

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date via videoconference 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, 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.

Members of the public who wished to participate in the meeting used the following dial in information:

Link: <https://zoom.us/j/95652333784?pwd=VjZjYy9lOFh3NUFuL1loMTFmd1RJZz09>

Meeting ID: 956 5233 3784

Passcode: 088085

Dial in Number: (646) 558-8656

Mayor Kennedy called the Meeting to Order at 7:01PM. Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present via videoconference: Councilmembers Goode, Pacheco, McDermott, Davidson and McNamara. Present in Council Chambers: Mayor Kennedy, Borough Administrator Jay Delaney. Borough Attorney Leslie London was present via videoconference. Councilmember Fotopoulos was absent.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence in honor of each individuals choosing.

PROCLAMATION

Mayor Kennedy mentioned the Juneteenth Proclamation and discussed the upcoming event at the Mini Park.

Mayor Kennedy – She said that Mr. Delaney has asked for **R159-21** Authorizing the Execution of a Memorandum of Agreement between the Borough of Keyport and Keyport PBA Local 223 to be tabled.

Regarding Communication #1 – Updated Certificate of Insurance was submitted to the Clerk today and is satisfactory.

Regarding Communication #9 – We are still waiting on Certificate of Insurance.

Under Unfinished Business – We have a 5G Ordinance topic and the Cannabis Ordinance topic. She would like to request when they get to those topics they open it to the public for commentary, maximum of three minute per person.

Council President Goode – Regarding **R154-21** Authorizing the Renewal of Liquor Licenses for the 2021-2022 License Term, he asked if the open violations have been closed.

Administrator Delaney – He said that that if the Council wishes to see those issues resolved before approving the renewal, the license holder would be directed to obtain what's referred to as an "Ad Interim" permit from the State, which is a temporary permit that would allow them to operate for up to 30 days. There would be no catastrophic harm in holding this until the construction issues have been resolved.

Councilwoman Davidson – Regarding **R145-21** Authorizing the Appointment of Nicole Henn as Account Clerk in the Finance Department, she asked if there is any conflict and if Ms. Henn was going to be holding two full time jobs. Administrator Delaney provided an explanation.

Regarding **R163-21** Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Office on Aging – CARES Act, she asked if there are guidelines on how the \$9k can be spent. Administrator Delaney provided an explanation.

She asked if we typically waive the fees for the Boy Scouts and the Arts Society.

Mayor Kennedy – Regarding **R162-21** Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Clean Communities Program, she asked about the procedures. Administrator Delaney provided an explanation.

Councilwoman McNamara – Regarding **R149-21** Authorizing the Re-Appointment of Michael Delre as Part-Time Tax Assessor, she asked how many hours a week the position requires and who they report to.

Administrator Delaney - He said that the assessor's position is a statutory position and it is mandated by statute that the Municipality have a Tax Assessor. While the Tax Assessor is a Borough employee and does provide us with stated office hours, all of the requirements for eligibility to appointment to the position, as well as the duties and responsibilities, are outlined by statutes and under the jurisdiction of the County Tax Administrator.

Councilwoman McNamara – Regarding **R154-21** Authorizing the Renewal of Liquor Licenses for the 2021-2022 License Term, she asked about their updated floor plans that were referenced on the March 2, 2021 meeting.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions listed on the Agenda at 7:25PM moved by Pacheco, carried by Goode with ayes by all present.

Elmer J. Graham, Jr, 22 St. Peters Pl. – Regarding **R156-21** Authorizing the Award of a Contract for Grass Cutting and Lawn Maintenance Services, he asked for an explanation. Mayor Kennedy provided an explanation.

Regarding **R152-21** Authorizing Discharge of the Developer's Agreement made by Alaric Properties, LLC to and in Favor of the Borough of Keyport with Respect to the Property Located at Block 39, Lot 12.01 on the Tax Map of the Borough (45 Beers Street), he asked for an explanation. Administrator Delaney provided an explanation.

