

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 and Borough Clerk Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Cooper, Goode, Pacheco, Fotopoulos and McDermott. Others present: Mayor Kennedy, Borough Administrator Stephen Gallo and Borough Attorney William P. Opel, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PRESENTATION

Linda Servino, an Employee of the Visiting Nurse Association, introduced herself and other employees and handed out folders which included information regarding the community health center, and Visiting Nurse Association's health and dental care for infants, children, adults and seniors.

Each employee spoke briefly about what they do and the services offered. The fees are on a sliding scale and are income based. Thirty-one hundred people used their services in 2018.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Held a transition conference with our new phone company
- Held interviews for Violations Clerk
- Met with Summer Recreation Camp Director
- Met with Keyport MAC Coordinator and committee members
- Participated in Monmouth Tourism Bayshore Summer Kickoff
- Met with Dr. Savoia
- Held a meeting regarding recycling
- Interviewed summer help
- Met with Mayor Kennedy
- Coordinated a meeting with developer Bob Dickinson
- Held a meeting with County CDBG regarding our applications for 2019
- Held a conference call with EP&G regarding energy procurement
- Participated in an OEM prep meeting
- Attended a Police Commission meeting
- Attended a Recreation Committee meeting
- Met with the Mayor and members of the Garden Club
- Held a meeting regarding the progress of 149 W. Front Street

Ongoing Capital Projects

- Improvements to Benjamin Terry and Veteran's Parks
- DPW Building – Rollo Place
- Scattered Site Redevelopment Plan

Upcoming Capital Projects

- 2018 Road Program Phase 1 (\$235,000 NJDOT 2017 grant)
- 2019 Road Program Phase 2 (\$325,000 NJDOT 2019 grant)
- 2019 Road Program Phase 3 (\$350,000 NJDOT 2018
- 2016 TAP Grant (\$569,000 + design)
- Main Street Park

- Jack Conway Kearney Street Park
- Theresa Street Park and Cedar Street Park
- Upgrades to the Mini-Park
- Potential Keyport dog park

Redevelopment

- Mariners Village
- Aeromarine Redevelopment Plan
- Scattered Sites Redevelopment
- Parking Lot
- 149 W. Front Street

Water and Sewer Projects

- Perry Street Water Treatment Plant Upgrades

Other:

- Bike Share Program
- Complete Streets Project/Pedestrian Safety
- Harbor Issues
- County Dispatch
- Flood Control Ordinance Updates
- Shared Service
- Tech Review
- Library Bond
- Summer Recreation Camp
- Summer Programs
- Keyport Energy Initiatives
- Neighborhood Preservation Program NPP
- Hazard Mitigation Program

Councilmember Fotopoulos congratulated the Mayor for the Monmouth County Tourism Kickoff held Friday, June 19, 2019 here in the Borough.

MAYOR'S UPDATE

Mayor Kennedy gave an update on the following:

- July 4th – concert in the Mini-Park, 7PM-9PM on the new stage
- Tourism meeting was a collaborative bi-partisan effort.
- Bayshore 20/20 Initiative will have compiled a list of Monmouth County Bayshore activities by October 2019

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 resolutions on the Consent Agenda

R211-19 Payment of Bills

R212-19 Awarding Contract for the Preparation of a Redevelopment Plan for Properties Identified as Block 120, Lots 8 & 9, and Block 130 Lots 42, 48, 49, 50, 51 and 52 on the tax map of the Borough – *Beacon Planning*

R213-19 Authorizing Lease Agreement for Use of Keyport Boat House and Related Services – *A Canoe to You - \$300*

R214-19 Authorizing Award of Contract for Improvements to Main Street Park
– *V & K Construction – (Base Bid + Bid Alt A - \$511,660)*

R215-19 Authorizing Hiring of One Police Officer – *David Doucette*

R216-19 Authorizing Hiring of Part-Time Violations Clerk for Keyport Municipal Court
– *Jacqueline Shipley*

R217-19 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87– Office on Aging

R218-19 2019-2020 Liquor License Renewal – *Fantasies Inc.*

R220-19 2019-2020 Liquor License Renewal – *Keyport Liquor 56 Inc. (t/a Keyport Liquor & Deli)*

Administrator Gallo went over grants awarded to the Borough for improvements to Main Street Park.

Councilmember Goode would like **R220-19** 2019-2020 Liquor License Renewal – *Keyport Liquor 56 Inc. (t/a Keyport Liquor & Deli)* pulled from the agenda, seconded by Fotopoulos

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items **listed on the agenda, with the exception of R220-19** Liquor License Renewal – *Keyport Liquor 56 Inc. (t/a Keyport Liquor & Deli)*, at 7:32PM moved by Pacheco, carried by Sheridan with ayes by all present

Ed Burlew, 59 W. Front Street, spoke of having difficulty hearing the microphones and hearing who is speaking on the recorded CD's of the meeting. Mr. Burlew said Steve spends tax payer money in a good way. He felt a good job was done on the dumpster enclosure.

Andrew Kelsey, 29 St. Peters Place, asked whether there will be a parking committee. He feels ill-informed on the parking garage idea. He said it feels premature to pursue. He thinks the idea is clever but does not serve the needs of the town in the right way. He presented a book "The High Cost of Free Parking." He stated he would like the Administrator to stop pushing this garage to the public. He would like to see a parking committee. A parking garage is hard to maintain and is hard to turn into something else were it not needed.

Administrator Gallo stated he is mystified by Mr. Kelsey's idea that we are pushing anything.

Councilmember Cooper stated there will be a public hearing on the parking garage.

Administrator Gallo stated there will be many public hearings regarding this idea.

Elmer Graham, Jr., 22 St. Peters Place, asked for an explanation of **R212-19** Awarding Contract for the Preparation of a Redevelopment Plan for Properties Identified as Block 120, Lots 8 & 9, and Block 130 Lots 42, 48, 49, 50, 51 and 52 on the tax map of the Borough – *Beacon Planning*, **R213-19** Authorizing Lease Agreement for Use of Keyport Boat House and Related Services – *A Canoe to You* - \$300, **R214-19** Authorizing Award of Contract for Improvements to Main Street Park – *V & K Construction* – (Base Bid + Bid Alt A - \$511,660) and R217-19 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87– Office on Aging, which Administrator Gallo provided. He also asked again on the progress of having Governor Murphy come to a town hall meeting in Keyport.

Michael Lane, 51 First Street, had questions on **R212-19** Awarding Contract for the Preparation of a Redevelopment Plan for Properties Identified as Block 120, Lots 8 & 9, and Block 130 Lots 42, 48, 49, 50, 51 and 52 on the tax map of the Borough – *Beacon Planning*. He asked the process for choosing Beacon Planning. He asked if Hudson Pointe, LLC, was the designated developer; Not yet. He went over some of Beacon Planning's items in its proposal.

Administrator Gallo stated there will be two open public meetings.

Mike Lane handed out three sheets regarding the 75 Manchester site, with 2008 data. He said whatever is done there must be in harmony with the surrounding single-family

homes. He went over the flaws he found in the 2008 data.

Final sheets bulleted seven items which he feels are important. He wants residents in the loop in the front end of the process.

There being no further comments or questions, the Meeting was closed to the public at 8:03PM moved by Sheridan, carried by Pacheco with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda, with the exception of **R220-19** Liquor License Renewal – *Keyport Liquor 56 Inc. (t/a Keyport Liquor & Deli)* moved by Sheridan, carried by Pacheco

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain: Goode from **R211-19** Payment of Bills

Motion to table **R220-19** 2019-2020 Liquor License Renewal – *Keyport Liquor 56 Inc. (t/a Keyport Liquor & Deli)* until the July 16, 2019 meeting moved by Pacheco, carried by Fotopoulos with ayes by all present

PUBLIC HEARING ON APPLICATION FOR DOCK IMPROVEMENT PERMIT

Applicant Alfred Litwak for the improvement of the dock at 60 Walnut Street – Block 137, Lot 14

Al Litwak came forward and was sworn in by Borough Attorney Opel.

Mr. Litwak asked whether everyone has seen the application; Yes. He gave an overview of the project. The dock is strictly for personal use. He will be putting in four-foot wide pilings, approximately 60 feet in to the bay.

Attorney Opel swore in Borough Engineer Trevor Taylor of CME Associates.

