

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, 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 7:05 p.m. and the Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Demarest, Reilly, Vecchio, McNamara, Council President Davidson and Mayor Araneo. Councilmember Peperoni arrived at 7:46 p.m.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Mayor Araneo read the Child Abuse Prevention and Awareness Month Proclamation

COMMITTEE REPORTS

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

Councilmember Demarest: KBBC, Public Works/Water-Sewer, Harbor Commission, Recreation/Senior Center

Councilmember Demarest reported on the following:

- Attended KBBC meeting
- LED sign
- Congratulated young men awarded certificates for watering plants
- Stakeholder coffee social to be held April 26th
- Bayfest Chili event
- Date change for I Love Keyport event
- October 9th event dropped due to lack of light
- Mayor suggested bigger wreaths and tree
- DPW supervisor position open and looking to fill laborer 1 position
- Landscaper on agenda tonight

Councilmember Reilly: Environmental, Fire/First Aid/OEM, Finance/Grants, Heath/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Cannabis

Councilmember Reilly reported on the following:

- Environmental Commission report
- Clean Ocean Action Cedar Street Beach cleanup was a success
- Sea grass planting set for April 23rd at 11 a.m.
- Fire Department thanks Mayor and Council for support to Chaplain
- Annual Fire Department inspection set for May 20th at 4 p.m. in Fireman's Park
- First Aid volunteer dinner held April 15th
- Read First Aid Calls for Service Report

Councilmember Vecchio: Harbor Commission, Municipal Alliance, Police, NPP

Councilmember Vecchio reported on the following:

- Municipal Alliance and Red Raider Night
- Operation Take Back for unwanted medication
- May 18th Police Department event and award ceremony
- Harbor Commission – floating dock installed at boat ramp
- Kayak lockers assigned
- No dredging due to winter flounder
- Confirmed support of Harbor Commission for items on agenda tonight

Councilmember Peperoni: Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Recreation/Senior Center, Recycling, Municipal Alliance, Police, Redevelopment

Councilmember Peperoni was not present for Committee Reports

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

Councilmember McNamara reported on the following:

- Finance Committee met – little wiggle room in the budget
- Budget should be introduced at the May 16th council meeting
- Grants – Local Recreation Improvement Grant – 74k for Cedar Street Park
- NPP applying for additional funding
- Kearney Street Park improvements
- Potential Beach Park improvements
- Continuation of wayfinding – phase 2; upgrade wayfinding Keyport entry sign
- Striping in Main Street lot
- Awaiting judge’s decision on KGNJ cannabis matter
- No final approval yet on Simply Pure license change from conditional to annual
- No updates from Green Team
- Kudos to DPW for kayak lockers

Council President Davidson: Planning Board, Redevelopment, Fire/First Aid/OEM, Public Works/Water-Sewer

Council President Davidson reported on the following:

- Planning Board meeting next Thursday at 7 p.m.
- Redevelopment meeting scheduled

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

MAYOR’S UPDATES

Mayor Araneo provided updates on the following:

- Budget extremely tight this year
- State health benefits increase
- Fire hydrants – down to three out of service, huge accomplishment
- Certificate of Recognition – Safe Routes to Schools
- Recreation Easter Egg Hunt – was well-attended with over 250 children
- Thanked Recreation, Councilmembers Peperoni and Demarest, and Nicki Francis
- Library Board meeting – met with landscaper regarding maintaining the grounds
- Story Walk from Library
- Library closed May 12th for staff development
- Historical Society opening museum – normal hours 1 p.m. to 3 p.m. every Sunday
- Historical Society presenting a tribute to Aeromarine Plane and Motor Co.
- Interview in Keyport Coffee House – airs this Saturday, April 22nd
- Keyport named “Most Underrated Small Town to Move to” today on 92.7

Mayor asked if Councilmembers had anything to address before moving to Public Comments and Councilmember McNamara asked about the following:

Regarding **R2023-219** Resolution of the Borough of Keyport, County of Monmouth, State of New Jersey Calling for an Immediate Investigation of Offshore Projects into Marine Animal Deaths along the New Jersey Coastline, she asked is there a conflict with Borough Attorney Victoria Flynn because she is a sponsor of the Bill. Councilmember McNamara also said personally she’s not one to think we should stop the proposed drilling when there are other things that aren’t being looked at.

Councilmember McNamara asked regarding **R2023-123** Authorizing the Disposition of Surplus Property, if the disposition of surplus property were two new things. The Borough Administrator

responded that one item was missed and one item was handed in a couple of weeks ago by the Fire Department.

