

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, SEPTEMBER 19, 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

PROCLAMATION

Childhood Cancer Awareness Month

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 COMMENTS

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

Opened: Closed:

MM: 2nd: Ayes: Nays:

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.)

- R2023-276 Payment of Bills Listed on the August 25, 2023 Bills List
- R2023-277 Payment of Bills Listed on the September 5, 2023 Bills List
- R2023-278 Payment of Bills Listed on the September 8, 2023 Bills List
- R2023-279 Payment of Bills Listed on the September 19, 2023 Bills List
- R2023-280 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87
Neighborhood Preservation Program - ARP
- R2023-281 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87
NJ DCA ARP Firefighters Grant
- R2023-282 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87
NJ Department of Agriculture Spotted Lanternfly Grant
- R2023-283 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87
Office on Aging – Title IIIB
- R2023-284 Approving a Five-Year Tax Abatement for 7 Raritan Cove in the Borough of
Keyport
- R2023-285 Authorizing Refund of Property Tax Overpayment
- R2023-286 Authorizing Submission of the Neighborhood Preservation Program (NPP)
Revised Year 3 Implementation Plan
- R2023-287 Authorizing the Borough of Keyport to Enter into a Cooperative Pricing
Agreement with Omnia Partners
- R2023-288 Authorizing Appointment of a Part-Time Secretary to Department Head in
Police Department
- R2023-289 Authorizing Appointment of a Part-Time Neighborhood Preservation Program
Coordinator for the Borough of Keyport
- R2023-290 Authorizing Appointment of a School Crossing Guard
- R2023-291 Authorizing Knights of Columbus St. Joseph Council #3402 to Solicit Donations
on a Public Roadway
- R2023-292 Approving the Request of Our Lady of Fatima Parish to Conduct a Vehicular
Procession

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 #2023-9 – Amending Water and Sewer Regulations

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SECTIONS OF CHAPTER 14 ENTITLED “WATER AND SEWER” 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 #23-10 – Establishing Beachfront/Waterfront Quality of Life Regulations

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SECTIONS OF CHAPTER 4 (ENTITLED “POLICE REGULATIONS”) AND CHAPTER 11 (ENTITLED “RECREATIONAL FACILITIES”) 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:

3. Ordinance #23-11 – Establishing Regulations for Special Events Permits

The Clerk reads the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 11 ENTITLED “RECREATIONAL FACILITIES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT TO PROVIDE FOR SPECIAL EVENTS PERMITS**

- 3a. Motion to Open Public Hearing
MM: 2nd;

3b. Motion to Close Public Hearing

MM: 2nd:

3c. Motion adopt Ordinance

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

3d. Motion authorizing the Clerk to publish the Ordinance as adopted

MM: 2nd: Ayes: Nays:

INTRODUCTION OF ORDINANCES

1. Bond Ordinance – Improvements to Fireman’s Park Boardwalk and Parking Lot

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR FIREMAN’S PARK BOARDWALK AND PARKING LOT IMPROVEMENTS, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$3,300,000 THEREFOR (INCLUDING A CONGRESSIONAL COMMUNITY PROJECT GRANT AND A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM GRANT) AND AUTHORIZING THE ISSUANCE OF \$2,625,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to introduce:

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

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

MM: 2nd: Ayes: Nays:

2. Bond Ordinance – Improvements to Cedar Street Park

The Clerk reads the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR CEDAR STREET PARK IMPROVEMENTS, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$420,000 THEREFOR (INCLUDING A MONMOUTH COUNTY OPEN SPACE GRANT AND A LOCAL RECREATION IMPROVEMENT GRANT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS) AND AUTHORIZING THE ISSUANCE OF \$146,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

2a. Motion to introduce:

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

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

MM: 2nd: Ayes: Nays:

MINUTES FOR APPROVAL

Special Meeting Minutes of January 25 and January 30, 2023
Workshop Meeting Minutes of September 5, 2023

MM: 2nd: Ayes: Nays:

REPORTS

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

MM: 2nd: Ayes: Nays:

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

PUBLIC COMMENTS

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:

ADJOURNMENT

Motion to Adjourn moved by: 2nd:

Time of Adjournment: PM

RESOLUTION FOR THE PAYMENT OF BILLS

R23-276
08/25/2023

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	\$ 168,870.69
	WATER/SEWER ACCT. 2023	\$ 24,505.51
	FEDERAL & STATE GRANTS	\$ 10,386.01
	TRUST OTHER FUND	\$ 4,762.50

