

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, AUGUST 15, 2023 – 7:00 P.M.
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: ____ Councilmember Demarest ____ Councilmember Reilly
____ Councilmember Vecchio ____ Councilmember Peperoni ____ Councilmember McNamara
____ Council President Davidson ____ Mayor Araneo

As a courtesy to those around you, please silence your cell phones

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

COMMITTEE REPORTS

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

Councilmember Demarest: KBBC, Public Works/Water-Sewer, Harbor Commission, Recreation/Senior Center

Councilmember Reilly: Environmental, Fire/First Aid/OEM, Finance/Grants, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Cannabis

Councilmember Vecchio: Harbor Commission, Municipal Alliance, Police, NPP

Councilmember Peperoni: Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Recreation/Senior Center, Recycling, Municipal Alliance, Police, Redevelopment

Councilmember McNamara: Finance/Grants, Cannabis, Green Team, NPP

Council President Davidson: Planning Board, Redevelopment, Fire/First Aid/OEM, Public Works/Water-Sewer

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

MAYOR'S UPDATES

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments on **agenda items only**.

Opened: Closed:

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.)

- R2023-242 Payment of Bills Listed on the July 28, 2023 Bills List
- R2023-243 Payment of Bills Listed on the August 1, 2023 Bills List
- R2023-244 Payment of Bills Listed on the August 11, 2023 Bills List
- R2023-245 Payment of Bills Listed on the August 15, 2023 Bills List
- R2023-246 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Bayshore DWI Saturation Patrol
- R2023-247 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 HTS Distracted Driving Grant
- R2023-248 Authorizing Increase in Amount for Labor Counsel Services for 2023
- R2023-249 Authorizing Increase in Amount for Special Cannabis Counsel Services for 2023
- R2023-250 Authorizing Designated Improvements as Part of the Neighborhood Preservation Program (NPP) Year 3 Implementation Plan – Mini Park
- R2023-251 Authorizing Designated Improvements as Part of the Neighborhood Preservation Program (NPP) Year 3 Implementation Plan – Beach Park
- R2023-252 Approval to Submit a Grant Application and Execute a Grant Contract with the State of New Jersey Department of Law and Public Safety for the SFY2023 Safe and Secure Communities Grant Program
- R2023-253 Authorizing Execution of a Commodity Resale Agreement with the County of Monmouth
- R2023-254 Authorizing the Award of a Non-Fair and Open Contract for Architectural Services for Borough Hall Roof Repairs
- R2023-255 Authorizing the Execution of an Agreement with Atlantic Tomorrows' Office for the Lease of Copy Machines
- R2023-256 Approving an Agreement with Monmouth Telecom for the Provision of Telephone Services
- R2023-257 Approving a Five-Year Tax Abatement for 5 Therese Avenue in the Borough of Keyport
- R2023-258 Authorizing the Extension of the Lease Agreement for 120 Francis Street, Unit 18, Keyport, New Jersey
- R2023-259 Authorizing the Award of a Non-Fair and Open Contract for Continuation of Professional Services for Wireless Telecommunications Consultant
- R2023-260 Authorizing the Award of a Non-Fair and Open Contract for Background Screening Services
- R2023-261 Approval of Harbor Commission Bylaws
- R2023-262 Approving Rain Date Request by the Keyport Bayfront Business Cooperative for the Cars & Blues Show
- R2023-263 Approving the Request of the Keyport Fire Department to Hold the Annual September 11 Service
- R2023-264 Resolution in Support of Via Pal's Annual Bike Run
- R2023-265 Authorizing Refund of Three-Day Mini Camp Program Fee
- R2023-266 Authorizing Refund of Street Opening Permit Fee
- R2023-267 Approving the Issuance of a Social Affair Permit and Approving Road Closures for Keyport Matawan Elks BPOE 2030

- R2023-268 Approving New Jersey State Firemen's Association Application for Membership
- R2023-269 Resolution Appointing Marilyn Rusignuolo, Jacqueline Machado, and Susan Montanti to the Board of Directors of Keyport BID, Inc.
- R2023-270 Authorizing the Appointment of Special Law Enforcement Officer Class 1
- R2023-271 Authorizing the Appointment of a Full-Time Laborer-1 in the Department of Public Works
- R2023-272 Authorizing the Execution of Employment Agreement for Superintendent of Public Works

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: Roll Call: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2023-6 -- Amending Chapter 6 Alcoholic Beverage Control Police Department Registration Requirements

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SECTIONS OF CHAPTER VI ENTITLED "ALCOHOLIC BEVERAGE CONTROL" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. Motion to Open Public Hearing

MM: 2nd:

1b. Motion to Close Public Hearing

MM: 2nd:

1c. Motion adopt Ordinance

MM: 2nd: Roll Call: Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

1d. Motion authorizing the Clerk to publish the Ordinance as adopted

MM: 2nd: Ayes: Nays:

2. Ordinance #23-8 -- Amending Chapter 23 Board of Health Regulations Section 23-8 Tattooing and Body Piercing

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SECTIONS OF CHAPTER XXIII ENTITLED "BOARD OF HEALTH REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

2a. Motion to Open Public Hearing

MM: 2nd:

2b. Motion to Close Public Hearing

MM: 2nd:

2c. Motion adopt Ordinance

MM: 2nd: **Roll Call:** Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

2d. Motion authorizing the Clerk to publish the Ordinance as adopted

MM: 2nd: Ayes: Nays:

MINUTES FOR APPROVAL

Regular Meeting Minutes of May 2, May 16, and July 18, 2023

Special Meeting Minutes of July 5, 2023

MM: 2nd: Ayes: Nays:

REPORTS

1. Municipal Clerk's Report for July 2023
2. Tax/Water/Sewer Collector's Report for July 2023
3. Board of Health Treasurer's Report for July 2023
4. Building Department Report for July 2023
5. Municipal Court Report for July 2023

MM: 2nd: Ayes: Nays:

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments.

Please limit comments to no more than five minutes per person.

Opened: Closed:

MM: 2nd: Ayes: Nays:

EXECUTIVE SESSION

Resolution #2023-273 — 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 for the following item(s): **attorney-client privilege matters related to borough property**

ADJOURNMENT

Motion to Adjourn moved by: 2nd:

Time of Adjournment: PM

R23-242
07/28/2023

RESOLUTION FOR THE PAYMENT OF BILLS

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2023	\$ 172,332.26
	WATER/SEWER ACCT. 2023	\$ 26,088.57
	FEDERAL & STATE GRANTS	\$ 5,508.51
	TRUST OTHER FUND	\$ 3,262.50

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A
RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT
THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION FOR THE PAYMENT OF BILLS

B23-243
08/01/2023

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	WATER/SEWER ACCT.2022	\$ 1,363.71
	CURRENT ACCT. 2023	\$ 732,065.22
	WATER/SEWER ACCT. 2023	\$ 11,868.06
	ANIMAL CONTROL FUND	\$ 2,800.00
	GENERAL CAPITAL FUND	\$ 138,706.71
	FEDERAL & STATE GRANTS	\$ 9,390.00
	REC BAYFRONT IMPROVEMENT	\$ 2,256.00
	DEVELOPER ESCROW	\$ 13,404.25

