

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 Kennedy 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, Goode, Pacheco, Fotopoulos and McDermott. Others present: Mayor Kennedy, Borough Attorney William P. Opel, Esq., and Borough Administrator Stephen Gallo. Councilmember Cooper arrived at 7:08PM.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a Moment of Silence to Charles Merla, an advocate dedicated to the arts.

PROCLAMATIONS

Mayor Kennedy read the Gun Violence Awareness Proclamation. All are encouraged to wear orange on June 7, 2019 to raise awareness about gun violence. Mary Anne DeVarti, who had requested this Proclamation, came forward for photos with the Mayor and Council.

Councilmember Cooper arrived at 7:08PM

PRESENTATION

Colin McTernan came forward with his Scout Leader Khris J. Krzyston, 285 Main Street, to provide an update on his Eagle Scout project. Colin's Eagle Scout project was completed in April. The project consisted of installing reflective bands on fire hydrants throughout the Borough and creating a master list showing longitude and latitude of the hydrant locations. Mayor Kennedy thanked Colin for choosing Keyport as his location for this project.

COMMITTEE REPORTS

Councilman Sheridan: Finance/Grants/Redevelopment/LEPC

- LEPC meeting was held April 22nd
- Historical Society will open May 4th and 5th for the season
- Had a Finance meeting
- Ribbon cutting for Senior Bus was Wednesday, May 8th. He thanked all who supported the project.

Councilman Cooper: Recreation/Senior Center/Green Team

- Senior Center held a Valentine's Day celebration in February
- Senior Center celebrated Black History Month in February
- Senior Center held a Mardi Gras celebration with Keansburg Senior Center
- Senior Building was painted indoors

Councilman Goode: Fire/First Aid/Emergency Services/Planning Board

- Read the number of calls for the Fire Department
- 1300 hours put in by volunteers

Councilwoman Pacheco: Police/MAC/Harbor Commission

- Municipal Alliance Committee met May 14th to discuss bylaws and programming. The Committee will meet again in June.
- Harbor Commission meeting
- Snapper Contest will be August 17th
- Read Police Department calls from monthly report

- Police Department participated in Operation Take Back Day on April 27th
- First Responder's Game
- Police Department won a bike for patrolling

Councilman Fotopoulos: Board of Health/Registrar/Recycling/Environmental/MAC

- Board of Health monthly report in packet
- Had Solid Waste discussion
- Shredding Event will be June 8th from 9AM-1PM in Firemen's Park

Councilwoman McDermott: Public Works/Construction/Zoning/Property Maintenance/Library/Harbor Commission/KBBC

- Thursday's Farmer's Market is beginning
- Library has had some repairs made and Spring cleaning will begin
- Summer Reading program is beginning at the Library

Councilmember Fotopoulos confirmed that registration must be done by June 4th for the Town-wide Yard Sale being held on June 8th. There will be postings on social media for this event.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Held a meeting regarding NPP with stakeholders
- Attended a Police Commission meeting
- Attended a KBBC meeting
- Met with project staff regarding the Water Plant upgrade
- Met with a prospective developer
- Met with NJ DOT regarding Route 36 bridge replacement
- Met with Engineers and Mike Lane regarding Flood Damage Prevention Ordinance
- Met with George Walling
- Met with Construction Official and Bob Dickerson
- Met with Board of Education Superintendent
- Had a phone call with the developer of Mariner's Village
- Participated in a conference call regarding Sustainable Jersey's EDF Energy Assistance Program
- Met with Mike Lane regarding Borough issues

Ongoing Capital Projects

- Beach Park and Beers Street Outfall Reconstruction
- Improvements to Benjamin Terry and Veteran's Parks
- Scattered Site Redevelopment Plan

Upcoming Capital Projects

- Phase 1 – 2019 paving project
- NJ DOT Transportation Alternative Project
- 2019 Paving Project, Phase 2 & 3
- Main Street Park
- Jack Conway Kearney Street Park
- Theresa Street Park and Cedar Street Park
- Mini-Park upgrades