Councilmember McNamara asked about the lawn cutting and landscaping service and the Borough Administrator said JPV withdrew.

Regarding the appointment of the Borough Auditor, Councilmember McNamara said she looked at the original bids and the lowest was from Oliwa. She said the one being presented tonight is the third highest. She asked why we are spending 5k more when we have a tight budget. The Borough Administrator responded that one best practice for auditors is to switch out after 1, 2, or 3 years because they look at different things. The Borough Attorney said we can ask them to lower the 'not to exceed' amount.

Councilmember McNamara expressed concern regarding **R2023-132** Appointment of Joseph Merla as an Alternate Member of the Keyport Unified Planning Board, regarding the optics and also whether he would have to recuse himself. Mayor Araneo stated she does not have a problem appointing him to the board as he has a lot of knowledge. Councilmember Vecchio said she understands the optics but he has a background in Keyport and she thinks that's important.

Councilmember McNamara said **R2023-134** Authorizing Execution of Agreement with Stress Free Body for Yoga at the Waterfront, needs to be cleaned up. The Borough Administrator said the dates cover makeup dates through October and the amount should be \$750 for the season.

Councilmember McNamara said regarding **R2023-140** Authorizing the Borough's Participation in the Cub Scout Pack 137 Elizabeth Street Community Garden Community Service Clean-up, there was zero communication with the Garden Club and the Community Garden. She encouraged the Troop to reach out to the Community Garden and the Garden Club. She thinks the resolution should be pulled. Council President Davidson agrees a few things need to be ironed out first.

Councilmember Reilly said regarding **R2023-128** Authorizing the Award of a Contract for Lawn Cutting and Landscaping Services, the only park not listed is Main Street Park. The Borough Administrator responded that any property not listed will be handled by DPW.

Council President Davidson asked if DPW is managing the sprinkler system and Ms. Humphrey said they are. She asked about winter snow plowing. The Borough Administrator said she met with the County and they are offering help as we need it.

Councilmember Peperoni arrived at 7:46 p.m.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 7:47 p.m. for comments on Resolutions and Communications only, Moved by Peperoni, Carried by Davidson with ayes by all present.

Andrew Kelsey, St. Peters Place, asked about sewer repair and how would he make application for repair. Ms. Humphrey told him to contact her.

Jack Straub, 235 Main Street, commented on Joseph Merla's appointment to the Planning Board and payments to last year's attorney set forth in **R2023-125** Increase in Authorized Amount for Labor Counsel Services for 2022 and **R2023-126** Increase in Authorized Amount for Borough Attorney Services for 2022.

John Merla, 34 Broad Street, commented on the Garden Club and Community Garden property, and **R2023-124** Appointing McManimon, Scotland & Baumann as Special Cannabis Counsel to the Borough.

Elmer J. Graham, Jr., 22 St. Peters Place, asked about **R2023-120** Authorizing Emergency Temporary Appropriations.

Michael Lane, 51 First Street, commented about **R2023-124** Appointing McManimon, Scotland & Baumann as Special Cannabis Counsel to the Borough of Keyport, **R2023-125** Increase in Authorized Amount for Labor Counsel Services for 2022, and **R2023-132** Appointment of Joseph Merla as an Alternate Member of the Keyport Unified Planning Board.

Catherine Galli, 52 W. Front Street, commented regarding **R2023-134** Authorizing Execution of Agreement with Stress Free Body for Yoga at the Waterfront.

George Walling 54 Second Street, commented about prior Business Administrator.

Jason Faltings, 40 Broad Street, commented on **R2023-132** Appointment of Joseph Merla as an Alternate Member of the Keyport Unified Planning Board.

Elmer J. Graham, Jr., commented regarding **R2023-132** Appointment of Joseph Merla as an Alternate Member of the Keyport Unified Planning Board.

Patrick Maroney, 313 Main Street, commented regarding **R2023-119** Resolution of the Borough of Keyport, County of Monmouth, State of New Jersey Calling for an Immediate Investigation of Offshore Projects into Marine Animal Deaths along the New Jersey Coastline and he asked about **R2023-131** Authorizing the Appointment of Two Special Law Enforcement Officers.

There being no further comments or questions, the Meeting was Closed to the Public at 8:24 p.m., 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.)