Regarding **R158-21** Authorizing Shared Services Agreement to Provide Registrar and Deputy Registrar of Vital Statistics Services to Union Beach, he asked for an explanation. Mayor Kennedy provided an explanation.

Regarding **R159-21** Authorizing the Execution of a Memorandum of Agreement between the Borough of Keyport and Keyport PBA Local 223, he asked for an explanation. Mayor Kennedy said that it is being pulled and tabled until the next meeting.

John Merla, 34 Broad St. – Regarding **R148-21** Payment of Bills for the June 15, 2021 Bills List, he asked about the expenditure of \$1,488.98 coming out of the BRIT account. Administrator Delaney provided an explanation.

Regarding **R155-21** Authorizing the Extension of a Lease Agreement for 120 Francis Street, Unit 18, Keyport, New Jersey (Department of Public Works Building Lease), he asked if we are looking for a permanent home and exploring other options. Mayor Kennedy provided an explanation.

Regarding **R156-21** Authorizing the Award of a Contract for Grass Cutting and Lawn Maintenance Services, he said that the contract that went out is not the contract that was approved because the resolution doesn't include a pesticide license and pesticide spraying. He asked if the Borough is still going to maintain that service and if the other companies that submitted proposals were notified. Administrator Delaney provided an explanation.

Michael Lane, 51 First St. – He said that we have an outstanding Tax Assessor. Regarding **R155-21** Authorizing the Extension of a Lease Agreement for 120 Francis Street, Unit 18, Keyport, New Jersey (Department of Public Works Building Lease), he said that he is surprised we spent a lot of money on a design that didn't meet the Public Work's needs.

Regarding Communication #3, he thinks there are issues with notice to the residents of adjoining the site. He asked if the Police were going to be responsible for the street closure.

He asked Councilmembers to report on certain items of concern. (Aeromarine, Complete Streets, Water Rescue on American Legion Drive, damage to fence adjoining Post Office, Developers, Brownfields, 25MPH speed limit sign on Broad Street, Division Street and E. Front Street flooding)

There being no further comments or questions, the Meeting was closed to the public at 7:48PM moved by Pacheco, carried by McNamara with ayes by all present.

COMMITTEE REPORTS

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

Councilman Goode: Fire/First Aid/OEM/Redevelopment/Finance/Grants/Recreation/Senior Center

- Fireman's Fair will be July 12th – 17th
- Fire Department Calls for Service report read
- Regarding the litigation, he will forward Mr. Lane the filed complaint

Councilwoman Pacheco: Police/MAC/Harbor/Complete Streets/Library Construction/Redevelopment/Public Works/Construction/ Fire Bureau/Property Maintenance/Zoning

- Police Department Calls for Service report read
- Officer De-escalation
- Torch Run
- Training has begun to use the body worn cameras
- Municipal Alliance LEAD Graduation was held earlier this month
- Complete Streets Design Guide end stages will be discussed with the professionals
- Harbor Commission met yesterday
- Discussed the purchase of no wake buoys and creating a "no wake zone"
- Harbor Commission wants to discuss the concerns about the debris at Aeromarine
- Pump Boat should be in service next weekend
- Discussions about improvements to the kayak lockers
- Discussions about the ADA mats
- Maintenance of the railings at the waterfront
- Snapper Contest will be held in September instead of August
- Noticeable lack of trashcans on W. Front Street

Councilwoman McDermott: Keyport Bayfront Business Cooperative/Neighborhood Preservation Program/Library Construction/Police/MAC

- Thanked the Mayor and American Legion for the Memorial Day celebrations
- NPP Ribbon cutting for the Library on July 31st at 11:45AM
- NPP year one ends June 30, 2021
- Library doors have been installed
- Apollo building mural the week of June 21st
- DCA is determining if they want a visual report versus a full walk through, which is planned for mid-July
- Please follow the NPP Facebook page
- Flooding, one gate is still not working and is being addressed by the Borough
- KBBC Farmers Market has started this past Thursday and will be there every week between 2-7PM. They are looking to expand with other vendors.
- Dancing on the Bay from July 26th through August 30th on Mondays will be Salsa
- KBBC replaced the flags that were missing
- KBBC interviewing for an Administrator
- Visual improvement projects continue
- Marketing Campaign for the town with some new and interactive tools
- Library Construction Grant

