

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 Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Mayor Kennedy, Council President McNamara, Councilmembers McDermott, Davidson, Araneo and Peperoni. Others present: Borough Administrator Jay Delaney, Borough Attorney Leslie London, Borough Engineer Trevor Taylor and Police Chief Shannon Torres. Councilmember Pacheco arrived at 7:25PM.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence in honor of our neighboring community and the tragic loss they have recently endured with the passing of Detective Timothy Kelly, Jr.

COMMITTEE REPORTS

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

Councilmember Pacheco: Police/MAC, Redevelopment, Harbor Commission, Board of Health/Registrar, Veterans – Arrived 7:25PM. See below for report.

Councilmember McDermott: Environmental, KBBC, Fire/First Aid/OEM, NPP, Cultural/Civic

Councilmember McDermott reported on the following:

- Environmental Commission
 - Request for information for Sustainable Jersey
 - Held a successful event with school
 - November – annual planting for dunes and repair work around fences
- KBBC
 - Request is on this agenda for two additional porta potties for larger events
 - Request is on this agenda for gazebo
 - Kicking off big events on Thursdays
 - Farmers Market every Thursday
- Resolution to support distillery licensees is on this agenda

Councilmember Davidson: DPW/Construction/Fire Bureau/Property Maintenance, Planning Board, Recreation/Senior Center, Parking, Mayors Wellness Campaign

Councilmember Davidson reported on the following:

- Read Construction Office monthly report
- Planning Board
 - Application for Church Street was approved
 - Next Planning Board meeting is July 28th

Councilmember McNamara: Recreation/Senior Center, Green Team, Finance/Grants, Parking, Cannabis*, Mayors Wellness Campaign

Council President McNamara reported on the following:

- Recreation Committee
 - Held two flag lowering sessions
 - Increase in attendance during Movies
 - Saturday morning Jungle Magic show was well attended
 - If I Ran the Circus show is this weekend
 - Monmouth County Nature on the Move Van was at Beach Park last weekend
 - 5k Race
 - Movie tomorrow night
- Green Team
 - attended the Sustainable Jersey Summit at Bell Works
- Senior Center

- Skipper Bus currently out of service due to air conditioning issue
- Floors taken care of
- AC trip tomorrow
- Hearing screening end of August
- Peddlers Village Murder Mystery trip in August
- August is Art Appreciation Month

Councilmember Araneo: Finance/Grants, NPP, Parking, Police/MAC, Harbor Commission, Cannabis*, Cultural/Civic

Councilmember Araneo reported on the following:

- Parking
 - Parking Advisory Committee did a final report and submitted it for the agenda
- Finance/Grants
 - Nothing to report. There is a meeting tomorrow night
- NPP
 - LED color changing lights to be installed on the gazebo
 - Repairs to be made to smaller municipal parking lot mid-August
 - New poles to be purchased
 - Decorative street signs – phase 1
 - Street lights upgraded to LED in several locations
 - Arches for Year 2 moved to later this year – no design yet
 - Mini Park pavers and retaining wall pavers
 - NPP approved for Year 3 funding
 - Carolyn O’Rowe appointed
 - Mural repainted and installed

Councilmember Peperoni: Fire/First Aid/OEM, Board of Health/Registrar, Recycling, DPW/Construction/Fire Bureau/Property Maintenance, Redevelopment, Veterans

Councilmember Peperoni reported on the following:

- Fire/First Aid/OEM
 - Wished Chief Pfleger a speedy recovery
 - Fireman’s Fair is in August
- Board of Health/Registrar
 - Read the Board of Health monthly report

Mayor Kennedy: Library, Planning Board, KBBC, Green Team, Cultural/Civic, Mayors Wellness Campaign, Veterans

Mayor Kennedy reported on the following:

- Library
 - Attended Library Board of Trustees meeting
 - Access Navigator every Thursday – provides basic computer training
 - Several requests to JIF to consider extending coverage to Friends of the Library
- Mayor’s Wellness Campaign
 - Thanked Janet Gallo who came up with the wording
 - Webinar tomorrow
- KBBC
 - Audit due in few months; RFP for Auditor out this week
 - Bylaw revisions being worked on
 - Car Show was a success
 - Went over approved number of vehicles
 - Band playing time extended beyond approved end time
 - Porta Potty request

MAYOR’S UPDATES

- Shout out to Council President McNamara for coming up with new initiatives
 - Recreation Mini-Camps

Councilmember McDermott – asked about the EZ Pass violation on page 10 of the Payment of Bills Resolution #2022-171.