- R2023-108 Authorizing the Appointment of Robert Kutschman as Laborer-1 in the Department of Public Works (Tabled April 4, 2023)
- R2023-117 Payment of Bills Listed on the April 7, 2023 Bills List
- R2023-118 Payment of Bills Listed on the April 18, 2023 Bills List
- R2023-119 Resolution of the Borough of Keyport,, County of Monmouth, State of New Jersey Calling for an Immediate Investigation of Offshore Projects into Marine Animal Deaths along the New Jersey Coastline
- R2023-120 Authorizing Emergency Temporary Appropriations
- R2023-121 Authorizing the Borough of Keyport to Release the Performance Bond Provided by R&R Contracting, Inc., for Site Improvements at 133 Second Street, Block 125, Lot 19
- R2023-122 Authorizing Reimbursement of Emergency Sewer Assistance/Repair
- R2023-123 Authorizing the Disposition of Surplus Property
- R2023-124 Appointing McManimon, Scotland & Baumann as Special Cannabis Counsel to the Borough of Keyport
- R2023-125 Increase in Authorized Amount for Labor Counsel Services for 2022
- R2023-126 Increase in Authorized Amount for Borough Attorney Services for 2022
- R2023-127 Resolution Authorizing Execution of Chief of Police Agreement
- R2023-128 Authorizing the Award of a Contract for Lawn Cutting and Landscaping Services
- R2023-129 Authorizing the Award of a Non-Fair and Open Contract for Real Estate Appraisal Services
- R2023-130 Appointment of Borough Auditor
- R2023-131 Authorizing the Appointment of Two Special Law Enforcement Officers
- R2023-132 Appointment of Joseph Merla as an Alternate Member of the Keyport Unified Planning Board
- R2023-133 Appointment of Recycling Coordinator of the Keyport Recycling Committee – Donna Purcell
- R2023-134 Authorizing Execution of Agreement with Stress Free Body for Yoga at the Waterfront
- R2023-135 Acknowledging the Extension of the Agreement with A Canoe To You, LLC, for the Borough Owned Boat Ramp Boathouse on the Waterfront in the Borough of Keyport

- R2023-136 Acknowledging the Extension of the Agreement with Funnee Girl Dogs, LLC, for the Operation of a Food Concession at the Keyport Waterfront Park in the Borough of Keyport
- R2023-137 Authorizing Jersey Shore Ghost Tours to Provide Keyport Ghost Tours within the Borough
- R2023-138 Authorizing the Keyport Board of Education to Place a Storage Locker on Municipal Property
- R2023-139 Authorizing the Borough's Participation in the Bayshore Medical Center Earth Day Beach Clean-up
- R2023-140 Authorizing the Borough's Participation in the Cub Scout Pack 137 Elizabeth Street Community Garden Community Service Clean-up

Motion to Table **R2023-140** Authorizing the Borough's Participation in the Cub Scout Pack 137 Elizabeth Street Community Garden Community Service Clean-up, until we get more information Moved by McNamara, Carried by Davidson, with no objections.

APPROVAL OF RESOLUTIONS

Motion to approve **R2023-108** Authorizing the Appointment of Robert Kutschman as Laborer-1 in the Department of Public Works (Tabled April 4, 2023) through **R2023-139** Authorizing the Borough's Participation in the Bayshore Medical Center Earth Day Beach Clean-up, with revision on **R2023-134** Authorizing Execution of Agreement with Stress Free Body for Yoga at the Waterfront and revision on **R2023-130** Appointment of Borough Auditor, Moved by Davidson and Carried by Peperoni

Roll Call: Ayes: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson
Nays: McNamara as to R2023-119 and R2023-132
Abstain:
Absent:

INTRODUCTION OF ORDINANCE

1. Ordinance – Revising the Borough's Bench Program

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, REVISING THE BOROUGH OF KEYPORT PUBLIC BENCH SPONSORSHIP PROGRAM**

1a. Motion to introduce Moved by Davidson and Carried by Reilly

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

1b. Motion authorizing the Clerk to publish the Ordinance in the Asbury Park Press for a public hearing Moved by Peperoni and Carried by Davidson with ayes by all present

COMMUNICATIONS

1. Recreation Committee Program & Activity Planning Summary for *Dinosaurs Rock* to be held on Saturday, July 8, 2023 at 10AM at the Mini Park (stage).
2. Recreation Committee Program & Activity Planning Summary for a Trunk or Treat to be held on Saturday, October 21, 2023 at 4PM at Waterfront Park parking lot.

MINUTES FOR APPROVAL

Motion to approve (Regular and Closed) October 18, 2022 Council Meeting Minutes Moved by Davidson, Carried by McNamara

The Borough Attorney suggested a Roll Call vote.

