

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/95199799926?pwd=Z05xY04vdjd5NzBGdzliTFRZSDJaZz09>

Meeting ID: 951 9979 9926

Passcode: 085771

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, Fotopoulos, McDermott, Davidson and McNamara. Present in Council Chambers: Mayor Kennedy, Borough Administrator Jay Delaney. Borough Attorney Leslie London was present via videoconference.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence to the Emergency Personnel in Keyport and surrounding towns who were assisting with a search for a person of interest related to an aggravated assault.

Mayor Kennedy – She said that **R171-21** Authorizing the Hiring of Nicholas Massaro as a Police Officer in the Borough of Keyport was added today and was built into the Budget. Bond information was received for the Bonds that are on this evening and there needs to be clarification on those Bond requests. Ordinance #2 she deferred to Council President Goode for confirmation about the information regarding the fire truck and what company is getting it. Ordinance #3 she is deferring to Administrator Delaney and Councilwoman Davidson. She asked who is going to be responsible for this and if training will be built in. Ordinance #4 she explained that it is a designated parking space on American Legion Drive for a Disabled Vet. Regarding the three items listed under New Business, she said that they will not be included in the first public comment portion.

Council President Goode – He gave an explanation on the fire truck request.

Councilwoman McNamara – Regarding **R168-21** Authorizing Submission of the Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for Improvements to Butler Street and East Third Street and **R169-21** Authorizing Submission of the Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for Improvements to Second Street, she asked if we knew the anticipated cost of the work and if we have to match.

Administrator Delaney – He said that the NJDOT grants do not require a local match. He said the approximate cost of the two applications is \$300-\$350k range. Butler and Second Street have been on the to-do list.

Councilwoman McNamara – Regarding **R170-21** Authorizing Renewal of Liquor Licenses for the 2021-2022 License Term – McDonaghs and Old Glory, she asked if the Electrical sub code work was done. Borough Clerk Clark provided an explanation.

Councilwoman McDermott – She asked for an explanation of Bond Ordinance #3. Administrator Delaney provided an explanation.

She asked about Bond Ordinance #2 and what was going to happen with the old equipment. Council President Goode provided an explanation.

Regarding **R168-21** Authorizing Submission of the Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for Improvements to Butler Street and East Third Street, she said that she was concerned and asked for clarification. Administrator Delaney provided an explanation.

Councilwoman Davidson – She asked about the maintenance of the fire truck. Council President Goode provided an explanation.

Councilwoman McDermott – Regarding **R167-21** Appointing Keyport Environmental Commission Members Michael Palmisano and Joseph Sheridan to serve as the Borough’s Representative and Alternate Representative on the New York Bight Lease and Right-of-Way/Right-of-Use Issuance and Empire Wind Project (Empire Wind 1 and Empire Wind 2) Construction and Operation Plan, she asked about the communication from the appointees.

Councilman Fotopoulos – He explained that it will come through the Environmental Committee and that he will bring the updates to Council.

Mayor Kennedy – Regarding **R171-21** Authorizing the Hiring of Nicholas Massaro as a Police Officer in the Borough of Keyport, she asked if we could add a date of swearing in as of July 20, 2021.

Chief Torres – Requested to make the effective date the same as the resolution date, July 6, 2021.

Councilwoman McNamara – She asked for a capital inventory of the fire equipment. She said some research she did found that a Rescue Truck versus a Rescue Pumper could be one-third of the cost.

Councilman Fotopoulos – He explained the reason for the request of the Rescue Pumper.

Councilwoman McNamara – She asked how Church Street was included in the Bond and if we have received a report from the Borough Engineer on Atlantic and Church Street sewers.

Administrator Delaney – Televising indicated a single repair of the sewer line. It includes the waterline replacement on Church Street.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions listed on the Agenda at 8:00PM moved by Davidson, carried by Fotopoulos with ayes by all present.

Elmer J. Graham, Jr., 22 St. Peters Pl – He said he thinks it would save the Borough money if we had one fire building. He spoke about the Borough sidewalks.

John Merla, 34 Broad St. – Regarding the Bond Ordinance for water-sewer he is concerned about the hydrants.

Administrator Delaney – He said that it does include replacement of several hydrants.

John Merla – Regarding the proposal from CME, he recommended the storm water basin be looked at. On page 4 it lists Police Traffic Directors cost as \$65k and said that it can’t be right.

Administrator Delaney – He said that he will review it with the Engineer directly.

John Merla – Regarding the Payment of Bills, he asked for an explanation on the amount of \$7,492.92 under Recreation expense. Administrator Delaney provided an explanation.

