

Minutes of the Regular 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, 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. Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Goode, Pacheco, Fotopoulos, McDermott, Davidson, and McNamara. Others present: Mayor Kennedy, Borough Administrator Jay Delaney and Borough Attorney Leslie London.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy held a moment of silence

PROCLAMATION

Mayor Kennedy read the Fire Prevention Week Proclamation.

Mayor Kennedy said that we have an amazing Volunteer Fire Department and she commends the Fire Marshal and Fire Bureau.

Mayor Kennedy read the Italian-American Heritage Month Proclamation.

Mayor Kennedy – She asked Administrator Delaney to go over **R206-21** Authorizing the Award of a Contract to CME Associates for Engineering Services Related to Broad Street Community Development Block Grant (CDBG) Curb and Sidewalk Improvements. This is regarding a CDBG grant that we received in 2019 for \$162k to assist in handicap ramps on the sidewalks at the corners on Broad Street between Monroe and Maple. Additionally, there was a bond taken out for a half million dollars to assist with different sidewalks, but I believe that project is not moving forward. Is that correct?

Administrator Delaney – That is correct. The original concept was initiated for CDBG funding. The Borough obtained a partial grant in the amount of \$162k for handicap access improvements including curbs and sidewalks. That project was supplemented with municipal funding intending to reconstruct most of the streetscape on Broad Street from Route 36 to Maple Place. This was also to be done in conjunction with the planned repaving of that roadway by Monmouth County. That project by the County had been put on hold pending the completion of the Borough's work. There is substantial utility work that should be done prior to a project of this scope moving forward. It is still our plan to do a streetscape reconstruction but in conjunction with utility improvements that would include not only water/sewer but also drainage improvements. We also have listed a Resolution for authorization to submit a Safe Routes to School (SRTS) grant application.

Mayor Kennedy – She asked about a payment on page six on **R204-21** Payment of Bills for bus cleaning. She believes we have a shared service agreement with Monmouth County for the cleaning of the bus at their facility. Did we void that or did it lapse?

Administrator Delaney – We still have that arrangement with the County. He thinks they may not have been able to accommodate a vehicle of that size but he is going to double check.

Mayor Kennedy – Regarding **R208-21** Resolution of the Mayor and Council of the Borough of Keyport Requesting that Monmouth County Establish a Uniform Speed Limit of 25 MPH on all County Roads within the Borough, she asked if we need to state "all roadways" because the goal is to make the Municipality 25MPH.

Regarding **R205-21** Authorizing Credit for Property Taxes for the Property at 149 West Front Street, she asked Administrator Delaney to provide an explanation.

Administrator Delaney – Lots erroneously assessed to the adjacent property, which is owned by the Borough.

Council President Goode – He asked if this is the correct process.

Mayor Kennedy – She asked to table **R205-21** Authorizing Credit for Property Taxes for the Property at 149 West Front Street.

Council President Goode – We can correct going back three years.

Mayor Kennedy – She asked Administrator Delaney to pull the records to review.

Motion to table **R205-21** Authorizing Credit for Property Taxes for the Property at 149 West Front Street moved by Pacheco, carried by Goode with ayes by all present

Councilwoman Davidson – She asked about page six on the Payment of Bills regarding JCP&L and if that includes maintenance and replacing lights around town.

Administrator Delaney – The street lighting listed here is for standard lights and maybe traffic lights also.

Councilwoman Davidson – She asked about page seven on the Payment of Bills regarding the miscellaneous Attorney fees and if it was for additional services.

Administrator Delaney – Yes, it's additional services.

Councilwoman Davidson – She asked what the pumping services was for on page ten on the Payment of Bills.

Administrator Delaney – He said that he believes it was temporary pumping services to the pumping station.

Councilwoman Davidson – She asked about the missing line items on the Payment of Bills and if SRTS covers all of the work on Broad Street.

Administrator Delaney – Yes, under SRTS design and engineer costs are covered.

Councilwoman Davidson – Regarding **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport, she asked how we will maintain and repair them.

Councilman Fotopoulos – He asked that the Borough maintain the art. He said that he cannot find precedence where the artist is responsible for donated art.

Councilwoman Pacheco – She asked about the donated butterfly at the Library.

Councilwoman Davidson – She spoke about gardens and said that the Borough has to hire outside help to maintain them.

Councilman Fotopoulos – He asked if DPW has been dispatched to maintain sculptures.

Chief Torres – She spoke with Charlie Merla several times who stated they are not benches; they are art sculptures.

Councilman Fotopoulos – He asked Chief Torres what were the most recent calls for the pieces. Charlie Merla described the sculptures as transition from the sea to the land. He thinks that there is a path to accept the donation from the Arts Society.