Councilwoman Davidson: Public Works/Construction/Fire Bureau/Property Maintenance/Zoning/Planning Board/Neighborhood Preservation Program

- Building and Construction Department Report read
- DPW hired two full time employees and two seasonal employees
- She will follow up with Mr. Lane regarding the Zoning issue discrepancies

Councilwoman McNamara: Recreation/Senior Center/Green Team/Harbor/Board of Health/Registrar

- Recreation waterfront movies and dates are set beginning June 30th
- Two 10AM Saturday morning Mini Park offerings (Puppet Show/Magician)
- Yoga and Tai Chi started at the beginning of June and go through the summer.
- 5K registration is underway
- Patriotic chalk contest underway and residents can post their photos of their artwork through July 10th
- New tennis nets are up at Cedar Street
- ADA mat for beach access at Benjamin Terry Park
- Kayak lockers are in need of repair and multiple organizations have requested additional kayak lockers
- Two-day sports program
- Keyport Senior Center Interfaith Neighbors, Senior Meal Program
- NJ Transit inspected the Skipper bus
- Renewal of three-year grant and the Director is working on a reopening plan
- Creative Team had a meeting on May 27th and the next meeting is scheduled for next week
- Green Team round of submissions is in
- Historical Society opened on June 6th

Councilwoman Davidson – She said that the Division Street flooding was mentioned by Mr. Lane and is an ongoing conversation with the Borough Engineer and Mr. Delaney. She said it will be brought up to Council when they come up with additional solutions or options for that area. They are diligently working on that area.

MAYORS UPDATE

- Juneteenth Planning meeting
- New Jersey League of Municipalities meeting
- Bayshore Mayors Association meeting and discussed the Wind Project
- Complete Streets meeting
- KBBC Monthly meeting and growing concerns over the status of the KBBC and the vacancies
- Thanked Council President Goode for filling in for her at the Library Board of Trustees meeting

Discussion ensued amongst Mayor Kennedy and Council President Goode about the Library Director position and Library agreement.

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.)

- R145-21 Authorizing the Appointment of Nicole Henn as Account Clerk in the Finance Department
- R148-21 Payment of Bills for the June 15, 2021 Bills List
- R149-21 Authorizing the Re-Appointment of Michael Delre as Part-Time Tax Assessor
- R150-21 Authorizing the Appointment of Robert Kutschman as Clean Communities Coordinator
- R151-21 Authorizing the Hiring of Daniel Rusin as a Crossing Guard
- R152-21 Authorizing Discharge of the Developer's Agreement made by Alaric Properties, LLC to and in Favor of the Borough of Keyport with Respect to the Property Located at Block 39, Lot 12.01 on the Tax Map of the Borough (45 Beers Street)
- R153-21 Authorizing the Borough of Keyport to Release a Portion of the Cash Repair Deposit Provided by Aurora Environmental, Inc., for Excavation Work at Block 61, Lot 22 – 34 W. Front Street
- R154-21 Authorizing the Renewal of Liquor Licenses for the 2021-2022 License Term
- R155-21 Authorizing the Extension of a Lease Agreement for 120 Francis Street, Unit 18, Keyport, New Jersey (Department of Public Works Building Lease)
- R156-21 Authorizing the Award of a Contract for Grass Cutting and Lawn Maintenance Services
- R157-21 Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Dredging of the Municipal Boat Ramp
- R158-21 Authorizing Shared Services Agreement to Provide Registrar and Deputy Registrar of Vital Statistics Services to Union Beach
- R159-21 Authorizing the Execution of a Memorandum of Agreement between the Borough of Keyport and Keyport PBA Local 223
- R160-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 2021 Distracted Driving Crackdown
- R161-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Bayshore Saturation Patrol