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION FOR THE PAYMENT OF BILLS

R23-244
08/11/2023

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	CURRENT ACCT. 2023	\$ 166,180.16
	WATER/SEWER ACCT. 2023	\$ 23,543.22
	FEDERAL & STATE GRANTS	\$ 5,753.51
	TRUST OTHER FUND	\$ 8,175.00

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION FOR THE PAYMENT OF BILLS

R23-245
08/15/2023

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing		
	WATER/SEWER ACCT. 2022	\$ 318.60
	CURRENT ACCT. 2023	\$ 39,009.28
	WATER/SEWER ACCT. 2023	\$ 24,043.30
	GENERAL CAPITAL FUND	\$ 208,423.53
	FEDERAL & STATE GRANTS	\$ 1,504.50
	REC BAYFRONT IMPROVEMENT	\$ 805.88
	UNEMPLOYMENT TRUST FUND.	\$ 667.08
	OPEN SPACE TRUST FUND	\$ 27,340.70

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR ROSE P. ARANEO

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION #2023-**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
BAYSHORE DWI SATURATION PATROL**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$19,600, which is now available from the New Jersey Division of Highway Traffic Safety Bayshore DWI Saturation Patrol Grant.

BE IT FURTHER RESOLVED, that the like sum of \$19,600 is hereby appropriated under the caption New Jersey Division of Highway Traffic Safety Bayshore DWI Saturation Patrol Grant; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
HTS DISTRACTED DRIVING GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$16,000, which is now available from State of New Jersey Highway Traffic Safety -- Distracted Driving Grant.

BE IT FURTHER RESOLVED, that the like sum of \$16,000 is hereby appropriated under the caption of HTS Distracted Driving Grant; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**INCREASE IN AUTHORIZED AMOUNT FOR LABOR COUNSEL
SERVICES FOR 2023**

WHEREAS, pursuant to Resolution #2023-8, the Borough of Keyport (the "Borough") appointed labor counsel to represent the Borough during the 2023 calendar year; and

WHEREAS, through a fair and open process, conducted in accordance with N.J.S.A. 19:44A-20.5, proposals were solicited from persons and entities interested in being appointed as labor counsel, and the Borough awarded a contract for labor counsel legal services during the 2023 calendar year to Sean T. King, Esq., of Cleary, Giacobbe, Alfieri, Jacobs, LLC, for an amount not to exceed Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the Borough's Chief Financial Officer has advised that it is necessary to increase the authorized amount by fifteen thousand dollars, to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), and that such funds are available for the stated purpose in account #3-01-20-155-155-281 Current-Labor Counsel, and 3-09-55-502-502-207 Water/Sewer Legal.

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

1. Sean T. King, Esq., of Cleary, Giacobbe, Alfieri, Jacobs, LLC, was appointed as labor counsel for the 2023 calendar year, in accordance with N.J.S.A. 19:44-20.5 and N.J.S.A. 40A:11-1 et seq., and pursuant to the terms of the proposal, for an amount not to exceed Ten Thousand Dollars (\$10,000.00).
2. The Borough hereby authorizes an increase in the authorized amount by fifteen thousand dollars, to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), pursuant to the recommendation of the Borough's Chief Financial Officer.
3. The Borough Clerk shall forward certified copies of this Resolution to the legal professional appointed hereunder.
4. Approved and executed copies of the contract between the Borough and the professional, and a copy of this Resolution, shall be placed on file in the office of the Borough Clerk and be available for public inspection as required by law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

Resolution #2023-
August 15, 2023

I, Michele Clark, Deputy Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**INCREASE IN AUTHORIZED AMOUNT FOR SPECIAL
CANNABIS COUNSEL SERVICES FOR 2023**

WHEREAS, pursuant to Resolution #2023-124, the Borough of Keyport (the "**Borough**") appointed McManimon, Scotland and Baumann, LLC, Special Cannabis Counsel to represent the Borough during the 2023 calendar year for an amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00); and

WHEREAS, the Borough's Chief Financial Officer has advised that it is necessary to increase the authorized amount by seven thousand five hundred dollars, to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), and that such funds are available for the stated purpose in account #3-01-20-155-155-207, Legal Services.

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

1. McManimon, Scotland & Baumann was appointed Special Cannabis Counsel for the 2023 calendar year, in accordance with N.J.S.A. 19:44-20.5 and N.J.S.A. 40A:11-1 et seq., and pursuant to the terms of the proposal, for an amount not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00).
2. The Borough hereby authorizes an increase in the authorized amount by seven thousand five hundred dollars, to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), pursuant to the recommendation of the Borough's Chief Financial Officer.
3. The Borough Clerk shall forward certified copies of this Resolution to the legal professional appointed hereunder.
4. Approved and executed copies of the contract between the Borough and the professional, and a copy of this Resolution, shall be placed on file in the office of the Borough Clerk and be available for public inspection as required by law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

**AUTHORIZING DESIGNATED IMPROVEMENTS AS PART OF
THE NEIGHBORHOOD PRESERVATION PROGRAM (NPP)
YEAR 3 IMPLEMENTATION PLAN – MINI PARK**

WHEREAS, the Borough of Keyport participates in the Neighborhood Preservation Program (the “NPP”) established by the State of New Jersey, Department of Community Affairs (the “DCA”); and

WHEREAS, the Borough NPP Coordinator, with the assistance of the Neighborhood Preservation Program Stakeholder Planning Team, developed a five (5) year Neighborhood Preservation Program plan (the “Plan”); and

WHEREAS, the NPP Year 3 Implementation Plan provides for a total budget of \$150,000 including the NPP grant in the amount of \$125,000 and a local match of \$25,000, which provides funding for management of and improvements to public facilities within the NPP district; and

WHEREAS, the NPP Coordinator has solicited quotes and is requesting authorization to proceed with several improvements which have been endorsed by the NPP Stakeholder Planning Team and reviewed by the Borough Administrator.

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

1. The following expenditures for improvements to public facilities are hereby authorized:

<u>Improvement</u>	<u>Amount</u>
Ocean Construction	
ESCNJ Bid #22/23-33	
Co-op# 65MCESCCPS	

Mini Park Improvements/Repairs:

Concrete Stage Area, Retaining Wall, Walkway Ramp ADA\$105,000.00
(Railings and fence to be added)

2. The NPP Year 3 Implementation Plan is amended as necessary to include the above public facility improvements.
3. The appropriate Borough officials are authorized to execute any documents necessary to complete these improvements.
4. The Chief Financial Officer hereby certifies funding for these improvements is made available and shall be paid from 2023 NPP Grant Number: G-01-41-721-002-301
5. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator and NPP Coordinator.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

**AUTHORIZING DESIGNATED IMPROVEMENTS AS PART OF
THE NEIGHBORHOOD PRESERVATION PROGRAM (NPP)
YEAR 3 IMPLEMENTATION PLAN – BEACH PARK**

WHEREAS, the Borough of Keyport participates in the Neighborhood Preservation Program (the “NPP”) established by the State of New Jersey, Department of Community Affairs (the “DCA”); and

WHEREAS, the Borough NPP Coordinator, with the assistance of the Neighborhood Preservation Program Stakeholder Planning Team, developed a five (5) year Neighborhood Preservation Program plan (the “Plan”); and

WHEREAS, the NPP Year 3 Implementation Plan provides for a total budget of \$150,000 including the NPP grant in the amount of \$125,000 and a local match of \$25,000, which provides funding for management of and improvements to public facilities within the NPP district; and

WHEREAS, the NPP Coordinator has solicited quotes and is requesting authorization to proceed with several improvements which have been endorsed by the NPP Stakeholder Planning Team and reviewed by the Borough Administrator.