Trevor Taylor went over the items reviewed for this application. He requested a letter from the DEP stating it was a pre-existing structure and they have no objection to reconstruction on its original footprint. Mr. Taylor had requested Mr. Litwak get a letter of no interest from the DEP. Mr. Litwak does have emails from two representatives of the DEP stating a permit is not required to rebuild his dock. The packet will be labeled “A-1” under Attorney Opel’s instruction. Mr. Taylor would like to review Mr. Litwak’s handout.

Attorney Opel noted that there are conditions in the proposed resolution.

Motion at 8:32PM to open Public Hearing for the improvement of the dock at 60 Walnut Street – Block 137, Lot 14 moved by Fotopoulos, carried by Pacheco with ayes by all present

George Walling, 54 Second Street, clarified the whole packet being “A-1.” He wasn’t pleased that Councilman Fotopoulos wanted to approve the resolution with the conditions.

Mike Lane applauded Mr. Litwak for raising the elevation of his dock. He recommends the edge of the bulkhead be raised high enough to deter kids. He asked whether there will be a requirement that the floating pier be removed in the winter. He feels if it applies to Borough piers, it should apply to private piers.

Trevor Taylor said he will check the requirement for cross-bracing.

Administrator Gallo stated the issue at hand will be addressed under the Flood Damage Control Ordinance.

Michael Lane recommended approving the application with condition that the floating dock be removed during the winter and storm conditions.

Elmer Graham, Jr., recommended approving the application.

There being no further comments or questions, the Public Hearing was closed at 8:43PM moved by Sheridan, carried by Fotopoulos with ayes by all present

RESOLUTION #R219-19 - Approving Application for Dock Improvement Permit

RESOLUTION #219-19

**RESOLUTION APPROVING APPLICATION
FOR DOCK IMPROVEMENT PERMIT**

WHEREAS, in accordance with Borough Ordinance 12-5 (“Wharfs and Piers”), Alfred Litwak (the “**Applicant**”) has filed a permit application for a dock improvement project pertaining to Lot 14 in Block 137 in the Borough of Keyport (the “**Application**”); and

WHEREAS, the Applicant has complied with the requirements of Ordinance 12-5.2 pertaining to same; and

WHEREAS, on July 2, 2019, the Mayor and Council held a public hearing in furtherance of the Application; and

WHEREAS, the Applicant described the project and discussed the Dock Site Plan, dated July 10, 2018, which has been reviewed by the Borough Engineer; and

WHEREAS, it appeared that re-construction of the dock is appropriate pursuant to the Dock Site Plan; and

WHEREAS, the Mayor and Council have considered the Application, Applicant’s presentation, the comments of the Borough Engineer, Borough Attorney and various members of the public; and

WHEREAS, the Mayor and Council desire to approve the Application, subject to the following: Applicant’s receipt of the necessary building permits from the Borough Construction Official prior to construction, Applicant’s submission of a Letter of No Interest from the New Jersey Department of Environmental Protection (“**NJDEP**”) Division of Land Use Regulation Program, and Applicant submission of documentation related to the need for Tidelands conveyance from the NJDEP Bureau of Tidelands (the “**Conditions**”).

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council as follows:

1. The Application for the dock improvement project for Lot 14 in Block 137, as presented by Applicant, is granted approval, subject to the Conditions set forth herein, and the Borough Clerk and Construction Officials are authorized and directed to issue such license and permit required pursuant to Ordinance 12-5 upon satisfaction of said Conditions.

2. The Borough Clerk should advertise in an official newspaper of general circulation in the Borough for two (2) successive weeks, at least once in each week and post a notice of this approval upon lands mentioned in the Application.

3. A copy of this Resolution shall be forwarded to the Borough Administrator, the Applicant and the Construction Official.

Offered: Sheridan
Seconded: Pacheco

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

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance #13-19 – Salary Ordinance – Supervising Account Clerk, Records Support Technician IV, and Deputy Court Administrator

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPERSEDING THE ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT**

1a. Motion to Open Public Hearing at 8:50PM moved by Sheridan, carried by Goode with ayes by all present:

Elmer Graham, Jr., requested an explanation which Administrator Gallo provided.

There being no further comments or questions, the Public Hearing was closed at 8:51PM moved by Sheridan, carried by Fotopoulos with ayes by all present

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

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

1c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Sheridan, carried Goode with ayes by all present, with the exception of Councilmember Pacheco who abstained

INTRODUCTION OF ORDINANCE

1. Ordinance – Amend Parking Restrictions at Madison Street

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

1a. Motion to introduce moved by Pacheco, carried by Sheridan

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 Sheridan, carried by Fotopoulos with ayes by all present

COMMUNICATIONS BY CONSENT:

(For Approval)

1. Application for Raffle License from Keyport Board of Education Foundation for an On-Premise 50/50 cash Raffle to be held at McDonagh's on July 21, 2019 from 10AM-5PM
2. Letter and Request for Use of Borough Property from Keyport Response to Recovery (KRRR) requesting the use of Waterfront Park on August 31st at 9AM for the purpose of a meditation/Memorial in recognition of International Overdose Awareness Day
3. Applications for Use of Borough Property from Keyport Garden Club/Walk requesting use of Waterfront Park Gazebo, Borough Hall, Council Chambers,

and Mini-Park for the purpose of the Keyport Garden walk June 6 & 7, 2020
(tabled from June 18th meeting)

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on the
Communications listed above at 8:55PM moved by Fotopoulos, carried by Sheridan
with ayes by all present

Seeing no one, the Meeting was closed to the public at 8:55PM moved by Sheridan and
carried with ayes by all present

APPROVAL of COMMUNICATIONS

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

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

APPROVAL OF MINUTES

Motion to approve the April 16, 2019 Regular Session Minutes and the May 7, 2019
Regular Session Minutes moved by Goode, carried by Sheridan

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
 Nays:
 Absent:
 Abstain: Pacheco from the April 16, 2019 Regular Session Minutes

NEW BUSINESS

None

UNFINISHED BUSINESS

None

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:56PM moved by
Fotopoulos, carried by Sheridan with ayes by all present

Gaylee Benedict, Main Street, was turned away for brush at the recycling center. She
received a notice that branches will be picked up only twice a year.

Councilmember Fotopoulos said one should call Donna in the Board of Health for
brush pick-up. Our solid waste hauler is no longer doing it.

Gaylee Benedict is concerned about 127 Main Street which is vacant. It should be
tagged as a vacant property. The owner does come and cut the lawn every three to four
weeks. She asked about the chatter regarding making Main Street and Broad Street
each one way. She asked which way for each street.

Administrator Gallo gave an explanation of the idea surrounding this concept.

Mayor Kennedy suggested we could add a bicycle lane if those streets were made
one-way.

Alan McDougal, 326 Riverdale Drive, spoke of an incident that happened at the
Kiwanis Cub Flea Market with a man named Neal from the Kiwanis. He asked if there

are rules or if the Kiwanis can make its own rules. Mayor Kennedy gave Mr. McDougal her business card.

George Walling spoke of a June 16, 2019 resolution authorizing the micro grant program. He asked Councilwoman McDermott why she abstained.

Councilmember McDermott stated she abstained to go with the majority. There were three yeses and two nos. The abstention goes with the majority.

George Walling pointed out that the resolution doesn't state that this is taxpayer money.

Councilmember Sheridan said it was a line item under "Recreation" in the budget.

George Walling asked Councilmember Sheridan why he voted "no."

Councilmember Sheridan stated he listed to the discussion and voted with his conscience.

Matthew Tevos, 56 Second Street, thanked Council for its support of the children in the community.

Elmer Graham, Jr., asked again about having the meetings televised on Channel 15.

Jen Tevos, 56 Second Street, asked why people would be against this non-profit grant if the money was in the budget.

Mayor Kennedy stated because it is using taxpayer money to help non-profits when we don't have enough money to sustain our own programming such as the 5K race and movie nights. It is not about the non-profits and not wanting to support them.

Jen Tevos thought Recreation paid for the 5K and the movies were donated.

Mayor Kennedy pointed out that runners pay to register for the race and businesses sponsor it.

Councilmember Fotopoulos said we are not throwing away taxpayer dollars here, we are investing in the Borough.

George Walling asked Councilman Cooper why he voted "no."

Councilmember Cooper said he wants the organizations to carry they own way.

George Walling then asked why he voted "yes" on the budget.

There being no further comments or questions, the Meeting was closed to the public at 9:34PM moved by Sheridan, carried by Goode with ayes by all present

ADJOURNMENT

Motion to Adjourn at 9:34PM moved by Sheridan, carried by Pacheco with ayes by all present