

Minutes of the Regular Session Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, NJ, pursuant to the adoption of the Annual Notice on file with the Borough Clerk forwarded to the Asbury Park Press, the Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Kennedy called the meeting to order at 7:00PM and Deputy Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Cooper, Goode, Pacheco, Fotopoulos and McDermott. Others present: Mayor Kennedy, Borough Administrator Stephen Gallo and Borough Attorney William P. Opel, Esq.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Mayor Kennedy read the Breast Cancer Awareness Proclamation. Mayor and Councilmembers made a donation to the American Breast Cancer foundation in support of Lisa Gallo.

ADMINISTRATOR'S REPORT

Mr. Gallo reported on the following:

- Met with our planners regarding 75 Manchester
- Interviewed Deputy Court Administrator Candidates
- Participated in a Hurricane Prep Meeting
- Met with representatives of AXA Advisors
- Held a logistics meeting for the Keyport Fest 5K
- Met with Sal Costanza of Local 68
- Met with Sophia Lamberson
- Led meeting regarding 75 Manchester
- Attended the NJ Complete Streets Summit along with Mayor Kennedy and Councilmember McDermott
- Attended the Governor's Shared Services Symposium
- Met with Developer Len Rubenstein
- Met with Jeff Buehler of NJ NPP
- Met with proposal evaluation Team at NJTPA
- Held a logistics meeting for the Keyport Music Festival
- Met with Tom Gallo and Bob Kutschman
- Met with Capitan Vic
- Met with Mike Lane
- Participated in SAGE seminar

Improvements to Kearney Street Park

- Grant Funding: \$140,000 (MCOS)
- Engineer's Estimate: \$285,000
- We are awaiting a determination from Green Acres regarding our request for matching funding

Flood Damage Prevention Ordinance

Trevor is working to reconcile feedback he has received from Councilmember Goode and Mike Lane

TAP Grant Pedestrian Safety Project

I have approved the proposal by the State's approved contractor. They will execute a contract with CME for this work. I expect the public meeting portion of their work to commence before the year is out.

NJTPA Complete Streets

I attended a consultant selection committee meeting on this important project last week. The NJTPA has made grant funds available to draft a Keyport Complete Streets Policy, a Keyport Complete

Streets Policy and execute a demonstration project in the Borough. The committee has narrowed the field down to two proposals and meetings will be scheduled with each.

Neighborhood Preservation Program (NPP)

I met with Jeff Buehler director of the State's NPP program. Our meeting was very fruitful and helped clarify a few things. While we applied for grant funds to examine and enhance our highway district, the NPP program personnel have visited Keyport and examined the proposed NPP area. They expressed concern that the highway district does not really meet the definition of a "Neighborhood" as intended in the NPP program rules. They have disallowed the use of grant funds directly in this district and suggest that a more appropriate area would be our central business district which encompasses a true neighborhood. Jeff understood our interest in revitalizing our highway district and offered to assist us in obtaining grant funding and support for that purpose as well. Our next steps will be to hire a NPP Coordinator and appoint an NPP steering committee.

Grant Applications:

NJDOT Municipal Aid Grant FY2020 – Improvements to Church Street (First to Atlantic)

- Submitted: July 19, 2019
- Grant Request: \$746,476.50
- Scope: Roadway reconstruction, curbs, aprons, and limited sidewalk

NJDOT Bikeways Grant FY2020 – Broad Street and Main Street Bikeway Improvements:

- Submitted: July 19, 2019
- Grant Request: \$323,265.00
- Scope: Bike lane striping, signage, and bike racks (HH Trail – Front Street)

NJDOT Safe Streets to Transit FY2020 – Green Grove Avenue Pedestrian Bridge

- Submitted: July 19, 2019
- Grant Request: \$338,261.00
- Scope: Pedestrian bridge across Chingarora Creek adj. to culvert

Municipal CDBG FY2020 – Broad Street Sidewalk Improvements (Maple Place to Route 36)

We received word that we are being recommended for \$162,000 in funding. We are requesting meeting with the county to try and get them to repave Broad Street.

- Submitted: July 26, 2019
- Grant Request: \$200,000 (Maximum Request)
- Scope: Sidewalks, curbs, aprons, curb ramps, and crosswalks

Non-Profit CDBG FY2020 – First Aid Squad Building Improvements

We received word that KFAs has been recommended for funding of \$142,000.