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

1. The following expenditures for improvements to public facilities are hereby authorized:

<u>Improvement</u>	<u>Amount</u>
Ocean Construction	
ESCNJ Bid #22/23-33	
Co-op# 65MCESCCPS	
Beach Park Improvements/Repairs Phase 1:	
Removal/Replacement of Shell Walkway	
.....	\$15,000.00

2. The NPP Year 3 Implementation Plan is amended as necessary to include the above public facility improvements.
3. The appropriate Borough officials are authorized to execute any documents necessary to complete these improvements.
4. The Chief Financial Officer hereby certifies funding for these improvements is made available and shall be paid from 2023 NPP Grant Number: G-01-41-721-002-301
5. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator and NPP Coordinator.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR THE SFY2023 SAFE AND SECURE COMMUNITIES GRANT PROGRAM**

NOW, THEREFORE, BE IT RESOLVED that the State of New Jersey Department of Law and Public Safety is providing the Borough of Keyport (the "Subrecipient") a subaward (subaward # 23-1322) in the amount of \$16,200.

BE IT FURTHER RESOLVED that the total project cost is \$150,130 (salary plus fringe benefits) with the grant amount of \$

BE IT FURTHER RESOLVED that the Subaward period is from April 28, 2022 to April 27, 2023.

BE IT FURTHER RESOLVED that the Keyport Borough Council is authorized to accept the Subaward for the above stated program on behalf of the Subrecipient.

BE IT FURTHER RESOLVED that the Keyport Borough Council is accepting the granting of funds in the amount of \$16,200 under the SFY2023 Safe and Secure Communities Grant Program.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to execute the subaward agreement on behalf of the Borough of Keyport and that their signature constitutes acceptance of the terms and conditions of the subaward agreement and approves the execution of the subaward agreement.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport

RESOLUTION #2023-**AUTHORIZING THE EXECUTION OF A COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C:40A:65-1, et seq.) authorizes local units, such as the Borough of Keyport, to enter into shared services agreements with other local units; and

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide a Commodity Resale Agreement to the Borough of Keyport for a five-year period through September 30, 2028; and

WHEREAS, it is in the best interest of the Borough of Keyport to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keyport that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a certified copy of this resolution, along with two (2) executed Commodity Resale Agreements to the Monmouth County Office of Shared Services, 1 East Main Street, Freehold, NJ 07728.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

CERTIFICATION

I, Michele Clark, Borough Clerk, do hereby certify that the above is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the regular meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

R23 254

RESOLUTION #2023-

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
ARCHITECTURAL SERVICES FOR BOROUGH HALL ROOF REPAIRS**

WHEREAS, the Borough of Keyport has a need to acquire the services of a professional architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and,

WHEREAS, Settembrino Architects has submitted a proposal indicating they will provide such goods and services for an amount not to exceed \$55,000; and

WHEREAS, Settembrino Architects shall complete and submit a Business Entity Disclosure Certification which certifies that Settembrino Architects has not made any reportable contributions to a political or candidate committee in the Borough of Keyport in the previous one year, and that the contract will prohibit Settembrino Architects from making any reportable contributions through the term of the contract, and

WHEREAS, the Borough of Keyport Chief Financial Officer has certified funds to charge account #3-01-44-906-906-000 Improvements/Public Buildings \$40,000 and charge account #3-01-20-165-165-208 Engineer: Other Prof., Consult & Spec. Svc. \$15,000; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough Keyport authorizes the Borough Administrator to enter into a contract with Settembrino Architects, 37 East Washington Avenue, Atlantic Highlands, New Jersey as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH ATLANTIC TOMORROWS'
OFFICE FOR THE LEASE OF COPY MACHINES**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Administrator recommends entering into a contract (the "**Agreement**") with Atlantic Tomorrows' Office ("**Atlantic**") for the lease of seven (7) copy machines, including, but not limited to, the delivery, installation and network setup thereof and training thereon, for an amount not to exceed \$498.28 per month in accordance with the proposal submitted.

WHEREAS, the Chief Financial Officer hereby certifies that funds are available to charge account #3-01-26-310-310-20 B&G-Other Contractual Items, and 3-09-55-502-502-232 Water/Sewer-Office Equipment.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough hereby authorizes the Borough Administrator to negotiate the Agreement with Atlantic for the lease of seven (7) copy machines, including, but not limited to, the delivery, installation and network setup thereof and training thereon, for an amount not to exceed \$498.28 per month for a term of 60 months in accordance with the proposal. The Borough Administrator is hereby authorized to execute the Agreement on behalf of the Borough of Keyport, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with the Borough Attorney.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution and the Agreement shall be available for public inspection at the Office of the Borough Clerk.
5. This Resolution shall take effect immediately.

Resolution #2023-
August 15, 2023

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

APPROVING AN AGREEMENT WITH MONMOUTH
TELECOM FOR THE PROVISION OF TELEPHONE
SERVICES

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**"), requires the use of telephone services at Borough Hall; and

WHEREAS, the Borough, in need of reliable, modern communication services, desires to contract with a telecommunications services provider; and

WHEREAS, following the request for quotes for such services, the Borough reviewed and determined that Monmouth Telecom (the "**Vendor**"), of Red Bank, New Jersey, provided the best combination of price, value and service, and would be able to utilize the Borough's existing phones to quickly and easily transition to their service; and

WHEREAS, the Borough desires to enter into an agreement with the Vendor for telecommunications services in accordance with the terms set forth in the service agreement.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor, in consultation with the Borough Attorney, is hereby directed and authorized to enter into a contract, to be maintained of file with the Borough Clerk, with the Vendor for telecommunications services in accordance with the terms set forth in the service agreement.
3. The Chief Financial Officer hereby certifies that funds are available to charge account #3-01-31-440-440-254 Telephones, and #3-09-55-502-502-255 Water/Sewer Telephones to pay for the fees associated with the Vendor's services.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining part of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

5. This Resolution shall take effect as provided in law.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:
ABSTAIN:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #R2023-

**APPROVING A FIVE-YEAR TAX ABATEMENT FOR
5 THERESE AVENUE IN THE BOROUGH OF KEYPORT**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the State of New Jersey enacted the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq., which authorizes municipalities in the state of New Jersey to adopt ordinances which would allow for tax exemption or abatement for improvement, conversion or construction of a multiple-dwelling, commercial or industrial structure located within an area in need of rehabilitation; and