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

R23-077
09/05/2023

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		
	WATER/SEWER ACCT. 2022	\$ 1,129.50
	CURRENT ACCT. 2023	\$ 1,678,558.58
	WATER/SEWER ACCT. 2023	\$ 6,677.54
	FEDERAL & STATE GRANTS	\$ 90.99
	REC BAYFRONT IMPROVEMENT	\$ 2,707.00
	DEVELOPER ESCROW	\$ 20,682.49

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

R23-278
09/08/2023

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	\$ 180,845.39
	WATER/SEWER ACCT. 2023	\$ 24,025.84
	FEDERAL & STATE GRANTS	\$ 5,723.51
	TRUST OTHER FUND	\$ 10,950.00

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

R23279
09/19/2023

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		
	WATER/SEWER ACCT. 2022	\$ 24,459.62
	CURRENT ACCT. 2023	\$ 1,231,788.06
	WATER/SEWER ACCT. 2023	\$ 341,945.98
	ANIMAL CONTROL TRUST FUND	\$ 1,400.00
	GENERAL CAPITAL FUND	\$ 6,614.06
	FEDERAL & STATE GRANTS	\$ 2,296.34
	TRUST OTHER FUND	\$ 89,717.52
	REC BAYFRONT IMPROVEMENT	\$ 8,766.88
	UNEMPLOYMENT TRUST FUND	\$ 261.62
	OPEN SPACE TRUST FUND	\$ 23,547.25
	DEVELOPER ESCROW	\$ 10,790.75

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
NEIGHBORHOOD PRESERVATION PROGRAM - ARP**

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 \$262,640, which is now available from the State of NJ Neighborhood Preservation Program - ARP.

BE IT FURTHER RESOLVED, that the like sum of \$262,640 is hereby appropriated under the caption of State of NJ Neighborhood Preservation Program - ARP; 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 September 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
NJ DCA ARP FIREFIGHTERS 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 \$13,200, which is now available from NJ DCA ARP Firefighters Grant.

BE IT FURTHER RESOLVED, that the like sum of \$13,200 is hereby appropriated under the caption of NJ DCA ARP Firefighters 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 September 19, 2023.

Michele Clark, RMC
Borough Clerk

R23-282

RESOLUTION #2023-

**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
NJ DEPARTMENT OF AGRICULTURE
SPOTTED LANTERNFLY 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 \$15,000, which is now available from NJ DOA Spotted Lanternfly Grant.

BE IT FURTHER RESOLVED, that the like sum of \$15,000 is hereby appropriated under the caption of NJ DOA Spotted Lanternfly 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 September 19, 2023.

Michele Clark, RMC
Borough Clerk

R23-283

RESOLUTION #2023-

**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
OFFICE ON AGING – TITLE IIIB**

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 \$2,000, which is now available from the County of Monmouth Office on Aging Title IIIB.

BE IT FURTHER RESOLVED, that the like sum of \$2,000 is hereby appropriated under the caption of County of Monmouth Office on Aging Title IIIB; 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 September 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**APPROVING A FIVE-YEAR TAX ABATEMENT FOR
7 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, Elise Maquire and Anthony Ferrara (the "**Applicants**") are the owners of the property at Block 22, Lot 19.07, Qualifier C07, on the Borough's tax map, commonly known as 7 Raritan Cove (the "**Property**"); and

WHEREAS, the Applicants have completed construction of a townhome 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 October 1, 2023; and

WHEREAS, the Borough Tax Assessor has estimated that the tax abatement will result in a difference of \$3,092.59 per year for a total tax difference of approximately \$15,463 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 a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on September 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENT

WHEREAS, an overpayment of third quarter 2023 taxes has taken place by the property owners, Richard Rubenstein and Cathy Deleonardo, paying as well as the mortgage company paying on Block 94 Lot 30 Qualification C01 aka 135 First Street, Unit 1A; and

WHEREAS, said double payment has created an overpayment of third quarter 2023 taxes in the amount of \$2,441.82.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Keyport hereby authorize the refund of the third quarter 2023 tax overpayment to Richard Rubenstein and Cathy Deleonardo in the amount of \$2,441.82.

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 of September 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING SUBMISSION OF THE NEIGHBORHOOD
PRESERVATION PROGRAM (NPP) REVISED YEAR 3
IMPLEMENTATION PLAN**

WHEREAS, the Borough of Keyport (the "Borough") was approved for grant funds from the New Jersey Department of Community Affairs (the "DCA") Neighborhood Preservation Program ("NPP") for Year 3 of the Borough's Five-Year Implementation Plan; and

WHEREAS, the Year 3 Implementation Plan, for the period January 1, 2023 through December 31, 2023 is being revised to reflect changes in several categories of planned spending as the result of changes in improvement project priority and delays in the delivery of selected materials; and

WHEREAS, the revised plan was prepared by the NPP Coordinator and reviewed by the NPP "Downtown Keyport" stakeholders.

