

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

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence in honor of Keyport Fire Department Chief Timothy Pfleger.

Councilmember Davidson requested to pull Communication no. 4 for separate discussion, moved and carried with ayes by all present.

Mayor Kennedy requested to pull the payment of the attorney invoice listed on page 11 and 12 of the October 4, 2022 bills list. It is to be reviewed.

Council President McNamara said no decision to be made tonight on cannabis.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on Resolutions and Communications only at 7:05PM moved by Peperoni, carried by Araneo with ayes by all present.

Michael Lane, 51 First Street – commented on **R2022-208** Resolution Of The Borough Council Of The Borough Of Keyport In Support Of The Submission Of An Application By Blaze Keyport, LLC (D/B/A Blaze Cannabis Keyport) For A Class 5 Cannabis Retailer License Within The Highway Commercial District In The Borough From The New Jersey Cannabis Regulatory Commission; he asked if **R2022-213** Ratifying and Confirming the Emergency Declaration by the Borough Engineer that Water and Sewer Repairs on Broad Street, between West Front Street and Third Street Constituted an Emergency and Authorizing the Borough to Make Any Necessary Payments for Repairs in Connection with Said Emergency included repair of the storm water pipe, he commented on **R2022-15** Closed Session as it pertained to Bethany Manor.

Jack Straub, 235 Main Street – commented on **R2022-208** Resolution Of The Borough Council Of The Borough Of Keyport In Support Of The Submission Of An Application By Blaze Keyport, LLC (D/B/A Blaze Cannabis Keyport) For A Class 5 Cannabis Retailer License Within The Highway Commercial District In The Borough From The New Jersey Cannabis Regulatory Commission.

Elmer J. Graham, Jr., 22 St. Peters Place – asked for an explanation of **R2022-211** Requesting Change in Budget Title, Text, or Amount of Appropriation Pursuant to N.J.S.A. 40A:4-85.

George Walling, 54 Second Street – asked about **R2022-208** Resolution Of The Borough Council Of The Borough Of Keyport In Support Of The Submission Of An Application By Blaze Keyport, LLC (D/B/A Blaze Cannabis Keyport) For A Class 5 Cannabis Retailer License Within The Highway Commercial District In The Borough From The New Jersey Cannabis Regulatory Commission; and he asked about the status of the clerk assistant position.

There being no further comments or questions, the meeting was closed to the public at 7:15PM moved by Peperoni, carried by Araneo with ayes by all present.

CONSENT AGENDA

(All resolutions listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.)

- R2022-209 Payment of Bills Listed on the September 23, 2022 Bills List
R2022-210 Payment of Bills Listed on the October 4, 2022 Bills List
R2022-211 Requesting Change in Budget Title, Text, or Amount of Appropriation Pursuant to N.J.S.A. 40A:4-85
R2022-212 Authorizing the Keyport Fire Department's Application to Obtain Eligible Organization Status from the New Jersey Department of Community Affairs, Division of Fire Safety, Office of Training and Certification and Authorizing Participation in the Division of Fire Safety's Firefighter Certification Program
R2022-213 Ratifying and Confirming the Emergency Declaration by the Borough Engineer that Water and Sewer Repairs on Broad Street, between West Front Street and Third Street Constituted an Emergency and Authorizing the Borough to Make Any Necessary Payments for Repairs in Connection with Said Emergency
R2022-214 Authorizing Appointment of Two (2) School Crossing Guards

Councilmember McDermott asked if **R2022-213** Ratifying and Confirming the Emergency Declaration by the Borough Engineer that Water and Sewer Repairs on Broad Street, between West Front Street and Third Street Constituted an Emergency and Authorizing the Borough to Make Any Necessary Payments for Repairs in Connection with Said Emergency, is related to her street. The Borough Administrator said it is not.

APPROVAL OF RESOLUTIONS

Motion to approve items on the Consent Agenda with the exception of the attorney payment shown on **R2022-210** Payment of Bills Listed on the October 4, 2022 Bills List, moved by McDermott, carried by Peperoni

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2022-20 Establishing a Mid-Block Crosswalk on Broad Street between Third Street and East and West Front Streets

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER 7 "TRAFFIC" AND CHAPTER 7A "TRAFFIC SCHEDULES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

1a. Motion to Open Public Hearing at 7:17PM moved by Davidson, carried by McDermott with ayes by all present.

Elmer J. Graham, Jr., 22 St. Peters Place – asked for an explanation of the ordinance which Mayor Kennedy provided.

Michael Lane, 51 First Street – asked if members of council have a map or survey of where this crosswalk is going to be. He said the crosswalk will come in the middle of the Old Glory lot. Mayor Kennedy clarified he is referring to the lot and block, not the parking lot.

There being no further comments, the Public Hearing was closed at 7:22PM moved by Peperoni, carried by Araneo with ayes by all present.