- R162-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Clean Communities Program
R163-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Office on Aging – CARES Act

APPROVAL OF RESOLUTIONS

Motion to approve Consent Agenda, with the change to **R154-21** Authorizing the Renewal of Liquor Licenses for the 2021-2022 License Term, deleting Keyport Liquor License LLC trading as McDonaghs Pub and Keyport Waterfront LLC trading as Old Glory Brew Hall & Brick Oven, moved by Goode, carried by Pacheco.

Roll Call: Ayes: Goode, Pacheco, McDermott, Davidson, McNamara
Nays:
Abstain:
Absent: Fotopoulos

PUBLIC HEARING

Administrator Jay Delaney provided an explanation of the grant program application process as well as the scope of the concept plan for improvements to Fireman's Park.

The Borough Engineer provided additional details on the improvements planned for Fireman's Park.

The meeting was opened to the Public for comments on the submission of a 2021 New Jersey Department of Environmental Protection Urban Parks and Green Acres Grants Program application for the development of Fireman's Park at 8:36PM, moved by McDermott and carried by Pacheco with ayes by all present.

Michael Lane, 51 First Street – Just looking at the concept plan that was put up, it looks like the sidewalk is actually on the Port 149 property based on the survey and the application for Port 149.

Borough Engineer Trevor Taylor – I believe that on our survey that we prepared for the Waterfront Park property that is right on the property line, that new sidewalk. But, obviously, we can take a look at that before we submit the application and confirm that property line.

Michael Lane – I'm looking at the parking for Port 149 and the parking that's on the east side of the walkway, my memory is that that was part of the Port 149 property. Maybe check that. The second thing is that my perception is that the ground behind the promenade parking lot has to be raised to the elevation of the promenade. That was an issue when the Borough put in the original application for the promenade on the Waterfront Park and it was not approved because the ground was not brought up level with the bulkhead. That's been true for the bulkheads we put in on First Street. So, that needs to be looked at.

Mr. Lane noted a correction to be made in the body of the resolution to reflect "Keyport" rather than "Bloomfield."

Mr. Lane asked can you actually put a bulkhead and promenade in that is three or four feet higher than the parking lot behind it because you are just going to create a huge lake and put pressure on that bulkhead. In Union Beach, if you check the record, the new bulkhead that they installed – which was two or three feet above the ground – didn't last through the first storm.

There being no further comments, the meeting was closed to the Public at 8:40PM, moved by Goode and carried by Pacheco with ayes by all present.

Administrator Delaney – Obviously the correction to the reference in the resolution to "Bloomfield" can be corrected as part of any adoption. The other issues I would defer to Mr. Taylor as far as the technical aspects of the concern regarding the height of the bulkhead. Mr. Taylor did indicate, based on Mr. Lane's comment, the precise location of the survey delineating the boundary between the Borough's property and its parking lot and the adjacent property will be reviewed. Again, this is a concept plan. These are not fully engineered drawings. The concept would be submitted to the State as part of the grant application. We can make those adjustments; I don't believe they are significant adjustments but I would defer to Mr. Taylor for input.

Borough Engineer Trevor Taylor – We can definitely take those comments into consideration and do any updates we need to before we submit to Green Acres.

Mayor Kennedy – Asked Ms. London if it is okay if we proceed with the potential of a Motion.

Borough Attorney Leslie London – The language of the resolution is general about providing the application and plan so, as Mr. Taylor mentioned, any changes that need to be made can be made and they will be the ones submitted when the application is made.

Councilmember Davidson – Asked if there are any plans for discussion for the bulkhead that is adjacent to Fireman’s lot, Port 149.

Administrator Delaney – That is not part of this application. If you would like to make any comment regarding it, we can do it outside of the adoption process for this resolution. But to answer your anticipated question, I will tell you that the adjacent property has been cited for the condition of the bulkhead. There are applications pending by the owner of that property to obtain the necessary State permits to do the work.