Redevelopment

- Mariners Village
- Aeromarine Redevelopment Plan
- Longview/Boatworks Redevelopment Plan
- Ye Cottage Inn property/149 W. Front Street
- Scattered Sites redevelopment
- 75 Manchester

- NPP Grant application

Other:

- Complete Streets Project/Pedestrian Safety
- Harbor Issues
- Shared Services
- Library Bond
- Summer Recreation Camp
- Summer Programs

New Business

- Neighborhood Preservation Program NPP
- Hazard Mitigation Program
- Damage Assessment
- Bulkhead Use

MAYOR'S UPDATES

- Division and E. Front Streets will be paved
- Requested parking spaces for delivery for Pharmacy and Italian Touch
- American Legion wreath placement ceremony-schedule announcement
- American Legion places flags on graves of fallen heroes
- Garden Walk will be held June 1st and 2nd
- Primary Election day is June 4th
- Impressed by collaborative efforts with the Board of Education. The school has agreed to lend equipment for cleaning Borough floors. Crossing Guard schedule will be revised for next year. The school is allowing use of its building for the Borough's Summer Camp program.

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.)

Borough Clerk Heilweil read the items listed on the Consent Agenda

R183-19 Payment of Bills

R184-19 Ratifying and Confirming the Award of Contract to Provide Professional Legal Services to the Borough – *Byrnes, O'Hern & Heugle, LLC (Not to exceed \$2500)*

R185-19 Authorizing the Hiring of Special Law Enforcement II Officer (SLEOII) – *Michael Trapani*

R186-19 Authorizing Award of Contract for Charter Boat Fishing Operation from the Municipal Pier Pursuant to a Non-exclusive Lease Agreement – *V & C Hartley Fishing LLC*

R187-19 Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph*

R188-19 Authorizing Employment Agreement to Service as Chief of Police for the Borough – *Mark Hafner*

R189-19 Authorizing Application for NPP Grant

R190-19 Authorizing Use of Firemen's Parking Lot for Demobilization of a Steel Spud Barge

Administrator Gallo requested the removal of **R187-19** Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph* for consideration after Closed Session

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on **resolutions listed on the Consent Agenda** at 7:51PM moved by Sheridan, carried by Pacheco with ayes by all present

Dan Fox, 40 Church Street, asked for explanations of **R184-19** Ratifying and Confirming the Award of Contract to Provide Professional Legal Services to the Borough – *Byrnes, O'Hern & Heugle, LLC (Not to exceed \$2500)*, **R187-19** Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph* and **R188-19** Authorizing Employment Agreement to Service as Chief of Police for the Borough – *Mark Hafner*.

Attorney Opel stated **R187-19** Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph* will be discussed after Closed Session.

Elmer Graham, Jr., 22 St. Peters Place, asked for an explanation of **R186-19** Authorizing Award of Contract for Charter Boat Fishing Operation from the Municipal Pier Pursuant to a Non-exclusive Lease Agreement – *V & C Hartley Fishing LLC*, which Administrator Gallo provided, again. Mr. Graham also asked for an explanation of **R189-19** Authorizing Application for NPP Grant, which Administrator Gallo provided. Mr. Graham asked again about Governor Murphy coming to Keyport.

Mayor Kennedy stated no meeting has been set up but we received a message that our contact with the Governor's office has changed.

There being no further comments or questions, the Meeting was closed to the public at 7:56PM moved by Goode, carried by Sheridan with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Pacheco, carried by Sheridan

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCE

1. BOND Ordinance #10-19 – 2019 Road Program

The Clerk read the Ordinance by Title: **BOND ORDINANCE APPROVING FOR 2019 ROAD IMPROVEMENT PROGRAM IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,570,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,765,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to Open Public Hearing at 7:57PM moved by Sheridan, carried by Pacheco with ayes by all present

Elmer Graham, Jr., asked for an explanation of the Ordinance.

Administrator Gallo explained we are borrowing money to pave the streets.

Elmer Graham, Jr., asked why we are borrowing the money.

Administrator Gallo stated because we don't have it.

Elmer Graham, Jr., expressed concern that we are going into debt.

There being no further comments or questions, the Public Hearing was closed at 7:59PM moved by Goode, carried by Sheridan with ayes by all present

1b. Motion to adopt Ordinance moved by Goode, carried by Fotopoulos

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain:

1c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried by Pacheco with ayes by all present

ORDINANCE INTRODUCTIONS

1. BOND Ordinance – Main Street Park Improvements

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MAIN STREET PARK IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$410,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$170,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to introduce moved by Sheridan, carried by Pacheco with ayes by all present

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Pacheco, carried by Sheridan with ayes by all present

2. Ordinance – Revised Parking Restrictions on Jackson Street

The Clerk read the Ordinance by Title: **AMENDING CHAPTER VII, TRAFFIC, TO REFLECT REVISED PARKING RESTRICTIONS AT JACKSON STREET**

Councilmember Fotopoulos asked for an explanation as to why we are amending this Ordinance.

Administrator Gallo explained this Ordinance revises parking restrictions on the North side of Jackson Street between Main and Broad Streets from 8AM to 4PM on school days which will enable new businesses to park there for short periods of time.

2a. Motion to introduce moved by Cooper, carried by Pacheco

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain:

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

COMMUNICATIONS BY CONSENT

(For Approval)

1. Application for Raffle License from Keyport Indians for a 50/50 cash raffle to be held various weekends from 8/24/19 thru 12/1/19
2. Application for Use of Borough Property – Waterfront Park for the purpose of a wedding to be held June 8, 2019 at 5PM
3. Application for Social Affairs Permit from Keyport Yacht Club for its Open House

- and Summer Sailstice to be held Sunday, June 23, 2019 from noon to 10PM
4. Application for Use of Borough Property for the Purpose of a wedding to be held Sunday, June 16, 2019 at 11AM

(To Receive and File)

5. Keyport Clean Communities Report – April 13 thru May 17, 2019

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on the **Communications** listed above at 8:08PM moved by Sheridan, carried by Pacheco with ayes by all present

Elmer Graham, Jr., asked for the Clean Communities Report to be posted on the Borough website.

There being no further comments or questions, the Meeting was closed to the public at 8:09PM moved by Goode, carried by Sheridan with ayes by all present

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve Communications by Consent moved by Pacheco, carried by Sheridan

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
 Nays:
 Absent:
 Abstain:

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for April 2019
2. Tax/Water/Sewer Collector's Report for April 2019 & Report of Taxes Not Collectible
3. Board of Health Treasurer's Report for April 2019
4. Building Department Monthly Report for April 2019
5. Municipal Court Monthly Report for April 2019

Motion to receive and file moved by McDermott, carried by Sheridan with ayes by all present

NEW BUSINESS

Councilmember Fotopoulos spoke of two accidents which occurred in the Borough today. He would like to bring the County into the discussion of making traffic calmer.

Administrator Gallo advised he contacted the County and requested traffic counts and traffic calming ideas. He will have a conversation with the Freeholder Director.

UNFINISHED BUSINESS

Administrator Gallo stated boat "trailer parking only" signs by the boat ramp have been removed. The police have been notified.

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:17PM moved by Sheridan, carried by Pacheco with ayes by all present

Kathleen McNamara, 162 Broadway, said when she moved in more than 30 years ago, she received a welcome packet. She asked whether anything goes out to new homeowners. She would like to see a list of organizations seeking volunteers. Ms. McNamara said October 26th is National 'Make a Difference Day.'

Mayor Kennedy stated the school recently adopted a volunteer program requiring volunteer hours in order to graduate. The National Honor Society participates in volunteer hours and the Key Club is all about volunteerism and community activism.

Kathleen McNamara spoke of notification sent to non-restaurant businesses prohibiting the serving of alcohol. She asked why it was allowed before, but not allowed now.

A discussion ensued as to whether BYOB is allowed or was ever allowed.

Administrator Gallo said the Borough is trying to come up with a workable solution. There are no plans of enforcing prohibiting the serving of alcohol. We are working with legislators to have legislation introduced.

Michael Lane, 51 First Street

- Requested a quarterly report from the Tax Assessor
- Suggested a robo-call for process to participate in Town-Wide Yard Sale
- New Land Use Ordinance is now posted on the Borough website
- Mariner's Village still needs to come to Planning Board for marina subdivision plan

Mayor Kennedy said a spreadsheet will be generated listing those participating in the Town-Wide Yard Sale.

Elmer Graham, Jr., asked if there was any progress in getting the Council meetings televised on Channel 15.

Administrator Gallo said he had a vendor come in to give us a proposal.

Jack Straub, 239 Main Street, said the Town-Wide Yard Sale has fallen onto the KBBC's lap. There is no specific registration, but there will be a list on the KBBC website. The KBBC events will be listed in the Asbury Park Press Summer Guide and advertised on Brookdale Public Radio. A real restaurant guide will be launched in January 2020.

There being no further comments or questions, the Meeting was closed to the public at 8:54PM moved by Sheridan, carried by Goode with ayes by all present

A personnel grievance hearing will be held in Closed Session

Motion at 8:55PM to go into Closed Session after a 5-minute break moved by Goode, carried by Sheridan with ayes by all present

CLOSED SESSION

RESOLUTION #191-19

RESOLUTION 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, certain 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 May 21, 2019 and determined that an Executive Session closed to the public shall be held on May 21, 2019 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: GOODE

SECONDED: SHERIDAN

AYES: SHERIDAN, COOPER, GOODE, PACHECO, FOTOPOULOS, MCDERMOTT

NAYS:

ABSENT:

Council reconvened to Open Session at 9:07PM. Attorney Opel gave a summary of what was discussed. The only topic of discussion was **R187-19** Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph*. The resolution authorizes this agreement.

Motion to open the Meeting to the public at 9:08PM moved by Cooper, carried by Pacheco with ayes by all present

Dan Fox, 40 Church Street, asked what the agreement is in reference to.

Attorney Opel explained that it is a separation agreement which, if adopted, will end his employment with the Borough.

There being no further comments or questions, the Meeting was closed to the public at 9:10PM moved by Sheridan, carried by Pacheco with ayes by all present

Motion made to approve **R187-19** Authorizing Execution of Separation and Release Agreement with Police Officer *Mark Adolph* moved by Pacheco, carried by Sheridan

RESOLUTION #187-19

AUTHORIZING EXECUTION OF A SEPARATION AND RELEASE AGREEMENT WITH POLICE OFFICER MARK ADOLPH

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Mark Adolph is employed as a police officer with the Borough Police Department; and

WHEREAS, the Borough and Police Officer Adolph have negotiated the terms of an employment Separation and Release Agreement (the "**Agreement**"), which terms have been reviewed by the Borough Council, and which have determined to be reasonable and advantageous to the Borough; and

WHEREAS, the Borough wishes to memorialize its acceptance of the terms of the Agreement, and its authorization for appropriate Borough representatives to execute same.

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Agreement is hereby approved and accepted.
3. The appropriate Borough representatives are authorized and directed to execute the Agreement consistent with the terms set forth therein.
4. This Resolution shall take effect immediately.

OFFERED: PACHECO

SECONDED: SHERIDAN

AYES: SHERIDAN, COOPER, GOODE, PACHECO, FOTOPOULOS, MCDERMOTT

NAYS:

ABSENT:

ADJOURNMENT

Motion to Adjourn moved at 9:10PM moved by Goode, carried by Sheridan with ayes by all present