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 Keyport NPP Coordinator is authorized to submit the attached Revised Year 3 Implementation Plan for approval by the New Jersey Department of Community Affairs, Neighborhood Preservation Program.

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 September 19, 2023.

Michele Clark, RMC
Borough Clerk

R23-287

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

A RESOLUTION AUTHORIZING THE BOROUGH OF KEYPORT
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH OMNIA PARTNERS ID# 4021337

RESOLUTION NUMBER

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Omnia Partners Purchasing Co-op, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on (DATE OF ACTION) the governing body of the Borough of Keyport, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Keyport

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor/Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby, certify that the above resolution was adopted by the Mayor and Council of Borough of Keyport at a meeting of said governing body held on (Date).

BY:

(NAME AND TITLE)

ATTEST BY:

(NAME AND TITLE)

RESOLUTION #2023-

**AUTHORIZING APPOINTMENT OF A PART-TIME
SECRETARY TO DEPARTMENT HEAD IN POLICE DEPARTMENT**

WHEREAS, there exists a need for a Secretary to the Department Head to fill a vacancy in the Police Department; and

WHEREAS, the Police Chief and the Borough Administrator conducted interviews and have selected a candidate to fill this part-time position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Sharleen C. De Zoysa is hereby appointed Secretary to the Department Head in the Police Department on a part-time basis effective September 20, 2023, pursuant to the terms and conditions of the written offer of employment dated September 11, 2023.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Borough Administrator, the Police Chief and Sharleen C. De Zoysa.

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 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**AUTHORIZING APPOINTMENT OF A PART-TIME
NEIGHBORHOOD PRESERVATION PROGRAM
COORDINATOR FOR 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 Borough has been accepted into the Neighborhood Preservation Program established by the State of New Jersey, Department of Community Affair ("**DCA**"); and

WHEREAS, the DCA requires that participating municipalities appoint or designate a Neighborhood Preservation Program Coordinator to coordinate the preparation and implementation of a Neighborhood Preservation Program ("**NPP**") for each participating municipality; and

WHEREAS, the Borough seeks to appoint Jack Straub on a part-time basis to serve as the Borough's NPP Coordinator at an hourly rate of \$20 to work up to twenty (20) hours a week; and

WHEREAS, the Borough seeks to retain the preceding NPP Coordinator Nicole Henn on a part-time basis to advise Mr. Straub at an hourly rate of \$25 to work up to five (5) hours a week; and

WHEREAS, the Borough will utilize grant funds awarded through the NPP to pay the hourly salaries of Jack Straub and Nicole Henn.

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 appointment of Jack Straub effective September 7, 2023 as a part-time Neighborhood Preservation Program Coordinator for up to twenty (20) hours per week at a rate of \$20 per hour subject to the availability of grant funds from the Neighborhood Preservation Program.
3. The Borough hereby authorizes the retention of Nicole Henn on a part-time basis to advise Mr. Straub for up to five (5) hours a week at a rate of \$25 per hour subject to the availability of grant funds from the Neighborhood Preservation Program.
4. The Mayor of the Borough, the Borough Administrator, and other reasonably necessary personnel are hereby authorized to execute any and all forms and documents to effectuate the hiring and appointment of Jack Straub as the part-time NPP Coordinator.

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 offices of the Borough Clerk.

7. 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 a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of September 19, 2023.

Michele Clark, RMC
Borough Clerk

B23-290

RESOLUTION #2023-

AUTHORIZING APPOINTMENT OF A SCHOOL CROSSING GUARD

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 David Romeo 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. David Romeo is hereby appointed as a school crossing guard to serve for the 2023-2024 school year for a term that shall expire July 31, 2024.
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 \$15.00 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 a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of September 19, 2023.

Michele Clark, RMC
Borough Clerk

R23-291

RESOLUTION #2023-

**AUTHORIZING KNIGHTS OF COLUMBUS ST. JOSEPH COUNCIL #3402
TO SOLICIT DONATIONS ON A PUBLIC ROADWAY**

WHEREAS, Keyport Borough Ordinance #2022-17 establishes guidelines and requirements for authorized charitable organizations to solicit contributions in the roadways; and

WHEREAS, Knights of Columbus St. Joseph Council #3402 has requested to solicit donations at Broadway and W. Fourth Street in the Borough on Friday September 29, Saturday September 30, and Sunday October 1, 2023, from 10:00 AM to 4:00 PM; and

WHEREAS, permits for charitable solicitations on any County roadway or its intersections must be approved by the Monmouth County Board of County Commissioners in compliance with the provisions of N.J.S.A. 39:4-60; and

WHEREAS, precautions will be taken to ensure the safety of all solicitors and roadway travelers; and