Mayor Kennedy – To the Councilwoman’s point, is it possible we can mail them this resolution when it passes so they know that we could potentially be moving forward and that may change their plan or design.

Councilmember Davidson – was wondering if there is any possibility of that piece being incorporated into the plan.

Mayor Kennedy – That would be a private-public partnership and I don’t know that we can really enter into that.

Administrator Delaney – It is a requirement under Green Acres program that we have to have an interest. It is my understanding that under the previous concept, it would have extended the walkway to the bridge. There had been some either discussions or intention of a private-public partnership. It is also my understanding that those discussions have stopped or did stop because there were permitting and tideland ownership questions that the adjacent property owner had to clear up.

Councilmember McDermott – Asked what the cost of the project is.

Administrator Delaney – The total project cost for what were identified as item (a) which is the bulkhead and the walkway, the promenade extension, is approximately \$1.8 million. The walkway out to West Front Street is approximately \$115 thousand and then the parking lot improvements are estimated at just over \$1.3 million. The Green Acres application has a \$500 thousand maximum so here we are looking for partial funding. The other application we will submit the full amount up to the grant, there is no limit on what we can apply for. It is unlikely that we would receive full funding.

Mayor Kennedy – If it is the pleasure of the Governing Body, can I have a Motion to approve **Resolution #164-21** State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution.

1. Resolution #164-21 State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution

RESOLUTION #164-21

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Keyport desires to further the public interest by obtaining funding from the State to fund the following project(s): the Fireman’s Park Improvement Project;

NOW, THEREFORE, the governing body/board resolves that Borough Administrator and Council of Keyport or the successor to the Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- and

(c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWNSHIP OF BLOOMFIELD

1. That the Borough Administrator of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Fireman’s Park Improvement Project;
2. That the applicant has its matching share of the project, if a match is required;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

OFFERED: GOODE
SECONDED: PACHECO
AYES: GOODE, PACHECO, MCDERMOTT, DAVIDSON, MCNAMARA
NAYS:
ABSTAIN:
ABSENT: FOTOPOULOS

2. Resolution #165-21 State of New Jersey Department of Environmental Protection Urban Parks Initiative Enabling Resolution

RESOLUTION #165-21

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
URBAN PARKS INITIATIVE
ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), is providing grants through the Urban Parks initiative; and

WHEREAS, the Borough of Keyport desires to further the public interest by obtaining grant funding that is not to exceed \$500,000 from the State to fund the following project: Improvements to Fireman’s Park.

NOW, THEREFORE, the governing body resolves that The Borough of Keyport or the successor to the office of the Borough Administrator is hereby authorized to:

- (a) make an application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE BOROUGH OF KEYPORT

1. That the Borough Administrator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Fireman’s Park;
2. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

- 3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
- 4. That this resolution shall take effect immediately.

OFFERED: GOODE
SECONDED: PACHECO
AYES: GOODE, PACHECO, MCDERMOTT, DAVIDSON, MCNAMARA
NAYS:
ABSTAIN:
ABSENT: FOTOPOULOS

COMMUNICATIONS BY CONSENT
(For Approval)