WHEREAS, Chapter 12, Section 8 of the Borough's Municipal Code establishes the Borough's program and procedures for application for tax exemption or tax abatement for properties within the Borough; and

WHEREAS, David and Sandra Mascia (the "**Applicants**") are the owners of the property at Block 9, Lot 36.01 on the Borough's tax map, commonly known as 5 Therese Avenue (the "**Property**"); and

WHEREAS, the Applicants have completed construction of a single-family home on the Property and applied for a tax abatement with the Borough for the property; and

WHEREAS, the Borough Tax Assessor has reviewed the Applicants' application confirming that the application was timely filed and meets the requirements for approval; and

WHEREAS, the Borough Tax Assessor recommends a thirty percent (30%) tax abatement for the improvement value of the single-family home for a duration of five (5) years as of August 1, 2023; and

WHEREAS, the Borough Tax Assessor has estimated that the tax abatement will result in a difference of \$3,110 per year for a total tax difference of approximately \$15,551 for the Property for all five (5) years; and

WHEREAS, based on the recommendation and estimates provided by the Borough Tax Assessor, the Borough seeks to grant the application for a five (5) year tax abatement pursuant to the Five-Year Exemption and Abatement Law.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough hereby grants the Applicants' application for a tax abatement and grants a thirty percent (30%) abatement for the improvements on the Property for a total of five (5) years.

3. The Mayor, the Borough Administrator, and/or the Borough Chief Financial Officer is authorized to effectuate the tax abatement granted by this resolution and in furtherance of this resolution.

4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

5. A copy of this Resolution shall be available for public inspection at the Office of the Borough Clerk.

6. This Resolution shall take effect as provided by applicable law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE EXTENSION OF THE
LEASE AGREEMENT FOR 120 FRANCIS STREET,
UNIT 18, KEYPORT, NEW JERSEY FOR USE
BY THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, pursuant to Resolution 155-21, the Borough of Keyport (the "Borough") entered into a two-year extension of its lease of 120 Francis Street, Unit 18, Keyport, New Jersey, for the period of August 1, 2023 to July 31, 2023 (the "Lease"); and,

WHEREAS, the Borough thereafter determined it is in the public interest to extend the lease for another three years for the use by the Department of the Public Works; and,

WHEREAS, the Borough has negotiated a three-year lease extension for use of the Property with the owners of the Property AP Francis Street LLC, a New Jersey limited liability company and CHAB Realty LLC; and,

WHEREAS, the rental terms shall be as follows during the extend term of the Lease; (i) for the period August 1, 2023 through July 31, 2024, \$102,000.00 per annum, payable in equal monthly installments of \$8,500.00, and, (ii) for the period August 1, 2024 through July 31, 2025 \$105,396.60 per annum, payable in equal monthly installments of \$8,783.05 (iii) for the period August 1, 2025 through July 31, 2026 \$108,874.69 per annum, payable in equal monthly installments of \$9,072.89; and,

WHEREAS, sufficient funds are or will be made available in the Borough's budget to pay for the monthly payments provided by the terms of the Lease;

NOW, THEREFORE, it is on this 15th day of August 2023

RESOLVED that the Mayor and Council of the Borough of Keyport authorize a three-year extension of the Lease with the owners of 120 Francis Street, Keyport, New Jersey, for the use for the Department of Public Works, in accordance with the terms of the Agreement negotiated by the parties, as set forth in the aforementioned recitals; it is further

RESOLVED that the effective date of the Lease shall be August 1, 2023; it is further

RESOLVED that the Mayor or the Business Administrator are authorized to execute the Lease Extension on behalf of the Borough; it is further

Resolution #2023-
August 15, 2023

RESOLVED that if any part of the Resolution is deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of the Resolution; it is further

RESOLVED that a copy of this Resolution shall be made available for public inspection at the offices of the Borough Clerk and published in accordance with the law.

This Resolution shall take effect as provided by the law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR CONTINUATION OF PROFESSIONAL
SERVICES FOR WIRELESS TELECOMMUNICATIONS
CONSULTANT**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough of Keyport has a need to acquire the services of a professional wireless telecommunications consultant as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Borough of Keyport desires to continue to engage the services of Declan O'Scanlon of the firm FSD Enterprises, LLC as the Borough's Wireless Telecommunications Consultant; and

WHEREAS, the services fee structure, which would be finalized after an appropriate retention process, for FSD Enterprises consulting services for Keyport will be an amount not to exceed as follows: (i) \$2,000 initial fee - due upon expression of carrier interest and/or approval to move forward with a bid by governing body, and (ii) 35% of the gross first year lease value from any wireless telecommunications tenants secured through this project; and

WHEREAS, the Chief Financial Officers hereby certifies that funds are available to charge account #T-12-56-850-000-802. Cell Tower; and

WHEREAS, FSD Enterprises, LLC shall complete and submit a Business Entity Disclosure Certification which certifies that FSD Enterprises, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Keyport in the previous one year, and that the contract will prohibit FSD Enterprises, LLC from making any reportable contributions through the term of the contract.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Borough Administrator, in consultation with the Borough Attorney, are authorized to execute a contract with FSD Enterprises, LLC in accordance with the Proposal, and any other documents necessary to carry out the purpose of this Resolution.
3. A copy of this Resolution shall be forwarded to the Borough Attorney, FSD Enterprises, LLC, and a copy shall be maintained in the office of the Borough Clerk.

4. This Resolution shall take effect immediately.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**AUTHORIZING THE EXECUTION OF
CONTRACT WITH TRUVIEW BSI, LLC**

WHEREAS, there is a need for the Borough to procure services for background screening services; and

WHEREAS, TruView BSI, LLC provides the required services, and have provided a proposal for those services that is provided to municipalities that are members of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, sufficient funds are or will be made available in the Borough's budget to pay for the background screening services; and

WHEREAS, the Borough desires to execute an agreement for professional services for background screening services with TruView BSI, LLC pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

NOW, THEREFORE, it is on this 15th day of August 2023

RESOLVED that the Mayor and Council of the Borough of Keyport hereby authorize the execution of an Agreement with TruView BSI, LLC to provide background screening services on the Borough's behalf; it is further

RESOLVED that the Mayor or the Business Administrator are authorized to execute a professional services contract for background screening services with TruView BSI, LLC; it is further

RESOLVED that a copy of this Resolution shall be made available for public inspection at the offices of the Borough Clerk and published in accordance with the law.

