

BOROUGH OF KEYPORT
WORKSHOP MEETING MINUTES
TUESDAY, OCTOBER 3, 2023 – 7:00 P.M.

CALL TO ORDER: 7:01PM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

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

ROLL CALL:

Members present: Councilmember Demarest, Councilmember Reilly, Councilmember Vecchio,
Councilmember McNamara, Council President Davidson, Mayor Araneo

Absent: Councilmember Peperoni

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATIONS

National Women's Small Business Month – read by Council President Davidson

Knock Out Opioid Abuse Day – October 6th – read by Councilmember Vecchio

Breast Cancer Awareness Month – read by Mayor Araneo

PRESENTATION

Mini Park Improvement Project – update and visuals provided by Jack Straub, Neighborhood Preservation Program Coordinator. Mr. Straub provided before and after pictures of the project and described the improvements made.

MAYOR'S UPDATES

- 5k race rescheduled to Saturday, November 4th
- Trunk or Treat is moved to Sunday, October 22nd due to conflict with school homecoming; set up is 2-3pm and activities are 3-4:30pm.
- Emergency siren, which work started on this 3 years ago, is now operating and it will be used for emergencies by fire and EMS.

WORKSHOP ITEMS FOR DISCUSSION

1. Kiwanis Flea Market – pulled

2. Rent Control

Councilmember Vecchio noted that she reviewed the rent control materials and doesn't think it fits the Borough but she's open to hear other opinions. Expressed concern about needing additional staff to handle this.

Council President Davidson asked if there is a State standard by which rent can be raised, to which the Borough Administrator answered there is not. Council President Davidson said we do need to find out one way or another if this works for the Borough and she agreed with Councilmember Vecchio's concern about not wanting to add more administrative work on our staff.

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Bond Ordinance #2023-12 – Improvements to Fireman's Park Boardwalk and Parking Lot

The Clerk read 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 Open Public Hearing: 7:30 PM
MM: Reilly 2nd: Davidson

George Walling, 54 Second Street – asked if Ring Road (American Legion Drive) flooding is factored into this ordinance.

Mayor responded that this is important to get done. Borough Administrator suggested a one-way valve be placed in the outfall pipe. Mayor asked Borough Administrator if there is any way to know whether the Army Corps of Engineers project in Union Beach is affecting our area. Borough Administrator explained the Army Corps is probably aware from a feasibility study but at the time the Borough didn't opt to partake in the study, which the Engineer stated is a revisiting of the 1994 Army Corps study.

Council President Davidson stated that when the parking lot is elevated it will cause a problem in the corner. The Borough Administrator responded that it will be addressed as part of the design phase.

Elmer J. Graham, Jr., 22 St. Peters Place – asked whether this ordinance will guard against future flooding in the area. The Borough Administrator responded that the bulkhead will be raised and that's where the federal funds from NJOEM come into play for the \$450,000. It will help with the flooding, it should reduce it.

John Merla, 34 Broad Street – said this phase of the project should not be disguised as a permanent fix because it's not; Keyport is a water town, bottom line. Spoke about federal funding provided to Union Beach and Cliffwood Beach/Aberdeen; No funding to Keyport because value of the land that it affects didn't exceed the monies they were going to give us to do the project. Keyport must fight for more federal funding. Noted that water is coming over the new fishery bulkhead, which is 12-18 inches higher than our existing bulkhead.

Tim Sharpe, 33 Pershing Place – asked if the parking lot will be restriped. The Borough Administrator responded that this is only the design phase. Mr. Sharpe wanted to make sure there was mention of ADA compliant parking spaces in that area.

1b. Motion to Close Public Hearing: 7:41 PM
MM: Davidson 2nd: Reilly

Councilmember McNamara said she wants to make sure our new engineering team sees this the same way our old engineering team sees it as to how we should be approaching this. She said CME worked on this when we got the \$450,000 and the last grant that came through. We have two sets of experts and she want to see if there is any differentiation

Borough Administrator replied that a project award must be given first. We would have to get a proposal if we wanted a separate analysis. Explained that it's not currently within the scope of the borough engineer to review the application design; it has to get awarded to Colliers.

Borough Engineer stated that if we had a proposal meeting, then it could be discussed. Colliers is working in similar coastal towns on similar projects, like bulkheads outfalls, and we're pretty much fighting the 2100-year rainfall when we take in to account future tidal events and balancing that with stormwater. We would be in line with protecting your infrastructure and making your community more useable in these dramatic rainfall events and storm events.

Councilmember McNamara asked about the cost and scope.

Borough Administrator explained a feasibility and cost analysis was conducted and submitted, which is how the Borough got the grant. If we were going to do a change to anything in that grant, we would have to have the grant amended. We can't event award to an engineer at this time because we don't have the funding mechanism. This is just the funding mechanism. If it's determined that it costs more because the design is insufficient, then we would amend this ordinance.

Councilmember McNamara said so at least \$2.5 million is the Borough putting up money and some is grants.

Borough Administrator said \$625,000 is in grants, and then you have the \$3.3 and that's through the Green Acres funding. The \$900,000 of that would be with the lower interest rate.

Councilmember McNamara asked so some of it we would have to keep to what we wrote for, to which the Borough Administrator replied that during budget meetings we had decreased the amount that we were going to do in the project but Green Acres rejected that and said we have to stick to this if we want to do the project.

- 1c. Motion adopt Ordinance
Motion to adopt Ordinance
MM: Vecchio 2nd: Reilly
Roll Call: Ayes: Demarest, Reilly, Vecchio, McNamara, Davidson
Nays:
Absent: Peperoni
Abstain:
- 1d. Motion authorizing the Clerk to publish the Ordinance as adopted
MM: Vecchio 2nd: Reilly Ayes: all present Nays:

2. **Bond Ordinance #23-13 – Improvements to Cedar Street Park**
The Clerk read 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 Open Public Hearing: 7:46 PM
MM: Reilly 2nd: Davidson

Elmer J. Graham Jr. – commented that this is an excellent ordinance and asked for an explanation, which the Borough Administrator provided. Mr. Graham said Cedar Street Park could use improvements. The Borough Administrator stated that it was not compliant for a very long time and there were safety hazards.

John Merla – noted that this is a long time coming and a very important bond ordinance. The park needs a facelift; it wasn’t ADA compliant and there have been plenty of complaints. Hopefully the needs of both children and adults will be addressed.

Tim Sharpe – said the park is beautiful and asked if this will address access to the basketball court from the parking lot because the sidewalk is in bad shape. He mentioned ADA compliance.

- 2b. Motion to Close Public Hearing: 7:51 PM
MM: Davidson 2nd: Reilly
- 2c. Motion to adopt Ordinance
MM: Davidson 2nd: Reilly
Roll Call: Ayes: Demarest, Reilly, Vecchio, McNamara, Davidson
Nays:
Absent: Peperoni
Abstain:
- 2d. Motion authorizing the Clerk to publish the Ordinance as adopted
MM: Davidson 2nd: Vecchio Ayes: all present Nays:

INTRODUCTION OF ORDINANCES

1. **Ordinance #23-14 – Establishing Elizabeth Street Community Garden Regulations**
The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING THE KEYPORT BOROUGH CODE TO ESTABLISH WITHIN CHAPTER 9 A CHAPTER ENTITLED “KEYPORT BOROUGH COMMUNITY GARDEN”**

- 1a. Motion to introduce:
MM: Reilly 2nd: Vecchio

Roll Call: Ayes: Demarest, Reilly, Vecchio, McNamara, Davidson
 Nays:
 Absent: Peperoni
 Abstain:

Councilmember Davidson – said the draft community garden ordinance submitted from the Garden Club included time limits and a duration of 5 years. Asked if this should be included in the ordinance language.

Borough Attorney – explained that the intention of the ordinance is to allow gardeners to have a lease every year; details would be encompassed in a lease agreement. This doesn’t forbid a 5-year lease term but gives the administrator the ability to enter into a lease. Doesn’t recommend amending this or restrict anything in the ordinance but should get consensus about what goes into the lease.

Council President Davidson – noted she thought there’d be more opportunity to discuss this before introduction. She thinks the paragraph referencing “structures” is confusing because it says it’s prohibited but then it says it needs permission from the Borough Administrator. So are they permitted or are they not. Borough Attorney said that language is there because there is already an existing structure there.

Councilmember McNamara – asked about why certain requirements are in the ordinance and some provisions are only in a lease. Understood the prior arrangement was that the Garden Club established the rules and regulations and then put them in place. She asked whether anybody talked to anyone from the Community Garden. She knows they submitted stuff and they offered to meet but was there a meeting? Borough Administrator replied no.

Councilmember Vecchio said this ordinance was sent to us with the instruction that if you have questions or if you are unhappy with anything in it to reply back. Then we were told that no one had issues and this is what it looks like.

Borough Attorney said the ordinance she drafted came from other garden clubs. These are the types of rules and regulations that set the tone of what you’re going to enter into. This gives you the flexibility and the ability to authorize your Business Administrator to do that work now. Anything else you want to put into that lease is going to come back to the Council for approval. The Borough Administrator added that the Garden Club isn’t a Borough entity or quasi-government but an outside organization even though it is people from Keyport.

Councilmember McNamara noted that at this point the Garden Club obviously hasn’t seen this ordinance because it hadn’t been officially introduced. Now they will have the opportunity to look at it. They put something together because they hadn’t seen anything. The Borough Administrator said she appreciated their effort but it’s not a good idea to have outside organizations write our legislation.

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

2. Ordinance #23-15 – Amending Cannabis Business Licensure and Regulations
The Clerk read the Ordinance by Title: **ORDINANCE AMENDING CHAPTER 5 “GENERAL LICENSING AND BUSINESS REGULATIONS,” AND CHAPTER 25 “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH REGARD TO THE LICENSURE AND REGULATIONS OF CANNABIS BUSINESSES**

Councilmember McNamara said there is a Cannabis Committee meeting this Thursday so she would like see this ordinance introduction tabled.

Council President Davidson asked is the Planning Board going to be putting in more specifications and criteria regarding cannabis retailers and then applicants are going to come to Planning Board prior to Mayor and Council approval? Borough Attorney said the direction from Council was that you want them to make some land use decisions before you go too far down the road. Council President Davidson noted that the original Cannabis Committee had asked for the

Planning Board to be involved. The Borough Attorney reiterated what’s under the purview of the Council and the Planning Board.

Councilmember McNamara – regarding the language that no cannabis business would be allowed within 1,000 feet of another cannabis business in the same or an abutting zone, it basically prevents another cannabis business from operating in the downtown area (since one is going in at Broad and E. Front) and prevents competition. Asked if the website is updated and the application was removed. The Borough Administrator said the application on Borough website needs to be archived and not removed; can make it clear on the website that the application is not to be used. Councilmember McNamara stated she’s fine with application fees increasing but not the annual fees since we will get the 2% sales tax. Not sure why now on the annual renewal we need to charge another \$20,000. The Borough Attorney explained that it’s not a large flat fee but an annual increase on a gradual basis – \$7,500 in year one and then \$2,500 increase each year thereafter, and capping it at \$25,000.

Councilmember Vecchio – said the cannabis businesses can afford it. These are not mom and pop shops.

- 2a. Motion to introduce:
MM: Vecchio 2nd: Reilly
Roll Call: Ayes: Demarest, Reilly, Vecchio, Davidson
Nays: McNamara
Absent: Peperoni
Abstain:
- 2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing
MM: Reilly 2nd: Vecchio Ayes: all present Nays:

COUNCIL MEETING MINUTES FOR APPROVAL
Workshop Meeting Minutes of September 5, 2023

MM: Davidson 2nd: McNamara Ayes: all present Nays:

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments.
Opened: 8:14 PM Motion by Davidson, Carried by Vecchio. Ayes by all present.

George Walling – asked, on behalf of Michael Lane, if the governing body has done anything with the land use letter received from the Planning Board.

John Merla – commented about the Garden Club and flower pots throughout the borough, many of which are on borough property. He presented an ornamental pepper which he found growing in several pots, and noted that the peppers are rated a seven as to heat and not intended for human consumption, and the leaves are highly toxic to humans and pets. Asserted that there are liability issues with private organizations doing a good deed. Commented about maintaining the gardens around town. Borough Administrator responded that she reached out to the Garden Club already.

Anne Marie Reedy, Garden Club member, First Street – Noted that she is not on the Community Garden committee. Regarding what is planted in the pots, the club buys in bulk and the ornamental peppers are being sold at all major retailers and these were considered beautiful fall adornments but will bring this up to the club to be addressed.

Closed: 8:21 PM Motion by Davidson, Carried by Reilly. Ayes by all present.

PRESENTATION

Mini Park Improvement Project – continuance of update and visuals provided by Jack Straub, Neighborhood Preservation Program Coordinator. He commented on the walkway at Beach Park, Mini Park improvements, and LED lighting along the waterfront.

EXECUTIVE SESSION

Resolution #2023-293 read by Borough Attorney.

R2023-293 Authorizing a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 for the following item(s): Attorney-Client Communication/anticipated public contract

RESOLUTION #2023-293

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

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

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

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, attorney-client privilege communications related to related to anticipated public contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Council assembled in public session on October 3, 2023 and determined that an Executive Session closed to the public shall be held on October 3, 2023 at approximately 7:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.
3. This resolution will take effect immediately.

Motion to go into Closed Session at 8:24 PM.
Moved by Davidson, Carried by Reilly. Ayes by all present.

Council reconvened to Open Session at 8:44 PM.

ADJOURNMENT

Motion to Adjourn

MM: McNamara 2nd: Davidson Ayes: all present Nays:
Time of Adjournment: 8:44 PM