- 1. Application for Use of Borough Property from Julie Nastasi for the Keyport Boy Scout Troop 364 Spring Court of Honor event to be held at Benjamin Terry Park on Tuesday, June 22, 2021 at 6:30PM. Certificate of insurance provided; requesting waiver of the fee.
- 2. Application for a Social Affair Permit from Our Lady of Fatima Parish for a parish picnic to be held at Our Lady of Fatima, 376 Maple Place on Sunday, June 27, 2021 between 12:30PM-4:30PM
- 3. Street Closure Request from Steve and Lisa Jannarone of 314 Division Street to close Monroe Street between Atlantic and Broad Streets for a block party to be held on Saturday, July 3, 2021 between 1PM-7PM (rain date July 4). Neighbor signatures and police feedback provided.
- 4. Application for Use of Borough Property from Douglas Weider and Eileen Lappin for a wedding ceremony at the Waterfront Pavilion to be held Sunday, July 11, 2021 between 5PM-6PM
- 5. Application for a Social Affair Permit from Keyport Fire Department for the Annual Fireman’s Fair to be held at Fireman’s Park between July 12-July 17, 2021 between 6PM-11:30PM
- 6. Application for Use of Borough Property from Keyport First Aid for a picnic to be held at Veteran’s Park on Sunday, August 7, 2021 between noon and 4PM. Requesting the use of 12 picnic tables.
- 7. Application for Use of Borough Property from Michelle Knox for the Arts Society of Keyport Art Around the Bay event to be held at Waterfront Park and Gazebo on Saturday, September 18, 2021 between 10AM-6PM; requesting waiver of the fee.
- 8. Request from William H. Horton, Jr., Knight of Columbus St. Joseph’s Council #3402 for permission to “Shake the Cans” for donations at the traffic light on County Road Broadway (intersection of W. 4th Street) on September 24, 25 and 26, 2021 between 10AM-4PM.
- 9. Request from Genevieve Kelly, Jersey Shore Ghost Tours to begin the Keyport Ghost Tour season on Saturday, July 17, 2021 and running through Saturday, November 13, 2021. A schedule of dates of times is included.

(To Receive and File)

- 10. Petition regarding Church Street road improvements

Mayor Kennedy spoke about waiver of fees and some organizations not being in compliance.

Discussion ensued amongst the Dais and Chief Torres regarding Communication #3.

Discussion ensued amongst the Dais regarding Communication #7.

Councilwoman McNamara – She asked about a more complete event form coming. She asked if someone could explain the two check points that go into where the beer tent is and what happens at the checkpoint. She asked if there were separate beer and food points. Council President Goode provided an explanation.

Councilwoman Davidson – In regard to Communication #7, she asked if they could come back with a more detailed and thought-out plan. She would also like to stop waiving fees and stick to what the Ordinances state.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on Communications by Consent for items #1, 2, 4, 5, 6, 8 and 10 moved by McDermott, carried by Pacheco.

Roll Call: Ayes: Goode, Pacheco, McDermott, Davidson, McNamara
Nays:
Abstain:
Absent: Fotopoulos

No Motion was made on Communication #3.

Motion on Communications by Consent for item #7 to provide a more detailed plan with ayes by all present.

Motion on Communications by Consent for item #9 to approve pending receipt of certificate of insurance moved by Pacheco, carried by Goode.

Roll Call: Ayes: Goode, Pacheco, McDermott, Davidson, McNamara
Nays:
Abstain:
Absent: Fotopoulos

MINUTES FOR APPROVAL
May 4, 2021 Regular Meeting

Motion to approve the Minutes was moved by Goode, carried by McNamara.

Roll Call: Ayes: Goode, McDermott, Davidson, McNamara
Nays:
Abstain: Pacheco
Absent: Fotopoulos

REPORTS

1. Municipal Clerk’s Report for May 2021
2. Tax/Water/Sewer Collector’s Report for May 2021
3. Board of Health Treasurer’s Report for May 2021
4. Building Department Monthly Report for May 2021
5. Municipal Court Monthly Report for May 2021
6. Keyport Parking Advisory Committee Report for May 2021
7. Keyport Parking Advisory Committee Preliminary Report dated June 6, 2021

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

NEW BUSINESS
None

Council President Goode – He said that he asked Mr. Delaney to look at some speed bumps on certain roads to slow down people.

Mayor Kennedy – She said that back in September she had discussion with the Engineer, DPW, Chief and Mr. Delaney to have that one whole grid of the Municipality four-way stops (Warren, Church, Atlantic, Second, Third, Warren, and Elizabeth up to Maple).