1b. Motion to adopt Ordinance moved by Araneo, carried by Pacheco

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

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Bond Ordinance to Finance the Cost of Improvements Related to the Broad Street Sanitary Sewer Emergency Repairs

The Clerk read the Ordinance by Title: **BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWERAGE SYSTEM IMPROVEMENTS BY THE BOROUGH OF KEYPORT, APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$151,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

1a. Motion to introduce moved by Davidson, carried by Araneo

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

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

2. Ordinance – Amending the Salary Ordinance

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY ESTABLISHING SALARIES AND WAGES FOR DESIGNATED EMPLOYEES**

Motion to table moved by McDermott, carried by McNamara with ayes by all present to address after Closed Session. After Closed Session, no action was taken to introduce this ordinance.

2a. Motion to introduce:

MM: 2nd: Roll Call: Pacheco, McDermott, Davidson, McNamara, Araneo, Peperoni

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

MM: 2nd: Ayes: Nays:

COMMUNICATIONS BY CONSENT
(For Approval)

1. Letter from Our Lady of Fatima Parish requesting permission to schedule a car procession on Thursday, October 13, 2022, leaving Jesus the Lord parking lot at 7PM. Details of the route are included.
2. KBBC request to modify previously approved Witch Craft event on October 29th to add use of the Mini Park stage, including electric, microphone and possible background music, for the witches contest and judging area. Also requesting permission to place a Yard Card on the lawn of Waterfront Park.
3. KBBC request to modify previously approved Witch Craft event on October 29th to adjust the start and end times for crafters and card reader activities to begin at 11AM and end at 4PM.

4. Application and Permit for Use of Borough Property from the Freedom from Religion Foundation to place a Bill of Rights display in the Mini Park continuously from November 25, 2022 through January 6, 2023. (certificate of insurance provided)

(To Receive and File)

5. Letter from Raymond S. Santiago, Esq., advising of his resignation from the position of Municipal Public Defender for the Borough effective September 26, 2022.

Communication no. 4 was pulled for separate consideration.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve Communication nos. 1, 2 and 3, and receive and file Communication no. 5, moved by Pacheco, carried by McDermott

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

Mayor Kennedy – said the KBBC has agreed to take care of the tree this year but will not be using the tree stand that's built into the Mini Park. They have asked if the tree could be place in the corner near the walkway.

Councilmember Davidson – addressed Communication no. 4 - Application and Permit for Use of Borough Property from the Freedom from Religion Foundation to place a Bill of Rights display in the Mini Park continuously from November 25, 2022 through January 6, 2023, and proposed one week at the gazebo from December 15th through December 22nd which encompasses Bill of Rights day and the Winter Solstice.

Mayor Kennedy – said both areas are Green Acres. We are moving it across the roadway. We have followed suit with our own organizations in the municipality, including the Municipal Alliance when they want to put out the purple flags for Overdose Awareness but the KBBC already had the Mini Park reserved on Thursdays for the Farmer's Market – so our own organizations aren't even able to get it sometimes. There had already been approval from the beginning of the year for the KBBC to have use of the Mini Park. She thinks it would similar, if we are going to start this precedent, that when there's a gazebo reserved for a wedding that a second wedding is allowed to go inside, too.

Borough Attorney Leslie London – stated she thinks the suggestion is reasonable. For the record as to the question of limiting the park to just residents, since it is a Green Acres park the public must be afforded equal access to the park, not just residents but the public at large. She again said she thinks the compromise is reasonable.

Councilmember McDermott - asked if they will be charged a fee to use the gazebo.

Motion to approve Councilmember Davidson's suggestion moved by Peperoni, carried by Pacheco

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

APPROVAL OF MINUTES

Motion to approve the Minutes of the September 6, 2022 Regular Council Meeting moved by McDermott, carried by Araneo with ayes by all present

NEW BUSINESS

Mayor Kennedy – said the KBBC will be discussing at their next meeting for the full Board review from the Committee that worked on securing the company for the tree, and the logistics for that, as well as the wreaths.

She thanked Chief Torres for her leadership in making sure all the logistics were worked out with multiple agencies involved in the funeral service for Fire Chief Tim Pflieger.

UNFINISHED BUSINESS

DAIS UPDATES

Borough Attorney Leslie London - spoke about section 3 which a resident brought up at the last council meeting. She said the section 3 of which he was referring involves federal projects.

Borough Administrator - asked Borough Engineer to elaborate on the paving plans.

Borough Engineer Trevor Taylor – said he met with the County to review several County issues.

- Drainage along the Henry Hudson Trail
- Traffic 4-way stop

He spoke about the detour plans for the Broadway Bridge reconstruction project.

Councilmember Araneo - asked what is being done on Walnut. Trevor said concrete work, curbing, asphalt needs to settle and then milling; along the frontage, put in curb.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 7:44PM moved by Araneo, carried by Mcdermott with ayes by all present

John Merla, 34 Broad Street – asked by the hydrant on Walnut Street; spoke about Church Street and Gas Company needing a permit; spoke about a pole on First Street; applauds Councilmember Davidson’s recommendation regarding Communication no. 4 and Council President McNamara for her work on the Bethany Manor matter. He spoke about a rent control ordinance being implemented.

