfortunately, a Borough employee who saw the suspension notice posted on the wall posted on Facebook that the chimes would not be sounded anymore. Needless to say, a firestorm broke out on social media. A review of the regulations clearly indicated that the 6PM chimes were indeed a violation of the applicable noise regulations. The chimes were being classified as a "test" of the system, but they still did not meet the 10 second requirement in order to comply with the regulations. The press, starting with the Star Ledger, and including News12, WPIX, NJ 101.5, and several other outlets, were interested in doing a story on the issue and seemed focused on fostering an adversarial relationship between the County and the Borough. I communicated with NJDEP

as well as the County and our State legislator. All agreed that if we could comply with the ten second rule, we could sound the chimes daily. We have reprogrammed the chimes and expect to test them this evening. I am not in the position to ignore clear State regulation and law and expose the Borough to possible fines. We are working towards an amicable resolution of this matter.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:53PM moved by Sheridan, carried by Lamberson with ayes by all present

Larry Vecchio, 55 W. Front Street – wants to make sure owners are notified, not the mortgage company, regarding the Scattered Site Plan.

Elmer Graham, Jr. – said he is glad that the chimes are being sounded again.

Michael Lane – reminded Council we need a Tax Assessor's Report regarding the revaluations. In addition:

- says traffic calming on First Street was fantastic
- would like traffic signs flappers on First Street
- crosswalks need painting on First Street
- both Middletown and Old Bridge have made ordinance restrictions on marijuana businesses. He asks Council to think about that.

Administrator Gallo – stated the only thing that is permitted are medical marijuana facilities. If a town prohibits it, it cannot reap the benefits.

There being no further comments or questions, the meeting was closed to the public at 9:03PM moved by Sheridan, carried by Goode with ayes by all present

Motion to go into Closed Session after a 4-minute break moved by Sheridan, carried by Cooper with ayes by all present

CLOSED SESSION

RESOLUTION #124-18

**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, potential litigation involving the Borough, pursuant to N.J.S.A. 10:4-12(b)(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 April 17, 2018 and determined that an Executive Session closed to the public shall be held on April 17, 2018 at approximately 8:00 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.

OFFERED: Sheridan

SECONDED: Cooper

AYES: Sheridan, Kennedy, Lamberson, Cooper, Goode

NAYS:

ABSENT: Pacheco

Council reconvened at 9:17PM and Attorney Bill Opal stated what was discussed in Closed Session:

- ingress and egress at former Santander Bank

ADJOURNMENT

Motion to Adjourn at 9:17PM moved and carried with ayes by all present