

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 Cooper, Goode, Pacheco, Fotopoulos and McDermott. Others present: Mayor Kennedy, Borough Attorney William P. Opel, Esq., and Borough Administrator Stephen Gallo. Councilmember Sheridan arrived at 7:49PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a Moment of Silence to Mayor Robert Strang who served in the Navy in World War II and served locally as Mayor and on Council for seven terms.

COMMITTEE REPORTS

Councilman Sheridan: Finance/Grants/Redevelopment/LEPC – Arrived 7:49PM

Councilman Cooper: Recreation/Senior Center/Green Team

- Food vouchers for Farm program handed out in June
- Seniors met with the Mayor
- Carpet will be installed
- Office on Aging amended their budget for new furniture; air conditioning is 20 years old.
- Senior Center using window units for air conditioning
- July 10th trip to Cherry Hill for luncheon
- July 17th hearing screening
- July 31st Summer party at Lakeside Manor in Hazlet
- Yoga, Tai Chi and Pilates offered at waterfront
- Artspace 88 offering art lessons and tap lessons

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

- Read Fire Department figures – 250 calls for the year, over 2,000 man-hours
- Planning Board did not meet

Councilwoman Pacheco: Police/MAC/Harbor Commission

- Read Police Department report, including calls for service. Nineteen DWI's for June.
- Two officers attended prom
- High School held graduation ceremony
- Summer Kickoff at Borough Hall
- Speed signs on Third Street
- Ordered more speed signs and pedestrian crossing signs
- New boat launch concessions at waterfront
- Narcan training coming up

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

- Recycling Committee meeting this quarter
- Curbside branch pick-up; contact Donna in Board of Health
- Environmental Commission initiatives; have help from Sarrynna, energy project consultant
- Reductions in single-use plastics
- Continuing planting shore grasses at Cedar Street and Benjamin Terry Parks
- Brownfield inventory

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

- Summer Camp is going well
- 5K registration began
- Read items from the Construction Office monthly report
- Clean Communities information
- Four Keyport Clean Communities workers are now full-time DPW workers
- KBBC ribbon cutting for three businesses this past Saturday
- Keyport Yacht Club open house was well attended; five \$10 Keyport Cash distributed.
- Music Thursdays continue
- Car Show next week
- Farmer's Market Thursdays 1PM-7PM
- A Canoe to You at the waterfront Monday through Saturday, 10AM-6PM

Mayor Kennedy inquired about a hydrant on First Street.

ADMINISTRATOR'S REPORT

Administrator Gallo reported on the following:

- Met with Cat Galli regarding recreation programs
- Met with Borough Clerk regarding Agenda preparation
- Held a meeting about dumpsters in the commercial district
- Met with DPW Superintendent
- Toured the Borough with the DPW Superintendent and Supervisor
- Attended the KBBC meeting
- Met with redevelopment counsel
- Met on the 75 Manchester project

Ongoing Capital Projects

- Beach Park and Beers Street Outfall Reconstruction
- 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) Black Rock
- 2019 Road Program Phase 2 (\$325,000 NJDOT 2019 grant)
- 2019 Road Program Phase 3 (\$350,000 NJDOT 2018 grant)
- 2016 TAP Grant (\$569,000 + Design)
- Main Street Park

Redevelopment

- Mariner's Village
- Aeromarine
- Scatter Sites
- Main Parking Lot
- Longview/Boatworks
- 149 W. Front Street

Water and Sewer Projects

- Perry Street Water Treatment Plan Upgrades

Other:

- Complete Streets Project/Pedestrian Safety
- County Dispatch
- Flood Control Ordinance Updates
- Shared Services
- Tech Review

- Library Bond
- Borough Hall Leaks
- Summer Recreation Camp
- Summer Programs
- Keyport Energy Initiatives
- Neighborhood Preservation Program NPP
- Hazard Mitigation Program
- Atlantic Street Water Leak

Councilmember McDermott asked for an update on the LimeBike bike share program, which Administrator Gallo provided.

Administrator Gallo stated a new census will provide data that would drive whether a census tract is eligible for CDBG funding.

MAYOR'S UPDATES

Mayor Kennedy reported on the following:

- Houses of Worship emergency personnel tour tomorrow
- Only one Council meeting in August due to Fireman's Fair and National Night Out
- Visited Summer Camp on Friday
- Toured school upgrades with Dr. Savoia
- Attended 100th anniversary dinner of the American Legion
- Met with co-chair of Bayshore 2020 initiatives
- Car Show will be held July 25th with a rain date of July 26th
- Three upcoming weddings

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.)