Councilwoman McNamara – Significant repairs are needed and she does not know anyone besides ASK who is qualified to make the repairs. Having the gravel around them is a mistake and causes damage.

Councilwoman McDermott – She would like to have a document regarding maintenance.

Motion to table **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport and discuss a maintenance plan with the Arts Society moved by Fotopoulos, carried by McDermott with ayes by all present

Council President Goode – He said if they are on Borough Property they are the Borough's responsibility.

Councilwoman McDermott – We need to have agreements with these entities.

Mayor Kennedy – We need to have forethought when we are accepting these types of things.

Councilwoman Pacheco left the room briefly and returned at 7:54PM.

Discussion ensued regarding volunteers maintaining their donations to the Borough versus the costs incurred by the Borough for that maintenance.

Motion to Table Ordinance Introduction – Updating Park Use Regulations for the Borough of Keyport moved by Goode, carried by Davidson with ayes by all present. Councilwoman Pacheco abstained.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on items listed on the Agenda at 7:57PM moved by Goode, carried by Pacheco with ayes by all present.

John Merla, 34 Broad Street – Regarding **R206-21** Authorizing the Award of a Contract to CME Associates for Engineering Services Related to Broad Street Community Development Block Grant (CDBG) Curb and Sidewalk Improvements, he asked where this Community Block Grant is changing curbs to meet ADA requirements. The depressed curb has to meet the top of the road. Water freezes at those curbs.

Regarding **R208-21** Resolution of the Mayor and Council of the Borough of Keyport Requesting that Monmouth County Establish a Uniform Speed Limit of 25 MPH on all County Roads within the Borough, he supports the Resolution and efforts of the Council.

Regarding the sculptures, he said that the sculptures were approved by somebody to be built on Borough property. Beers Streets lights are out and First and Atlantic are out. The Planning Board says that the decorative lights have to be maintained by the Developer.

Ed Carew, 64 Broadway – He and his wife are members of the Garden Club and Arts Society. The Garden Club was started by Councilwoman Christian Bolte, then Suzie Sefcik came up with the idea of ASK for benefit of the Borough. He thinks we should work together and come up with a plan.

Michael Lane, 51 First Street – Regarding **R208-21** Resolution of the Mayor and Council of the Borough of Keyport Requesting that Monmouth County Establish a Uniform Speed Limit of 25 MPH on all County Roads within the Borough, he encourages movement as quickly as possible.

Regarding **R206-21** Authorizing the Award of a Contract to CME Associates for Engineering Services Related to Broad Street Community Development Block Grant (CDBG) Curb and Sidewalk Improvements, he asked if it was going to be redesigned in conjunction with the Complete Streets guidelines.

Regarding **R205-21** Authorizing Credit for Property Taxes for the Property at 149 West Front Street, the Resolution states Lots 20 and 21 in Block 21.02 are owned by the Borough. You'll see large signs saying, "Private Property." He asked what's the disconnect.

Under New Business, he asked which version of the Flood Damage Prevention Ordinance is Council evaluating and what is the process. FEMA has guidelines.

Elmer J. Graham, Jr., 22 St. Peters Place – Regarding **R208-21** Resolution of the Mayor and Council of the Borough of Keyport Requesting that Monmouth County Establish a Uniform Speed Limit of 25 MPH on all County Roads within the Borough, he definitely agrees with this. Cars run the stop sign at St. Peters Place.

Carlos Pena – He suggested to place clearer boundaries around the mosaic sculptures and maybe they need biannual or annual attention.

There being no further comments or questions, the Meeting was closed to the public at 8:23PM moved by Goode, carried by Pacheco with ayes by all present.

Councilwoman Davidson – She said she loves the sculptures and loves the Garden Club. Her concern lies with boundaries and setting them, including seeing that the artists who created the pieces themselves as well as the Borough are all protected in the right way. Going forward, setting up agreements that are clearly defined to protect everyone involved would be beneficial.

MAYOR’S UPDATES

- Meeting at Liberty Fire House to discuss process for potential truck purchase
- Planning Board meeting
- Bayshore Mayors meeting
- 5K Race, thanked all for their assistance
- Two Ribbon Cuttings
- Wellness Walk
- KBBC
- Two-year journey of establishing Veteran’s Advisory Committee in the Borough. We’ve received confirmation that the Borough was selected to receive an award which will be presented to the Borough on Veteran’s Day.

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.)