Roll Call: Ayes: Peperoni, McNamara, Davidson

Nays:

Abstain: Demarest, Reilly, Abstain,

Absent:

Mayor Araneo votes in favor of approving the Minutes. Minutes are approved.

REPORTS

1. Municipal Clerk's Report for March 2023
2. Tax/Water/Sewer Collector's Report for March 2023
3. Board of Health Treasurer's Report for March 2023
4. Building Department Report for March 2023
5. Municipal Court Report for March 2023

Motion to receive and file Reports Moved by Peperoni and Carried by Reilly with ayes by all present

UNFINISHED BUSINESS

DAIS UPDATES

Chief Torres reported on Police Department receipt of award of \$4,200 scholarship toward Cellebrite training for an officer for forensics on cell phones and other electronic devices.

Borough Administrator Kim Humphrey commented on Areomarine cleanup, waterfront stabilization and redevelopment, Bethany Manor PILOT, utility cable maintenance, HHT flooding, garbage cans placed on HHT, Pedestrian Safety Improvement Project, Monmouth County Health Department (MCHD) Office on Aging visited Bethany Manor to discuss various programs offered for seniors, MCHD offered and delivered COVID tests for employees, Property Maintenance focus items, looking to implement doorknocker program for violations, ordinances to be revised – pet waste, bulk garbage placement, and trees. DPW replaced the doors on the kayak lockers. She commented on surplus vehicle pick up, leaf and branch collection, boat ramp docks, dredging after June 1st, garbage cans put on HHT at Beers, Fulton and Atlantic, sweeper schedule, skate park graffiti painted over, port-a-johns placed, and on Tru-Green chemical treatments,

Robert Bucco, Colliers Engineering, commented on street light repair, stormwater management, meeting with NJNG regarding street repair, and repair and repaving on Church Street from Maple to Warren – curb to curb with striping.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments at 8:44 p.m., Moved by Peperoni and Carried by Davidson with ayes by all present

Caly Gallopo asked about opening up the cannabis application process.

John Merla commented on the tabling of the community garden resolution.

Maureen Marcil, 39 W. Front Street, asked if we can get garbage cans back on W. Front Street. Mayor Araneo asked Ms. Humphrey to look into that, as well as to address with Code Enforcement and issue of additional items being placed outside of businesses, like clothes hanging on cars.

Andrew Kelsey asked about curb ramps, the bike rack in front of Borough Hall, and about sidewalk in front of townhouses on Front Street with flooding and lights.

Carlos Pena, Raritan Boulevard, collaborating to put a semi-permanent sculpture in area of brick labyrinth.

Jack Straub said there is no more Independent newspaper and he asked about street opening on Main and Hurley during moratorium. He commented on R2023-132, 135 and 136 being approved without any further discussion.

Patrick Maroney commented on curb ramps, Beach Park, WWI Memorial trees, Main Street Park, Butler paving, and vacant lot with a trailer sitting in it for a few years.

Mike Lane commented on letter regarding Planning Board density requirements and parking. He commented on the Flood Damage Prevention Ordinance and Flood Plain Development Permit.

Borough Attorney Victoria Flynn explained the purpose of a developer's agreement to Mr. Lane.

Elmer J. Graham, Jr., asked about the flea market and the Veterans Committee meeting. He spoke about We Care Adult Care.

George Walling asked about 31 W. Front Street and when the last CO was issued.

There being no further comments, the Meeting was Closed to the Public at 9:20 p.m., Moved by Peperoni, Carried by Davidson with ayes by all present

Ms. Flynn read the Closed Session Resolution. Motion to go into Closed Session at 9:22 p.m. Moved by Peperoni, Carried by Davidson with ayes by all present.

CLOSED SESSION

Closed Session Resolution #2023-141

Personnel Matters

Potential Litigation

RESOLUTION #2023-141

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 potential litigation pursuant to *N.J.S.A. 10:4-12(b)(7)* and personnel matters pursuant to *N.J.S.A. 10:4-12(b)(8)*.

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 18, 2023 and determined that an Executive Session closed to the public shall be held on April 18, 2023 at approximately 7:00 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: PEPERONI

SECONDED: DAVIDSON

AYES: DEMAREST, REILLY, VECCHIO, PEPERONI, MCNAMARA, DAVIDSON

NAYS:

ABSTAIN:

ABSENT:

Council reconvened to Open Session at 10:32 p.m.

ADJOURNMENT

Motion to Adjourn at 10:33 p.m. Moved by Peperoni, Carried by Davidson with ayes by all present