This Resolution shall take effect as provided by the law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Resolution #2023-
August 15, 2023

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVAL OF HARBOR COMMISSION BYLAWS**

WHEREAS, pursuant to Chapter 2 of the Borough Code, a Harbor Commission has been established within the Borough of Keyport ("Borough") in accordance with the provisions of N.J.S.A. 40:68-22 et seq.; and

WHEREAS, Borough Code section 2-7.1(d) authorizes the Harbor Commission to make, amend, adopt, and repeal bylaws for its operation; and

WHEREAS, the Harbor Commission have submitted revised bylaws to the Mayor and Council for approval.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Keyport hereby approve the revised bylaws of the Harbor Commission.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

B23-262

RESOLUTION #2023-

**APPROVING RAIN DATE REQUEST BY THE KEYPORT BAYFRONT
BUSINESS COOPERATIVE FOR THE CARS & BLUES SHOW**

WHEREAS, Resolution #2023-114 authorized the Keyport Bayfront Business Cooperative (the "KBBC") to hold a Cars & Blues Show on Thursday, June 22, 2023, from 5 p.m. to 8 p.m.; and

WHEREAS, due to weather conditions, the Cars & Blues Show scheduled for Thursday, June 22, 2023, was canceled; and

WHEREAS, the KBBC has submitted an amended request to add a rain date rescheduling the Cars & Blues Show for Thursday, October 5, 2023, to be held from 5 p.m. to 8:30 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport approves the rain date of Thursday, October 5, 2023, for the KBBC Cars & Blues Show.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

R23-263

RESOLUTION #2023-

**APPROVING THE REQUEST OF THE KEYPORT FIRE DEPARTMENT
TO HOLD THE ANNUAL SEPTEMBER 11 SERVICE**

WHEREAS, a request has been received from the Keyport Fire Department's 9/11 Co-Chairs to hold a 9/11 Service in the Borough of Keyport on American Legion Drive at the 9/11 monument on Monday, September 11, 2023, from 5:30 p.m. to 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that:

1. This Resolution shall constitute approval to permit the Keyport Fire Department to hold a 9/11 Service in the Borough of Keyport on American Legion Drive at the 9/11 monument on Monday, September 11, 2023, from 5:30 p.m. to 8:00 p.m.
2. The Borough Clerk is directed to forward a certified copy of this Resolution to the 9/11 Co-Chairs, the Chief of Police and the DPW Superintendent.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I, Michele Clark, Borough Clerk do hereby certify that this is a true copy of a Resolution adopted by the Governing Body of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

R23-264

RESOLUTION #2023-

RESOLUTION IN SUPPORT OF VIA PAL'S ANNUAL BIKE RUN

WHEREAS, the Via Pal has requested permission to pass through the Borough of Keyport utilizing NJ State Highway 35 and NJ State Highway 36 in conjunction with their Annual Bike Run on Sunday, October 8, 2023; and

WHEREAS, the Mayor and Council wish to endorse and support Via Pal's Annual Bike Run.

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

1. Via Pal has permission to pass through the Borough of Keyport utilizing NJ State Highway 35 and NJ State Highway 36 in conjunction with their Annual Bike Run on Sunday, October 8, 2023.
2. The above permission granted to Via Pal has been endorsed by the Borough of Keyport's Chief of Police.
3. The approval and endorsement is subject to such conditions, if any, as shall be established by the Chief of Police.
4. A copy of this resolution, certified by the Borough Clerk, shall be forwarded to Via Pal.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING REFUND OF THREE-DAY MINI CAMP PROGRAM FEE**

WHEREAS, Christine Horton, 82 Broadway, Keyport, provided payment for a Three-Day Mini Camp Program offered by the Borough of Keyport through the Keyport Recreation Committee in the amount of \$40; and

WHEREAS, the Three-Day Mini Camp Program has been canceled; and

WHEREAS, the Borough Administrator has recommended the refund; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Keyport hereby authorize the refund of the Three-Day Mini Camp Program fee to Ms. Horton in the amount of \$40.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING REFUND OF STREET OPENING PERMIT FEE**

WHEREAS, New Jersey Natural Gas (NJNG), 1420 Wyckoff Rd. Wall, NJ 07719, provided payment for a Street Opening Permit to install ½" plastic (EFV) at 110 Division Street in Keyport, New Jersey, in the amount totaling \$102.00, covering the \$75.00 application fee and \$27.00 cash repair; and

WHEREAS, NJNG subsequently submitted a Street Opening Permit application for identical work at 110 Division Street; and

WHEREAS, the Municipal Clerk has recommended the refund; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby authorize the refund of the Street Opening Permit application fee and cash repair for 110 Division Street in Keyport, New Jersey, to NJNG in the amount of \$102.00.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVING THE ISSUANCE OF A SOCIAL AFFAIR PERMIT AND APPROVING
ROAD CLOSURES FOR KEYPORT MATAWAN ELKS BPOE 2030**

WHEREAS, the Keyport Matawan Elks BPOE 2030 has filed an application for a Social Affair Permit for an event to be held August 26, 2023, from noon to 6:00 p.m. at 249 Broadway, Keyport, New Jersey; and

WHEREAS, the application is complete in all respects; and

WHEREAS, the Keyport Matawan Elks BPOE 2023 has requested approval to close Chingarora Avenue from W. 4th Street to Route 35, and Maple Place from W. 4th Street to Chingarora Avenue in conjunction with the event.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve the issuance of the Social Affair Permit to the Keyport Matawan Elks BPOE 2030 for an event to be held August 26, 2023, from noon to 6:00 p.m. at 249 Broadway, Keyport, New Jersey.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve the request to close Chingarora Avenue from W. 4th Street to Route 35, and Maple Place from W. 4th Street to Chingarora Avenue on August 26, 2023, in conjunction with the event.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVING NEW JERSEY STATE FIREMEN'S ASSOCIATION
APPLICATION FOR MEMBERSHIP**

WHEREAS, Liberty Hose Company accepted the resignation of Steven O'Dwyer at a meeting held on July 10, 2023; and

WHEREAS, Liberty Hose Company accepted Salvador Rojas into membership at that same meeting.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve Salvador Rojas to active membership in Liberty Hose Company.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

R23 2019

RESOLUTION #2023-

RESOLUTION APPOINTING MARILYN RUSIGNUOLO, JACQUELINE MACHADO, AND SUSAN MONTANTI TO THE BOARD OF DIRECTORS OF KEYPORT BID, INC.

WHEREAS, the Borough of Keyport has determined that it is in need of filling vacancies on the Board of Directors ("Board") of Keyport BID, Inc. ("KBBC"); and

WHEREAS, specifically, there are three vacancies on the Board resulting from the resignations of Ann Boyce, Lorraine DeVizia, and Larry Vecchio (former President); and:

WHEREAS, pursuant to Section 21-7(i) of the Borough Code and Article II Section 2(d) of the KBBC Bylaws, vacancies are filled until the next election by appointment of the Mayor with the approval of the Council; and

WHEREAS, the Mayor has selected business owners Marilyn Rusignuolo, Jacqueline Machado, and Susan Montanti to fill these vacancies; and

WHEREAS, the Council now desires to approve the Mayor's appointments;

NOW THEREFORE,

BE IT RESOLVED, that the Mayor and Council of the Borough of Keyport, in the County of Monmouth and State of New Jersey hereby approves and authorizes the appointment of Marilyn Rusignuolo, Jacqueline Machado, and Susan Montanti to the vacant positions on the Board of Directors of Keyport BID, Inc.; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby direct that the appointees shall serve until the next election of the Board of Directors of Keyport BID, Inc.