Michael Lane, 51 First St. – He said the response of 75% for Eagle Hose is very impressive. Regarding **R170-21** Authorizing Renewal of Liquor Licenses for the 2021-2022 License Term – McDonaghs and Old Glory, he said that the liquor license that was approved earlier this year was for 2 and 6-10 W Front Street and he asked how it relates to the 52 Broad Street. He asked if the license has been updated. He said that there is an inconsistency in the 2018 Land Use document that needs to be dealt with. He referenced section 25:1-9 GCD Regulations and the un-updated section 25:1-18 Off Street Parking Regulations. He asked if Council received a letter from Mark Sessa.

There being no further comments or questions, the Meeting was closed to the public at 8:17PM moved by Pacheco, carried by McDermott with ayes by all present.

MAYORS UPDATE

Mayor Kennedy thanked everyone who assisted and participated in the Juneteenth celebration.

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.)

- R159-21 Authorizing the Execution of a Memorandum of Agreement between the Borough of Keyport and Keyport PBA Local 223 (Tabled June 15, 2021 Meeting)
- R166-21 Payment of Bills for the July 6, 2021 Bills List
- R167-21 Appointing Keyport Environmental Commission Members Michael Palmisano and Joseph Sheridan to Serve as the Borough’s Representative and Alternate Representative on the New York Bight Lease and Right-of-Way/Right-of-Use Issuance and Empire Wind Project (Empire Wind 1 and Empire Wind 2) Construction and Operation Plan
- R168-21 Authorizing Submission of the Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for Improvements to Butler Street and East Third Street
- R169-21 Authorizing Submission of the Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for Improvements to Second Street
- R170-21 Authorizing Renewal of Liquor Licenses for the 2021-2022 License Term – McDonaghs and Old Glory
- R171-21 Authorizing the Hiring of Nicholas Massaro as a Police Officer in the Borough of Keyport

APPROVAL OF RESOLUTIONS

Motion to approve Consent Agenda with a change to **R171-21** Authorizing the Hiring of Nicholas Massaro as a Police Officer in the Borough of Keyport, adding the date of employment as July 6, 2021 moved by Pacheco, carried by McDermott.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays: McNamara (**R170-21**)
Abstain:
Absent:

INTRODUCTION OF ORDINANCES

1. Ordinance – Prohibit Any Class of Cannabis Business Within the Borough

The Clerk read the Ordinance by Title: **AN ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 25 “ZONING” OF THE CODE OF THE BOROUGH OF KEYPORT TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE BOROUGH**

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

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

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 Davidson with ayes by all present.

2. Ordinance – Bond Ordinance Providing for the Acquisition of Fire Apparatus and Related Equipment

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A FIRE ENGINE WITH RELATED APPARATUS AND EQUIPMENT BY THE BOROUGH OF KEYPORT, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

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

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

3. **Ordinance – Multi-Purpose Bond Ordinance Providing for the Acquisition of Water-Sewer Equipment and for Infrastructure Improvements to the Water Distribution System and Sewer Collection System**

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF KEYPORT, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

3a. Motion to introduce moved by Davidson, carried by Pacheco.

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

3b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Pacheco, carried by McDermott with ayes by all present.

4. **Ordinance – Designating a Disabled Veteran’s Parking Space on American Legion Drive**

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER VIII, SECTION 3 “AMERICAN LEGION DRIVE PARKING LOT, AMERICAN LEGION DRIVE, AND FIREMAN’S PARKING LOT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

4a. Motion to introduce moved by McDermott, carried by Pacheco.

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

4b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Pacheco, carried by McDermott with ayes by all present.

COMMUNICATIONS BY CONSENT
(For Approval)

1. Recreation Committee Program and Activity Planning Summary proposing to hold Movie Nights at Waterfront Park on Wednesday evenings beginning at dusk on July 7th, July 21st, July 28th, August 4th and August 18th. Also requesting assistance of DPW for set up and breakdown of screen, sound system, tables and two chairs.
2. Application for Use of Borough Property from Sally Lopez for a wedding ceremony at Waterfront Park Gazebo to be held Saturday, July 10, 2021 at 3:15PM
3. Application for Use of Borough Property from Jennifer Cotignola for a wedding ceremony at Waterfront Park Gazebo to be held Friday, July 16, 2021 at 11AM

- 4. Letter dated June 25, 2021 from Keyport Fire Department Secretary Jacqueline Kovacs-Olsen requesting to use Fireman’s Park lot on August 2, 8, and 9 for pump, hose and ladder testing. Also requesting to use the lot the third week of August for pump service testing.
- 5. Application for Use of Borough Property from Cody Beers for a wedding ceremony at Waterfront Pavilion/Promenade to be held on Saturday, August 28, 2021 at 2:30PM

(To Receive and File)

- 6. Email from Mayor Kennedy advising of the resignation of Chris Sanborn, Board Member and Treasurer of the KBBC, effective June 9, 2021
- 7. Letter dated July 1, 2021 from Keyport Fire Department Chief Jonathan Borsari advising of the cancellation of the 2021 Fireman’s Fair

Councilwoman McDermott – She asked if Communication #7 was being cancelled or was there a new date.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on Communications by Consent moved by Goode, carried by Davidson.

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

APPROVAL OF MINUTES

May 18, 2021 Regular Meeting
June 1, 2021 Regular Meeting

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

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

NEW BUSINESS

- 1. KBBC Status
- 2. Library Memorandum of Agreement
- 3. Waiving of Fees

1. KBBC Status

Mayor Kennedy spoke about the background history of the KBBC. She spoke of several compliance issues. The Ordinance and Bylaws were provided to the Governing Body for review.

Council President Goode – He said that KBBC needs to decide what they need to do and he wants to hear what they want to do and what they expect to do.

Councilwoman Pacheco – She agrees with Council President Goode and wants to hear what Shauna has to say.

Councilman Fotopoulos – He agrees with Council President Goode and Councilwoman Pacheco. He needs time to absorb what’s been said and would like to speak to members of the Board and Ms. Burlew.

Councilwoman McDermott – She said it has been difficult to retain Board Members and that there has always been a fluctuation of Board Members. She said there has been a lack of charge back and that cross-shared services need to be more defined. She is open to discussion.

Councilwoman Davidson – She is concerned that bylaws are not being followed and that it has evolved into something different. She said removing Governing Body members could be detrimental, but something definitely needs to be done.

Councilwoman McNamara – She said that the reporting requirements should be a priority and she would like to hear from members of the Board. She wants to know what the businesses expect from the KBBC.

Mayor Kennedy – She said that she cannot continue to sit on a Board when things are not legal and compliant.

Attorney Leslie London – She said that she can provide a more detailed memo of dissolution if that is something in consideration.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions regarding the KBBC at 9:25PM moved by McDermott, carried by McNamara with ayes by all present.

Shauna Burlew, President of the KBBC – She said that many business owners have come to her and stepped up to support the continuation of KBBC. A Chamber of Commerce hasn't proved to be as beneficial or as successful as a BID. She asked Mayor and Council to fill the current vacancies while they work to change the bylaws and make changes to the Ordinance. She said that this is not taxpayer money and is a specific assessment imposed on businesses or the commercial property owner depending on how it's set up.

Larry Vecchio, 55 W Front St. – He said that he is disgusted by the comments of the Mayor about the Board not having done things over the past several years. He said that they are the single most influential part of the turnaround of Keyport in the last 15 or 20 years. If there are problems with the way that the Board is being run, he told the Mayor that she has been on it for a year and a half and so has Councilwoman McDermott.

Mayor Kennedy – She said he sat on the Board as well when she was pointing out all of those things that were done illegally and improperly.

Larry Vecchio – He said that he got off it and now the Mayor won't put him back on because he has resigned three times. He said that everytime Mayor or Council get involved they start wasting taxpayer money and he doesn't want to be involved in it. He said that we don't need an Executive Director. He said that he would rather be spending money on a CPA and Lawyer than an Executive Director. He doesn't like any of the procurement rules, but the Mini Park wouldn't have been built with those procurement rules. He wouldn't spend the money on paving parking lots. We need advertisements and social media marketing and some events, but he wouldn't spend most of the money on events. He said the Board has done a lot of good things over the past 20 years. He thinks that everyone needs to make sure that it's done right.

Mayor Kennedy – She said that the Mini Park wasn't built by following rules and this is why it's a third reiteration because it got shut down because of all of the illegal happenings. The steps are falling apart and we didn't have Engineering studies. There is a divide that the Board has to follow all of the procurement rules in Government. She said that they are tedious, extensive and are exhausting and she agrees.

Elmer J. Graham, Jr. – He said that he agrees with Mr. Vecchio and Ms. Burlew.

Jack Straub, - He said that he is concerned. He said that the Mayor has made allusions to things not being done properly. In the Ordinance from August of 2013, he said that the Local Public Contracts Law was stricken. He said that there are several critical inconsistencies and encouraged people to review the meeting recordings.

John Merla – He said that the KBBC is running events for Keyport. He said that Mayor and Council has to give a little bit of slack to a group of volunteers trying to run their businesses. He said hear both sides and give the opportunity to make a decision. He said the KBBC is a betterment for our community and that we should hold onto it and support one another.

Discussion ensued between Mayor Kennedy, Shauna Burlew and Larry Vecchio about the seats on the KBBC.

Larry Vecchio – He said people did not resign due to the financial problems and that is misleading.

Melissa O'Connell, owner of Funhouse – She said her appeal to Keyport was the small town feel and the events. She said that they have been meeting and some of the meetings have been in her store.

Ann Boyce, 42 Broad St. – She is on the Board of KBBC and said that they are working on events. She said that they are working on a lot of marketing tools for all businesses that pay into the BID.

Chad Simons, owner of Gourmet Italian Delights – He said that he was elected to the Board of KBBC. As a new member, he is trying to learn and wants to bring everyone together to bring people into town.

Lorraine DeVizia, owner of Gerber Salon – She is a member of the KBBC Board and has offered her assistance to Shauna Burlew.

There being no further comments or questions, the Meeting was closed to the public at 10:03PM moved by Davidson, carried by McNamara with ayes by all present.

Discussion ensued amongst the Dias about why Board members are not being appointed.

Councilwoman Davidson – She asked if some of the names put forward are ineligible. Mayor Kennedy replied, yes.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions regarding the KBBC at 10:10PM moved by Pacheco, carried by Fotopoulos with ayes by all present.

Shauna Burlew – She submitted five names to fill vacancies. She gave the names of 3BR Distillery, David Colonnello from Family Treasure, Melissa O’Connell, Larry Vecchio and John Merla.

There being no further comments or questions, the Meeting was closed to the public at 10:13PM moved by Fotopoulos, carried by McDermott with ayes by all present.

Council President Goode – He said to take this up at the next Council meeting.

2. Library Memorandum of Agreement

Mayor Kennedy – She asked to table this because the Memorandum of Agreement was never sent to Attorney Leslie London.

Council President Goode – He said that he is not comfortable with the agreement as written.

Attorney Leslie London – She needs to know the terms for a Memorandum of Agreement or a shared service.

3. Waiving of Fees

Mayor Kennedy – She suggests changing Ordinance if you want to waive fees all the time.

UNFINISHED BUSINESS

Councilman Fotopoulos – He asked for clarification on what needs to be done to turnover mosaic benches to the Borough. He knows insurance was one of the issues.

Mayor Kennedy – She deferred to Attorney Leslie London and Administrator Delaney.

ATTORNEY'S REPORT

None

Attorney Leslie London – She said there is no problem with the 5K proceeding with contributions going to the “Ministerium.” There are no violations of the First Amendment.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 10:27PM moved by Davidson, carried by McDermott with ayes by all present.

Jack Straub – He spoke about the nomination, ballot and certification timeline.

Dan Fox, 40 Church St. – He asked why the residents of Church Street received violations for sidewalks.

Mayor Kennedy – She said that they had to notify residents by law.

Jennifer Williams, 67 Church St. – She asked if every street has been noticed about sidewalks. She feels that Church Street residents are being discriminated against.

Administrator Delaney provided an explanation

Jennifer Williams – She asked if she is required to have a sidewalk.

Administrator Delaney – He explained when sidewalks are replaced and when road paving projects are done. He will review sidewalks at 67 Church Street.

Carol Fox, 40 Church St. – She said that she doesn't want to be held responsible for her neighbors receiving notices of violations. She also spoke of trucks running over the sidewalks.

Council President Goode – He asked Administrator Delaney to make note of large trucks going up Church Street.

Jacqueline Kovacs-Olsen, 45 Church St. – She spoke about other streets in town which were paved. She said that DPW workers messed up her sidewalks.

Elmer J. Graham, Jr. – He said that nothing was accomplished tonight. He sees the sidewalks and asked why the grants can't go toward improving the public sidewalks.

John Merla – He said that he agrees with Ms. Kovacs. The year they paved Washington Street new sidewalks were put in. Senate Bill 3926 grants the BPU to supersede most Borough powers to regulate monopolies. If signed by the Governor, we may not have any power in the future. He said that the mosaic benches have been vandalized and he thinks we should have a camera there. He also thinks we need to consider having cameras in the parks. He asked if we are getting flood gates fixed.

Mike Lane – He reinforced that we have 16 wheelers going down First Street and that it's a real problem. He said that the Borough came through with a financing plan to replace sidewalks in the past. He asked about the timeline to get zoning deficiencies resolved.

There being no further comments or questions, the Meeting was closed to the public at 11:15PM moved by McDermott, carried by Pacheco with ayes by all present.

Mayor Kennedy – She asked Administrator Delaney the status of opening the Council room to Public meetings.

ADJOURNMENT

Motion to Adjourn at 11:18PM moved by Fotopoulos, carried by Goode with ayes by all Present.