Councilmember Davidson – asked to pull Communications 1 and 3 for discussion.

Councilmember Peperoni – asked about the Interglobe charges on page 7 of the Payment of Bills Resolution #2022-171.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on Resolutions and Communications only at 7:22PM moved by Araneo, carried by McDermott with ayes by all present

John Merla, 34 Broad Street – asked about **R2022-175** Appointing Dylan Borders Clean Community Coordinator and about the ordinance introduction for Broad Street traffic.

Michael Lane, 51 First Street – asked about **R2022-174** Appointing Member to the “Downtown Keyport” District Stakeholder Planning Team as Part of the Borough of Keyport’s Participation in the Neighborhood Preservation Program – *Carolyn O’Rowe*.

Councilmember Pacheco arrived at 7:25PM

Mr. Lane asked what motivated **R2022-176** Resolution in Support of the New Jersey Division of Alcoholic Beverage Control’s Current Guidelines and Rules Regarding Craft Distillery Licensees. He spoke about Communication #3 regarding the gazebo and Communication #6 regarding site contamination.

Elmer Graham, Jr., 22 St. Peters Place – asked for an explanation of **R2022-172** Authorizing the Purchase of First Aid Equipment through the New Jersey State Cooperative Purchasing Alliance, which the Administrator provided.

The Meeting was closed to the public at 7:30PM moved by Peperoni, carried by McDermott with ayes by all present

Councilmember Pacheco: Police/MAC, Redevelopment, Harbor Commission, Board of Health/Registrar, Veterans –

Councilmember Pacheco reported on the following:

- Municipal Alliance Committee met last week and discussed future leadership
 - Adult fishing tournament next year
 - Discussed MAC concerns regarding cannabis business in downtown area
- Harbor Commission small meeting
 - Snapper Contest
 - Kiosk – missing signage and parking enforcement
 - Recommend DPW work together to remove stones

Mayor Kennedy – asked if councilmembers had questions regarding the Consent Agenda.

Councilmember Pacheco – asked to pull **R2022-173** Authorizing Execution of the Collective Bargaining Agreement with the International Union of Operating Engineers, Local 68-68A-68B, ALF-CIO (Clerical Unit) for the Years 2021 through 2023, for separate vote.

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.)

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| R2022-170 | Payment of Bills Listed on the July 7, 2022 Bills List |
| R2022-171 | Payment of Bills Listed on the July 19, 2022 Bills List |
| R2022-172 | Authorizing the Purchase of First Aid Equipment through the New Jersey State Cooperative Purchasing Alliance |
| R2022-173 | Authorizing Execution of the Collective Bargaining Agreement with the International Union of Operating Engineers, Local 68-68A-68B, ALF-CIO (Clerical Unit) for the Years 2021 through 2023 |
| R2022-174 | Appointing Member to the “Downtown Keyport” District Stakeholder Planning Team as Part of the Borough of Keyport’s Participation in the Neighborhood Preservation Program – <i>Carolyn O’Rowe</i> |
| R2022-175 | Appointing Dylan Borders Clean Community Coordinator |
| R2022-176 | Resolution in Support of the New Jersey Division of Alcoholic Beverage Control’s Current Guidelines and Rules Regarding Craft Distillery Licensees |

APPROVAL OF RESOLUTIONS

Motion to approve **R2022-170** Payment of Bills Listed on the July 7, 2022 Bills List through **R2022-176** Resolution in Support of the New Jersey Division of Alcoholic Beverage Control’s Current Guidelines and Rules Regarding Craft Distillery Licensees, with the exception of **R2022-173** Authorizing Execution of the Collective Bargaining Agreement with the International Union of Operating Engineers, Local 68-68A-68B, ALF-CIO (Clerical Unit) for the Years 2021 through 2023 which was pulled for separate vote, moved by Pacheco, carried by McDermott

Roll Call: Ayes: Pacheco, McDermott, Davidson, McNamara, Araneo, Peperoni
 Nays:
 Absent:
 Abstain:

Motion to approve **R2022-173** Authorizing Execution of the Collective Bargaining Agreement with the International Union of Operating Engineers, Local 68-68A-68B, ALF-CIO (Clerical Unit) for the Years 2021 through 2023 moved by Peperoni, carried by McDermott

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
 Nays:
 Absent:
 Abstain: Pacheco

(Councilmember Pacheco abstained from the vote as she works for the IUOE)

INTRODUCTION OF ORDINANCES

1. Ordinance – Establishing Salaries and Wages for Designated Employees

The Clerk reads the Ordinance by Title: **AN ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY ESTABLISHING SALARIES AND WAGES FOR DESIGNATED EMPLOYEES IN ACCORDANCE WITH THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF KEYPORT AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 68-68A-68B, ALF-CIO**

1a. Motion to introduce moved by Davidson, carried by McNamara

Roll Call: Ayes: McDermott, Davidson, McNamara, Araneo, Peperoni
 Nays:
 Absent:
 Abstain: Pacheco

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

2. Ordinance – Amending Broad Street Traffic Regulations

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 7 “TRAFFIC” AND CHAPTER 7A “TRAFFIC SCHEDULES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

Borough Administrator Jay Delaney distributed an enlarged printout of the concept plan of the amendments. He explained the plan to eliminate some parking on the west side of the street allowing travel lanes to be shifted slightly; a mid-block crosswalk would be established; also plan is to eliminate some parking spaces on the east side of the street but add additional spaces in front of where the funeral home was.

Councilmember Davidson – asked about the lane shift.

Borough Engineer Trevor Taylor – stated it is a nominal shift in the center line a couple of feet to the west. It will be minor.

Councilmember Davidson – asked why they chose the location they did for the mid-block crosswalk.

Borough Engineer Trevor Taylor – had to factor in the outdoor seating of the diner and also trucks making right-hand turns out of the municipal lot.

Councilmember Davidson – asked what is proposed to make the crosswalk obvious.

Borough Engineer Trevor Taylor – said pedestrian crossing signs, maybe solar lighting and yield markings.

Mayor Kennedy – asked if a crosswalk was discussed with the County for the corner of Third Street.

Council President McNamara – said there is no way to cross Broad Street by the Library and she would like that added in the future.

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

Roll Call: Ayes: Pacheco, McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent:
Abstain:

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

COMMUNICATIONS BY CONSENT
(For Approval)

1. Second Amended Application for Use of Borough Property from the Arts Society of Keyport to hold the Art around the Bay event at the Waterfront Gazebo and Promenade on September 10, 2022 from 11AM to 5PM (requested fee to be waived)
2. Application for a Social Affair Permit from Our Lady of Fatima Parish for an International Festival to be held at 376 Maple Place on October 9, 2022 from 1PM to 5PM
3. Request from KBBC to have a 12x14 gazebo constructed and placed on the top tier of the Mini Park
4. Request from KBBC to have two porta potties placed at the northern end of 45 West Front Street for larger scale events (dates provided)

(To Receive and File)

5. Letter dated June 28, 2022, amending the Response Action Outcome issued on May 24, 2019 as to the remediation of property located at 275 Clark Street
6. Letter dated June 30, 2022, regarding public notification of an environmental investigation at 165 W. Front Street

Council President McNamara – asked if there were any concerns regarding Communication #2.
Chief Torres – stated there are no concerns.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve Communications #2, #4, #5 and #6 moved by Pacheco, carried by McNamara

Roll Call: Ayes: Pacheco, McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent:
Abstain:

Communications #1 and #3 pulled for separate consideration.

Councilmember Davidson – not in favor of the fee waiver for Communication #1.

Motion to approve Communication #1 without the fee waiver moved by Davidson, carried by Peperoni.

Roll Call: Ayes: Pacheco, McDermott, Davidson, McNamara, Araneo, Peperoni
Nays:
Absent:
Abstain:

Mayor Kennedy – spoke about maintenance concerns regarding Communication #3.

Councilmember Davidson – said she is concerned about the impact on the view and asked if the signage is permanent. She asked is the need so significant that the KBBC needs to have this in the Mini Park.

Mayor Kennedy – said the Mini Park has become popular and KBBC hosts the most events there. They have to put up a tent for every event. She can see both sides about whether to have a gazebo placed in the Mini Park.

Councilmember Pacheco – asked if it is worth waiting until we get a plan about how it will be maintained.

Council President McNamara – concerned about loose pavers before we put something permanent up.

Councilmember McDermott – can table the request with the action that the Borough look into it. A license agreement was not brought up by the KBBC so that needs to be brought back to the KBBC.

Borough Administrator Jay Delaney – recommends if moving this forward approving it on a conceptual basis pending approval of the engineer.

Mayor Kennedy – with a license agreement to follow?

Borough Administrator Jay Delaney – yes.

Motion to approve Communication #3 conceptually and advance to the engineer for review moved by Davidson, carried by Pacheco.

Roll Call: Ayes: Pacheco, McDermott, McNamara, Araneo, Peperoni
Nays: Davidson
Absent:
Abstain:

REPORTS

1. Municipal Clerk's Report for June 2022
2. Tax/Water/Sewer Collector's Report for June 2022
3. Board of Health Treasurer's Report for June 2022
4. Building Department Monthly Report for June 2022
5. Municipal Court Monthly Report for June 2022
6. Keyport Parking Advisory Committee Final Report dated July 12, 2022

Mayor Kennedy – thanked Andrew Kelsey for his work on the Parking Committee report. She asked councilmembers whether they had time to review it.

Motion to table receipt of Report #6 Keyport Parking Advisory Committee Final Report and come back with commentary moved by McDermott, carried by Pacheco with ayes by all present

Motion to receive Reports #1 through #5 moved and carried with ayes by all present

NEW BUSINESS

Mayor Kennedy - said she appreciates all efforts by Chief Torres regarding swipe card access throughout the building.

UNFINISHED BUSINESS

Broad Street One Way (mute point after earlier discussion)

DAIS UPDATES

Chief Torres said patrols are concentrating on enforcing the 25mph speed limit. She reported on statistics for traffic stops and summonses issued through first part of July. She reported on a meeting regarding concealed carry permits and is talking with the County and the State seeking further guidance.

Mayor Kennedy asked Borough Administrator Jay Delaney for an update on the review of flooding in police headquarters. He reported it has been budgeted for this year and is expected to be a fall project.

Borough Engineer Trevor Taylor reported on the Broad Street curb project, the bridge over Route 35 project, the Church Street and Beers Street projects. He spoke with the County regarding the striping project. Also, the utility pole has been removed from in front of Drew's.

Mayor Kennedy stated that 25mph signs have been added to Maple Place.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments at 8:10PM moved by McDermott, carried by Pacheco with ayes by all present.

Andrew Kelsey, 29 St. Peters Place – said that wider lanes will make cars go faster. It is not a design for people. He asked council to think about maintenance for the gazebo.

John Merla, 34 Broad Street – spoke about traffic speeding and enforcement and cars running the light at Broad Street. He asked if anything is planned for the beach at Beach Park to be cleaned. He asked about the street sweeper schedule. He said there is a Borough sign on Borough property advertising for a business since last October. He is disgusted by comments on Facebook about a recently deceased resident.

George Walling, 54 Second Street – asked about Communication #6 being brought to the attention of the Environmental Commission and mentioned the repair of the hydrant on First near Atlantic.

Donna Purcell, 396 Maple Place – commented regarding the new “No Turn on Red” sign at the base of the Broadway overpass.

Nicki Francis, 65 Division Street – on behalf of the Municipal Alliance she said they had a serious discussion at the last meeting regarding cannabis licenses.

Mike Lane, 51 First Street – had positive words about the condition of the beaches – no big logs. Spoke about First Street crosswalks and 4-way stop signs.

Borough Engineer Trevor Taylor – said the County will complete a report and submit it to the Borough. Crosswalks TAP plans submitted to DOT for preliminary design approval. He will follow up.

Mike Lane – asked about the status of utility pole wire cleanup. Mayor responded DPW is working with the utility companies.

Elmer J. Graham, Jr., - spoke about pedestrian safety and asked when the next Veteran's Committee meeting will be.

There being no further comments or questions, the meeting was closed to the public at 8:29PM, moved by Pacheco, carried by Davidson with ayes by all present.

Borough Attorney Leslie London – read the Closed Session Resolution #2022-177.

Motion to go into Closed Session at 8:30PM moved by Peperoni, carried by McDermott.

Motion withdrawn to allow Chief Torres to respond to commentary about police enforcement. She asked that calls be made immediately for violations running lights, speeding, etc.

Motion to go into Closed Session at 8:36PM moved by Peperoni, carried by Pacheco with ayes by all present.

CLOSED SESSION

RESOLUTION #2022-177

RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY 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 a closed 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, matters involving Aeromarine and matters falling within the attorney-client privilege relating to matters concerning cannabis business license applications 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 19, 2022 and determined that a closed session, not open to the public, shall be held on July 19, 2022 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: PEPERONI

SECONDED: PACHECO

AYES: PACHECO, MCDERMOTT, DAVIDSON, MCNAMARA, ARANEO, PEPERONI

NAYS:

ABSENT:

Motion to reconvene to Open Session at 10:25PM moved by Pacheco, carried by McNamara with ayes by all present.

Borough Attorney Leslie London stated the matters discussed in Closed Session.

ADJOURNMENT

Motion to Adjourn at 10:25PM moved Pacheco, carried by McDermott with ayes by all present