

BOROUGH OF KEYPORT
REGULAR MEETING MINUTES
TUESDAY, MAY 2, 2023 – 7:00 P.M.

CALL TO ORDER: 7:00 PM by Mayor Araneo

SUNSHINE LAW NOTICE: Read by Municipal Clerk

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

ROLL CALL:

Members present: Councilmember Demarest, Councilmember Reilly, Councilmember Vecchio, Councilmember Peperoni, Councilmember McNamara. Mayor Araneo

Members absent: Council President Davidson

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Araneo dedicated the remembrance to Chaplain and Ex-Chief of Keyport Fire Department Raymond Kilroy, and New Jersey State Trooper Werner Foerster

MAYOR'S UPDATES

- Attended Hackensack Meridian Bayshore Medical Center Mayor's breakfast with Kim Humphrey
- Two beach cleanups organized by Councilmember Davidson and Bayshore Medical Center – over 30 volunteers
- Attended 15th Annual Running and Winning Women's workshop at Monmouth Regional High School, April 25th
- Attended Boystory Boutique ribbon cutting, April 29th
- Officiated second wedding on May 1st; donation went to Keyport Garden Club
- Historical Society to present brief history of Aeromarine Plane Motor Co. on May 9th at the Library
- Keyport Bayfest event, sponsored by KBBC, to be held May 13th
- Front Street Pizza ribbon cutting to be held May 13th
- Fire Museum remembrance guitar presentation to be held May 13th

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on Resolutions only.

Opened: 7:08 PM Motion by Peperoni, Carried by Reilly. Ayes by all present.

John Merla, 34 Broad Street – Asked about timeline for **R2023-149**; Borough Administrator replied that Borough was not in compliance with Joint Insurance Fund (JIF). Expressed support for **R2023-152** to reinstate the Kiwanis flea market because Kiwanis is a great organization and the pros outweigh the cons. Stated that **R2023-153** closed session discussion should ensure the Redevelopment Plan and Master Plan match to prevent loopholes.

Larry Vecchio, 55 W Front Street – Said the flea market negotiations were a disgrace. He heard the borough wants to charge for the Farmers Market to be held so now it's cancelled.

Andrew Kelsey, 29 St. Peters Place – Asked about the beautification work in **R-2023-151**. Borough Administrator explained it's the area by the monument.

Mike Ellithorpe 63 Hillside, Red Bank; Kiwanis club secretary – appreciates council's consideration and agreement for the flea market.

Elmer J. Graham Jr., 22 St. Peters Place – Asked about **R2023-152**. Mayor Araneo said she asked for a compromise and the flea market will be held twice per month.

Michael Lane, 51 First Street – Asked about **R2023-148** police captain agreement. He said there was an agreement in 2021 and asked what changed. Borough Attorney explained that it relates to pay. Mr. Lane said Council must remember Master Plan when discussing redevelopment relative to **R2023-153** closed session. He asked what happened to communications from the Planning Board, to which the Borough Attorney explained how the past practice of listing communications on an agenda has resulted in legal issues and legal fees.

Larry Vecchio – Expressed concern about getting a developer in town and offered his help. He said you need redevelopment programs and PILOTs to get developers into town.

Closed: 7:28 PM Motion by Peperoni, Carried by Reilly. 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.)

- R2023-142 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

Councilmember Reilly asked about the payment to Mott McDonald on the page 8 of the Payment of Bills. Borough Administrator said they were our prior Water/Sewer Engineer and she will follow up.

Councilmember McNamara – Asked about naming people in the Union Beach resolution, the civil rights resolution/policy, and whether **R2023-152** should be considered separately.

Councilmember Demarest – Conveyed that seniors asked him about bringing back the flea market. He expressed his support.

Councilmember Vecchio – Noted that the number one thing people talk about is the flea market. She’s pleased that a compromise was reached and it’s on the agenda.

APPROVAL OF RESOLUTIONS

Motion to approve resolutions **R2023-142 through R2023-152** on the Consent Agenda.

MM: Peperoni 2nd: Reilly

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

INTRODUCTION OF ORDINANCES

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

The Clerk read 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: Reilly 2nd: Peperoni

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

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

MM: McNamara 2nd: Peperoni Ayes: all present Nays:

MINUTES FOR APPROVAL

March 21, 2023 Council Meeting Minutes

Motion to Table until the next meeting

MM: Peperoni 2nd: Reilly Ayes: all present Nays:

NEW BUSINESS

Workshop Meetings - The public will have an opportunity to speak when resolutions are to be adopted.

UNFINISHED BUSINESS

DAIS UPDATES

Mayor Araneo – discussed workshop meetings. The Borough Attorney added that action may be taken at workshop meetings and they are then open to the public for comment.

Borough Administrator Kim Humphrey – thanked Steve Odwyer for coming. She provided updates on: vacant property registrations; debris case due in court Thursday; action for trash and summonses issued; complaints or inquiries about different trees and a 1972 Ordinance to address tree issues, branches and roots; residential and commercial garbage collection; DPW started cutting grass; cleaning up DPW yard and auction nearly complete so all cars should be gone by Thursday.

Police Chief Shannon Torres – hosted Bayshore active shooter training; Operation Takeback was successful; Police event to be held on May 18th.

Borough Engineers Derek Jordan & Bob Raftery – Status report was sent to Business Administrator.

- Provided an update on NJ Natural Gas repair and replacement on Church Street: preconstruction meeting on 4/25; NJNG will repave from Warren to Maple curb to curb, restripe the street and guarantee work for 5 years; will start Monday May 8th and take approximately 3 weeks; dear resident letters will go out this week and will be posted on website and Facebook.
- Borough Administrator contacted an architect who is reviewing the reports about water damage to the Borough building.
- Street signs need to be consistent in size, color, and font.

- Municipal facilities can compost on property but must be registered with NJ DEP since it's considered solid waste recycling. DEP does not regulate community gardens. Recommends Mayor and Council establish rules and regulations and codify to use the garden. Holmdel has established one.
- The 2022 stormwater report and questionnaire was completed and submitted yesterday to remain in compliance with stormwater permit.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comment.

Opened: 7:50 PM

MM: Peperoni 2nd: Vecchio Ayes: all present Nays:

Andrew Kelsey – Asked about curb ramps that were not built on Broad Street when it was repaved; observed there are no curb ramps south of 35. The Borough Administrator said the project isn't closed out yet. Mr. Kelsey said there is an ordinance for garbage to not be picked up before 6 a.m. but they came around 3:30 a.m. yesterday. He commented on the vacant homes program and established list.

Larry Vecchio – Regarding vacant properties eminent domain letters work.

Mike Ellithorpe – Thanked Council for the opportunity to re-establish the Kiwanis flea market.

Kim Mundrane-Touhey, Cedar Street – Elizabeth Street Garden created by Resolution No. 109-16. Only Keyport residents or organizations can rent one of 30 plots for \$25. Our committee accepts applications at the beginning of the year and the plot they use is theirs for the year. They pay the Garden Club, which prepares a Treasurer's Report. Currently the account has \$4,371. The Club replaces equipment and maintains and manages the garden.

Mayor Araneo – Requested the Borough have a key or combination to the garden and noted the insurance liability for garden renters. The Borough Attorney stated that the Borough should have an ordinance, a hold harmless agreement, and a lease agreement.

John Merla – Researched borough property and also spoke with Ms. Mundrane; asked about introduction of the budget (May 16th); and status of borough hall leaks (architect reviewing reports); supports workshop meetings; asked about status of JCP&L poles, observing more out, to which the Chief spoke about communicating with JCP&L liaison; Main Street ball field doesn't have lights; and he asked asked that if the flood gates aren't being used can they be removed.

Mayor Araneo asked about selling the flood gates. The Borough Administrator will follow up.

Mr. Merla asked if the auditor lowered the price to \$25,000. He recommended consistency, and recalled that last year the Borough contracted with a more expensive attorney.

George Walling, 54 Second Street – asked Councilmember McNamara who prepared the developer's agreement. The Borough Attorney responded.

Michael Lane, 51 First Street – Concerned about flood damage prevention. He asked if there's a flood plain permit application and whether it's posted on the borough website. Asked about whether the flood plain management review of 31 W. Front Street is available yet. Questioned construction going on at the site, to which the Borough Administrator and Engineer replied that it's for utility disconnect. He asked about the Pedestrian Safety Improvement project that called for crosswalk in front of his house and 3-way stop in front of yacht club.

Maureen Marcel, 39 W. Front Street – asked about the status of garbage cans on W. Front Street, said she is pleased with approval of flea market, she filed OPRA request for 31 W. Front Street and asked if the building is actually condemned.

George Walling approached the dais and presented a picture of people working (at 31 W. Front Street). It was explained that Steve Odwyer/DPW had been instructed to shut down the water and the water company disconnected the water lines.

Larry Vecchio – noted that repairs were done to Borough Hall and suggested we refer to attorney to sue.

John Merla – recalled when building was constructed and believes it’s too late to sue. He said a crane dropped an AC unit on the roof puncturing it. The unit was lifted and a temporary fix was put in.

Elmer J. Graham Jr. – No excuse for leaking in Borough Hall; supports workshop meetings; asked about Veterans Committee meeting and pitched We Care Adult Care.

Andrew Kelsey – Thanks for bringing the bike rack back.

Closed: 8:34 PM

MM: Peperoni 2nd: Reilly Ayes: all present Nays:

CLOSED SESSION

Resolution #2023-153 read by Borough Attorney.

RESOLUTION #2023-153

**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.

Motion to go into Closed Session Moved by Peperoni, Carried by Reilly. Ayes by all present.

Council reconvened to Open Session at 9:25 p.m.

ADJOURNMENT

Motion to Adjourn

MM: Peperoni 2nd: Reilly Ayes: all present Nays:

Time of Adjournment: 9:27 PM