Clerk Heilweil read the items listed on the Consent Agenda

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

R221-19 Payment of Bills

R222-19 Authorizing Submission of a Grant Application and To Execute a Grant Contract with the New Jersey Department of Transportation for the 2020 Bikeways Grant

R223-19 Authorizing Submission of a Grant Application and Execution of a Contract with the NJ DOT for the 2020 Safe Streets to Transit Program

R224-19 Authorizing the Borough to Enter into Shared Service Agreements with the County of Monmouth

R225-19 Authorizing Enerchange Power & Gas to Act as Energy Consultant for the Borough

R226-19 Authorizing Return of a Portion of the Escrow Deposit held for a Road Opening Permit for Repair in the Vicinity of Block 92, Lots 2 & 3 (Muradi - \$2,200)

R227-19 Authorizing the Extension of the Lease Agreement for 120 Francis Street, Unit 18

R228-19 Confirming the Emergency Declaration by the Borough Engineer that the Water Service Issue at Atlantic Street Constituted an Emergency and Ratifying the Authorization for the Borough to Make any Necessary Payments for Repairs

R229-19 Adopting a Revised Plan from Lincoln Retirement Services LLC Regarding the Employee Deferred Compensation Program

R230-19 Supporting the NJ DOT's Broadway Bridge Project

R231-19 Approving a Meeting Agenda Preparation Policy and Schedule for the Borough Council

Mayor Kennedy stated **R230-19** Supporting the NJ DOT's Broadway Bridge Project authorizes an NJDOT study to develop and execute a plan. She feels uncomfortable authorizing the execution of plan without knowing what the plan is.

Administrator Gallo said a plan will not be done without a resolution of support.

Mayor Kennedy asked about **R227-19** Authorizing the Extension of the Lease Agreement for 120 Francis Street, Unit 18. She would like the extension to be for only one year.

Administrator Gallo stated the resolution authorizes the extension for up to two years.

Councilmember Goode asked about retroactive effective date in **R224-19** Authorizing the Borough to Enter into Shared Service Agreements with the County of Monmouth. It goes back to 2018.

Administrator Gallo said that's when the last agreement expired.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on **resolutions listed on the Consent Agenda** at 7:41PM moved by Goode, carried by Pacheco with ayes by all present

Dan Fox, 40 Church Street, asked what shared services we are being offered by the County in **R224-19** Authorizing the Borough to Enter into Shared Service Agreements with the County of Monmouth.

Councilmember Goode explained this is in case we need these services. We are not required to use the services.

Dan Fox spoke of a house on Fulton Street that has multiple property maintenance violations. He questioned Councilwoman McDermott about it.

Michael Lane, 51 First Street, explained a fire hydrant in front of 55 First Street was hit by a car. He asked for an explanation of **R223-19** Authorizing Submission of a Grant Application and Execution of a Contract with the NJ DOT for the 2020 Safe Streets to Transit Program.

Administrator Gallo explained it is a project on Green Grove that will enhance pedestrian safety.

George Walling, 54 Second Street, asked why Council was not aware of the hydrant issue. He also stated with regard to **R230-19** Supporting the NJ DOT's Broadway Bridge Project that there is no bridge on Broadway.

Administrator Gallo explained that is what the County calls it.

Councilmember Sheridan arrived at 7:49PM

Councilmember Sheridan stated the Keyport Historical Society held a standing-room only presentation for Elizabeth Walling.

There being no further or comments or questions, the Meeting was closed to the public at 7:50PM moved by Goode, carried by Cooper with ayes by all present

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Goode, carried by Fotopoulos

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

PUBLIC HEARING

FY 2020 CDBG application which will be submitted to the Monmouth County Office of Community Development

Administrator Gallo gave an explanation of the project. We would like to repair both curbs and sidewalks on Broad Street making them safe for children who walk to school.

Mayor Kennedy would like to extend that to Elizabeth and Warren Streets.

Administrator Gallo suggested that may make it less likely to be awarded.

The Meeting was opened to the public for input **on the contents of the FY 2020 CDBG application which will be submitted to the Monmouth County Office of Community Development** at 7:55PM moved by McDermott, carried by Sheridan with ayes by all present

Andrew Kelsey asked about the possibility of adding traffic-calming features.

Michael Lane thinks Broad Street is in need of sidewalks. He asked about crosswalks at Broad and Maple. He would like to button to push for crossing.

There being no further comments or questions, the Public Hearing was closed at 7:58PM moved by Sheridan, carried by Pacheco with ayes by all present

PUBLIC HEARINGS/ADOPTION OF ORDINANCE

1. Ordinance #14-19 – Amend Parking Restrictions on Madison Street

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

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

Seeing no one, the Public Hearing was closed at 8PM, moved by McDermott, carried by Pacheco with ayes by all present

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

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 Cooper with ayes by all present

COMMUNICATIONS BY CONSENT
(For Approval)

1. Email from Stress Free Body on behalf of Keyport Art Society regarding Art Around the Bay to be held Saturday September 14th from 9AM-6PM (RD 9/15/19). Requesting use of stage and a waiver of the fee as well as ideas for this event.
2. Email from KeyportFest 5K Race Director requesting permission to place ten lawn signs at various locations around the Borough to advertise this event which is scheduled for Saturday, September 21, 2019. Signs would be placed at the

following locations:

- Waterfront Park – by Firemen’s parking lot & middle of park along waterfront
 - Beach Park by the volleyball net
 - Route 36 across from gas station near Stop & Shop
 - Route 36 in front of IHOP – with IHOP’s approval
 - Corner of Maple Place & Broad near Wonder Bagels
3. Email from KBBC requesting suspension of the No-Parking zone along west side of Beers Street from West Front to Elizabeth Street, from 3-10PM on July 25th (RD July 26). Due to increasing popularity of the Car Show, KBBC requests the use of Firemen’s Park lot for vehicle display
 4. Application for film permit from ABC Studios for filming two actors walking at “West side of Broad Street between West Front Street and 1st Street”
 5. Application for film permit from ABC Studios for filming a driving scene at “West Front Street between Washington Street and the water”

(To Receive and File)

6. Clean Communities Report for June 14 – July 10, 2019

Jose Torres, Brooklyn, Assistant Location Manager, came forward to speak regarding Communication #4 and #5 and explained they are seeking a film permit for ABC’s “Emergence.”

Mayor Kennedy said the proposed date is July 22nd. She advised Mr. Torres that July 25th is the Car Show beginning at 3PM, with a rain date of July 26th, so no filming could be done then.

Jose Torres explained the film project. He said they are requesting five officers for traffic control. He wants to place picture cars on the road. He wants to control parking during the filming.

Councilmember Sheridan asked if our First Aid should be there.

Jose Torres said ABC will have our own medics on site.

Mayor Kennedy asked that Communication #1 be placed on the Borough’s permit application form.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on **Communications listed above** at 8:13PM moved by Pacheco, carried by Fotopoulos with ayes by all present

Mike Lane shared a story of selling his sailboat to a television production company.

Mayor Kennedy would like the Clean Communities Report listed under “Reports of Departments” on the Agenda in the future.

There being no further comments or questions, the Meeting was closed to the public at 8:14PM moved by Fotopoulos, carried by Pacheco with ayes by all present

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve items listed on Communications by Consent and receive and file item #6 moved by Goode, carried by Cooper

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

APPROVAL OF MINUTES

Motion to approve with edits the May 21, 2019 Regular Session Minutes and the June 18, 2019 Regular Session Minutes moved by Pacheco, carried by Fotopoulos with ayes by all present

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for June 2019
2. Tax/Water/Sewer Collector's Report for June 2019
3. Board of Health Treasurer's Report for June 2019
4. Building Department Monthly Report for June 2019
5. Municipal Court Monthly Report for June 2019

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

NEW BUSINESS

Councilmember Sheridan stated he is looking to have the annual Hurricane Preparedness Meeting during the third week in September. He is also planning a drill for LEPC in October.

UNFINISHED BUSINESS

ATTORNEY'S REPORT

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:22PM moved by Sheridan, carried by Pacheco with ayes by all present

Ed Burlew asked for clarification of this evening's closed session.

Attorney Opel explained tonight's closed session is related to a project for work performed for the Borough that may lead to litigation. We are trying to resolve it.

Ed Carew, 164 Broadway, asked about the chimney repairs for Library.

Daniel Fox, 40 Church Street, asked the number of police officers and why we ordered so many radios.

Councilmember Pacheco said we have 16 officers, plus the Chief, plus two new hires.

Daniel Fox said he doesn't see how we have any savings by going to County dispatch.

Mayor Kennedy stated we needed to upgrade the equipment whether we went to County dispatch or not.

Dan Fox said it would be \$166,000 to replace our system, but cost was almost half a million dollars to move to the County system.

Michael Lane said balloons were released at the waterfront this past weekend. He thought we had a ban on balloon releases and asked how we enforce it. He also asked for a Tax Assessor's Report.

Administrator Gallo said there is currently no ordinance banning the release of balloons. He will get a report from the Tax Assessor.

Michael Lane spoke of issues with brick pavers at the streetscape.

Administrator Gallo said the new streetscape will not have brick pavers.

Mike Lane said the resolution number referenced in 75 Manchester was incorrect. He

will send Council the resolution and a list of guidelines/conditions that were included.

George Walling questioned Attorney Opel regarding not having a report.

Attorney Opel said it was action taken by Council two months ago.

Mayor Kennedy wanted to clarify that the amendment was made at the meeting prior to being voted on so there was nothing further to report.

George Walling asked Councilwoman Pacheco if she signed off on the 40 radios; yes.

Dan Fox asked how many pending lawsuits have been filed or how many have filed an intent to file.

Attorney Opel said he is working on one appeal for an employment matter.

There being no further comments or questions, the Meeting was closed to the public at 8:48PM moved by Sheridan, carried by Goode with ayes by all present

Motion to go into Closed Session after a five-minute break moved by Sheridan, carried by Pacheco with ayes by all present

CLOSED SESSION

RESOLUTION #232-19

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, issues related to potential litigation in which the Borough may become a party, pursuant to N.J.S.A.10:4-12(b)(7).

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 July 16, 2019 and determined that an Executive Session closed to the public shall be held on July 16, 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: SHERIDAN

SECONDED: PACHECO

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

NAYS:

ABSENT:

Council reconvened to Open Session at 9:08PM. Attorney Opel went over what was discussed in Closed Session:

- Issues related to a project by the Borough
- Went over possible solutions
- Hoping to resolve, but could become litigation

ADJOURNMENT

Motion to Adjourn at 9:09PM moved by Pacheco, carried by Fotopoulos with ayes by all present