This Resolution shall take effect immediately.

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the resolution adopted by the Mayor and Council of the Borough of Keyport at a meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE APPOINTMENT OF SPECIAL LAW
ENFORCEMENT OFFICER CLASS 1**

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, N.J.S.A. 40A:14-146.8 et seq. authorizes the appointment of Special Law Enforcement Officers (SLEO) for a term not to exceed one (1) year; and

WHEREAS, Section 3-10 of the Borough Code provides for the appointment of special law enforcement officers subject to approval by resolution of the Borough Council; and

WHEREAS, the Chief of Police has reviewed the qualifications of Zachary Scully and has recommended his appointment as a Class I Special Law Enforcement Officer and the Borough Administrator, as the designated Appropriate Authority, approves this recommendation.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The appointment of Zachary Scully as a Class I Special Law Enforcement Officer for a term ending December 31, 2023 is hereby approved and shall be compensated on an hourly basis within the hourly pay range established by ordinance and approved by the Borough Administrator.
3. The Borough Clerk is directed to forward certified copies of this resolution to the Borough Administrator and Chief of Police.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING THE APPOINTMENT OF A FULL-TIME
LABORER-1 IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, a vacancy exists within the Borough of Keyport (the "Borough") Department of Public Works; and

WHEREAS, the Superintendent of Public Works has requested, and the Borough Administrator has recommended an appointment to fill this vacancy.

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. Michael Riggs is hereby appointed to the position of Laborer-1 and shall be compensated in accordance with the Collective Bargaining Agreement between the Borough of Keyport and the union representing this full-time position in the Public Works Department.
2. The Borough Administrator is hereby authorized to execute all documents necessary to effectuate this appointment.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator and the Public Works Superintendent.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

R23-272
8/15/23

**AUTHORIZING THE EXECUTION OF
EMPLOYMENT AGREEMENT
FOR SUPERINTENDENT OF PUBLIC WORKS**

WHEREAS, there is a need for the Borough to appoint a full time Superintendent of Public Works in accordance with N.J.S.A. 40A:9-154.5; and

WHEREAS, William Kane has applied for the position and satisfies the qualifications for the position of Superintendent of Public Works; and

NOW, THEREFORE, it is on this 15th day of August 2023,

RESOLVED that William Kane is hereby appointed as the municipal superintendent of the public works, effective September 18, 2023; it is further,

RESOLVED that the Mayor or the Business Administrator is hereby authorized to execute an employment contract with William Kane to serve as the Superintendent of Public Works, at a starting salary of \$89,500.00, which shall be a full-time/exempt position; it is further,

RESOLVED that at this time William Kane waives health benefits but will be entitled to obtain those benefits upon the occurrence of a life changing event; it is further,

RESOLVED that a copy of this Resolution shall be made available for public inspection at the offices of the Borough Clerk and published in accordance with the law.

This Resolution shall take effect as provided by the law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of August 15, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**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 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, attorney-client privilege matters related to borough property 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 August 15, 2023 and determined that an Executive Session closed to the public shall be held on August 15, 2023 at approximately 7:00 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:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on August 15, 2023.

Michele Clark, RMC
Borough Clerk

ORD #23-6
PUBLIC HEARING / ADOPT

ORDINANCE NO. 2023-

AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
SECTIONS OF CHAPTER VI ENTITLED "ALCOHOLIC
BEVERAGE CONTROL" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and
politic of the State of New Jersey; and

WHEREAS, Chapter VI of the Revised General Ordinances of the Borough of Keyport
("the Borough") establishes a series of regulations to regulate the sale and transportation of
alcoholic beverages in the Borough of Keyport in accordance with State law; and,

WHEREAS, the Mayor and Council of the Borough has determined that it is in the public
interest to amend Chapter VI.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that Chapter VI of
the Revised General Ordinances of the Borough of Keyport be and hereby is amended as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth
at length.

Section 2. The Council hereby amends the following sections of Section 7 of Chapter
VI of the Revised General Ordinance of the Borough of Keyport to read as follows

*(note to codifier: Existing text not appearing herein has been
deleted solely for brevity and additions are underlined and
deletions are denoted by strikethrough)*

§ 6-7.2. Registration with Police Department.

- a. All persons who shall sell, solicit the sale of, mix, process, ~~or~~ prepare or serve any alcoholic
beverage at or from any bar or establishment selling alcoholic beverage from original
package or container under a plenary retail consumption license or a plenary retail
distribution license shall register with the Police Department within seven business days of
hire.

[New subsection b]

- b. All persons who provide security, monitoring or management services at or from any bar or establishment selling alcoholic beverage from original package or container under a plenary retail consumption license or a plenary retail distribution license shall register with the Keyport Police Department within seven business days of hire.

[Change from subsection b to new subsection c]

- c. Said registration with the Police Department shall be accomplished by completing or furnishing the following:
1. An application for identification card, which application shall contain such information as the usual specifics of personal identification, date and place of birth, address, other employment and such other information as deemed necessary and proper by the Police Chief to ID and assist in proper enforcement of the law.
 2. A set of fingerprints and a photograph to be taken by or under supervision of the Police Department, or a company authorized to provide those services by the Keyport Police Department (i.e., IdentoGo).
 3. Payment of a registration fee of \$30, or whatever the current state fee for fingerprint checks.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 6. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: August 1, 2023
First Publication: August 7, 2023
Second Reading/Public Hearing: August 15, 2023
Adopted:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

ORD#23-8
Public Hearing / ADOPT

ORDINANCE NO. 2023-

AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
SECTIONS OF CHAPTER XXIII ENTITLED "BOARD OF
HEALTH REGULATIONS" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and
politic of the State of New Jersey; and

WHEREAS, Chapter XXIII of the Revised General Ordinances of the Borough of Keyport
("the Borough") regulates, among other things, tattooing and body piercing operations within the
Borough of Keyport; and,

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that it is
in the public interest of the Borough to revise Section 8 of Chapter XXIII to incorporate standards
related to "body art" operations within the Borough of Keyport;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that Chapter XIV
of the Revised General Ordinances of the Borough of Keyport be and hereby is amended as
follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth
at length.

Section 2. The Council hereby amends Section 8 of Chapter XXIII of the Revised
General Ordinance of the Borough of Keyport to read as follows:

*(note to codifier: Existing text not appearing herein has been
deleted solely for brevity and additions are underlined and
deletions are denoted by strikethrough)*

§ 23-8. TATTOOING, BODY ART, AND BODY PIERCING.

§ 23-8.1. Definitions.

As used in this section, the following terms shall have the meanings indicated:

BODY ART - "Body art" means the practice of physical body adornment using the following techniques, but does not include ear piercing: 1. Body piercing; 2. Tattooing; and 3. Microblading/Permanent cosmetics/Micropigmentation.

BODY ART ESTABLISHMENT or BODY ART BUSINESS - A business engaged in the operation of body art as defined by this section (i.e., body piercing, tattooing, microblading, permanent cosmetics, micropigmentation).

BODY PIERCER — One who engages in body piercing.

BODY PIERCING — Refers to the piercing of any portion of the human body for placement of any type of jewelry or any other ornamentation, other than ear lobe piercing.

CERTIFICATE OF INSPECTION — Written approval from the Health Officer or his authorized representative that said tattooing or body piercing establishment has been inspected and meets all of the terms of this section.

ESTABLISHMENT — The premises wherein tattooing or body piercing is performed.

HEALTH OFFICER — The Keyport Borough Health Officer or his authorized representative.

MICROBLADING - Microblading is the practice of using a hand-held instrument, tipped with a grouping or configuration of needles, utilized for penetrating into the lower epidermal layers and/or dermis, so that pigments are introduced and implanted into the lower epidermal layers and/or dermis. "Permanent cosmetics," "permanent makeup" and "micropigmentation" is considered microblading by law.

OPERATOR — Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed, and any individual who performs or practices the art of tattooing on the person of another.

PERMANENT COSMETICS or MICROPIGMENTATION - "Permanent cosmetics" or "micropigmentation" means the intradermal implanting of inert pigments, colors, and/or dyes, which results in permanent alteration of tissue to gain a cosmetic effect, and includes the form of micropigmentation known as "microblading."

PERSON — Any individual, corporation, partnership, sole proprietorship or other form of business entity which is created pursuant to Title 14 of the New Jersey Statutes. The term shall also include the term "operator" as defined above.

SANITIZE — Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the State Department of Health as being effective in destroying microorganisms, including pathogens.

SINGLE USE — Products or items that are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary covering, razors, needles, scalpel blades, stencils and ink cups.

STERILIZATION — Destruction of all forms of microbotic life, including spores.

TATTOO ARTIST — One who engages in tattooing.

TATTOO, TATTOOED, or TATTOOING — Refers to any method of placing designs, letters, scrolls, figures, symbols or any marks under the skin with ink or any other substance resulting in the coloration of the skin, by the aid of needles or any other instruments designed to puncture the skin.

§ 23-8.2. Licensing regulations for Body Art Establishment.

a. It shall be unlawful for any person to engage in the business of operating a body art establishment as defined by this section where tattooing or body piercing is performed without first obtaining a license from the Borough of Keyport to engage in such business in accordance with the provisions hereof. All body art establishments/businesses must maintain the appropriate permits and/or certifications required by State law to operate a body art establishment prior to seeking approval from the Borough of Keyport.

b. An application for an initial license shall be made to the Health Officer of the Borough accompanied by a fee in the amount of \$300.

1. Application for licenses under this section shall be made to the Keyport Board of Health Secretary, in writing, upon such printed forms as the Borough shall prescribe and prepare. Such forms may be obtained from the Board of Health Secretary and shall be signed by the applicant and shall contain the following information:

- (a) If an individual, the full name, age, sex, and residence address at the time of application.
- (b) The location of the establishment for which a license is sought and the date upon which the Construction Official has approved that location for same.
- (c) If a corporation, the full corporate name, the date and the state of incorporation, address of the place or places of business, the name and address of the registered agent and the name, address and age of any principal owning more than 10% of the stock.
- (d) If a partnership, the information required by paragraph b,1(a) above for each partner and the name under which the business is being conducted.
- (e) The educational and/or business experience of the applicant in the business or occupation for which the license is sought.
- (f) The length of time that the applicant has been engaged in such business or occupation.
- (g) Whether the applicant carries public liability insurance, and if so, the amount of said coverage and the company providing such liability insurance.
- (h) Whether the applicant has ever been convicted of any criminal violation, the date, nature and disposition of such criminal charges, summons, complaint or indictment.

(i) Name, address and age of every person to be initially employed to conduct the service. This shall be a continuing obligation for licensees to update the list of employees.

2. An after care plan for each body art ~~establishment site tattooed or pierced~~ shall be developed by the operator and submitted to the Health Officer at the time of the license application.

3. Investigation and Issuance. Upon receipt of an application, the Board of Health Secretary will cause to be conducted an inquiry by the Police Department, Construction Official and any other department or agency of the Borough of Keyport or State of New Jersey to verify the information contained in the application. Such inquiry shall be designed to include the reputation, business responsibility, reliability, criminal background and motor vehicle license abstracts of the applicant and all persons having management or supervision. It shall further include an inquiry or investigation of the proposed location and items proposed to be sold or used in the business or enterprise of tattooing or body piercing.

4. The Health Officer or the Governing Body may deny an application where the investigation or inquiry demonstrates that:

(a) The information set forth in the application is incomplete or fraudulent;

(b) The applicant or any person conducting the business has been convicted of a crime or disorderly person offense which has not been expunged pursuant to N.J.S.A. 2C:52-1 et seq. or pardoned and which offense relates adversely to the business for which the license is sought. In this regard the Board of Health shall be guided by N.J.S.A. 2A:168A-2;

(c) The applicant has within 12 months of the application been convicted of the habitual use of drugs or intoxicating liquors;

(d) The business property and location do not comply with requirements for business use, as same are set forth by the Construction Official, and/or other departments or agencies of the Borough of Keyport.

5. License renewal; additional regulations.

(a) No license or renewal thereof granted under the provisions of this section shall be assignable or transferable. Any change of ownership shall require a new application and license with payment of fees.

(b) The renewal license fee for engaging in the business of operating an establishment subject to this section within the Borough of Keyport shall be \$150. All licenses shall expire on the last day of May of each calendar year. All applications for renewal must be presented to the Board of Health Secretary in writing on forms prescribed by the Borough, prior to May 15 of each year.

(c) All establishments existing at the time of the enactment of this section will be considered renewal applications provided that they apply for renewal of said license within one month after the effective date of this section. That application shall include submission of information pursuant with paragraph b,1 and b,2.

Establishments failing to apply within the specified time period will be considered new applicants and will be subject to the provision of paragraph b. of this subsection.

(d) All applicants shall comply with the provisions of this section, as well as all other applicable codes, regulations or laws. In addition, for all new construction or renovations of the tattoo or body piercing establishment, plans shall be submitted to and approved by the Health Officer.

(e) In the event that an applicant fails to qualify for a license under this section, the fee herein shall not be refunded.

(f) The license issued pursuant to this section shall be posted conspicuously in the place of business or location named therein.

(g) All establishments shall manage contaminated (body fluids) contact waste materials as medical waste pursuant to N.J.A.C. 7:26-3A.8. All establishments shall be licensed with the State of New Jersey as a medical waste generator, pursuant to N.J.A.C. 7:26-3A.8 prior to approval from the Borough.

(h) The number of licenses issued by the Borough of Keyport pursuant with this section shall be five ~~three~~. No person shall hold more than one license nor have any interest directly or indirectly in any other tattoo or body piercing establishment.