WHEREAS, the Chief of Police is hereby authorized to sign the roadway solicitation permit on behalf of Borough of Keyport.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the Knights of Columbus St. Joseph Council #3402 be and is hereby authorized to solicit donations at Broadway and West Fourth Street on Friday September 29, Saturday September 30, and Sunday October 1, 2023, from 10:00 AM to 4:00 PM.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief of Police and Knights of Columbus St. Joseph Council #3402.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of September 19, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVING THE REQUEST OF OUR LADY OF FATIMA
PARISH TO CONDUCT A VEHICULAR PROCESSION**

WHEREAS, a request has been received from Our Lady of Fatima Parish to conduct a Feast Procession in the Borough of Keyport on Friday, October 13, 2023 at 7:00 PM; and

WHEREAS, the procession would depart Jesus the Lord parking lot onto Broad Street, turning left onto West Front Street, heading along West Front Street to Broadway, continuing on Broadway and bearing right onto the overpass onto Nappi Place, turning right onto Broadway and ending at Our Lady of Fatima Parish parking lot; and

WHEREAS, the Police Chief has reviewed the request and has offered no objections as to the date, time, and route requested.

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

1. This Resolution shall constitute approval to permit Our Lady of Fatima Parish to conduct a vehicular procession in accordance with the request dated August 10, 2023, received from the Pastor, which is to be held Friday, October 13, 2023 at 7:00 PM.
2. The Municipal Clerk is directed to forward a certified copy of this Resolution to the Chief of Police and the Pastor of Our Lady of Fatima Parish.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of September 19, 2023.

Michele Clark, RMC
Borough Clerk

PUBLIC HEARING-
ADOPTION
ORD # 1

ORDINANCE NO. 2023-9

AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
SECTIONS OF CHAPTER 14 ENTITLED "WATER AND
SEWER" 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 14 of the Revised General Ordinances of the Borough of Keyport ("the Borough") regulates, among other things, sewer maintenance responsibilities and the deposits and fees associated with such maintenance in 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 2 of Chapter 14 to establish a new provision entitled "Sewer Ownership and Maintenance";

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that Chapter 14 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 2 of Chapter 14 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)

§ 14-2 SEWERS

[. . .]

[INSERT NEW SECTION]

§ 14-2.20 Sewer Ownership and Maintenance.

- a. Municipal. The Borough shall have ownership and be responsible for the maintenance of all public sanitary sewer mains and manholes within its right-of-way, within the right-of-way of governmental agencies, from or within the sewer easements dedicated to and accepted by the Borough. Any breaks, leaks or blockages in public sanitary sewer mains or manholes in the right-of-way or sewer easements shall be the responsibility of the Borough.
- b. Nonmunicipal. The private property owner shall have ownership of the entire service lateral from the building to the curb, including any connections, curb boxes, cleanouts, and other associated apparatus; the maintenance, operation, repair, and eventual replacement of any such portion of the sanitary sewer system, including any breaks, leaks or blockages, shall be the responsibility of the private property owner. The private property owner shall also be responsible for any sanitary sewer mains and manholes located within private property unless located within a right-of-way or subject to an easement as set forth in subsection a. of this section. The private property owner shall not be responsible for the service lateral from the curb to the sanitary sewer main, which shall be owned and maintained by the Borough.
- c. Municipal Maintenance Responsibility. The Borough shall maintain its municipal sanitary sewer system, as set forth in subsection a. of this section, in good working order. In no event shall the Borough provide any labor or material to clear or remove obstructions from a blocked nonmunicipal sanitary sewer system, as set forth in subsection b. of this section, and said work shall be the sole and exclusive responsibility of the property owner. When the Borough is called upon by a private property owner or the tenant, agent, or representative of the private property owner to investigate a maintenance issue within the system, the Borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the nonmunicipal portion of the system, the private property owner, tenant, agent, or representative shall be responsible for repairing and correcting the problem. The Borough has the discretion to charge \$170 for the call out and inspection that led to the discovery of the problem in the nonmunicipal portion of the system.
- d. Developer Obligation. Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

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: September 5, 2023
First Publication: September 11, 2023
Second Reading,
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
SECTIONS OF CHAPTER 4 (ENTITLED "POLICE
REGULATIONS") AND CHAPTER 11 (ENTITLED
"RECREATIONAL FACILITIES") 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 4 of the Revised General Ordinances of the Borough of Keyport ("the Borough") establishes a series of police regulations for the Borough; and,

WHEREAS, Chapter 11 of the Revised General Ordinances of the Borough establishes rules and regulations involving public recreational facilities located within the Borough;

WHEREAS, the Mayor and Council of the Borough has determined that it is in the public interest to amend Chapters 4 and 11 for the health, welfare and safety of the Borough's citizens, so to protect and improve the quality of life of Borough residents and visitors of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council that Chapter 4 and Chapter 11 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 Chapter 4 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; additions are underlined and deletions are denoted by strikethrough*)

§ 4-10 MOTOR VEHICLES.