- Submitted: July 26, 2019
- Grant Request: \$200,000 (Maximum Request)
- Scope: ADA access, parking, and restroom upgrades
- We are looking forward to a new project refurbishing both Theresa Street Park and Cedar Street Park and will likely schedule a community meeting on them in the fall
- We have applied for county open space funding for improvements to Mini-Park
- We are looking for a site to develop a Keyport Dog Park

Redevelopment

Status of Redevelopment Projects:

Mariners Village – I met with Clay Perlman who says they are finalizing their permits and he assures me that they will be breaking ground before year's end.

Aeromarine - I met with a prospective purchaser of the property today.

75 Manchester – We met with the community regarding improvements for this property. We have a

good sense of what the community would like to see and will be meeting with the Developer to see what we can agree on.

Longview/Boatworks – the developer has applied for and received permission to surcharge the soil at the site in anticipation of construction.

149 West Front Street – We are meeting with the owner to discuss how we can assist him in realizing his plan. Fishery has put up trash enclosure.

Hazard Mitigation Program – We have updated our list of projects to be included in the Countywide Multi-Jurisdictional Hazard Mitigation Plan.

NJ Route 35 Resurfacing – We have been looking into the project to resurface NJ Route 35. The State DOT has utilized a process called slurry sealing to try and extend the life of the existing roadway. The job appears to not have been properly executed and may be inappropriate for such a high-volume roadway. The surface is scuffed, embossed and imprinted in many areas leading to a rough roadway and an unpleasant driving experience. I have asked our engineers to interact with NJDOT. They are walking the site with the DOT engineers and we will be following up based upon the results.

Mayor Kennedy did speak to Trevor and he is meeting with the contractor regarding highway 35 paving issued and will go with them to the paving site. The Mayor stated if that doesn't help she will reach out to the Mayor of Aberdeen for a unified letter. Our residents deserve better than what they delivered.

Councilmember McDermott mentioned that she sent an email to Steve Gallo regarding dredging and FEMA Hazard Mitigation grant program, there was an item about dredging. Councilwoman McDermott asked the locations;

Mr. Gallo stated that they are dredging Luppataong and Chingarora Creeks as well as the Harbor.

Councilmember McDermott asked about the NPP program, she asked if they are considering all the business districts.

Mr. Gallo stated they are submitting proposed boundaries and must be contiguous.

Councilmember McDermott asked if the phones will be down because of the Energy Initiative.

Mr. Gallo replied that it is a direct install. The phones should not be off for extended period of time.

Councilmember McDermott asked if the county has been notified.

Mr. Gallo stated they will be.

Councilmember McDermott inquired about Exit 117 being closed from 9AM to 5PM.

Mr. Gallo stated that they are going to work on the ramp and diverting to another exit.

Mayor Kennedy stated that the times are not consistent and that it was not a clear message.

Councilmember Fotopoulos asked about the scattered sites he mentioned a pile of trash at 333 First Street

Mr. Gallo replied they have no problem paying the fines we levy on them. They already have paid several thousand dollars. He stated he will have the inspector visit them tomorrow.

Councilmember Fotopoulos asked if the Borough can get in touch with the owner.

Mr. Gallo said he would take action on this.

Mayor Kennedy asked about the Tiki Bar.

Councilmember Pacheco asked about the LimeBikes.

Mr. Gallo stated he has sent them emails and hasn't heard back from them yet.

MAYOR'S UPDATES

Mayor Kennedy gave updates on the following:

- 10-9 Walk to school
- 10-12 Keyport Music Festival
- 10-19 Scarecrow
- 10-19 Keyport Historical Tea at Yacht club
- 10-26 Beach Sweeps and Halloween parade followed by Community Day which will be hosted at Keyport Central School

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.)

- R263-19 Payment of Bills
- R264-19 Governing Body Certification of the Annual Audit
- R265-19 Authorizing the Release of the Performance Bond for Henry Muradi for the Property Located at 36 Atlantic Street, Block 92, Lots 2 and 3 on the Tax Map of the Borough
- R266-19 Authorizing the Release of the Maintenance Bond for Pennybags, LLC, for the Property Located at 1 Monroe Street, Block 35.01, Lot 1 on the Tax Map of the Borough
- R267-19 Extending the Tax Exemption for Oyster Bay Urban Renewal, Inc. (*Formerly Known as Keyport Legion Apartments, Inc.*) Pursuant to the Limited Dividend Law and the Long Term Tax Exemption Law and Authorizing the Execution of an Amended and Restated Tax Abatement Agreement
- R268-19 Authorizing the Refund of Tax Overpayment to Totally Disabled Veteran
- R269-19 Correcting Resolution #240-19 and Certifying the Cost of Cleaning Up Properties and Placing a Lien Upon Such Lands – *1 & 3 Walnut Terrace and 216 Second Street*
- R270-19 Certifying the Cost of Cleaning Up 1 & 3 Walnut Terrace and Placing a Lien Upon Such Lands
- R271-19 Authorizing the Hiring of a Crossing Guard for the Borough – *Leonard R. Ferm*

Regarding resolution **267-19** Extending the Tax Exemption for Oyster Bay Urban Renewal, Inc. (*Formerly Known as Keyport Legion Apartments, Inc.*) Pursuant to the Limited Dividend Law and the Long Term Tax Exemption Law and Authorizing the Execution of an Amended and Restated Tax Abatement Agreement, David Laughlin confirmed the name for Keyport Legion Apartments doing business as Keyport Leisure Bay will be Oyster Bay.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on items listed on the agenda, at 7:22PM moved by Sheridan, carried by Pacheco with ayes by all present.

Andrew Kelsey, 29 St. Peters Place – asked about fines, do we want to consider raising fines for deadbeat property owners.

Mayor Kennedy – maybe tiered.

Mr. Gallo – there is a range, Judge decides on fines.

Councilmember Goode – our code enforcement official should be looking into it.

George Walling, 54 Second Street – Old Davis locksmith on Highway, roof is half on half off.

Mr. Gallo – We have been in contact with them. We condemned the property, they have a plan that they shared but nothing has been done since then. Will follow up.

Mayor Kennedy – Councilman Sheridan's favorite property is 66 Main Street.

Mr. Gallo stated he will look into it.

Mayor Kennedy asked regarding the property across from library; is there a new plan?

Mr. Gallo – they were out there because the weeds are pretty high. He will look into it.

Mayor Kennedy – they listed it for sale and its gone dormant.

Mike Lane, 51 First Street - emailed 75 Manchester pictures today to Mayor and Council, it is in terrible condition.

Mr. Gallo stated that he had a conversation with Mr. Lane and told him that Trevor Taylor will do a structural analysis and if it is determined to be unsafe they will order to have it taken down.

Mayor Kennedy – put pressure on them to move forward as well as 162 Second Street.

Elmer J. Graham, 22 St. Peters Place – best wishes to Mr. Gallo's wife for a speedy recovery. Mr. Graham asked about resolution **267-19** Extending the Tax Exemption for Oyster Bay Urban Renewal, Inc. (*Formerly Known as Keyport Legion Apartments, Inc.*) Pursuant to the Limited Dividend Law and the Long Term Tax Exemption Law and Authorizing the Execution of an Amended and Restated Tax Abatement Agreement.

Mr. Gallo provided an explanation. Will like to continue to benefit low and moderate income housing. If the Borough decided not to do this, then the building could go market rate and then the individuals living there wouldn't be able to live there.

Mr. Graham asked again about chance of the Governor coming to Borough.

Mr. Gallo stated he will reach out again.

Angie – 71 Broad Street, spoke about the senior housing. Thanked Mayor and Council for senior bus, very grateful. She is thankful for support of senior buildings.

Ed Burlew, 59 West Front Street – lights and poles not working out front.

Mr. Gallo and Mayor Kennedy will walk after meeting – JCP&L turnaround three days.

Mr. Burlew asked when the Post Office lease is up.

Mr. Gallo replied 2024 is the end of the last five-year extension.

Mr. Burlew asked what they are doing after the lease ends.

Mr. Gallo replied that a private Developer leased the property and contracted with the Federal Government to build the Post Office and lease to them. They offered \$250,000 to purchase and Mr. Gallo told them to call back with a better offer. They would have to remove the building and return the land to the original state.

Mr. Burlew spoke about the street flooding.

Mr. Gallo mentioned that the Tideflex valves could hold back the water.

Councilmember Fotopoulos agrees very high tide, full moon, and degradation also cause the water. Councilmember Fotopoulos stated that he thinks bulk heading and the valves could definitely help with the water.

Mr. Gallo stated that the owners 149 West Front have submitted a plan to DEP to raise bulkhead to same height as promenade, but the water will then go into Fireman’s Park.

Mayor Kennedy – water comes up through the storm drain first.

Mr. Gallo explained that the valves are expensive 50-60K, will talk to Engineer.

Mr. Burlew asked if Valerie Heilweil was out sick.

Mr. Gallo stated that is a personnel matter – cannot answer.

Mike Lane – yesterday water was over the bulkhead. Nothing to do with valves – water almost up to curb at Fireman’s Park.

Mayor Kennedy stated that yesterday was definitely because of the tide.

Motion to close to the public at 7:48PM was moved by Fotopoulos, carried by Sheridan with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion to approve Consent Agenda was moved by McDermott, carried by Cooper.

Roll Call: Ayes: Cooper, Fotopoulos, Goode, McDermott, Pacheco, Sheridan
 Nays:
 Absent:
 Abstain:

PUBLIC HEARINGS/ADOPTION OF ORDINANCE

1. Ordinance #17-19 – Amend Salary Ordinance

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPERSEDING THE ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT**

1a. Motion to Open the Public Hearing at 7:50PM was moved by Sheridan, carried by Pacheco with ayes by all present.

There being no comments or questions the meeting was closed to the public at 7:50PM moved by Fotopoulos, carried by McDermott with ayes by all present.

1b. Motion to adopt Ordinance was made by Sheridan, seconded by Cooper.

Roll Call: Ayes: Cooper, Fotopoulos, Goode, McDermott, Pacheco, Sheridan
 Nays:
 Absent:
 Abstain:

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

ORDINANCE INTRODUCTIONS

1. Ordinance – Revised Parking Restrictions in Municipal Parking Lots (Re-Introduction 15-19)

The Clerk read the Ordinance by Title: **AMENDING CHAPTER VII, TRAFFIC, TO REFLECT REVISED PARKING RESTRICTIONS AT CERTAIN MUNICIPAL PARKING LOTS**

1a. Motion to introduce Ordinance was moved by Sheridan, carried by Pacheco.

Roll Call: Ayes: Cooper, Fotopoulos, Goode, McDermott, Pacheco, Sheridan
Nays:
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing was moved by Pacheco, carried by Sheridan with ayes by all present.

2. Ordinance – Amend Chapter XXV Land Use Regulations

The Clerk read the Ordinance by Title: **AMENDING CHAPTER XXV, LAND USE REGULATIONS, TO REFLECT REVISIONS TO THE GENERAL COMMERCIAL DISTRICT (GC) REGULATIONS**

Councilmember Fotopoulos asked if it covered the parking lot by Olsen’s

Mr. Gallo replied yes, as well as the parking lot behind the Vecchio’s and American Legion Drive, everything is included.

2a. Motion to introduce Ordinance was moved by Cooper, carried by Pacheco.

Roll Call: Ayes: Cooper, Fotopoulos, Goode, McDermott, Pacheco, Sheridan
Nays:
Absent:
Abstain:

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

COMMUNICATIONS BY CONSENT
(For Approval)

1. Application for a Social Affair Permit from Friends of the Keyport Library for the 5th Annual Scarecrow Contest to be held Saturday, October 19, 2019 from 11AM to 3PM
2. Application for Raffle License from Keyport Senior Citizens Advisory Committee for an On-Premise 50/50 Cash Raffle to be held Friday, October 25, 2019 from 6PM-9PM
3. Request from Nancy Carew, Chair of the Holiday Tree Lighting Event Committee, requesting permission to hold the 2019 Tree Lighting Event on Saturday, November 30, 2019 between 5PM-8:30PM. Also requesting:
 - Close W. Front Street from Main Street to Beers Street on Saturday, November 30, 2019 at approximately 3:30PM until 9PM;
 - Use of Borough Hall Council Chambers for a Santa’s Workshop and the second floor balcony area for singing entertainment;
 - Use of the ADA accessible restrooms;
 - Tree will be set up in the Mini-Park. The Mini-Park will be used for Santa’s visit and activities as in previous years. The tree will be installed on November 29th. It is requested that DPW install the tree stand before that date;
 - The Mini-Park and Borough Hall will be restored to a clean condition.

(To Receive and File)

4. Letter from Keyport Library Board President Ed Carew to DPW Superintendent Bob Kutschman thanking DPW workers
5. Email dated September 16, 2019 from resident Michael Lane requesting a review of the new

Zoning Ordinance regulations relative to any future medical marijuana dispensaries in the Borough

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on Communications, above at 7:54PM was moved by Sheridan, carried by Pacheco with ayes by all present.

Seeing no one, the Meeting was closed to the public at 7:54PM, moved by Goode, carried by Sheridan ayes by all present.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on Communications by Consent moved by Sheridan, carried by Fotopoulos.

Roll Call: Ayes: Cooper, Fotopoulos, Goode, McDermott, Pacheco, Sheridan
 Nays:
 Absent:
 Abstain:

NEW BUSINESS

None

UNFINISHED BUSINESS

None

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

Motion to open the Meeting to the public at 7:55PM was moved by Sheridan, carried by Pacheco with ayes by all present.

Mike Lane – spoke about ad in window of Out of Control Smoke shop for discount to Medical Marijuana Patients. We don't have Ordinance relating to medical marijuana. Spoke about Developers who wanted to put XXX on highway and we had no Ordinance – Developer made a mistake in lot/block. We want to avoid having to involve Lawyers. Council needs to be proactive. We have no restrictions.

Bill Opel stated we need to wait and see full scope and how the State will regulate it.

Mike Lane - would do opposite- put ordinance in place and then see what State comes out with. We should have in our zoning ordinance where medical marijuana dispensaries should be.

Councilmember Pacheco asked wouldn't the State decide where the dispensaries go; no.

Councilmember Cooper feels that the Borough has to wait and see.

Ed Burlew – Mike Lane is right and we should have something in place beforehand. There is talk about Fragrance Resources becoming a grow facility.

George Walling - Does anyone up there know how much we paid for the bandstand? Does anyone know what KBBC put towards it; they put in \$4,000. Why so little and taxpayer paid a lot more.

Mayor Kennedy – stage breaks down and we do intend to use it for other events. We have several voice instructors in town so they are hoping to have more vocalized performances. It is a recreational investment as well. Mr. Gallo added that it belongs to the Borough.

George Walling - why did we purchase it without a step up to it? Why didn't we buy stairs? Mr. Gallo replied that the Borough can purchase stairs. George Walling asked when the Borough will get the check from the KBBC.

Jack Straub – KBBC, 239 Main Street, clarified what happened with stage – KBBC paid \$6,000 last year on stage rentals, this year they planned on twelve concerts so decided to look to purchase. The Borough could pay \$7,000 and the KBBC would pay the balance. KBBC gave check to Deputy Clerk yesterday.

George Walling stated the 2019 minutes were not on the KBBC website.

Jack Straub stated they have the minutes and can provide copies.

Mayor Kennedy mentioned that Jack Straub is now the Executive Director for the KBBC and Lori is his Assistant.

Councilmember McDermott - KBBC will address the extra addition for stage. We are working to get those addressed.

George Walling – agenda online is not what was handed out.

Mike Lane – developer's agreement is outstanding document. Addressed Councilmember Goode regarding weed Ordinance; asked about the site triangle and weeds; we have a lot of violations.

Motion to close to the public at 8:21PM was moved by Sheridan, carried by Pacheco with ayes by all present.

Attorney Bill Opel explained the reason for Closed Session. No action will be taken when we return to Open Session.

Motion to go into closed session at 8:23PM moved by Sheridan, carried by Fotopoulos with ayes by all present.

CLOSED SESSION

RESOLUTION #272-19

RESOLUTION OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”), a public body corporate and politic of the State of New Jersey, is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.* (the “**Act**”), and

WHEREAS, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, attorney-client privileged issues related to a contract matter involving the Borough, pursuant to N.J.S.A. 10:4-12(b) (7), as well as a matter involving the employment or appointment of a public officer or appointee, pursuant to N.J.S.A. 10:4-12(b) (8).

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 October 1, 2019 and determined that an Executive Session closed to the public shall be held on October 1, 2019 at

approximately 8:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.

3. This resolution will take effect immediately.

OFFERED: SHERIDAN
SECONDED: FOTOPOULOS
AYES: SHERIDAN, COOPER, GOODE, PACHECO, FOTOPOULOS, MCDERMOTT
NAYS:
ABSENT:

Council reconvened to Open Session at 9:14PM with ayes by all present.

OPEN SESSION
Motion to return to open session at 9:14PM with ayes by all present.

Bill Opel went over what was discussed in closed session.

- Potential Litigation
- Personnel

No action was taken.

ADJOURNMENT
Motion to Adjourn at 9:16PM was moved by Sheridan, carried by Pacheco with ayes by all present.