§ 23-8.3. General provisions.

a. Age. Body art procedures on a person under 18 years of age shall not be performed without the written consent of the parent or legal guardian of such minor, which shall be ~~It shall be a violation of this section for anyone or any tattoo, or body piercing business to tattoo or body pierce any individual under 18 years of age without authorization signed by the parent or legal guardian witnessed and attested to before a notary public.~~ The operator shall be responsible for maintaining the original consent form and copies of all consent information for a period of two years beyond the recipient's 21st birthday. The operator shall obtain a copy of a photo ID of such individual being tattooed and/or pierced.

b. Each person wishing to receive a body art procedure ~~tattoo or body piercing~~ must first apply to the operator on a form approved by the Health Officer. If the applicant is suspected to be under the influence of alcohol, drugs or any other behavior modifying substance, the operator must refuse the applicant.

c. All records regarding any and all body art procedures ~~tattoos or body piercing~~ are to be maintained for a minimum of two years. Information required for each applicant referred to in paragraph b. is to include the name, age, date of birth, address and telephone number of the applicant as well as the name of the person who did the tattoo or body piercing, the design, location, ink lot number(s), if available and the date of the tattoo or type of body piercing done. All such records shall be open to the Health Officer upon demand.

d. At the time any body art business or ~~tattoo and/or body piercing~~ establishment shall cease doing business in the Borough of Keyport or changes its name or undergoes a change in management or ownership, all records described in paragraphs a., b., and c. above shall be turned over to the Board of Health Secretary.

§ 23-8.5. Regulation of Body Art Business or Establishment ~~tattoo or body piercing parlors.~~

a. Body Art Tattoo Artist or Body Piercer.

1. The parlor shall comply with the most current version of Centers for Disease and Prevention Publication, "Enforcement Procedure for Occupational Exposure to Hepatitis B Virus (HVB) and Human Immunodeficiency Virus (HIV), OSHA instruction CPL-2.2.44A, August 1988 or revised or late editions." (Bloodborne Pathogen regulations)
2. All body art tattoo artists and ~~body piercers~~ shall provide proof of a negative Mantoux test, or medical clearance in the event of a positive Mantoux test. This documentation shall be maintained by the parlor and available for review during inspections of the establishment.
3. Before working on each patron, each body art ~~tattoo~~ artists and ~~body piercers~~ shall scrub and wash his hands thoroughly with hot water and antiseptic soap using his individual hand brush. Fingernails shall be kept clean and short.
4. Disposable vinyl or latex gloves shall be worn by the body art ~~tattoo~~ artists and ~~body piercers~~ during tattoo preparation for all body art procedures and application to prevent contact with blood or body fluids except for clients with a sensitivity to latex, other methods acceptable to the Health Department shall be employed. Universal precautions described by the Centers for Disease Control and Prevention (CDC) shall be followed. All materials shall be disposed of in accordance with this subsection after contact with each patron. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately.
5. Immediately after performing an act of body art on tattooing or body piercing a patron, body art ~~tattoo~~ artists and ~~body piercers~~ shall advise the patron on the care of the body art ~~tattoo or body piercing~~ in a written form and shall instruct the patron to consult a physician at the first sign of infection of the tattoo or body piercing. Printed instructions regarding these points shall be given to each patron and submitted to the Health Officer for review at the time of the initial license application and in the event that changes and/ or modifications are made to this form.
6. All infections resulting from the practice of body art ~~tattooing or body piercing~~ which become known to the operator shall be promptly reported to the Health Officer by the person owning or operating the body art ~~tattoo or body piercing~~ establishment or by the body art ~~tattoo~~ artist or ~~body piercer~~.

b. Skin Preparation.

1. All body art procedures must only ~~Tattooing or body piercing~~ shall be done only on normal, healthy skin surface that is free of moles or infection.
2. Only safety razors with disposable blades shall be used for the skin preparation. Blades shall be disposed of according to paragraph e. of this subsection after each use and new blades shall be used for each patron.
3. Following shaving, the area shall be thoroughly cleansed and scrubbed with bacterial soap, and warm water. Before placing the design or body piercing on the patron's skin, the

area shall be treated with 70% alcohol and allowed to air dry. Piercing of mucous membranes (i.e. oral, nasal, vaginal, etc.) shall be treated with an industry appropriate and medically indicated antiseptic solution prior to the procedure.

4. Only petroleum jelly (U.S.P. or National Formulary) or antiseptic ointment shall be applied to the tattoo area prior to tattooing or body piercing. The ointment shall be applied in a sanitary manner, disposing of the utensil after spreading. Collapsible tubes of ointment or jelly may also be used.

c. Body Art, Tattooing or Body Piercing.

1. The use of single service hectographic stencils shall be required for applying any body art ~~a tattoo outline~~ to the skin. Multi-use stencils shall be prohibited.

2. Only non-toxic dyes or pigments may be used. Premixed sterile materials are preferred. Pre-mixed dyes shall be used without adulteration of the manufacturer's original formula. It shall be the responsibility of the operator to provide certification to the Health Officer of the non-toxicity of the dyes or inks at the time of license application and renewal.

3. Single service or individual containers of dye or ink shall be used for each patron and the container disposed of immediately after completing work on each patron.

4. The completed body art and/or tattoo shall be washed with sterile gauze. The area shall be allowed to air dry and antiseptic ointment shall be applied and spread with sterile gauze and sterile dressing attached.

5. Upon completion of piercing of the mucous membranes the area shall be disinfected with the industry-appropriate and medically indicated solutions.

d. Needles and Instruments.

1. Only single service sterilized needles and needle bars shall be used for each patron.

2. If solder is used in manufacturing needles, needle bars or needle tubes, it must be free of lead.

3. Any needle that penetrates the skin of the tattoo body art artist ~~or body piercer~~ shall be immediately disposed of in accordance with paragraph e. of this subsection.

4. Needle tubes shall be soaked with soapy water, then scrubbed with a clean brush, then rinsed clean. Needle tubes shall be sterilized in accordance with paragraph d., stored in sterile bags and maintained in a dry, closed area.

5. Each item to be sterilized shall be individually wrapped using chemical indicator bags or chemical indicator strips. Sterilization shall be by steam sterilization. The sterilizer shall be well maintained with a tight fitting gasket and clean interior. The manufacturer's operating instructions and sterilization specifications shall be at hand. The sterilizer shall conform to the manufacturer's specifications with regard to temperature, pressure and time of sterilization cycle. Proper functioning of sterilization cycles shall be verified by the use of biologic indicators (i.e. spore tests) at a frequency recommended by the manufacturer, but shall be

§ 23-8.6. Penalty provisions.

The penalty sections of the Board of Health Regulations and Ordinances codified in Chapter XXIII are hereby amended to conform to the provisions of Section 1-5 of the Revised General Ordinances of the Borough of Keyport, except to the extent that Section 1-5 may be in conflict with the statutes or regulations authorizing municipal regulation of the goods, businesses, machines, tools, implements, premises, institutions, occupations or activities so regulated.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 6. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: August 1, 2023
First Publication: August 7, 2023
Second Reading/Public Hearing: August 15, 2023
Adopted:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport