

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, MAY 2, 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

MAYOR'S UPDATES

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments on Resolutions 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.)

- R2023-142 Payment of Bills Listed on the April 21, 2023 Bills List
- R2023-143 Payment of Bills Listed on the May 2, 2023 Bills List
- R2023-144 Authorizing a Shared Services Agreement to Provide Registrar and Deputy
 Registrar of Vital Statistics Services to Union Beach
- R2023-145 Resolution of the Mayor and Council of the Borough of Keyport Confirming the
 Selection of Volunteer Firefighters of the Fire Department for Life Membership
- R2023-146 Accepting the Resignation of Employment of a Keyport Borough Police Officer
- R2023-147 Authorizing Participation in the Civil Service Examination Exemption Program
 for Entry-Level Law Enforcement Positions and the Provisional Appointment of
 a Police Officer
- R2023-148 Authorizing Execution of Captain of Police Agreement
- R2023-149 Resolution to Affirm the Borough of Keyport's Civil Rights Policy with Respect
 to All Officials, Appointees, Employees, Prospective Employees, Volunteers,
 Independent Contractors, and Members of the Public that Come into Contact with
 Municipal Employees, Officials and Volunteers
- R2023-150 Affirming Appointment of a Borough Property Maintenance Officer

- R2023-151 Authorizing Beautification Project for Fireman's Park and Expressing Appreciation of Donation of Work, Time, and Material by Robert Aumack and Scenic View Landscaping
- R2023-152 Authorizing an Agreement between the Borough of Keyport and the Kiwanis Club of Keyport for a Flea Market in Fireman's Park in the Borough of Keyport

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Amending Time to Abate Public Health and Safety Violations

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 1 “GENERAL,” ARTICLE 5 “GENERAL PENALTY,” SECTION 2 “BUILDING, HOUSING, ZONING OR PROPERTY MAINTENANCE PENALTY” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. Motion to introduce:

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

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing

MM: 2nd: Ayes: Nays:

MINUTES FOR APPROVAL

March 21, 2023 Council Meeting Minutes

MM: 2nd: Ayes: Nays:

NEW BUSINESS

Workshop Meetings

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 #2023-153**

Matters of Attorney-Client Privilege – Redevelopment

ADJOURNMENT

Motion to Adjourn moved by: 2nd:

Time of Adjournment: PM

RESOLUTION FOR THE PAYMENT OF BILLS

R23-142
4/21/23

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	\$ 170,747.72
	WATER/SEWER ACCT. 2023	\$ 21,643.64
	FEDERAL & STATE GRANTS	\$ 5,381.01
	TRUST OTHER FUND	\$ 6,302.50

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

B23-143

5/2/23

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	\$ 35,874.41
	WATER/SEWER ACCT. 2022	\$ 1,620.00
	CURRENT ACCT. 2023	\$ 390,427.07
	WATER/SEWER ACCT. 2023	\$ 27,853.60
	ANIMAL CONTROL TRUST. 2023	\$ 1,400.00
	GENERAL CAPITAL FUND	\$ 45.25
	FEDERAL & STATE GRANTS	\$ 1,568.81
	REC BAYFRONT IMPROVEMENT	\$ 7,256.02
	UNEMPLOYMENT TRUST FUND	\$ 7,252.88
	OPEN SPACE TRUST FUND	\$ 11,601.05
	DEVELOPER ESCROW	\$ 8,950.88

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

R23-144

RESOLUTION #2023-

**AUTHORIZING A SHARED SERVICES AGREEMENT TO
PROVIDE REGISTRAR AND DEPUTY REGISTRAR OF VITAL
STATISTICS SERVICES TO UNION BEACH**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") and the Borough of Union Beach ("**Union Beach**") are public bodies corporate and politics of the State of New Jersey; and

WHEREAS, Union Beach requires the services of a Registrar and Deputy Registrar of Vital Statistics and seeks to enter into a shared services agreement with the Borough (the "**Shared Services Agreement**") to utilize the Borough's Registrar and Deputy Registrar of Vital Statistics on a shared services basis; and

WHEREAS, the Shared Services Agreement shall be for a term of one year commencing July 1, 2023 and ending June 30, 2024; and

WHEREAS, the Shared Services Agreement provides that Union Beach shall pay a fee of \$500.00 per month in accordance with the Shared Services Agreement; and

WHEREAS, it is in the best interests of the Borough to approve and to authorize the Borough Administrator, the Mayor, and other reasonably necessary personnel to enter into a Shared Services Agreement with Union Beach.

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 enter into the Shared Services Agreement with the Borough of Union Beach consistent with the dictates of that certain proposed Shared Services Agreement, for the provision of a Registrar and Deputy Registrar of Vital Statistics on a shared services basis, 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.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

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 May 2, 2023.

Michele Clark, RMC
Borough Clerk

R23-145

RESOLUTION #2023-

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF KEYPORT CONFIRMING
THE SELECTION OF VOLUNTEER FIREFIGHTERS OF
THE FIRE DEPARTMENT FOR LIFE MEMBERSHIP**

WHEREAS, the Governing Body of the Borough of Keyport previously adopted Ordinance No. 2-19 creating a Life Membership class in the Keyport Fire Department for exceptional service, valor, lifesaving, and years of devoted services to the residents of Keyport by those members of the Department having served twenty-five years in active service; and

WHEREAS, the respective companies have recommended Louis M. Biagianti, Daniel J. Regan, and Michael A. Vinik for Life Membership; and

WHEREAS, Louis M. Biagianti, Daniel J. Regan, and Michael A. Vinik have been approved by the Board of Fire Chiefs for Life Membership; and

WHEREAS, the Mayor and Council of the Borough of Keyport recognize the valuable contributions volunteer firefighters make to our community every day of every year; and

WHEREAS, these firefighters, through their service, have improved and enhanced the Borough's ability to protect lives and property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport recognize and thank Louis M. Biagianti, Daniel J. Regan, and Michael A. Vinik for their dedicated service to the Borough of Keyport; and

BE IT FURTHER RESOLVED that their names shall be entered on the roll of Life Members kept by the Borough Clerk, thereby granting all the rights, privileges and honors appertaining thereto.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

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 May 2, 2023.

Michele Clark, RMC.
Borough Clerk

R23-146

RESOLUTION #2023-

**ACCEPTING THE RESIGNATION OF EMPLOYMENT FOR A KEYPORT
BOROUGH POLICE OFFICER**

WHEREAS, Matthew F. Mitchell has been employed as a police officer for the Borough of Keyport since July 21, 2020; and

WHEREAS, Officer Mitchell has tendered his resignation effective April 26, 2023 to the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the resignation of Officer Matthew F. Mitchell is effective April 26, 2023 pursuant to his letter of resignation received by the Chief of Police.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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 Meeting of May 2, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING PARTICIPATION IN THE CIVIL SERVICE EXAMINATION EXEMPTION PROGRAM FOR ENTRY-LEVEL LAW ENFORCEMENT POSITIONS AND THE PROVISIONAL APPOINTMENT OF A POLICE OFFICER**

WHEREAS, the Borough of Keyport ("Borough") is governed by N.J.S.A. 11A:1-1 et seq., the Civil Service Act, and the rules and regulations established pursuant to this act; and

WHEREAS, P.L.2021, c.7 provides for the Civil Service Commission to exempt a person from the requirement to take an examination for an entry-level law enforcement position provided the individual has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission; and

WHEREAS, P.L. 2021, c.7 also provides that a municipal police department may hire a person exempt from the Civil Service requirement to take an examination for an entry-level law enforcement position upon adoption of a resolution by the governing body authorizing such hiring and the adoption of a conflict of interest and nepotism policies; and

WHEREAS, the Borough has previously established a conflict of interest policy (Section 1.14) and a nepotism policy (Section 5.02A) as provided in the Borough's Personnel Policies & Procedures Manual; and

WHEREAS, the Chief of Police has recommended the Borough affirmatively "opt in" and authorize such hiring to provide for the selection of a qualified individual who has completed the necessary training required by the New Jersey Police Training Commission; and

WHEREAS, the Chief of Police has further recommended the provisional appointment of Zarrin Stephens as a Police Officer pursuant to this exemption.

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

1. The Borough of Keyport is hereby authorized to participate in the program to hire persons exempt from the Civil Service examination process for entry-level law enforcement positions provided the individual has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission.
2. Zarrin Stephens is hereby appointed to the position of Police Officer on a provisional basis effective April 26, 2023 and conditioned upon issuance of the required certification by the New Jersey Police Training Commission and approval of the New Jersey Civil Service Commission. The appointee shall be compensated in accordance with the collective bargaining agreement between the Borough and P.B.A. Keyport Local No. 223.
3. The Borough Administrator and Chief of Police are authorized to execute all documents necessary to effectuate participation in this Civil Service exemption program and the provisional appointment of Police Officer Zarrin Stephens.

4. The Borough Clerk is directed to transmit a certified copy of this resolution to the Borough Administrator, Chief of Police and the New Jersey Civil Service Commission.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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 Meeting of May 2, 2023.

Michele Clark, RMC
Borough Clerk

R23-148

RESOLUTION #2023-

**RESOLUTION AUTHORIZING EXECUTION OF
CAPTAIN OF POLICE AGREEMENT**

WHEREAS, by way of Resolution #293-20, Michael Ferm was appointed to serve as Captain of Police of the Borough of Keyport Police Department effective January 1, 2021 and has served in said capacity since that time; and

WHEREAS, the Borough has reached an Agreement with Michael Ferm as to the terms and conditions of his employment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Administrator are hereby authorized to execute an Employment Agreement governing the terms and conditions of Michael Ferm's employment as aforesaid.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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 Council Meeting of May 2, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**A RESOLUTION TO AFFIRM THE BOROUGH OF KEYPORT'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of the Borough of Keyport (the "Borough") to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Keyport has determined that certain procedures need to be established to accomplish this policy

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

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:
ABSTAIN:

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**RESOLUTION AFFIRMING THE APPOINTMENT OF
A BOROUGH PROPERTY MAINTENANCE OFFICER**

WHEREAS, Paul Murphy became an employee of the Borough of Keyport in April 2016 as a part-time property maintenance officer; and

WHEREAS, Mr. Murphy also serves as one of the Borough's fire inspectors; and

WHEREAS, Mr. Murphy advised the Borough in February 2019 that he could no longer serve as the property maintenance officer, but a resolution was never adopted to remove Mr. Murphy from that position and he therefore continues to be an active Borough employee in that title; and

WHEREAS, Mr. Murphy has advised the Borough that he is interested in continuing to perform the duties of the property maintenance officer position.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of May 2023 that it is affirmed that Paul Murphy shall continue to serve as a Borough property maintenance officer, on a part-time basis.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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 Council Meeting on May 2, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**RESOLUTION AUTHORIZING BEAUTIFICATION PROJECT
FOR FIREMAN'S PARK AND EXPRESSING APPRECIATION OF
DONATION OF WORK, TIME AND MATERIAL BY
ROBERT AUMACK AND SCENIC VIEW LANDSCAPING**

WHEREAS, the Borough of Keyport currently owns and maintains Fireman's Park; and,

WHEREAS, the Borough and residents alike share a vested interest in the upkeep and beautification of Fireman's Park; and,

WHEREAS, Robert Aumack on behalf of the Volunteer Fire Department has expressed an interest on his behalf, with the help of Scenic View Landscaping, to donate time and materials to make beautification improvements to Fireman's Park, at no cost to the Borough of Keyport, which shall include the following:

1. Moving bushes to either side of the flagpole in a larger mulched area;
2. Maintenance work for pavers at the site (including resetting of pavers and power washing); and,
3. Relocating one monument to permit for installation of an additional monument; and,

WHEREAS, the work proposed by the Volunteer Fire Department and Scenic View Landscaping is in the public interest because it will improve the condition of the park and the neighborhood in which it is located by beautifying the site.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of May 2023 as follows:

1. The Borough Council approves the beautification project for Fireman's Park proposed by Mr. Robert Aumack on behalf of the Volunteer Fire Department and expresses its sincere appreciation to the Volunteer Fire Department, Scenic View Landscaping and all volunteers for donating their time and materials for the benefit of the Borough of Keyport and its residents;
2. Prior to the commencement of any maintenance or beautification activities at the lot, the Volunteer Fire Department shall execute a hold harmless agreement and ensure that any and all safety measures will be in place for those volunteers participating in this project;
3. The Borough is not responsible for providing any tools, equipment or supplies for this program because it is agreed and understood that and all tools, equipment or supplies shall be furnished by the volunteers;
4. No volunteer group, individual, company or organization who performs any work or services in furtherance of this beautification program shall be deemed to be employees of the Borough of Keyport, and the Borough shall be held harmless by the volunteer group, individual, company, organization or anyone directly or indirectly connected with the volunteer group,

individual, company or organization from the negligent or careless acts of the volunteer group, individual, company or organization in the performance of any functions in furtherance of this program. All participants in this beautification program shall be required to sign a release and shall waive any and all claims for negligence on the part of the Borough of Keyport, its officials and employees.

5. Those who participate in this project are doing so on a voluntary basis and therefore have no legal right to title, ownership or usage by virtue of their participation.

6. The Borough reserves the right, in its sole discretion, at its convenience and at any time, to terminate this work.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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 Meeting on May 2, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE BOROUGH OF KEYPORT AND THE KIWANIS CLUB OF KEYPORT FOR
A FLEA MARKET IN FIREMAN'S PARK IN THE BOROUGH OF KEYPORT**

WHEREAS, the Kiwanis Club of Keyport has submitted a proposal requesting authorization to hold a Keyport Kiwanis Flea Market in Fireman's Park parking lot in the Borough of Keyport; and,

WHEREAS, the flea market will take place no more than two Sundays in any one month from May through December; and,

WHEREAS, the Kiwanis Club will utilize the space between the hours of 7:00 am on 4:00 pm, but that all vendors shall be required to be packed up, with all their spaces cleaned up, no later than 4:00 pm on the day of the event;

WHEREAS, the Kiwanis Club shall abide by the fee schedule adopted by the Borough of Keyport (Resolution #2023-57), and shall be subject to the fee for non-profit organization;

WHEREAS, the Kiwanis Club shall execute an agreement with the Borough of Keyport prior to commencing those activities authorized by this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport hereby authorizes the Kiwanis Club of Keyport to hold a Flea Market at Fireman's Park parking lot pursuant to the terms of an agreement that shall include the following terms and conditions related to the use of the municipal property:

1. The flea market shall take place in the parking lot at Fireman's Park no more than two Sundays in any one month from May to December, however, the Borough of Keyport reserves the right to request a change of those dates based upon the needs of the Borough;

2. The Kiwanis Club shall ensure that at least one member of the Kiwanis Club will be present at the flea market during the entire time of the event (from set up to when the last vendor has left the premises) to ensure the orderly organization of the event (from set up to clean up);
3. The Kiwanis Club will provide signs clearly stating that it is the Keyport Kiwanis Market;
4. The Kiwanis Club shall ensure that vendors are not authorized to set up in that location outside the hours permitted;
5. The Kiwanis Club is permitted to utilize the parking lot at Fireman's Park on the dates permitted by the Agreement between the hours of 7:00 am and 4:00 pm;
6. The Kiwanis Club shall be required to have the parking lot cleaned out no later than 4:00 pm on the dates of the flea market;
7. The Borough of Keyport reserves the right to terminate this Agreement at any time for any reason;
8. The Kiwanis Club will be responsible to place barricades aside for pickup on the date of the event;
9. The Kiwanis Club is solely responsible for the removal of all garbage and debris;
10. The Kiwanis Club will be required to execute a hold harmless agreement with the Borough of Keyport and provide evidence of insurance identifying the Borough of Keyport as a covered party;
11. The Kiwanis Club will be required to make a payment for the use of municipal property pursuant to those fees established for non-profits by Resolution #2023-57.

BE IT FURTHER RESOLVED that the Mayor of the Borough of Keyport or the Business Administrator is hereby authorized to execute the agreement with the Kiwanis Club of Keyport on behalf of the Borough of Keyport.

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 May 2, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**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 redevelopment 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 May 2, 2023 and determined that an Executive Session closed to the public shall be held on May 2, 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:

SECONDED:

AYES:

NAYS:

ABSTAIN:

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 May 2, 2023.

Michele Clark, RMC
Borough Clerk