Councilmember Araneo – asked Ms. London could we look into a rent control ordinance. Ms. London stated that Council President McNamara had also asked about this earlier. She said Councilmember Pacheco is also working on this. Ms. London further stated that Bethany Manor is federal and is not subject to rent control.

Danielle Mastropiero, 378 Atlantic Street – said Keyport Harbor and Green Grove Apartments have also raised their rents and seniors are affected.

Michael Lane – asked Mr. Taylor when he is meeting with the County; he spoke about meeting minutes and utility poles.

Patrick Maroney, 313 Main Street – said the storm sewers are flooding on Main Street and Jackson. He said the street corners being put in are low and water is collecting.

George Walling – asked Mr. Delany where we are with the letter from the fire department regarding the curb cut and asked about truck parking at Fireman’s lot.

Dan Fox, President of Consolidate – said there was a permit issued and they put up a bond which has since been returned. He has all the documentation and can forward it to Jay.

Andrew Kelsey, 29 St. Peters Place – said flooded curb ramps are not ADA compliant.

George Walling – asked about Consolidated’s permit and paperwork being provided to the Borough for the file and asked who authorized it. Mayor Kennedy said she would look into it.

Elmer J. Graham, Jr. – asked why class 5 cannabis business licenses are being discussed in Closed Session; asked when the next Veteran’s Committee meeting will be and asked if there has been any progress controlling the flooding on the waterfront.

Dan Fox – said we own Consolidated, maintain and insure it. All five fire houses are owned by the individual company.

Jack Straub – asked about **R2022-208** Resolution Of The Borough Council Of The Borough Of Keyport In Support Of The Submission Of An Application By Blaze Keyport, LLC (D/B/A Blaze Cannabis Keyport) For A Class 5 Cannabis Retailer License Within The Highway Commercial District In The Borough From The New Jersey Cannabis Regulatory Commission,

There being no further comments or questions, the meeting was closed to the public at 8:16PM moved by Peperoni, carried by Araneo with ayes by all present.

Borough Attorney Leslie London read the Closed Session resolution and said action may be taken after Closed Session.

Motion to go into Closed Session at 8:18PM moved by Peperoni, carried by Araneo with ayes by all present.

CLOSED SESSION

RESOLUTION #2022-215

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

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

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

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, matters concerning collective bargaining pursuant to *N.J.S.A. 10:4-12(b)(4)*, and matters concerning the Bethany Manor PILOT agreement and matters falling within the attorney-client privilege relating to matters concerning cannabis business license applications 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 4, 2022 and determined that a closed session, not open to the public, shall be held on October 4, 2022 at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.
3. This resolution will take effect immediately.

OFFERED: PEPERONI

SECONDED: ARANEO

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

NAYS:

ABSENT:

Borough Attorney Leslie London summarized what was discussed in Closed Session. She said action may be taken on cannabis applications at the October 18th council meeting. There is also a resolution regarding a Collective Bargaining MOA. Mayor Kennedy said there is a Salary Ordinance listed for Introduction. The Borough Administrator said it was not drafted.

Borough Administrator Jay Delaney read **Resolution #2022-216** Authorizing Execution of a Memorandum of Agreement with the International Union of Operating Engineers, Local 68-68A-68B, AFL-CIO (Public Works Unit) into the record before adoption.

RESOLUTION #2022-216

AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 68-68A-68B, AFL-CIO (PUBLIC WORKS UNIT)

WHEREAS, the Borough Administrator, as the representative of the Borough of Keyport (the “**Borough**”) has negotiated a Memorandum of Agreement (the “**MOA**”) with the International Union of Operating Engineers, Local 68-68A-68B, AFL-CIO (**Local 68**”), the bargaining representative for designated Borough Public Works Department employees;

WHEREAS, the Memorandum of Agreement provides for modifications to certain terms of the existing Collective Bargaining Agreement between the parties which expired December 31, 2020; and

WHEREAS, upon the recommendation of the Borough Administrator, the Mayor and Council of the Borough believe the Memorandum of Agreement is in the best interest of the Borough in terms of improving the working conditions of the designated employees of the Public Works Department represented by Local 68.

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 Memorandum of Agreement, by and between the Borough of Keyport and International Union of Operating Engineers, Local 68-68A-68B, AFL-CIO (Public Works Unit), a copy of which is attached as Exhibit A, is hereby approved and the Mayor and Borough Administrator are hereby authorized and directed to execute the Memorandum of Agreement.

OFFERED: ARANEO

SECONDED: MCNAMARA

AYES: MCDERMOTT, DAVIDSON, MCNAMARA, ARANEO, PEPERONI

NAYS:

ABSENT:

ABSTAIN: PACHECO

Councilmember Pacheco - said she abstained because she works for the Union.

ADJOURNMENT

Motion to adjourn at 9:57PM moved by Peperoni, carried by McNamara with ayes by all present