- R202-21 Resolution of the Mayor and Council of the Borough of Keyport Confirming the Selection of Volunteer Firefighters of the Fire Department for Life Membership
- R204-21 Payment of Bills for the October 5, 2021 Bills List
- R205-21 Authorizing Credit for Property Taxes for the Property at 149 West Front Street
- R206-21 Authorizing the Award of a Contract to CME Associates for Engineering Services Related to Broad Street Community Development Block Grant (CDBG) Curb and Sidewalk Improvements
- R207-21 Authorizing the Submission of an Application to the New Jersey Department of Transportation’s Safe Routes to School Program 2021
- R208-21 Resolution of the Mayor and Council of the Borough of Keyport Requesting that Monmouth County Establish a Uniform Speed Limit of 25 MPH on all County Roads within the Borough
- R209-21 Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport
- R210-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Office on Aging
- R211-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Municipal Drug Alliance
- R212-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Neighborhood Preservation Program
- R213-21 Requesting Change in Title, Text, or Amount of Appropriation Pursuant to N.J.S.A. 40A:4-85

APPROVAL OF RESOLUTIONS

Motion to pull for separate consideration and approve **R202-21** Resolution of the Mayor and Council of the Borough of Keyport Confirming the Selection of Volunteer Firefighters of the Fire Department for Life Membership moved by Pacheco, carried by Goode.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Abstain:
 Absent:

Council President and Fire Commissioner Goode presented Life Membership certificates to volunteer firefighters Daniel Fox and Christopher Poling.

Motion to approve the Consent Agenda, with the exception of **R205-21** Authorizing Credit for Property Taxes for the Property at 149 West Front Street and **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport, which were tabled moved by McDermott, carried by Davidson.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Abstain:
 Absent:

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. **Ordinance #12-21 – Excluding Trucks Over Four Tons and Vehicles Over the Registered Gross Weight from Church Street and Osborn Street between East Front Street and Maple Place**

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING SCHEDULE VIII “TRUCKS OVER FOUR TONS AND VEHICLES OVER THE REGISTERED GROSS WEIGHT EXCLUDED” OF CHAPTER VII, SECTION 4.1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT**

Motion to carry **Ordinance #12-21** Excluding Trucks Over Four Tons and Vehicles Over the Registered Gross Weight from Church Street and Osborn Street between East Front Street and Maple Place to the next meeting and notify the residents of those streets moved by Goode, carried by Davidson.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Abstain:
 Absent:

Administrator Delaney will work with the Borough Clerk to notice property owners on Church Street and Osborn Street between E. Front and Maple Place regarding the Public Hearing on this Ordinance.

- 1a. Motion to Open Public Hearing: None
- 1b. Motion to adopt Ordinance: None
- 1c. Motion authorizing the Clerk to publish the Ordinance as adopted: None

2. **Ordinance #13-21 – Designating Multi-Way Stop Intersections within the Borough**

The Clerk read the Ordinance by Title: **AMENDING CHAPTER 7 OF THE BOROUGH CODE ENTITLED “TRAFFIC” AND CHAPTER 7A ENTITLED “TRAFFIC SCHEDULES” TO DESIGNATE CERTAIN INTERSECTIONS WITHIN THE BOROUGH OF KEYPORT AS MULTI-WAY STOP INTERSECTIONS**

2a. Motion to Open Public Hearing at 8:35PM was moved by Goode, carried by Davidson with ayes by all present.

Elmer J. Graham, Jr. – He asked for an explanation of Ordinance #13-21 which Mayor Kennedy provided.

Michael Lane – Regarding the Pedestrian Safety Improvements he spoke about a four-way stop at the corner of First and Atlantic and the corner of Church and Atlantic.

There being no further comments or questions, the Meeting was closed to the public at 8:38PM moved by Goode, carried by Pacheco with ayes by all present.

Trevor Taylor will follow up with the County Engineer on the 25MPH request.

- 2b. Motion to adopt Ordinance moved by Goode, carried by Fotopoulos.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
 Nays:
 Abstain:
 Absent:

2c. Motion authorizing the Clerk to publish the Ordinance as adopted moved by Goode, carried by Davidson with ayes by all present.

Mayor Kennedy – She said to make sure the sign order goes in for the stop signs and that we have enough white paint.

INTRODUCTION OF ORDINANCES

1. Ordinance – Updating Park Use Regulations for the Borough of Keyport

The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 11 OF THE BOROUGH CODE ENTITLED “RECREATIONAL FACILITIES”**

- 1a. Motion to introduce: None
- 1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing: None

COMMUNICATIONS BY CONSENT
(For Approval)

- 1. Application for Membership in Lincoln Hose Company from Sean Walsh (subject to State approval) and notification that at the September 14, 2021 meeting the membership accepted the resignation of John Kovacs as an active member
- 2. Letter from Our Lady of Fatima Parish requesting permission to schedule a car procession to be held Wednesday, October 13, 2021 at 7PM (County approval pending)
- 3. Application for Use of Borough Property from Friends of the Library for a Scarecrow Contest Awards Ceremony to be held on Saturday, October 23, 2021 on the Keyport Public Library grounds from 2PM-4PM
- 4. Recreation Committee Program & Activity Planning Summary requesting use of Fireman’s Park and grass area by the gazebo for a Trunk or Treat event and Movie to be held on Saturday, October 23, 2021 beginning at 3PM for setup and ending following movie showing which begins at 5:45PM
- 5. Letter from Keyport Matawan Elks Lodge #2030 requesting permission to “shake the cans” on the corner of Maple Place and Broadway the weekend of November 13-14 from 9AM-3PM (County approval pending)

(To Receive and File)

- 6. Letter from John Polewczak requesting he not be reappointed to the Green Team for the year 2022.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to Table Communication #1 for clarification moved by Goode, carried by McDermott.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays:
Abstain:
Absent:

Councilman Fotopoulos was a member of the Green Team for quite some time and regrets that JP has requested not to be reappointed. He pretty much kept that group as one of the stronger groups in town.

Motion to approve Communications #2 through #5 and Receive and File #6 moved by Pacheco, carried by McDermott.

Roll Call: Ayes: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara
Nays:
Abstain:
Absent:

APPROVAL OF MINUTES
September 21, 2021 Regular Meeting

Motion to approve minutes moved by Fotopoulos, carried by Goode with ayes by all present, with the exception of Councilmembers Pacheco and McDermott who abstained.

NEW BUSINESS

1. Flood Damage Prevention Ordinance

Administrator Delaney – He explained the purpose of the Ordinance.

Council President Goode – He asked if there have been changes from FEMA since the last introduction.

Trevor Taylor – He will check to confirm if there are any changes and will circulate if any.

2. Holiday Tree Lighting

Mayor Kennedy – Holiday Tree Lighting will be on Saturday, November 27th. She asked if anyone was opposed to the date and said that paperwork will be provided. None opposed.

3. Lamp Post Decorations

Mayor Kennedy – Details will come forward. The flags will be removed and holiday decorations installed. She asked if anyone was opposed to KBBC looking into it. None opposed.

UNFINISHED BUSINESS

1. Cannabis Ordinance

Council President Goode - There are no new districts so we will follow the Master Plan.

Councilwoman McNamara – She asked about being held to having two licenses.

Attorney Leslie London – You can say, “up to two” or “not to exceed two.”

Councilwoman McNamara – Still no CRC guidance on wholesale or manufacturing.

Councilman Fotopoulos – He asked if we cannot allow these two classes and then add them later.

Attorney Leslie London – She will look into it.

Councilwoman Davidson – She suggested to change the language to allow one license downtown and one license on the highway.

Mayor Kennedy – She asked if the draft ordinance is cleaned up based on the commentary tonight, can we have it up on the website prior to introduction.

Discussion ensued amongst the Dais regarding the microbusiness license.

Mayor Kennedy – She asked if the map Attorney Leslie London prepared can be posted and marked as a draft.

2. Annual Fire Inspection (Ordinance #2-19)

Council President Goode – The Chief is working on scheduling the inspection and it should be the end of October, beginning of November.

ATTORNEY'S REPORT

None

Administrator Delaney provided updates on the following:

- Union meeting for regarding contract
- Electrical Sub code vacancy
- Property Maintenance Officer interviews

Mayor Kennedy – She asked for an update on Anbaric.

Administrator Delaney – They have not yet responded to the request for dates to meet.

Councilman Fotopoulos – Regarding the lamp post decorations, he asked if the American flags will be removed and replaced afterwards.

Trevor Taylor – will review the model Flood Damage Ordinance.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:23PM moved by Davidson, carried by Fotopoulos with ayes by all present.

John Merla – He discussed the Cannabis Ordinance and asked when the union contract expired. He also mentioned the flashing lights on the flood gates.

George Walling, 54 Second Street – He asked Mayor Kennedy about the status of the dumpster enclosures.

Michael Lane – He said that residents should be notified within 200ft of a cannabis business. He also asked what the setback would be for a manufacturing facility and if residents would need to be notified.

Elmer J. Graham, Jr. – He said that we should let the smoke shops sell it and it should be tied to drunk driving. He asked for an update on the Complete Streets Initiative.

Mayor Kennedy – New information has been posted.

There being no further comments or questions, the Meeting was closed to the public at 9:35PM moved by Goode, carried by McDermott with ayes by all present.

ADJOURNMENT

Motion to Adjourn at 9:36PM moved by Goode, carried by Davidson with ayes by all present.