UNFINISHED BUSINESS
1. Cannabis Ordinance
2. 5G Ordinance
3. COVID-19 Borough Committee Reopening Update

1. Cannabis Ordinance

Council President Goode – He said the Regulatory Commission has the same timeline as we do to come up with rules and even their rules are going to be after the August 21st date. He said the idea was to have a draft

Ordinance to introduce, but because they would rather take a more conservative approach to this and await the Regulatory Commissions of Rules, the Ordinance would ban everything.

Councilwoman Davidson – She asked Ms. London if they choose to opt out at this time, they can opt back in at any point in time.

Attorney Leslie London – She said yes, as long as they adopt an Ordinance by August 21st.

Discussion ensued amongst the Dais.

The Meeting was opened to the public for comments or questions at 9:35PM moved by Goode carried by Davidson with ayes by all present.

Elmer J. Graham, Jr. – He voted to legalize marijuana. He urges Council to be very careful on this and treat it like alcohol.

Patrick Moroney, 313 Main St. – He sees a lack of leadership and there seems to be a lot of confusion on the things that are being brought up. He wants Keyport to be as business friendly as possible.

Mayor Kennedy – She said that part of the challenge is what has been presented to us is that if we move forward with certain categories we will not be able to change it for five years.

Attorney Leslie London – She said if your Ordinance is inconsistent with the regulations, the regulations would supersede the Ordinance.

Michael Lane – He complimented the committee on the work that they did. He thinks that they should opt out until the Regulatory Commission sets the rules.

There being no further comments or questions, the Meeting was closed to the public at 9:54PM moved by Pacheco, carried by McNamara with ayes by all present.

2. 5G Ordinance

Administrator Delaney – He said that there is pending legislation at the State level that will likely preempt much of a Municipality's ability to regulate the 5G technology and equipment. At the Federal level the FCC has adopted regulations that also restrict the Municipality from regulating the installation of these small wireless facilities. At the Federal level the regulations have established what are referred to as shot clocks, a short period of time during which a Municipality can review a pending application. Those shot clock limits are 60-days to install equipment on an existing pole and 90-days for the installation of new poles.

Councilwoman McNamara – She said that there could be different regulations for residential and she wanted to specify because she didn't see anything in the Ordinance about location restrictions in general.

Administrator Delaney – He referenced section 16-9.5, paragraph D.

The Meeting was opened to the public for comments or questions at 10:04PM moved by McDermott carried by Davidson with ayes by all present.

Patrick Moroney – He said that there has been no mention of adverse health effects in the draft Ordinance.

Attorney Leslie London – She said what can go into the Ordinance is governed by the Federal Law.

Michael Lane – He asked if AT&T, Verizon and T-Mobile share the same 5G hardware or if there will be duplicates for all of these different providers. Administrator Delaney provided an explanation.

There being no further comments or questions, the Meeting was closed to the public at 10:30PM moved by Goode, carried by Davidson with ayes by all present.

3. COVID-19 Borough Committee Reopening Update

Councilwoman Davidson – She said at the previous meeting they discussed a July 1st date to re-open Borough Hall. Mr. Delaney is waiting for additional conversations with the director of the Senior Center to go over programming and the senior bus will be discussed at that time.

- Follow all CDC guidelines
- Set up the Council Chambers to livestream
- Pay someone to livestream during the meetings
- Option to use the school to use the same area as the BOE meetings
- Add desks lower for Councilmembers to provide more space
- No specifications for cleaning from the CDC
- Open to the public and use the windows in Borough Hall to prevent gathering in offices and closed spaces

Administrator Delaney – He said that throughout the COVID pandemic, the Borough has been able to provide all services to the Public in a slightly modified format.

- Follow all CDC guidelines
- No mask requirement
- Those not vaccinated recommended to wear a mask
- No social distancing requirements
- Restrict portions of the building and post signs, “no public access”
- Daily sanitizing
- Governing Body meetings – provide for Public participation off site
- Guidelines for Senior Center reopening
- Senior Bus transportation
- Outdoor dining will be treated separately

Opening Borough Hall for Normal Business Operating Hours

Council President Goode – He thinks that we should reopen in accordance with what Mr. Delaney suggested.