[...]

§ 4-11. Use of Vehicles for Sleeping Purposes. No person shall use any automobile, truck or other vehicle located on any public or private highway, road, or street, or any public or private lot or premises in the Borough for sleeping or living purposes at any time.

[...]

§ 4-19 DRESSING AND UNDESSING IN PUBLIC PLACES

[...]

§ 4-19.2 Dressing in public streets or public places. It shall be unlawful for any person or persons to change, disrobe, dress, or undress or otherwise remove his or her clothing in any of the public streets or public places within the Borough of Keyport, including but not limited to any area along or near the waterfront area of the Borough, any area along or near any public park or in the area adjacent thereto, or out in the open in a public or private parking lot, premises, highway, road or street within the geographic boundaries of the Borough. No person shall remove or lower any part of his or her bathing attire in any area along or near the waterfront of the Borough or the beachfront or in the water adjacent thereto.

[...]

§ 4-26 BEACHFRONT /WATERFRONT AREA

The Borough Council is hereby authorized and empowered to adopt, by resolution, such rules and regulations that may be necessary for the proper control and regulation of the beachfront and/or waterfront of the Borough of Keyport that is open to the public (and shall not include private homes properties).

For the purposes of this Chapter, the term "beachfront" and "waterfront" shall mean all areas adjacent to the beachfront or waterfront of the Borough, any municipal park located along and/or adjacent to the beachfront or waterfront area of the Borough including but not limited to the Keyport Waterfront Path, Fireman's Park, Keyport Municipal Boat Ramp, Keyport Beach Park and Playground, Veteran's Park, Benjamin C. Terry Park, and Cedar Street Park, jetties, dunes, beach plantings, the beach and waters immediately adjacent thereto. Nothing herein shall be construed to limit the Borough of Keyport from enforcing other applicable provisions of the Borough of Keyport Revised General Ordinances, New Jersey State statutes or other applicable laws.

The Borough Council is further authorized and empowered to suspend, modify and/or supplement, by resolution, for a limited time the operation of certain rules and regulations governing the beachfront/waterfront, and the waters adjacent thereto, in order to permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council.

The following rules and regulations are hereby established for the beachfront and waterfront.

- a. No person shall be permitted to camp, stay, sleep and/or live at those public areas identified as beachfront/waterfront by this Chapter, unless the Borough approves a special use permit for that purpose.
- b. The Keyport Police Department is hereby authorized and directed to remove any tent which is creating a hazard or unnecessary disturbance to others.
- c. Anyone who is found sleeping in those public areas of the beachfront/waterfront between the hours of 11:00 pm and 6:00 am shall be issued a summons which may result in a minimum fine of \$100.
- d. No person shall obstruct the flow of pedestrian traffic or other activities on the beachfront/waterfront area.
- e. No person shall build, start, or make any fire on any portion of the beachfront.
- f. No parties shall be permitted on the public portions of the beachfront/waterfront area unless the Borough of Keyport issues a special permit. Each permit shall be valid for only one single day, as indicated on the permit. Applications for permits must be made to the Borough Clerk on forms promulgated by the Clerk. No permit shall be issued unless the applicant first submits to the Clerk: (1) a security deposit of \$100, returnable only if there is no damage to the beach or any Borough property, and only if all trash and litter has been removed from the beach by the applicant; and (2) a certificate of insurance or other satisfactory proof that the applicant has obtained and paid for liability insurance against any and all claims for bodily injuries and property damage arising out of or in any way connected with the presence of persons on the beach during the party, which insurance must have a limit of liability of at least \$500,000 and must name the Borough of Keyport as an insured. No swimming or bathing privileges shall be extended to any person attending a beach party, and no person attending a beach party shall bring onto the beach, the beachfront and/or waterfront any alcoholic beverages. The applicant shall comply with all

rules and regulations established by other chapters of the Code, including but not limited to Chapter 4, Chapter 6 and any other public health and safety regulations.

- g. No dance floors or objects for use as a dance floor may be placed on the beachfront/waterfront area for the purpose of public dancing, unless permitted by a special permit.
- h. No person shall be permitted to play or operate any device that emits a sound amplification in excess of what is permitted by the Borough of Keyport's noise ordinance (Section 4.2 of this Borough Code) at or around any section of the beachfront/waterfront area. No component TV, radio, stereo or electric equipment for the purpose of reproducing TV, radio, or recorded sound or electronic musical instruments are permitted except in conjunction with an authorized special use permit.
- i. No radio, phonograph, tape, or cassette player, television, musical instrument, loudspeaker or amplifier, or other machine or device for the electronic or stereophonic production, reproduction, or amplification of sound may be permitted on any section of the beachfront/waterfront area unless equipped and operated only with headphones.

