

**BOROUGH OF KEYPORT
WORKSHOP MEETING MINUTES
TUESDAY, MAY 7, 2024 7PM**

CALL TO ORDER: 7:00 PM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

Minutes of the Workshop 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, and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L.1975, c.231.

ROLL CALL:

Members present: Councilmember Brady, Councilmember McNamara, Councilmember Peperoni, Councilmember Reilly, Council President Vecchio, Mayor Araneo

Members absent: Councilmember Gross

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Araneo held a moment of silence in remembrance of long-time resident and owner of Stanley's Diner Anne Conway. Mrs. Conway was also a volunteer for the Food Pantry and the Senior Center. A moment of silence was held in remembrance of former Councilmember Demarest's father, Jay Demarest. Mr. Demarest was a veteran, educator, administrator, and coach for Keyport, Monmouth Regional and Holmdel High Schools.

PROCLAMATION

Designating May 19, 2024 as Angel Jeandron Day – read by Councilmember McNamara

Motion to add Proclamation Recognizing Municipal Clerks Week to the agenda.

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

55th Annual Professional Municipal Clerks Week, May 5th to 11th, 2024 – read by Mayor Araneo

WORKSHOP ITEMS FOR DISCUSSION

1. Business Licensing

The Borough Administrator provided background about the business licensing process. The Borough ordinance has been in place since 1972 but was not been enforced in recent years. Will implement the business license process in January 2025 and put out public notice. The Mayor will bring it up to KBBC and ask the KBBC to make sure the business community is aware. The Borough Administrator reviewed applications used by other municipalities. The fees are established in Borough Code and the application would ask for information the Borough needs and would also list the departments that would sign off on the application. If anything is denied it would be sent to mayor and council.

Councilmember McNamara asked about cannabis license renewals being listed on the application, and adjusting the application appropriately. Asked how each department would know the requirements of their department. The Borough Attorney said the requirements are in the ordinance. The Borough Administrator would meet with department heads.

Councilmember Reilly expressed concern for existing businesses and asked about the renewal process. The Borough Attorney responded that renewals could be different, depending on the specifics.

2. Standardization of Street Signs

Council President Vecchio noted that she likes the black NPP-financed signs but understands the Borough can't afford them. She suggested standardizing signs and keeping them uniform going forward.

The Mayor offered to bring this before the Planning Board, and suggested using a uniform color palette.

The Borough Administrator stated that a sign inventory would need to be conducted, and a program would be established to budget for signs and design a uniform template, including color and font.

Councilmember McNamara asked what the process would be to standardize signs.

The Borough Administrator said the next step is to develop an ordinance. Engineering and DPW would conduct an inventory of existing signs. The Borough Administrator will also reach out to Monmouth County for more information about the standardized county signs.

3. Tax Abatements

Councilmember McNamara expressed an interest in reviewing tax abatements for new construction because there's been a lot. She researched Hazlet and found that they only offer the exemption/abatement to existing homeowners for improvements, not new development. She didn't find other municipalities offering abatements for new construction. She stated she'd like to discontinue these abatements.

The Borough Attorney provided that the ordinance could be repealed or amended, and offered that abatements for improvements could remain.

The Borough Administrator stated that the Tax Assessor recommended the ordinance expire with an effective date of December 31, 2024. She also noted that she's working with the Borough Engineer and will meet with the Department of Building and Construction to put together a checklist and packet.

Councilmember McNamara suggested limiting tax abatements to \$25,000, regardless of improvements, and ending them for new construction before the end of the year.

PUBLIC COMMENT

The Meeting was opened to the public for comments.

Opened: 7:59 PM Motion by Vecchio, Carried by Brady. Ayes by all present.

Alexander Sayour, 24 Van Dorn – asked about the street repaving process. Observed that DPW patched pot holes and three days later the patch was gone. Suggested Van Dorn needs a complete paving job, and said there are also pot holes on Atlantic Street. The Borough Administrator responded that Engineering is working on an inventory of the roads. Van Dorn will be addressed and the list will be posted on the Borough website.

John Merla, 34 Broad Street – applauded Council President Vecchio for including the standardization of street signs on the agenda. The signs lack design standards and the last three projects have different lampposts. Asked if Green Acres responded about installing a KBBC sign at the waterfront. Asked about the landscape contract and oversight of the landscape company, since last week he observed DPW cutting Church and Second Streets which are included under the landscape contract. Benjamin Terry Park looks like a mess and was missed today while Fireman's Park was missed last week. They were cutting grass last Saturday and it shouldn't be allowed on weekends due to event conflicts. The Mayor responded that they are supposed to cut the grass on Tuesdays. Asked if council will bring up discussion of the PILOT program, to which the Borough Administrator responded. Asked about replacement of the sign hit last year on East Front and Osborn Streets, which the Borough Administrator responded it's going through insurance.

Joe Merla, 120 First Street – asked who will enforce the business licenses and have the final say. The Mayor replied with the steps: zoning, police, property maintenance and code enforcement, fire prevention, Clerk, and the Borough Administrator is the final sign off. Asked whether a zoning officer can approve it and then revoke the approval; the Borough Attorney said cases are fact-specific and a denial can be appealed and reviewed. The Police Chief asked about the section regarding police investigations.

George Walling, 54 Second Street – asked about the standpipe issue with the marine basin, to which the Borough Attorney responded there has been no feedback yet. Asked about 125 Highway 35 and the violation issued in November 2023. There wasn't follow up on the violation and asked if something goes in the file; the Borough Attorney replied that this is a personnel issue.

Vinny Kyne, 46 E. Front Street – asked why the work is continuing on 31 W. Front Street, to which the Mayor and Borough Administrator responded. Asked whose job is it to shut the project down and why there isn't compliance with egress on the sidewalk. When the building was damaged, did the contractor call anyone?

Sandy Marion, 91 Perry Street – asked about the warehouse across the street on Perry and the backup and property damage, to which the Mayor responded the Borough is working on this.

Lina Sinishtaj, 33 W. Front Street owner, Calabrese Barbershop – read statement regarding development of 31 W. Front Street and its impact on 33 W. Front Street. Asked about the Engineer's involvement with both properties. The Borough Administrator responded that the Borough Engineer is involved but it's up to a property owner to have independent engineers conduct work. She suggested having a meeting with the builder and engineer and everyone in the area and offered to contact someone at the State for information.

Councilmember Peperoni – asked if there has been a stop-work order, to which the Borough Administrator responded. Asked if there is an investigation as to why the wall collapsed, to which the Borough Attorney responded. Expressed concerns and suggested shutting it down.

Councilmember Brady expressed concern for the building owner.

The Borough Administrator met with the Engineer and Uniform Construction Code (UCC) official to review the permits we have, permits that will not be released, and engineering letters from the builder. Mayor Araneo and Councilmember Peperoni asked clarifying questions.

Joe Merla, regarding 29 W. Front Street – stated that an engineer from the insurance company will be on site Thursday. Noted that there are four tenants each with their own insurance.

George Walling – stated that when this started, he told one of the tenants that our Engineer should have reviewed it. Asked if the Governing Body saw pictures and if the Borough Administrator has photos on file. Claimed to have sat with Mike Lane and identified flaws in the plans.

Mike Lane, 51 First Street – when the applicant was before the council, he noted to council that only certain engineers can evaluate a particular case like this to evaluate the plan, and the Borough construction officials don't have that structural engineering training. Complimented the process of workshop meetings and discussions and would like to see a couple issues workshopped, like utility poles with disconnected cables and the use of a standpipe at Brown's Point Marina as a condition required pursuant to the Planning Board approval of the pier extension. In April 2023, the Planning Board sent a letter to council regarding land use requirements and simple fixes related to density requirements, replacing RCD with RAD and the correct density level that is in the master plan, and fixing the general commercial district parking requirements.

Elmer J. Graham Jr., 22 St. Peters Place – agreed with standardization of street signs and wants 31 W. Front Street problems to be corrected. Commented on American Legion Post 23 and encouraged membership of honorably discharged veterans. Commented on We Care Adult Care.

Chad Simons, owner of 29 W. Front Street unit – wants answers and needs help. Asked how to bring back what was there, and how can they be trusted with continuing the work.

The Borough Administrator responded she reached out to the NJ Department of Community Affairs (DCA) and asked them to come out and see this, since the DCA oversees the UCC.

The Police Chief stated that the police had shut it down for a period of time because the construction site shouldn't be accessible to the public.

Mr. Simons commented regarding the lack of scaffolding or netting. The Mayor acknowledged it's a safety concern for anyone walking by on the sidewalk, since individuals have to walk into the street in order to pass by the property.

Mitch Moskowitz, manager at Calabrese's Barber Shop located at 33 W. Front St. – commented regarding the construction inspections. Several months ago, there was wash out from under the building and footings had to be put in place. Additionally, the concrete flooded into the building and we had to flag inspectors over to review the damage.

Councilmember Brady asked about a plan of action.

The Borough Attorney suggested the engineer go out there and provide a report, and recommends charging the property owner for the report.

Mike Lane – commented that concrete should have been poured in sections and not all at once. It shouldn't have been poured more than a few feet at a time and they should've put rebar in when the concrete was wet.

Mitch Moskowitz – invited the Governing Body to see the footing that was poured and the boards with nails yet to be removed. There are safety issues. Asked for the project to be stopped.

Vinny Kyne – asked if the developer has another project at the end of town.

Councilmember McNamara – Noted that 13 months ago when the developer's agreement came before this council there were a lot of concerns. Pointed out that there is a section regarding the "right to suspend and issue stop work order."

The Borough Attorney responded that the Borough can retain the services of an engineer and those services will be paid out of the developer's escrow. Recommending an engineer go out and determine whether it's safe or unsafe, and then she can write a letter to the developer about the unsafe property and that a Borough engineer will evaluate the site and be paid out of the developer's escrow.

Councilmember McNamara asked if the directive comes from a specific Borough official, then why has this taken two weeks.

George Walling – stated that the developer drew up their own developer's agreement and asked for clarification of language in the agreement, to which the Borough Attorney responded.

Donna Purcell, 396 Maple Place – asserted that there must be something the construction official can do through the UCC just to shut it down tomorrow.

Joseph Merla – asked how the building was reopened after the Police Chief shut it down. The Police Chief responded that she met with the construction official at the scene and the official said there were no violations. He added that the report he got from the Borough construction official for 29 W. Front Street was that it had a failing wall.

Council President Vecchio asked Mr. Merla how the gas was shut off by New Jersey Natural Gas. He responded that the Police Chief had called them to shut off the gas, and then he shut off the water because Chad was worried about it.

Chad Simons – asked about the building inspectors, and if George Falco is the only Borough inspector. Commented that Mr. Falco's report says that the wall failed and the wrong contractor name is listed on the report. Asked if anyone else can inspect it because the wall didn't just fail.

Chris Calabrese, Calabrese's Barber Shop – asked if the contractor is paying rent for the trailer spot, which the Mayor confirmed they are. He spoke with the contractor, Tom Galante, who indicated he was confident the town will listen to his engineer.

John Merla – since T&M was the Planning Board engineer with this project, he asked what report they've given to the Borough. Asked if T&M was notified and asserted they should have been.

John Hsu, 219 W. Shirley Ave. Edison – asked about the UCC and access to UCC reports under the Open Public Records Act (OPRA), to which the Borough Attorney responded.

Mike Lane – stated that the developer said the buildings on either side had common shared walls and he'd be able to construct the new building without damaging those walls, but he failed and should be suspended. There needs to be a new plan.

Maureen Marcel, 39 W. Front Street – previously had Rudy's Shoe Store but in December she had to immediately get out because they were going to condemn the building. Received no notice and they did not return any of our security. Now as a resident upstairs she sees there are safety

issues. Asked when will there be a meeting with the businesses and the UCC. Asked how the developer can still be working.

Mayor Araneo noted that George Falco will identify the safety issues.

Elmer Graham – commented that business owners have a legitimate reason to be angry.

Closed: 9:45 PM Motion by Peperoni, Carried by Reilly. Ayes by all present.

Mayor Araneo stated we are going to go into Executive Session.
Borough Attorney stated there will be no action taken.

EXECUTIVE SESSION

Resolution #2024-161 read by the Borough Attorney.

R2024-161– 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. 10:4-12b for the following item(s): attorney-client privileged communication and Personnel pursuant to N.J.S.A. 10:4-12(8).

RESOLUTION #2024-161

**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 communication and potential personnel matter pursuant to *N.J.S.A. 10:4-12b*.

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 7, 2024 and determined that an Executive Session closed to the public shall be held on May 7, 2024 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 at 9:46 PM.
Moved by Vecchio, Carried by Peperoni. Ayes by all present.

Council reconvened to Open Session at 11:25 PM.

ADJOURNMENT

Motion to Adjourn

MM: Vecchio 2nd: Brady Ayes: all present Nays:
Time of Adjournment: 11:25 PM