

BOROUGH OF KEYPORT
MEETING AGENDA
TUESDAY, SEPTEMBER 17 2024 7:00 PM
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: __ Councilmember Brady __ Councilmember Gross __ Councilmember McNamara
__ Councilmember Peperoni __ Councilmember Reilly __ Council President Vecchio
__ Mayor Araneo

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATIONS

Childhood Cancer Awareness Month
Prostate Cancer Awareness Month
Suicide Awareness Month

COMMITTEE REPORTS

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

Councilmember Brady: Environmental, Recreation/Senior Center, Fire/First Aid/OEM, Municipal Alliance, Green Team

Councilmember Gross: KBBC, Public Works/Water-Sewer, Recreation/Senior Center, Redevelopment

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

Councilmember Peperoni: Planning Board, Recycling, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Redevelopment, Harbor Commission,

Councilmember Reilly: Fire/First Aid/OEM, Police, Municipal Alliance, Finance/Grants, Cannabis

Council President Vecchio: Harbor Commission, NPP, Public Works/Water-Sewer

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

PUBLIC COMMENTS

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

Opened: MM: 2ND: Closed: MM: 2ND:

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.)

- R2024-295 Payment of Bills Listed on the August 23, 2024 Bills List
- R2024-296 Payment of Bills Listed on the September 3, 2024 Bills List
- R2024-297 Payment of Bills Listed on the September 6, 2024 Bills List
- R2024-298 Payment of Bills Listed on the September 17, 2024 Bills List
- R2024-299 Approving a Five-Year Tax Abatement for 14 Raritan Cove in the Borough of Keyport
- R2024-300 Authorizing Change Order No. 1 to Contract with Lucas Brothers Inc. for Improvements to Butler and East Third Street
- R2024-301 Declaring an Emergency Regarding the Needed Repair of a Leaking Water Valve located at Broad and Hurley Street
- R2024-302 Canceling Taxes on Property Owned by a Totally Disabled Veteran – 34 Walling Terrace
- R2024-303 Authorizing the Release the Performance Guarantees Provided by 30 South Second LLC for Site Improvements at 23 Brook Avenue, Block 102, Lot 6
- R2024-304 Authorization for the Refund of Cash Bond for Road Opening Permit - 62 Fulton Street, Block 130, Lot 24
- R2024-305 Resolution Of The Borough Of Keyport, In The County Of Monmouth, State Of New Jersey, Authorizing The Mayor Of The Borough Of Keyport To Execute A Financial Agreement With Mariner's Village At Keyport Urban Renewal, LLC
- R2024-306 Authorizing Municipal Auction of Surplus Property
- R2024-307 Authorizing Execution of Shared Services Agreement to Provide Registrar and Deputy Registrar Services to Union Beach
- R2024-308 Granting Renewal of Plenary Retail Consumption License for Vestri Corp., t/a Up the Creek
- R2024-309 Authorizing the Person-to-Person and Place-to Place Transfer of a Plenary Retail Consumption License No. 1322-33-008-008 (6 Broad St Waterfront Liquor LLC to Kal Bhairav LLC)
- R2024-310 Appointment to Keyport Bayfront Business Cooperative (KBBC) Board of Directors – Joseph Pesce
- R2024-311 Appointment of a Class I Special Law Enforcement Officer – Daniel Gross
- R2024-312 Appointment of School Crossing Guard – Jane Vail
- R2024-313 Authorizing and Agreement between the County of Monmouth and the Borough of Keyport for the Resurfacing of Geran Street from County Route 3 (Broadway) to Wooley Street
- R2024-314 Granting an Exception to the Moratorium on Road Openings for 130 Church Street (Block 83, Lots 8 and 9)

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: **Roll Call:** Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

INTRODUCTION OF ORDINANCES

1. Ordinance – Amending Zoning Application Fees

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING _____**

1a. Motion to introduce:

MM: 2nd: **Roll Call:** Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing MM: 2nd:

2. Ordinance – Amending Parking Ordinance

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING _____**

2a. Motion to introduce:

MM: 2nd: **Roll Call:** Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing MM: 2nd:

REPORTS

1. Municipal Clerk's Report for August 2024
2. Tax/Water/Sewer Collector's Report for August 2024
3. Board of Health Treasurer's Report for August 2024
4. Building Department Report for August 2024
5. Municipal Court Report for August 2024

MM: 2nd: Ayes: Nays:

PUBLIC COMMENTS

The Meeting is opened to the public for comments.

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

Opened: MM: 2ND: Closed: MM: 2ND:

EXECUTIVE SESSION

R2024-315 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. 10:4-12b to discuss matters related to personnel and union contract negotiations.

MM: 2nd: Ayes: Nays:

ADJOURNMENT

Motion to Adjourn MM: 2nd:

R24-295

08/23/2024

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. 2024	\$ 180,361.98
	WATER/SEWER ACCT. 2024	\$ 28,393.96
	PAYROLL FUND BUDGET	\$ 25,485.08
	FEDERAL & STATE GRANTS	\$ 8,676.39
	TRUST OTHER FUND	\$ 5,550.00

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

R24-296
09/03/2024

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	\$ 4,757.50
	WATER/SEWER ACCT.2023	\$ 6,629.92
	CURRENT ACCT. 2024	\$ 22,032.43
	WATER/SEWER ACCT. 2024	\$ 2,332.91
	ANIMAL CONTROL TRUST	\$ 1,400.00
	FEDERAL AND STATE GRANTS	\$ 359.43
	TRUST OTHER FUND	\$ 352.08
	REC BAYFRONT IMPROVEMENT	\$ 3,486.00
	DEVELOPER ESCROW	\$ 4,146.00

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

R24-297
09/06/2024

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. 2024	\$ 271,266.76
	WATER/SEWER ACCT. 2024	\$ 27,694.70
	PAYROLL FUND BUDGET	\$ 750.00
	GENERAL CAPITAL FUND	\$ 4,620.00
	FEDERAL & STATE GRANTS	\$ 7,993.87
	TRUST OTHER FUND	\$ 600.00

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

R24-298
09/17/2024

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	\$ 358.68
	WATER/SEWER ACCT.2023	\$ 6,675.90
	CURRENT ACCT. 2024	\$ 1,284,625.86
	WATER/SEWER ACCT. 2024	\$ 323,186.68
	GENERAL CAPITAL FUND	\$ 14,949.75
	FEDERAL AND STATE GRANTS	\$ 2,246.13
	TRUST OTHER FUND	\$ 27,389.33
	REC BAYFRONT IMPROVEMENT	\$ 3,176.00
	OPEN SPACE TRUST FUND	\$ 14,740.60
	WATER/SEWER CAPITAL FUND	\$ 29,205.50
	DEVELOPER ESCROW	\$ 15,389.50

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

R24299

RESOLUTION #2024-

**APPROVING A FIVE-YEAR TAX ABATEMENT FOR
14 RARITAN COVE 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, Daniel Valenti and Shannon Quinn (the "**Applicants**") are the owners of the property at Block 22, Lot 19.14, Qualifier C14, on the Borough's tax map, commonly known as 14 Raritan Cove (the "**Property**"); and

WHEREAS, the Applicants have completed construction of a townhouse 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 townhouse for a duration of five (5) years as of June 1, 2024; and

WHEREAS, the Borough Tax Assessor has estimated that the tax abatement will result in a difference of approximately \$2,749.70 per year for a total tax difference of approximately \$13,748.00 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 held on September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT
WITH LUCAS BROTHER, INC. FOR IMPROVEMENTS
TO BUTLER AND EAST THIRD STREET**

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 previously awarded a contract to Lucas Brothers, Inc. ("**Lucas Brothers**") to perform work as part of the Borough's Improvements to Butler and East Third Street Project (the "**Contract**"); and

WHEREAS, a proposed Change Order No. 1 has been prepared by CME Associates, the Borough's engineer, to make an adjustment of the contract cost resulting from additional uniformed traffic directors necessary for traffic control in conjunction with the completion of the project; and

WHEREAS, the proposed Change Order No. 1 results in an increase in the project cost from the original contract amount of \$1,118,118.00 to an adjusted contract amount of \$1,145,034.90 for an increase of \$26,916.90; and

WHEREAS, the Borough's engineer has recommended the Borough's execution of Change Order No. 1.

WHEREAS, the Chief Financial Officer has certified the availability of funds from budget account _____.

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 of the Borough, the Borough Administrator, and other reasonably necessary personnel are hereby authorized and directed to execute Change Order No. 1 to the Contract, which is on file with the Office of the Borough Clerk.
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 shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect as provided by 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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**DECLARING AN EMERGENCY REGARDING THE NEEDED REPAIR OF A
LEAKING WATER VALVE LOCATED AT BROAD AND HURLEY STREET**

WHEREAS, the Borough is permitted to declare an emergency due to a leaking water valve underneath the roadway at Broad and Hurley Street that occurred on August 30, 2024, which impacted the public health, safety and welfare; and

WHEREAS, the public emergency required the immediate delivery of goods and services to respond to that public emergency; and,

WHEREAS, any municipality that experiences an emergency that warrants the immediate delivery of goods or services may negotiate or award a contract without public advertising and bidding, notwithstanding that the contract price will exceed the bid threshold, and need not comply with the pay to play provisions in state law.

NOW, THEREFORE BE IT RESOLVED on this 17th day of September 2024 as follows:

1. The Borough was required to declare a public health and safety emergency on August 30, 2024 due to a leaking water valve that occurred at Broad and Hurley Street; and
2. The Borough was required to obtain immediate delivery of goods and services to respond to that public emergency, and therefore, the Borough was not able to comply with all the requirements of the Local Public Contracts Law and Pay-to-Play to obtain those goods and services in response to that public emergency; and
3. The Business Administrator is hereby instructed to ensure the filing of the necessary report of the declaration of emergency with the Director of the Division of Local Government Services an "Emergency Procurement Report," within 30 days of the date of any contract issued to respond to this public emergency; and
4. The Borough of Keyport Chief Financial Officer will certify funds to charge account number 4-09-55-512-512-000 Water Sewer Budget Capital Outlay upon receipt of the invoice.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**CANCELING TAXES ON PROPERTY OWNED BY TOTALLY DISABLED VETERAN**
34 Walling Terrace

WHEREAS, The Department of Veteran Affairs determined Mr. Brian H. Clark to have a wartime service-connected disability that is totally disabling as of March 21, 2011; and

WHEREAS, Mr. Brian H. Clark has made proper application to the Borough as a totally disabled veteran for exemption from taxes and which has been approved by the Tax Assessor for property known as 34 Walling Terrace, Block 47 Lot 19 (the "Property") as of July 11, 2024; and

WHEREAS, Borough Ordinance 11-06 authorizes the Tax Collector to refund overpayments that have occurred due to the cancellation of taxes; and

WHEREAS, Mr. Brian H. Clark has not paid property taxes to the Borough of Keyport since purchasing the Property on June 28, 2024, therefore, no refund is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

The Tax Collector is directed to cancel taxes as follows:

<u>NAME</u>	<u>Year</u>	<u>AMOUNT</u>
Clark	2024 (Third Quarter-Not Paid)	\$1965.49
Clark	2024 (Fourth Quarter-Not Paid)	\$1965.49
Clark	2025 (First Quarter-Not Paid)	\$1933.38
Clark	2025 (Second Quarter-Not Paid)	\$1933.38

BE IT FURTHER RESOLVED that the Borough Clerk is directed to forward certified copies of this resolution to the Tax Collector, Tax Assessor, and the Finance Office.

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 Council Meeting of September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE BOROUGH OF KEYPORT TO
RELEASE THE PERFORMANCE BOND PROVIDED BY 30
SOUTH SECOND, LCC FOR SITE IMPROVEMENTS AT 23
BROOKE AVENUE, BLOCK 102, LOT 6**

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, as part of the project at the property located at 23 Brook Avenue, block 102, lot 6 on the Borough tax map (the "**Property**"), the applicant, 30 South Second, LLC (the "**Applicant**") was required to post a performance guarantee in the form of a performance bond for the amount of \$13,543.20 (the "**Performance Bond**") and a cash deposit in the amount of \$1,504.80 (the "**Cash Deposit**") for construction of the project at the Property; and

WHEREAS, the Borough Engineer has conducted a field observation of the project and confirmed that the construction of the improvements is complete and in substantial conformance with the approved project plan; and

WHEREAS, the Borough Engineer has recommended that the Performance Bond be released and the Cash Deposit returned to the Applicant upon the following conditions: (i) the Applicant obtain a two-year 15% maintenance guarantee in the amount of \$2,257.20; and (ii) the Applicant pay all outstanding engineering and inspection escrow fees. The applicant shall replenish the escrow account to an amount not less than \$500 to cover the costs associated with the observation of the site and report at the end of the 2-year Maintenance Bond period (collectively the "**Conditions**"); and

WHEREAS, the Applicant has requested the Borough retain \$2,257.20, the amount equal to the required two-year 15% maintenance guarantee.

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 is authorized to release the Performance Bond provided by the Applicant to the Borough based on the recommendation of the Borough Engineer subject to the conditions listed in this resolution, retaining \$2,257.20 for the two-year 15% maintenance guarantee.
3. The Borough is authorized to return the Cash Deposit to the Applicant based on the recommendation of the Borough Engineer subject to the conditions listed in this resolution.
4. The Mayor of the Borough, the Borough Administrator, and/or the Borough Chief Financial Officer is authorized to effectuate the release of the Performance Bond and the return

of the Deposit, including the execution of any forms necessary for the release of the Performance Bond in furtherance of this resolution.

5. 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.

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

7. 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 held on September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZATION FOR THE REFUND OF CASH BOND FOR ROAD OPENING
PERMIT – 62 FULTON STREET, BLOCK 130, LOT 24**

WHEREAS, on January 31, 2022, a cash bond in the amount of \$4,575.00 was provided by Robert Halas for a road opening permit for 62 Fulton Street, Block 130, Lot 24; and

WHEREAS, the work covered under the road opening permit was completed and deemed acceptable; and

WHEREAS, on July 22, 2022, one half of the repair deposit, in the amount of \$2,287.50, was refunded to the applicant; and

WHEREAS, the remaining deposit was held in escrow and was to be returned to the applicant upon expiration of two (2) years from the date of acceptance by the Borough; and

WHEREAS, the Borough Engineer has confirmed that the conditions for the return of the remaining deposit have been met and has recommended the return of the remaining deposit in the amount of \$2,287.50;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The remaining cash bond in the amount of \$2,287.50, held in escrow for the road opening permit issued to Robert Halas, is hereby authorized for refund.
2. This resolution shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Chief Financial Officer, the Borough Engineer, and Robert Halas.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION # _____

**RESOLUTION OF THE BOROUGH OF KEYPORT, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AUTHORIZING THE MAYOR OF THE BOROUGH OF
KEYPORT TO EXECUTE A FINANCIAL AGREEMENT
WITH MARINER'S VILLAGE AT KEYPORT URBAN
RENEWAL, LLC**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the "**Redevelopment Law**"), provides a process for municipalities, such as the Borough of Keyport (the "**Borough**"), to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, on August 4, 2015, the Council of the Borough of Keyport (the "**Borough Council**") adopted a resolution designating the property commonly known as Brown's Point Marina and identified as Block 20, Lots 5, 6, 6.01, 7, and 9 on the tax map of the Borough as a non-condemnation redevelopment area (the "Initial Redevelopment Area") in accordance with the Redevelopment Law; and

WHEREAS, after a re-investigation by the planning board of the Borough (the "**Planning Board**") in accordance with the Redevelopment Law, on April 5, 2016, the Borough adopted a resolution designating the property commonly known as Block 20, Lots 1, 2, and 3 on the tax map of the Borough of Keyport, State of New Jersey, as a non-condemnation redevelopment area (together with the Initial Redevelopment Area, the "**Redevelopment Area**" or the "**Project Site**"); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7*, on May 16, 2017 the Borough Council adopted an ordinance (#3-17) approving and adopting a redevelopment plan for the Redevelopment Area (the "**Redevelopment Plan**") and designating Mariner's Village at Keyport Urban Renewal, LLC as; and

WHEREAS, the proposed project to be undertaken by Mariner's Village at Keyport Urban Renewal, LLC (the "**Entity**") on the Redevelopment Area is the construction of up to 120 residential rental units, an integrated parking facility and associated supporting facilities, amenities and parking, consistent with the Redevelopment Plan (the "**Project**"); and

WHEREAS, pursuant to the Redevelopment Law, specifically *N.J.S.A. 40A:12A-4*, the Borough is designated as the Redevelopment Entity as such term is defined at *N.J.S.A. 40A:12A-3*, for the Redevelopment Area, with full authority to exercise the powers contained in the Redevelopment Law to facilitate and implement the development of the Redevelopment Area; and

WHEREAS, the Entity is the owner of the Redevelopment Area; and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances as amended by the Redevelopment Plan and will be in conformance with the master plan of the Borough; and

WHEREAS, the Entity filed (1) an application seeking a tax exemption and approval of an urban renewal project (the "Application"); and (2) a form of Financial Agreement, attached hereto as Exhibit A (the "**Financial Agreement**") pursuant to the Long-Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**LTTE Law**"); and

WHEREAS, on December 18, 2018, the Borough Council adopted an ordinance (#29-18) approving the Application, granting a tax exemption to the Entity with respect to the Project, and authorizing the execution of the Financial Agreement with the Entity; and

WHEREAS, Ordinance #29-18 further authorized the Mayor and/or the Mayor's designee, in consultation with counsel to the Borough, to execute and/or amend, modify or make such necessary changes to the Application, the Mayor's Recommendation, the Financial Agreement and any other agreements or documents necessary to effectuate Ordinance #29-18 and the Financial Agreement; and

WHEREAS, Ordinance #29-18 further set forth certain conditions for the completion of the Project by the Entity and the effectuation of the tax exemption and the Financial Agreement; and

WHEREAS, the Financial Agreement has not been executed as of the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport (the "**Borough Council**"), in the County of Monmouth, State of New Jersey, as follows:

1. Ordinance #29-18 remains in full effect as of the date of this Resolution.
2. The Mayor and/or the Mayor's designee, in consultation with counsel to the Borough, are hereby authorized to execute and/or amend, modify or make such necessary changes to the Application, the Mayor's Recommendation, the Financial Agreement and any other agreements or documents necessary to effectuate Ordinance #29-18 and the Financial Agreement.
3. The executed copy of the Financial Agreement shall be certified by the Borough Clerk and filed with the Tax Assessor for the Borough and the Director of the Division of Local Government Services.
4. This Resolution shall take effect immediately in accordance with all applicable laws.

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 September ____, 2024.

RESOLUTION #2024-**AUTHORIZING MUNICIPAL AUCTION OF SURPLUS PROPERTY**

WHEREAS, the Borough of Keyport (the "Borough") is the owner of certain surplus property that is no longer needed for public use as specifically identified and described on the attached Schedule "A" ("Surplus Property"); and

WHEREAS, the New Jersey Local Public Contracts Law, at N.J.S.A.40A:11-36, provides for the disposition of personal property owned by a municipality; and

WHEREAS, N.J.A.C.5:34-5.8 authorizes a governing body to contract with an electronic procurement platform to conduct an online public auction; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services, has approved GovDeals, Inc. as an Internet based vendor authorized to conduct online auctions of municipal surplus property and GovDeals, Inc. is also an approved contractor under New Jersey State Contract No. 012821-GDI; and

WHEREAS, the Borough Administrator, through the Superintendent of the Department of Public Works, recommends the Borough utilize the services of GovDeals Inc. via www.govdeals.com for the purpose of auctioning the Surplus Property under State Contract No. 012821-GDI; and

WHEREAS, the Borough reserves the right to reject all bids if determined to be in the public interest.

WHEREAS, in consideration for auctioning the Surplus Property on the Borough's behalf, GovDeals, Inc. will be paid 7.5% of the winning bid (but not less than \$5.00) for each asset sold, paid directly by the Borough to GovDeals, Inc. from the proceeds of the sale; and

WHEREAS, all other terms and conditions of the auction of the Surplus Property and agreement with GovDeals, Inc. are available on the GovDeals, Inc. website www.govdeals.com.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey, as follows:

1. The Borough, through the Superintendent of the Department of Public Works, with the approval of the Borough Administrator, is hereby authorized to sell the surplus property identified and described on the attached Schedule "A" ("Surplus Property").

2. The Surplus Property shall be sold by public auction through the online auction site of www.govdeals.com as more fully described herein.

3. In consideration for auctioning the Surplus Property on the Borough's behalf, GovDeals, Inc. will be paid 7.5% of the winning bid (but not less than \$5.00) for each asset sold, paid directly by the Borough to GovDeals, Inc. from the proceeds of the sales.

4. The Borough shall publish in its official newspaper a Notice of this approved online auction together with a description of the Surplus Property to be sold. The auction shall not be held less than seven (7) days or more than 14 days after the latest publication of the Notice.

5. A certified copy of this Resolution shall be sent to the Division of Local Government Services, Department of Community Affairs, the Chief Financial Officer and the Qualified Purchasing Agent.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

SCHEDULE "A"



Auction Items: Cast iron / composite park benches

Quantity: 12 total

Condition: 9 in good condition 3 have broken frames

Location: Keyport Borough yard 120 Francis street.

Inspection: By appointment only

Contact: Public Works Superintendent Bill Kane (732-320-0446)

bkane@keyportonline.com

Winning Bid must remove the property within 10 Business days of winning confirmation

R24-307

RESOLUTION #2024-

**AUTHORIZING A SHARED SERVICES AGREEMENT TO
PROVIDE REGISTRAR AND DEPUTY REGISTRAR OF VITAL
STATISTICS SERVICES TO UNION BEACH**

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) and the Borough of Union Beach (“**Union Beach**”) are public bodies corporate and politics of the State of New Jersey; and

WHEREAS, Union Beach requires the services of a Registrar and Deputy Registrar of Vital Statistics and seeks to enter into a shared services agreement with the Borough (the “**Shared Services Agreement**”) to utilize the Borough’s Registrar and Deputy Registrar of Vital Statistics on a shared services basis; and

WHEREAS, the Shared Services Agreement shall be for a term of two and half years commencing retroactive to July 1, 2024 and ending December 31, 2026; and

WHEREAS, the Borough of Union Beach will provide a prorated annual fee of \$6,500 to the Borough of Keyport for these services; and

WHEREAS, it is in the best interests of the Borough to approve and to authorize the Borough Administrator, the Mayor, and other reasonably necessary personnel to enter into a Shared Services Agreement with Union Beach.

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 of the Borough, the Borough Administrator and other reasonably necessary personnel are hereby authorized and directed to enter into the Shared Services Agreement with the Borough of Union Beach consistent with the dictates of that certain proposed Shared Services Agreement, for the provision of a Registrar and Deputy Registrar of Vital Statistics on a shared services basis, substantially in the form on file with the Borough Clerk, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor of the Borough in her discretion in consultation with legal counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
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.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**GRANTING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE
FOR VESTRI CORP FOR THE 2024-2025 LICENSE TERM**

WHEREAS, Vestri Corp., t/a Up the Creek and located at 350 W. Front Street, Keyport, New Jersey, was issued Ad-Interim permits from the New Jersey Division of Alcoholic Beverage Control extending license no. 1322-33-006-005 through September 18, 2024; and

WHEREAS, the Plenary Retail Consumption Liquor License renewal application has been submitted and is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory, and local government ABC laws and regulations; and

WHEREAS, the Borough Clerk certifies that the requisite fees and Alcoholic Beverage Retail License Clearance Certificate (Renewal) have been received; and

WHEREAS, the Borough Clerk certifies the Fire Official, Police, and Monmouth County Board of Health have inspected the location and that they have advised her that all pertinent statutes, rules and ordinances of the Borough of Keyport have been complied with by the applicant.

NOW, THEREFORE, BE IT RESOLVED that a **plenary retail consumption** license be issued by the Borough of Keyport to Vestri Corp., license no. 1322-33-006-005, and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2024 and ending June 30, 2025.

BE IT FURTHER RESOLVED the Borough Clerk is hereby directed to transmit a certified true copy of this resolution to the New Jersey Division of Alcoholic Beverage Control.

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 Council Meeting of September 17, 2024.

Michele Clark, RMC
Borough Clerk

224-309

RESOLUTION #2024-

**AUTHORIZING THE PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1322-33-008-008
(6 BROAD ST WATERFRONT LIQUOR LLC to KAL BHAIKAV LLC)**

WHEREAS, an application has been filed to transfer Plenary Retail Consumption License No. 1322-33-008-008 currently issued to 6 Broad St Waterfront Liquor LLC as an inactive license with a mailing address of 24 Clay Street, Red Bank, New Jersey, 07701; and

WHEREAS, the application is complete in all respects, an Affidavit of Publication has been received by the Municipal Clerk, all requisite fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the Keyport Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business; and

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, Monmouth County, New Jersey, that the person-to-person transfer of the Plenary Retail Consumption License No. 1322-33-008-008 to KAL BHAIKAV LLC, and the place-to-place transfer from inactive to be placed at 37 West Front Street, Keyport, New Jersey, is hereby approved.

BE IT FURTHER RESOLVED the Borough Clerk is authorized to endorse the transfer on the face of the license.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-

**APPOINTMENT TO KEYPORT BAYFRONT BUSINESS COOPERATIVE
(KBBC) BOARD OF DIRECTORS**

Joseph Pesce

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) established the Keyport Business Improvement District by Borough Ordinance in accordance with the provisions of N.J.S.A. 40:56-65 et seq. and designated the Keyport Bayfront Business Cooperative (the “**KBBC**”) as the managing entity of the Keyport Business Improvement District; and

WHEREAS, the operations of the KBBC are managed by a Board of Directors (“**Board**”) selected in accordance with section 21-7 of the Borough Code and comprised of the Mayor, or the Mayor’s designee; one (1) member of the Borough Council; one (1) member of the Recycling Committee, Environmental Commission or a Code Enforcement Official; one (1) resident or property owner not assessed by the Business Improvement District, or an employee of the Borough; and nine (9) business property owners or occupants of assessed properties located within the Business Improvement District; and

WHEREAS, there exists a need for the appointment of a business property owner or occupants of assessed properties located within the Business Improvement District to the Board and the Mayor has nominated business owner Joseph Pesce to serve in this position at the pleasure of the Mayor and Council until the next Board of Directors election.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport that the appointment of Joseph Pesce to the KBBC Board to serve until the next Board of Directors election is hereby confirmed.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**APPOINTMENT OF CLASS I SPECIAL LAW ENFORCEMENT OFFICER***Daniel Gross*

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 3-5.9 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 recommended the appointment of Daniel Gross 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. Daniel Gross is hereby appointed as a Class I Special Law Enforcement Officer effective September 17, 2024 for a term ending December 31, 2024, contingent upon the successful completion of a pre-employment physical examination.
2. All Special Law Enforcement Officers shall be compensated on an hourly basis within the hourly pay range established by ordinance and approved by the Chief of Police and Borough Administrator.
3. The Borough Clerk is directed to forward certified copies of this resolution to the Chief of Police and Borough Administrator.

OFFERED:

SECONDED:

AYES:

NAY:

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING APPOINTMENT OF A SCHOOL CROSSING GUARD***Jane Vail*

WHEREAS, N.J.S.A. 40A:9-154.1 authorizes the appointment of school crossing guards to serve under the supervision and direction of the Chief of Police for terms not exceeding one (1) year; and

WHEREAS, the Chief of Police has recommended the appointment of Jane Vail to serve as a school crossing guard; and

WHEREAS, in accordance with the recommendation of the Chief of Police, it is the desire of the Mayor and Borough Council to confirm this appointment.

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

1. Jane Vail is hereby appointed as a school crossing guard to serve for the 2024-2025 school year for a term that shall expire July 31, 2025, contingent upon successful completion of a pre-employment physical examination.
2. Individuals serving as school crossing guards are classified as part-time employees regularly scheduled to work not more than 25 hours per week and shall be compensated at a rate not to exceed \$15.13 per hour as may be authorized by the Borough Administrator.
3. The Borough Administrator is authorized to execute all documents necessary to effectuate these appointments.
4. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator and to the Chief of Police for distribution to the appointed individuals.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF MONMOUTH
AND THE BOROUGH OF KEYPORT FOR THE RESURFACING OF GERAN STREET
FROM COUNTY ROUTE 3 (BROADWAY) TO WOOLEY STREET**

WHEREAS, the Borough of Keyport (the "Borough") and the County of Monmouth (the "County") recognize the need for roadway improvements to Geran Street in the Borough of Keyport, Monmouth County, New Jersey; and

WHEREAS, the County has included County Route 3 (Broadway) in the Borough of Keyport as part of the County's "2024 Resurfacing of Various County Roads" Contract (the "2024 Roadway Improvements"); and

WHEREAS, the Borough has requested that the County add the milling and resurfacing of Geran Street from County Route 3 (Broadway) to Wooley Street (the "Resurfacing of Geran Street" or the "Project") to the scope of the 2024 Roadway Improvements; and

WHEREAS, the Borough and the County agree that it is in the public interest to collaborate on the Project to reduce costs through shared expenses related to the engineering design, construction, administration, and inspection of the Project; and

WHEREAS, the Borough's responsibility for the Project will include the estimated construction costs of \$53,220.00 as per the agreed-upon unit prices detailed in the County's awarded contract; and

WHEREAS, the Borough's Chief Financial Officer certifies that funds are available to charge account _____.

WHEREAS, the Borough Engineer, CME Associates, has approved the Project Plans, and the Monmouth County Engineer has reviewed and accepted said plans; and

WHEREAS, the County shall act as the lead agency for the construction phase of the Project, and the Borough shall reimburse the County for all authorized as-built quantities of work based on the contract unit prices; and

WHEREAS, it is necessary and desirable for the Borough of Keyport to enter into an agreement with the County of Monmouth for the purpose of completing the resurfacing of Geran Street;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute an agreement with the County of Monmouth for the resurfacing of Geran Street from County Route 3 (Broadway) to Wooley Street, in the form attached hereto.

2. The Borough of Keyport agrees to reimburse the County of Monmouth for the Borough's share of the construction costs, not to exceed \$53,220.00, subject to adjustments based on as-built quantities.
3. The Borough Engineer is authorized and directed to coordinate the necessary inspections and approvals required for the completion of the Project as outlined in the agreement.
4. A certified copy of this Resolution shall be forwarded to the Monmouth County Board of County Commissioners, the Monmouth County Engineer, the Borough Engineer, and the Borough Attorney.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**GRANTING AN EXCEPTION TO THE MORATORIUM ON ROAD OPENINGS
FOR 130 CHURCH STREET (BLOCK 83, LOTS 8 AND 9)**

WHEREAS, the property located at 130 Church St, Keyport, NJ (previously 128 Church St, Keyport) was subdivided (block 83, lots 8 and 9) and is undergoing construction of two single-family homes; and

WHEREAS, Church Street was paved as part of the Improvements to Church Street project in 2023; and

WHEREAS, to preserve the quality of paving and maintain road integrity the Borough of Keyport has implemented a moratorium on road openings of a paved or improved street surface less than five years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists; and

WHEREAS, the Managing Member of Magnum Homes LLC, Justin Messercola, has requested an exception to this moratorium to allow for a road opening at 130 Church St, Keyport, to complete necessary gas service installations; and

WHEREAS, Mr. Messercola has completed the sewer and water connections prior to the paving of the road and has made significant efforts to coordinate with New Jersey Natural Gas ("NJNG") for timely installation of gas services; and

WHEREAS, NJNG's protocols delayed the necessary gas service work, and as a result, the gas line installation was postponed until after the road was paved, thus necessitating an appeal for an exception to the road opening moratorium; and

WHEREAS, Mr. Messercola has committed to conducting the excavation work required with a size of approximately 3 feet by 3 feet and has assured that the road will be repaired using an infrared patch, ensuring that the repair will be as seamless as possible; and

WHEREAS, the timely completion of this work is critical to the progress of construction at 130 Church St, Keyport, and any further delay could impact the development timeline and associated activities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey, that an exception to the moratorium on road openings is hereby granted to Magnum Homes LLC for the property located at 130 Church St, Keyport, NJ, to perform the necessary excavation and gas service installation as described.

BE IT FURTHER RESOLVED that the excavation work shall be limited to the specified dimensions and must be followed by an infrared patch repair to the satisfaction of the Borough's Public Works Department and Borough Engineer to ensure minimal disruption and restoration of the road surface.

BE IT FURTHER RESOLVED that Magnum Homes LLC shall coordinate with the Borough's Public Works Department and Borough Engineer to schedule the work and ensure compliance with all applicable regulations and standards.

BE IT FURTHER RESOLVED that an additional fee shall be charged for the opening, equal to the sum of \$300 for the first two years and \$150 for years three through five.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon adoption.

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 September 17, 2024.

Michele Clark, RMC
Borough Clerk

R24-315

RESOLUTION #2024-

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, confidential legal matters that are protected by the attorney-client privilege, which includes matters regarding personnel and union contract negotiations.

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 17, 2024 and determined that an Executive Session closed to the public shall be held on September 17, 2024 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.

RECORDED VOTE						
Councilmember	Offered	Seconded	Aye	Nay	Abstain	Absent
Brady						
Gross						
McNamara						
Peperoni						
Reilly						
Vecchio						

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 Workshop Council Meeting held on September 17, 2024.

Michele Clark, RMC
Borough Clerk