Councilwoman Pacheco – She agrees with Council President Goode.

Councilwoman McDermott – She would like to ensure public safety and that the Public is not permitted in the individual the offices.

Councilwoman Davidson – She thinks that we should open the Borough offices as of July 1st and likes the idea of keeping the Administrative offices closed off to protect the employees. She would like to utilize the windows that are provided.

Councilwoman McNamara – She said ditto to that comment.

Administrator Delaney – He said that it is recommended to wear a mask for the unvaccinated and signs will be placed at the door.

Public Meetings

Council President Goode – He said that we should be back to the Council Chambers and have hand sanitizers available. He thinks that Committees should be limited to the Council Chambers and everything that is not publicly noticed give them the option to conduct it via Zoom.

Councilwoman Pacheco – She agrees with what has been said prior.

Councilwoman McDermott – She said one of the advantages of having Zoom is the ability to listen to everyone clearly, see who spoke and knew how long everyone spoke, visually see things and present documents as well. In person, she said there were recordings and videos that you could barely understand who was speaking. Regarding technology, she does not believe we are ready.

Councilwoman Davidson – She is torn and would like us to all be back in person. She thinks it’s a good idea to have technology, but asked at what point it will end. She said they talked about the ability to do it the way

the BOE does it and suggested additional discussions about it. She said maybe consider reopening towards the second meeting in July.

Councilwoman McNamara – She likes live streaming and she likes the idea of waiting until the second meeting of July.

Administrator Delaney – He said that we can do this within 30-days, but he has met with an additional vendor as of last Thursday. Availability of equipment may be a concern.

Mayor Kennedy – She suggested revisiting.

Administrator Delaney – He said that they will have something in place as soon as they can, but the second meeting in July is a realistic goal.

All Councilmembers present were in agreement with July 15th.

Mayor Kennedy – She asked for the Senior Center Director's timeline for the next meeting.

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 11:05PM moved by McDermott carried by Goode with ayes by all present.

Elmer J. Graham, Jr. – He said in his daily walks in Keyport the public sidewalks haven't been improved in years. He said that some of them have cracks. He asked why we can't get grants to improve these sidewalks. He said maybe Governor Murphy can come to Keyport and do a Town Hall and also suggested having a Veteran's Committee meeting in the near future.

Patrick Moroney – Regarding the 5G, he asked if they could add language to the Ordinance notifying residents if one is being installed within a certain proximity of their home.

John Merla – He said that the Division Street Project goes back to last September and has had five incidents since. He said that everyone involved, meaning the Planner and Engineer, should be held accountable and should be giving Council answers. He said this past flooding the tide water was higher than the cap on the fire hydrant and the Pumping Station is inoperable.

He said that Property Maintenance reported 19 violations for May. He said there is a coat factory on Second Street next to Lincoln Hose that has a tree growing through the roof and the property adjacent from it put up a 6-foot fence to hide what's behind it. He said there is a garden behind there so someone is using the property and there is firewood 15-ft high against the building. He said to get accountability for people who are getting paid to do their job.

Michael Lane – He said that the Complete Streets Design guide wrote off speed bumps because of the noise they generate and the vibrations. He said that we had half of the land use requirements Ordinance done on 12/12/18 and the other half done in 1997. He said the problem with that is that different planners interpret it differently. He asked what controls the definition of parking requirements and said that there is a huge gap. He asked for an update on the 25MPH speed limit.

Administrator Delaney – He said that he will check with the County on the status.

There being no further comments or questions, the Meeting was closed to the public at 11:19PM moved by Goode, carried by Pacheco with ayes by all present.

ADJOURNMENT

Motion to Adjourn at 11:19PM moved by Goode, carried by Pacheco with ayes by all Present.