

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 the Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Mayor Kennedy, Council President McNamara, Councilmembers Pacheco, McDermott, Davidson, Araneo and Peperoni. Others present: Borough Administrator Jay Delaney, Borough Engineer Trevor Taylor, Police Chief Shannon Torres and Attorney William Opel, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy held a moment of silence of the public's choosing

Mayor Kennedy explained there would be no hearing tonight on the Bethany Manor PILOT. She deferred to Council President McNamara for comments.

Council President McNamara stated her comments are in reference to the rents and what has been going on. Capital Realty, the current owner, bought the development from the previous owner in July 2021. The previous owner was a not-for-profit with a HUD 202 mortgage which requires the rents to be affordable. They kept the rent even lower than HUD required and appeared to never raise the rent. The sale was due to the mortgage being paid off and the owner was no longer bound by the HUD requirements. Capital Realty is a for-profit organization and specialize in subsidized property. They applied to HUD for tenant protection vouchers to assist the current tenants in keeping the rent affordable. One of the things she is happy to report is the owner, Capital Realty, did put notices under the doors of the tenants who qualify for the program to say that those rent increases, which range anywhere from \$200 to \$1,000 on top of what they are currently paying, are on hold until January 1st. So, basically, five months of increases are not happening. There are more conversations and work to be done. If anyone receives notices or has questions, please reach out to Council President McNamara.

Councilmember Davidson requested to pull **R2022-198** Authorizing the Appointment of Andrew Kroh as Laborer-1 in the Department of Public Works in response to request she received from DPW Supervisor earlier in the day. He would like to have further discussions.

Mayor Kennedy – This is not the first recommendation we've made after consultation with the Administrator and the Supervisor for full time employment. We hear over and over again that we do not have enough employees. This is the seventh year in a row we do not have the areas of the school prepped in time for opening day even though I put in this request and a reminder weeks and weeks ago.

Motion to table **R2022-198** Authorizing the Appointment of Andrew Kroh as Laborer-1 in the Department of Public Works moved by Peperoni, carried by McDermott

Ayes: Pacheco, McDermott

Nays: Davidson, McNamara, Araneo, Peperoni

Absent:

Abstain:

Motion to table **R2022-198** Authorizing the Appointment of Andrew Kroh as Laborer-1 in the Department of Public Works failed and the Resolution remains on the Consent Agenda

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on Resolutions and Communications only at 7:10PM moved by Peperoni, carried by Pacheco with ayes by all present

Jack Straub, 235 Main Street – asked if Communication #9 could be separated from the rest of the Communications and discussed separately.

Mayor Kennedy – asked the Administrator if the legal interpretation prepared by the attorney went to the full governing body. He could not confirm that it did so she asked that the communication be tabled.

Michael Lane, 51 First Street – with regard to Communication #9, the applicant wants to post documentation in our Borough park for more than a month. Mr. Lane thinks you should require a different Keyport resident signature for each day the applicant wants to post in the park.

Danielle Mastropiero, 378 Atlantic Street – feels the name of the organization referenced in Communication #7 is based on a racial slur and might cause harm to our Asian and Pacific Islander residents. She asked for an update on the maintenance schedule for the port-a-johns.

Jack Straub – recommends going to FFR website which lists examples of Supreme Court rulings where municipalities have not had to be held to the things that their foundation pushes for.

There being no further comments or questions, the Meeting was Closed to the public at 7:17PM moved by Peperoni, carried by Araneo with ayes by all present.

MAYOR'S UPDATES

Mayor Kennedy expressed her thanks and gratitude to Council President McNamara and to Recreation Committee member Suzanne Ryan along with the Keyport Recreation Committee for their dedication and commitment to providing the successful Mini Camp day camps held for the first time in our Borough.

She reported on the following:

- Participated in a virtual Town Hall for the Mayor's Wellness Campaign
- Attended the Green Team meeting
- Attended two special KBBC meetings regarding by laws
- Attended American Legion meeting and they expressed appreciation for the road closure during the Snapper Contest which enabled them to provide food to the participants

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.)

- R2022-193 Payment of Bills Listed on the August 26, 2022 Bills List
- R2022-194 Payment of Bills Listed on the September 6, 2022 Bills List
- R2022-195 Authorizing Approval of Keyport BID Inc. By-Laws
- R2022-196 Resolution Supporting Legislation to Address Rise in Crime Due to Car Thefts
- R2022-197 Appointing School Crossing Guards
- R2022-198 Authorizing the Appointment of Andrew Kroh as Laborer-1 in the Department of Public Works

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by McDermott, carried by Araneo

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

PUBLIC HEARINGS

1. Applicant 149 W. Front Street, LLC, for a permit to replace the existing bulkhead at 149 W. Front Street, Block 21.02, Lots, 15-19

Mayor Kennedy provided a background on the application. She stated she did not create a step to come to Council. That ordinance has been on the books since 1943 and codified since 1972. She was not blocking the application. We had to have the same type of hearing on another property back in May. This process is nothing new.

Borough Administrator Jay Delaney – said it is State law that the Governing Body receive and review these applications. We are reviewing the ordinance for some housekeeping and to establish a fee.

1a. Motion to Open Public Hearing at 7:23PM moved by Pacheco, carried by McDermott with ayes by all present.

Lawrence Luttrell, attorney for 149 W. Front Street, LLC – came as a shock that there is a local ordinance requiring bulkhead approval as they have received extensive amounts of approvals already from NJ DEP, Army Corps of Engineers as also submitted to the zoning office here. There is a tidelands grant for the existing parking lot, lots 18 and 19. They applied for a confirmatory grant. Application submitted consisted of DEP permit authorizing the reconstruction of the 333 feet of bulkhead that is there now which is failing, application and explanation of the project for its replacement which was submitted to the Army Corps of Engineers, and the plans from Waterman. Materials purchased two years ago and now sitting on site.

Borough Engineer Trevor Taylor – said the Army Corps of Engineers application is undated so it is unclear when it was submitted.

Mr. Luttrell – happy to provide proof it was submitted.

Borough Engineer Trevor Taylor – requested information regarding the tidelands grant which Mr. Luttrell will provide. Mr. Taylor said this application is also tied to a Planning Board application from 2018.

Mr. Luttrell – client had also applied for site plan approval to develop the property approximately two years ago. That was held up with the major issue being the tidelands issue. They applied to the combined Land Use Board to extend approvals. One of the conditions of the approval was to install a walkway which is a continuation of the bulkhead walkway which exists now on the municipality's bulkhead and allow for public use access. They are not putting in the walkway yet and certainly not the public use access because the project has not even begun. He asked that that component be omitted from any conditions here so as not to have any conflict between this approval and the approval of the Land Use Board.

Borough Engineer Trevor Taylor – within five years of the certificate of occupancy for the restaurant/bar you are required to construct the walkway. Clarified that the bulkhead reconstruction and the walkway construction are two separate things and the walkway will not be done until after the restaurant is completed. The bulkhead is being constructed to elevation 8.1, which is the top of the concrete promenade, not the Fireman's Park promenade. So it is being constructed so that at the time the walkway is constructed it will be at the same elevation of the concrete promenade and not the timber decking at Fireman's Park.

Michael Nosti, 148 W. Front Street, LLC – the intention is to grade it for now. A railing will be installed when the concrete promenade is installed.

Council President McNamara – asked if the Borough Engineer is comfortable with the plans as they relate to the Borough's plans.

Councilmember McDermott – concerned about public safety in the area and asked what they will do to prevent someone from walking there. Mr. Luttrell said there is fencing.

Dennis Fotopoulos – asked if there is a need for a return to prevent erosion behind the bulkhead. The engineer said he doesn't see the need for a return at the current elevation. Mr. Fotopoulos asked about the backfill. He asked if there has been any movement toward the replacement of Fireman's Park bulkhead and if the Borough should begin the permit process now.

Michael Lane – Army Corps of Engineers approved the plans based on the drawing provided. They require fill to the top of the bulkhead. NJ DEP looks at where will the bulkhead be relative to the mean high water line. NJ DEP approves the location. (Handouts were distributed to the Governing Body). Mr. Lane spoke to the importance of a return and feels the design documentation is incomplete as it does not include a return. He spoke to the elevation. Mr. Lane believes the approved site plan for the restaurant is invalid with this new bulkhead. He said the Flood Damage Prevention Ordinance requires the bulkhead be certified by an engineer and requires a Flood Plain Development Permit.

Mayor Kennedy - asked in regard to this application if it is grandfathered in or does it need to be held to our new Flood Damage Prevention Ordinance. She asked the engineer about the returns and he said it can be done with a connection.

Mr. Luttrell – you have the approval of the Army Corps of Engineers. The DEP provided notification when they granted approval. This permit was issued September 27, 2021. The permit was issued to replace existing bulkhead. We are going up higher than what the current bulkhead is now because we are going to be filling in higher in order to match the walkway. He spoke about the Zane exemption where you don't need a permit if you have lawfully existing bulkhead you are allowed to replace that bulkhead exactly as it was.

There being no further comments or questions, the Public Hearing was closed at 8:24PM moved by Peperoni, carried by Davidson with ayes by all present

Borough Administrator Jay Delaney – asked if the applicant is prepared to provide the fill to address the concerns that have been expressed.

Motion to open to the Public at 8:25PM moved by Pacheco, carried by Davidson with ayes by all present

Mr. Luttrell – said the applicant is prepared to construct the bulkhead exactly the way it was approved by both the Army Corps of Engineers, our engineer's design, and the DEP permit. If it's not in compliance, the project can be stopped again to bring it into compliance.

Mr. Lane – if the project is constructed as approved by the Army Corps of Engineers that will solve issues relative to structure. You still have to deal with the end points and the pipes from Bayshore Regional Sewerage Authority. Where is the return going to be? How are we going to deal with the Lot 20 interface?

There being no further comments or questions, the Public Hearing was closed at 8:27PM moved by Peperoni, carried by McNamara with ayes by all present

The Borough Engineer gave a review of what the contingencies would be for suggestion of approval:

- Provide a date for the submission for permit no. 3 to the Army Corps of Engineers;
- Submission of the tidelands grant information, which was provided tonight;
- The provision of the details mentioned in item 3 in our letter dated August 31, 2022 which included details for the connection of the proposed vinyl bulkhead to the Borough's timber bulkhead. We can also include in there the connection to the bridge;
- The detail for ramping of an elevated stone or concrete sidewalk to the existing HMA walkway on the Borough's property should same be constructed at an elevation of 8.1 as per the submitted plan;

Councilmember Pacheco – asked the engineer what the difference is between a return and what he is proposing.

Councilmember McDermott – asked if the pipes will be protected against erosion or damage.

Motion to approve **Resolution #2022-199** incorporating the Borough Engineer's conditions set forth tonight as well as the conditions set forth in his letter of August 31, 2022 moved by Peperoni, carried by McDermott.

RESOLUTION #2022-199 Approving the Application of 149 West Front Street, LLC for a Permit to Replace the Existing Bulkhead Located at 149 W. Front Street (Block 21.02, Lots 15-19)

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 property at Block 21.02, Lots 15 through 19 on the Borough’s tax map commonly known as 149 West Front Street (the “**Property**”) is owned by 149 W. Front Street, LLC; and

WHEREAS, Borough Ordinance § 12-5.1 provides that no person shall erect, improve, alter or extend any wharf, pier, bulkhead, dock, slip, basin, docking facility, harbor and harbor structure, in and along the waterfront within the territorial limits of the Borough, without securing a license or permit; and

WHEREAS, on August 11, 2022, 149 W. Front Street, LLC, submitted an application, including plans and specifications (collectively, the “**Application**”), to the Borough to replace the existing bulkhead on the Property pursuant to Borough Ordinance § 12-5.2 (the “**Ordinance**”); and

WHEREAS, the Application was reviewed by the Borough Engineer for completeness, and has deemed the Application complete; and

WHEREAS, a public hearing on the Application has been scheduled for September 6, 2022 and notice of the public hearing was advertised in two (2) newspapers of general circulation in the Borough for two (2) successive weeks, and notice has been posted on the Property, in accordance with the Ordinance; and

WHEREAS, on September 6, 2022, a public hearing was held on the Application; and

WHEREAS, the Borough, having heard the presentation of 149 W. Front Street, LLC regarding the Application and having considered the comments made thereto from the Borough Engineer and the public during the public hearing, desires to approve the Application and grant 149 W. Front Street LLC a permit to replace the existing bulkhead on the Property.

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 approves the Application and grants 149 W. Front Street LLC a permit to replace the existing bulkhead on the Property.
3. The Borough Administrator and/or other reasonably necessary personnel are hereby directed to complete and execute all necessary forms and materials needed for the issuance of a permit to 149 W. Front Street LLC.
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 offices of the Borough Clerk.
6. This Resolution shall take effect as provided by law.

OFFERED: PEPERONI

SECONDED: MCDERMOTT

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

NAYS:

ABSENT:

2. Monmouth County Open Space Program – Improvements to Cedar Street Park

The Meeting will be opened to the Public for comments on the submission of a Monmouth County Open Space Grant Application for the 2022 Park Improvement Project for Improvements to Cedar Street Park

Borough Administrator Jay Delaney – stated this is a duplicate of an application previously submitted. We are requesting additional funding. The previous application was partially funded. The application has been updated to reflect a current cost estimate. The scope of work is the same.

Borough Engineer Trevor Taylor – the previous estimate was \$480,000. We did update it based on current construction costs and now estimate \$534,000 for a \$54,000 increase in the construction cost estimate.

2a. Motion to Open Public Hearing at 8:36PM moved by Pacheco, carried by Araneo with ayes by all present

Seeing no one, the Public Hearing was closed at 8:36PM moved by Araneo, carried by McDermott with ayes by all present

Council President McNamara – asked if we will be responsible for matching \$240,000. Borough Administrator confirmed.

Motion to approve **Resolution #2022-200** moved by Araneo, carried by McDermott

RESOLUTION #2022-200 Authorizing Grant from County of Monmouth for the 2022 Park Improvement Project

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Keyport desires to obtain County Open Space Trust Funds in the amount of \$100,000 to fund the 2022 Park Improvement Project for improvements to Cedar Street Park, located on Cedar St, Keyport, NJ 07735 (Block 137, Lot 6); and

WHEREAS, the total cost of the project including all matching funds is \$200,000; and will be holder of any interest acquired with County Open Space Trust Funds.

WHEREAS, the Borough of Keyport is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE KEYPORT BOROUGH COUNCIL THAT:

1. Jay Delaney, Borough Administrator, or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above-named municipality; and

2. The Borough of Keyport is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Jay Delaney, Borough Administrator or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

OFFERED: ARANEO

SECONDED: MCDERMOTT

AYES: PACHECO, MCDERMOTT, MCNAMARA, ARANEO, PEPERONI

NAYS:

ABSTAIN: DAVIDSON

ABSENT:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2022- 21 Bond Ordinance Providing for Various Roadway Improvements

The Clerk read the Ordinance by Title: **PROVIDING FOR THE 2022 ROAD IMPROVEMENT PROJECT BY THE BOROUGH OF KEYPORT, APPROPRIATING \$1,700,000 THEREFOR, INCLUDING VARIOUS GRANTS IN THE AGGREGATE AMOUNT OF \$521,900 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$1,150,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to Open Public Hearing at 8:40PM moved by Peperoni, carried by McDermott with ayes by all present

Danielle Mastropiero – asked what specifically is included in this? Is this the Broad Street project or something else?

Mayor Kennedy – explained that the Broad Street project is being funded by Monmouth County and includes milling and paving.

Borough Administrator Jay Delaney – explained the roadway improvements included in this Bond Ordinance include a portion of Fulton Street as well as Seventh and Eighth Streets, East Third Street and Butler. This Bond Ordinance also incorporates various roads for resurfacing, milling and paving and they are portions of Jackson, Division, Kearney, W. Second, Monroe, Chandler and a portion of Willow.

John Merla – asked if the streets are on target to be televised before the milling and paving. Mr. Delaney said that they are and that some have already been completed.

Dennis Fotopoulos – asked if the streets on the Broadway side are getting paved. The Borough Administrator replied that the dead end of Chandler is getting paved. The Mayor replied W. Second also. Mr. Fotopoulos asked about Second Street and the Administrator said applications are pending. Mr. Fotopoulos asked if Second Street has infrastructure needs that have to be addressed and the Administrator said we anticipate so.

Michael Lane – asked if we had a cave in on the storm water pipe on Broad Street.

There being no further comments or questions, the Public Hearing was closed at 8:49PM moved by Pacheco and carried by McDermott with ayes by all present.

Councilmember McDermott – stated for the record that she is allowed to vote on this even though it includes Third Street because it is a general capital project. Attorney Bill Opel agreed.

1b. Motion adopt Ordinance moved by Araneo, carried by McDermott

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

1c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Pacheco and carried by McDermott with ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance – Establishing a Mid-Block Crosswalk on Broad Street between Third Street and East and West Front Streets

Mayor Kennedy – asked if a meeting took place with those who were concerned about the ordinance and who recommended this introduction.

The Clerk read 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**

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

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

The motion to introduce the ordinance did not pass.

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing

MM: none 2nd: Ayes: Nays:

COMMUNICATIONS BY CONSENT
(For Approval)

Mayor Kennedy – asked that if Communication #4 is approved that information be provided to the committee that the signs cannot be placed in the public right-of-way nor near, or adjacent to any of the sprinkler heads in the parks. There were questions tonight about Communication #7, and #9 if it was the pleasure of the governing body to table that since you did not receive the legal review on that.

Councilmember Pacheco motioned to pull Communication #7 for separate consideration, seconded by Councilmember McDermott with ayes by all present.

Councilmember Davidson motioned to table Communication #9, seconded by Councilmember McDermott with ayes by all present.

1. KBBC request to modify the previously approved Stars on the Bay event scheduled for September 15th to include use of the grass area adjacent to the Mini Park. Also requesting to extend the end time for vendors until 9PM.
2. KBBC request to modify previously approved I Love Keyport event on September 17th to add two porta johns. Also requesting to look into getting a Yard Card to be placed in Waterfront Park and requesting use of the gazebo.
3. Letter from Jersey Shore Ghost Tours requesting to modify the previously approved 2022 Keyport Ghost Tour plan to move start and end location to 8 Main Street, remove maximum

guest limit, add two free tours on September 17th and October 29th, and move Witch Walk event to October 29th.

4. Request from Nancy Jones for permission to place ten lawns signs at various locations in Keyport to advertise the KeyportFest 5K which takes place on September 24th.
5. Application and Permit for Use of Borough Property to use the Waterfront Park gazebo for a family memorial event on October 9, 2022 from 12:30PM-1:30PM.
6. KBBC request to modify previously approved Witch Craft event on October 29th to add two complimentary Jersey Shore Ghost Tour mini Haunted Waterfront Witch Walks at 4PM and 5PM, meeting at the Mini Park. Also requesting to place a selfie witch station at the alley going to the waterfront.
7. Application and Permit for Use of Borough Property from Not Another Ricer LLC to hold a car show in Fireman's Park parking lot on November 6, 2022, 9AM-5PM.
8. Application for a Social Affair Permit from Our Lady of Fatima Parish for a Fall Gathering to be held on November 19, 2022 from 5:30PM to 9:30PM at 376 Maple Place, Keyport.
9. Application and Permit for Use of Borough Property from the Freedom from Religion Foundation to place a Bill of Rights display in the Mini Park continuously from November 25, 2022 through January 6, 2023. (certificate of insurance provided)

(To Receive and File)

10. Letter from Christopher Strincoski advising of his resignation from the Public Works Department effective September 1, 2022.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on to approve Communications #1, 2, 3, 4 with communication that the signs cannot be placed in the sprinkler areas or in public right-of-way, 5, 6, and 8 for approval and receive and file Communication #10 moved by McNamara and carried by McDermott.

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

Borough Administrator Jay Delaney will get more information regarding Communication #7 and bring it back for consideration.

Motion to table Communications #7 and #9 moved by Pacheco and carried by Peperoni with ayes by all present.

APPROVAL OF MINUTES

August 16, 2022 Regular Council Meeting

Motion to approve the Minutes of the August 16, 2022 Regular Council Meeting moved by Pacheco, carried by McDermott with ayes by all present. Councilmembers Davidson and McNamara abstained.

NEW BUSINESS

Rent/PILOT

Borough Administrator Jay Delaney – said there is nothing to add regarding the Rent/PILOT matter. Council President McNamara spoke to it at the beginning of this meeting.

UNFINISHED BUSINESS

Keyport Parking Advisory Committee Final Report

Councilmember Araneo – stated we may need to come back to this after we decide what we are doing on Broad Street – no further dialogue.

DAIS UPDATES

Borough Administrator Jay Delaney provided the following updates:

Hydrant flushing will begin Thursday, September 8th and continue for three weeks. Information will be posted on Facebook and the Borough website;

Sinkhole developed on Broad Street behind some of the storm inlets due to torrential rain which necessitated a review by the County. Immediate repairs were begun and issues with a sewer line in that area were found. Emergency sewer main replacement to be done before the County moves ahead with their paving;

Mayor Kennedy had advocated for a camera review of the area and asked if it had been concluded.

Borough Engineer Trevor Taylor said a storm sewer pipe had a hole in it and repair work will start and should be completed by the end of the week. He spoke about the concrete work, milling and paving to be done by County to begin week of September 19th. He spoke about the Broadway Bridge project detour plan, paving work postponed to Thursday on Walnut Street due to weather and Third Street tv inspection on storm sewer and sanitary is complete.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:17PM moved by Pacheco and carried by Davidson with ayes by all present

Andrew Kelsey, 29 St. Peters Place – asked about the car show. He thinks it sounds good and will bring people into the businesses.

Dan Fox, 40 Church Street – spoke about flooding issues on Church Street and at the fire house since the paving was done. He spoke about a driveway being replaced at 35 Church Street and said they never had permits for that driveway.

Dennis Fotopoulos – asked if the Broad Street paving project will be affected by the sinkhole, asked how much the repair was for Beers Street, asked where do the funds come from for emergencies and asked the Mayor when the Council will sit up at the dais.

George Walling, 54 Second Street – asked if there was a close out done on Church Street. He said there is no one-way sign when you come out of that parking lot. He asked Mr. Delaney about the letter from the Chief regarding the curb cut at the fire house.

John Merla – said facilities with private hydrants should be flushing them. He said 34 and 36 Broad Street stinks from the storm basins and asked the engineer to have a look at it. He stressed that tax abatements on new developments do not help the town.

Danielle Mastropiero – asked for an update on the cleaning of the port-a-potties and asked for an update on the replacement of the flags that were taken down.

Jack Straub – asked for an update on the marijuana process and asked if the public could be updated on it at every meeting. Council President McNamara said they are looking to schedule a closed session at the next meeting and are looking to make a decision on one of the locations.

Melissa O'Connell, 81 Broad Street – doesn't see the car show being a problem. She asked about the crosswalk and if they could meet for a discussion. She proposed a different location for the crosswalk so as not to eliminate parking spaces in front of First Wok and Fast Copy.

Mike Lane – asked the size of the pipe that was tv'd on Broad Street. He asked about the 4-way stops and crosswalks on First Street, asked about utility pole maintenance and about the Brown's Point Marina expansion. He asked about the drainage issue on the Henry Hudson Trail and about the Rent/PILOT matter.

There being no further comments or questions, the meeting was closed to the public at 9:50PM moved by Peperoni and carried by Pacheco with ayes by all present.

Motion to go into Closed Session at 9:51PM moved by Araneo, carried by Davidson with ayes by all present. Councilmember Pacheco stepped out for the discussion regarding the DPW contract.

CLOSED SESSION

Closed Session Resolution #R2022-201

- Collective Bargaining

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 concerning collective bargaining pursuant to *N.J.S.A. 10:4-12(b)(4)*.

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 September 6, 2022 and determined that a closed session, not open to the public, shall be held on September 6, 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: ARANEO

SECONDED: DAVIDSON

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

NAYS:

ABSENT:

Council reconvened to Open Session at 10:37PM and the attorney summarized what was discussed in Closed Session. No action was taken.

ADJOURNMENT

Motion to adjourn at 10:38PM moved by Pacheco, carried by Araneo with ayes by all present