Section 3. The Council hereby amends Section 2 of Chapter 11 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; additions are underlined and deletions are denoted by strikethrough*)

Chapter 11 RECREATIONAL FACILITIES

[. . .]

§ 11-2 Beach Park.

§ 11-2.1 Purpose. It is hereby declared to be in the best interest of the health, safety and general welfare of the citizens of the Borough that access to and the use of Beach Park (the recreational portion of Beach Park located on Broad Street and First Street), including the gazebo located at Beach Park, shall be restricted during certain hours.

§ 11-2.2 Prohibited hours. No person shall be in Beach Park (which shall include the gazebo and the recreational portion of Beach Park) between the hours of 11:00 ~~10:00~~ p.m. and 6:00 a.m. except as otherwise provided herein.

[. . .]

Section 4. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

Section 5. 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 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: September 5, 2023
First Publication: September 11, 2023
Second Reading,
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

PUBLIC HEARING-
ADOPTION
ORD #3

ORDINANCE NO. 2023-11

**AN ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
CHAPTER 11, ENTITLED "RECREATIONAL
FACILITIES" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF KEYPORT TO PROVIDE FOR
SPECIAL EVENTS PERMITS.**

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

WHEREAS, the primary purpose of parks and recreational facilities is to provide the public the opportunity to enjoy natural beauty and recreational opportunities and the primary purpose of streets and sidewalks is to provide a public right of way for a wide variety of transportation and pedestrian uses; and

WHEREAS, another important use of parks, streets, sidewalks, and other public places is to provide venues for a wide variety of public events and for the public to exercise their rights of free speech and assembly; and

WHEREAS, in order to ensure the public safety, peace, and tranquility it is the Borough's responsibility to enforce permitted uses and conduct be undertaken upon real property located within the various zoning districts delineated by the Zoning Regulations Ordinance; and

WHEREAS, most events in public places and upon private property where permitted uses do not include special events require a special event permit, and many require considerable advance planning by more than one Department, sometimes in conjunction with other governmental agencies, in order to adequately protect public safety, Borough property and reduce adverse impacts; and

WHEREAS, the Borough has a compelling need to coordinate its planning for proposed special events in order to protect public health and safety and reduce adverse impacts such as noise,

congestion, traffic, and parking problems, while guaranteeing the public's rights to free speech and assembly; and

WHEREAS, the Borough has an interest in regulating events that take place on private property to the extent that the proposed events do not constitute permitted uses in the subject zone; and

WHEREAS, the Borough has a direct interest in regulating and planning for that portion of an event that occurs in public places such as parks, streets, and sidewalks; and

WHEREAS, the Borough recognizes that events that may occur at least in part on private property may also have a substantial impact on public places and require substantial public services such as police for crowd or traffic control; and

WHEREAS, if an event is proposed to take place in private or public places, which may require public services to deal with the impacts of the event (such as the reallocation of police personnel from their standard assignments in other geographic areas of the thereby potentially jeopardizing essential police/public safety services to those neighborhoods), the Borough has a legitimate interest in requiring the event applicant/organizer to plan for the event's impact upon services and impact upon zoning restrictions, noise, congestion, traffic, parking, etc. and to apply for and receive a special event permit; and

WHEREAS, while guaranteeing the public's rights to free speech and assembly, the Borough, working with the applicant/organizers of proposed events, shall develop reasonable permit conditions in order to protect the general public health and safety and reduce adverse impacts such as noise, traffic, and parking problems, and determine whether such a proposed event shall occur in the zone in question; and

WHEREAS, the Borough has no interest in basing special event permitting decisions, including decisions regarding reasonable permit conditions, on the viewpoint or message of the proposed event, but does have the responsibility to develop reasonable and effective permit conditions based upon such public safety factors as anticipated crowd size; the nature of the event; pedestrian and traffic control issues; anticipated noise, congestion, and parking problems; and the history of problems associated with the event or similar events and the event's or applicant's compliance with previous permit conditions designed to deal with those issues and problems; and

WHEREAS, the Borough wishes to provide applicants/event organizers with an efficient permitting process, and prompt administrative review of permit denials when permits are denied, by amending Chapter 11, entitled "Recreational Facilities" of the Revised General Ordinances of the Borough of Keyport to address the application process for applying for a special event permit for use of Borough property;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey, as follows:

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

Section 2. Chapter 11, entitled Recreational Facilities, shall be amended to include the following new sections:

§ 11-10 Special Events Permits.

§ 11-10.1 Special Events Permits - Definitions.

The following terms, when used in this section, shall have the following meanings:

"Applicant" shall include the person, or other entity applying for the special event permit. Applicant shall include, but not be limited to, the event's sponsor, organizer, or promoter.

"Athletic Event" shall mean an occasion in which a group of persons gather to engage in or watch a sport or a form of exercise on private or public property not designed for such activity and/or on a Borough street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot-races.

"Block Party" shall mean a festive gathering on private property or a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music or games.

"Entertainment Areas" shall be the area(s) designated by the Business Administrator or administrator's designee as an area within specific boundaries in which a permitted special event may take place. Special event vendors will be allowed within the boundaries of the entertainment areas with proper permitting and approval of the Business Administrator or administrator's designee.

"Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any Borough street, sidewalk, alley, or other right-of-way, which obstructs delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

"Park" means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the Borough under the management and control of the Borough.

"Permit Application Fee" shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the Borough. Such fee shall be set by the Resolution.

"Private Place" means and includes parking lots, malls, streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and non-dedicated roadways and the space above or beneath its surface, whether or not opened or improved, where the proposed special event is not a

permitted use pursuant to the Zoning Ordinance in the zone in which the special event is proposed to take place.

"Public Place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.

"Refundable Deposit" shall mean the amount of money required of a permittee by the Borough if the special event is held in a public place, in order to assure adequate cleanup of the special event site. However, if it is reasonably anticipated that the holding of a special event on private property will result in the need for a cleanup in a surrounding public area, a deposit shall also be required, which shall be returned to the permittee upon the completion of the event and approval of the Business Administrator.

"Special Event" means meeting, gathering, or group of persons, animals or vehicles, or any combination thereof, having a common purpose, design or goal, upon a private or public facility, street, sidewalk, park, waterway, or other place, where the special event substantially inhibits the usual flow of pedestrian or vehicular traffic or which occupies any private or public area and impacts use in or around such area by the general public. A special event shall include, but shall not be limited to, farmer's markets, festival celebrations, concerts, parades, block parties, athletic events, drive-in movies, and other similar gatherings which meet one or more of the following; 1) is reasonably expected to cause or result in more than 50 people gathering in a park or other private or public place; 2) is reasonably expected to have a substantial impact on a park or other private or public place; 3) is reasonably expected to require the provision of substantial public services; or 4) occurs no more than four times per year with each event lasting for no longer than 48 consecutive hours.

"Special Event Permit" shall mean the permit issued by the Business Administrator or administrator's designee after the applicant has met all applicable reviews and requirements set forth in this chapter.

"Special Event Vendor" shall be a permitted vendor allowed to operate within entertainment areas during permitted special events.

"Substantial impact on a park or other private or public place" means an event which would impact in whole or in significant part the public's normal and customary use of such place.

"Substantial public services" means a material increase in the amount, scope, or level of necessary fire, police, traffic control, crowd control, or other public services above those that would normally be required without the event. With respect to police resources, "substantial public services" means resources for crowd management or traffic control required for the event over and above the normal deployment of police in that geographic area of the Borough at the time of day during which the event will occur.

§ 11-10.2 Special Event Permit – Application Required.

- a. Whenever a person, organization, or other entity desires to use a park or a certain area of the park, public street or place, or quasi-public private property when the use may impact public safety or Borough services for a period of one day or any part thereof, or when a private event on private property is such that it may impact public safety or Borough services, that person shall make application to and obtain from the Municipal Clerk a permit for the special event, which includes, but is not limited to, a performance, show or entertainment, labor strikes, road closings, large gatherings requiring other Borough permits, protests or demonstrations.
- b. All events and activities must comply with applicable state statutes and Borough ordinances. It is the responsibility of the applicant to obtain all necessary and required permits and approvals.
- c. Applications for a special event permit shall be submitted to the Municipal Clerk no less than 60 days before or within a reasonable amount of time to be reviewed by the Business Administrator and submitted for approval to the Mayor and Borough Council. There shall be a late fee of \$10 per day for applications submitted less than 60 days before the event date.
- d. Special event permits shall be deemed to be either:
 1. Borough-sponsored: The event is being run/operated by the Borough.
 2. Borough-sanctioned: The Borough is sanctioning the event because the event is in the public interest.

e. The application shall state the following:

1. The name, address, and telephone number of the applicant, primary contact person, and on-scene manager of the event.
2. The name, address, and telephone number of the person, persons, corporation, or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The portion of the park area or place for which the permit is desired.
5. A description of and purpose for the special event.
6. An estimate of the anticipated attendance.
7. The anticipated charges or fees to members or persons attending.
8. Any other information which the Business Administrator or administrator's designee shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
9. A description of Borough equipment or services requested (however, there shall be no guarantee that those services or equipment will be made available).

f. Standards for issuance of a special event permit shall include the following:

1. That the proposed activity or use of the park or requested area will not unreasonably interfere with or detract from the general public enjoyment of the park or surrounding area.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
3. That the proposed activity and use will not unreasonably restrict, obstruct, interfere with or impede pedestrian right-of-way, a vehicle's right-of-way, or ingress or egress from the requested or abutting property.

4. That the proposed activity will not entail extraordinary or burdensome expenses upon the Borough when the event is deemed "sanctioned."
5. That any facility desired has not been reserved for other use at the date and time requested in the application.
6. That the proposed activity or uses that are reasonably anticipated will not include violence, crime, or disorderly conduct, and will not create a nuisance.
7. That the appropriate certificate of insurance, if required, is issued to the applicant naming the Borough as an additional insured for the place, date, and time of the special event.
8. Applicant shall meet any and all requirements and conditions (fees, salary costs, public safety coverage, traffic control plans, etc.) listed on an approved permit.
9. The Borough may implement reasonable terms or conditions as to the time, place, length and manner of the event; the implementation of a plan presented by the applicant and approved by the Borough for crowd control, traffic control, and security; compliance with health and sanitary regulations as explicated by the Health Department for the event; coordination with the Fire Department or Emergency Medical Services; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of public transit and car-pooling. In determining conditions, the Business Administrator or administrator's designee shall consider anticipated impacts of the event based on an assessment of the event, including size, scope, complexity, and history as well as the event's or event organizer's successful implementation of conditions included in previous permits. Conditions shall be based upon projected impacts on public safety, public places and public services, but shall not be based upon the programming content of the event or message that the proposed event may convey.
10. In order to accommodate other concurrent events, the rights of abutting owners, and the needs of the public to use streets or parks, the conditions may include, but are not limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event.

11. Any application for a special event permit shall be accompanied by a fee, as established by resolution.

12. Prior to the issuance of the special event permit, the applicant must agree to reimburse the Borough for any costs incurred by the Borough in repairing damage to Borough property and/or the public rights of way which may occur in connection with the permitted event. The applicant/permittee agrees to defend, indemnify and save harmless the Borough, its appointed and elected officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the Borough, its elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event, except only such injury as shall have been occasioned by the sole negligence of the Borough, its appointed or elected officers or employees.

13. The Business Administrator or administrator's designee has the authority to require a refundable deposit for reimbursement of the costs for cleanup services.

14. The Business Administrator or administrator's designee shall have the right to designate the areas to be used for permitted special events.

§ 11-10.3 Special Event Permit – Enforcement, Violations & Penalties

The Keyport Borough officials shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. The Keyport Police Department shall have the authority to eject from the park or area any person acting in violation of this chapter. Any person who shall violate any provision of this chapter shall be summarily evicted from the park, beach or other recreational area or place, and may be denied further admittance to the park, beach or any other recreational area. The Business Administrator may revoke the special events permit and terminate the event for violations of this chapter.

§ 11-10.4 Special Event Permit – Denial of Application

A. Denial of Application: A special event permit may be denied based upon a determination that:

1. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or as would present an unreasonable risk of injury or damage to the public;

2. The event would seriously inconvenience the general public;
3. The event would unreasonably infringe upon the rights of abutting properties;
4. The proposed event is proximate to another previously permitted or scheduled event, so that the combined impacts and required public services exceed what the Borough, after reasonable efforts have been made to accommodate both events, can reasonably provide; or the proposed event would interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting properties;
5. There are not sufficient safety personnel or other necessary Borough staff to accommodate the event;
6. The applicant failed to complete the application form after being notified of the additional information or documents required;
7. The applicant supplies false or misleading information, fails to complete the application or to supply other required information or documents, or declares or shows an unwillingness or inability to comply with reasonable terms or conditions contained in the permit application;
8. The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;
9. Other issues in the public interest were identified by the Business Administrator or administrator's designee; or
10. Failure to prepay expenses.

B. Revocation of Permit: The Business Administrator or administrator's designee may cancel or revoke a permit already issued upon written notice to the applicant stating the grounds for revocation if:

1. The applicant, in the information supplied, has made misstatement of a material fact, failed to fulfill a term or condition of the permit in a timely manner, or submitted a permit fee which was insufficient or incomplete; or
2. The applicant requests the cancellation of the permit or cancels the event; or
3. An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety. The Borough shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence and shall refund the balance of the fee less its costs

incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

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

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. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: September 5, 2023
First Publication: September 11, 2023
Second Reading,
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport