

BOROUGH OF KEYPORT
MEETING AGENDA
TUESDAY, OCTOBER 15, 2024 7:00 PM
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: __ Councilmember Brady __ Councilmember Gross __ Councilmember McNamara
__ Councilmember Peperoni __ Councilmember Reilly __ Council President Vecchio
__ Mayor Araneo

As a courtesy to those around you, please silence your cell phones

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Breast Cancer Awareness Month

RESOLUTION #2024-325 Authorizing Promotional Appointment of a Police Sergeant - Richard Leonard

OATH OF OFFICE

Administered by Mayor Araneo

COMMITTEE REPORTS

(Councilmember is lead or co-lead liaison of Committees in bold)

Councilmember Brady: Environmental, Recreation/Senior Center, Fire/First Aid/OEM, Municipal Alliance, Green Team

Councilmember Gross: KBBC, Public Works/Water-Sewer, Recreation/Senior Center, Redevelopment

Councilmember McNamara: Finance/Grants, Cannabis, Green Team, Police, NPP

Councilmember Peperoni: Planning Board, Recycling, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Redevelopment, Harbor Commission,

Councilmember Reilly: Fire/First Aid/OEM, Police, Municipal Alliance, Finance/Grants, Cannabis

Council President Vecchio: Harbor Commission, NPP, Public Works/Water-Sewer

Mayor Araneo: Library, Planning Board, KBBC, Green Team, Cultural/Civic, Mayors Wellness Campaign

PUBLIC COMMENTS

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

Opened: MM: 2ND: Closed: MM: 2ND:

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.)

- R2024-326 Payment of Bills Listed on the September 20, 2024 Bills List
- R2024-327 Payment of Bills Listed on the October 1, 2024 Bills List
- R2024-328 Payment of Bills Listed on the October 4, 2024 Bills List
- R2024-329 Payment of Bills Listed on the October 15, 2024 Bills List
- R2024-330 Correcting Resolution Numbers on Previously Adopted Resolutions
- R2024-331 Amending Name of Developer in Resolution #2024-303 from 30 South Second LLC to P&Y Management LLC for the Release of the Performance Guarantees Provided for Site Improvements at 23 Brook Avenue, Block 102, Lot 6
- R2024-332 Authorizing the Person-to-Person and Place-to Place Transfer of a Plenary Retail Consumption License No. 1322-33-008-008 (6 Broad St Waterfront Liquor LLC to Kal Bhairav LLC)
- R2024-333 Authorizing Agreement between the Borough of Keyport and National Life Group to Provide a Deferred Compensation Plan
- R2024-334 Authorizing Execution of a Second Amendment to the Redevelopment Agreement between the Borough of Keyport and Hudson Pointe at Keyport LLC with respect to the Property Commonly Known as Block 120, Lots 8 and 9, and Block 130, Lots 42, 48, 49, 50, 51 and 52 on the Tax Map of the Borough of Keyport
- R2024-335 Approving a Memorandum of Agreement between the Borough of Keyport and the International Union of Operating Engineers, Local 68 (Department of Public Works)
- R2024-336 Authorizing Reimbursement to Bayshore Christian Fellowship Due to Event Cancellation
- R2024-337 Appointment of School Crossing Guard – Joshua Sahl

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: **Roll Call:** Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance No. 2024-13 – Amending Fees for Zoning Permits

The Clerk reads the Ordinance by Title: **AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 25 (LAND USE REGULATIONS), ARTICLE 1 (ZONING), SECTION 29 (ZONING FEES) TO AMEND CERTAIN FEES FOR ZONING PERMITS**

- 1a. Motion to Open Public Hearing MM: 2nd:
- 1b. Motion to Close Public Hearing MM: 2nd:

1c. Motion to adopt Ordinance

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

1d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2nd

2. Ordinance No. 2024-14 – Amending Parking Ordinance

The Clerk reads the Ordinance by Title: **AN ORDINANCE ADOPTING AMENDMENTS TO SCHEDULE 1 (NO PARKING) OF CHAPTER 7 (TRAFFIC), SECTION 3.3 TO REFLECT ADDITIONAL NO PARKING AREAS WITHIN THE BOROUGH**

2a. Motion to Open Public Hearing MM: 2nd:

2b. Motion to Close Public Hearing MM: 2nd:

2c. Motion to adopt Ordinance

MM: 2nd: Roll Call: Brady, Gross, McNamara, Peperoni, Reilly, Vecchio

2d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2nd

REPORTS

1. Municipal Clerk's Report for September 2024
2. Tax/Water/Sewer Collector's Report for September 2024
3. Board of Health Treasurer's Report for September 2024
4. Building Department Report for September 2024
5. Municipal Court Report for September 2024

MM: 2nd: Ayes: Nays:

PUBLIC COMMENTS

The Meeting is opened to the public for comments.

Please limit comments to no more than five minutes per person.

Opened: MM: 2ND: Closed: MM: 2ND:

EXECUTIVE SESSION

R2024-338 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. 10:4-12b, to discuss pursuant to N.J.S.A. 10:4-12b(1) attorney-client privileged matters related to a fire department feasibility study, and pursuant to N.J.S.A. 10:4-12b(8) personnel matters.

MM: 2nd: Ayes: Nays:

ADJOURNMENT

Motion to Adjourn MM: 2nd:

RESOLUTION #2024-**AUTHORIZING THE PROMOTIONAL APPOINTMENT OF
A POLICE SERGEANT OF THE BOROUGH OF KEYPORT
POLICE DEPARTMENT – *Richard Leonard***

WHEREAS, the composition of the Borough of Keyport Police Department as detailed in Section 3-3.4(a) of the Borough Code provides for not more than five (5) Sergeants and there presently exists a vacancy; and

WHEREAS, the New Jersey Civil Service Commission conducted an examination of candidates eligible for promotional appointment to the position of Police Sergeant and promulgated a list of personnel within the Police Department certified for promotion to this position; and

WHEREAS, Richard Leonard was appointed a Police Officer for the Borough of Keyport effective January 10, 2018, and Police Chief Ferm has recommended that Officer Leonard be promoted to Police Sergeant.

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. Police Officer Richard Leonard is hereby promoted to Police Sergeant of the Keyport Police Department, effective October 15, 2024, subject to the approval of the New Jersey Civil Service Commission, and shall be compensated in accordance with the Collective Bargaining Agreement between the Borough of Keyport and PBA Local 223.
2. The Borough Administrator is directed and authorized to file the required documents with the New Jersey Civil Service Commission to effectuate this appointment.
3. The Borough Clerk is directed to forward a certified copy of this resolution to Sergeant Leonard, the Chief of Police, the Borough Administrator, and the Payroll Supervisor.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

R24-326

9/20/2024

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. 2024	\$ 174,075.44
	WATER/SEWER ACCT. 2024	\$ 27,627.09
	PAYROLL FUND BUDGET	\$ 23,046.28
	FEDERAL & STATE GRANTS	\$ 5,273.41
	TRUST OTHER FUND	\$ 5,790.00

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

724-327
10/01/2024

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. 2024	\$ 20,475.55
	WATER/SEWER ACCT. 2024	\$ 46,962.29
	GENERAL CAPITAL FUND	\$ 125,927.83
	FEDERAL AND STATE GRANTS	\$ 610.00
	TRUST OTHER FUND	\$ 695.00
	REC BAYFRONT IMPROVEMENT	\$ 200.63
	UNEMPLOYMENT TRUST FUND	\$ 82.00
	DEVELOPER ESCROW	\$ 32,099.31

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

R24-328

10/04/2024

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. 2024	\$ 953,528.57
	WATER/SEWER ACCT. 2024	\$ 27,944.75
	PAYROLL FUND BUDGET	\$ 850.00
	FEDERAL & STATE GRANTS	\$ 7,238.46
	TRUST OTHER FUND	\$ 11,780.00

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

R24-329
10/15/2024

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	\$ 48.00
	WATER/SEWER ACCT.2023	\$ 46.92
	CURRENT ACCT. 2024	\$ 2,338,618.78
	WATER/SEWER ACCT. 2024	\$ 220,282.69
	ANIMAL CONTROL TRUST	\$ 1,400.00
	GENERAL CAPITAL FUND	\$ 28,763.94
	FEDERAL AND STATE GRANTS	\$ 3,719.51
	TRUST OTHER FUND	\$ 7,724.95
	REC BAYFRONT IMPROVEMENT	\$ 2,945.00
	UNEMPLOYMENT TRUST FUND	\$ 716.07
	OPEN SPACE TRUST FUND	\$ 7,732.93
	WATER/SEWER CAPITAL	\$ 29,439.50
	DEVELOPER ESCROW	\$ 22,876.62

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 #2024-__**CORRECTING THE NUMBERS OF PREVIOUSLY ADOPTED RESOLUTIONS**

WHEREAS, the Borough of Keyport (the “Borough”) adopted resolutions numbered 2024-295 through 2024-303 on October 1, 2024; and

WHEREAS, it has come to the attention of the Borough that the resolution numbers for these adopted resolutions were incorrectly assigned; and

WHEREAS, it is in the best interest of the Borough to correct these numbering errors to ensure proper recordkeeping and clarity;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

1. The resolutions previously adopted on October 1, 2024 and incorrectly numbered as follows are hereby renumbered to the following numbers:
 - o Resolution #2024-295 Authorizing the Promotional Appointment of a Police Officer – Zachary Scully shall be renumbered to Resolution #2024-316 Authorizing the Promotional Appointment of a Police Officer – Zachary Scully
 - o Resolution #2024-296 Authorizing Promotional Appointment of a Police Captain – Det. Sgt. Joseph Rendina shall be renumbered to Resolution #2024-317 Authorizing Promotional Appointment of a Police Captain – Det. Sgt. Joseph Rendina
 - o Resolution #2024-297 Authorizing Promotional Appointment of a Police Chief – Captain Michael Ferm shall be renumbered to Resolution #2024-318 Authorizing Promotional Appointment of a Police Chief – Captain Michael Ferm
 - o Resolution #2024-298 Authorizing Increase in Hourly Rate of Compensation for Class 1 Special Law Enforcement Officers shall be renumbered to Resolution #2024-319 Authorizing Increase in Hourly Rate of Compensation for Class 1 Special Law Enforcement Officers
 - o Resolution #2024-299 Authorizing Increase in Hourly Rate of Compensation for School Crossing Guards shall be renumbered to Resolution #2024-320 Authorizing Increase in Hourly Rate of Compensation for School Crossing Guards
 - o Resolution #2024-300 Authorizing Appointments of Special Law Enforcement Officers – Matthew Hozer, Yubir Rojas-Herrera, Heaven Cruz shall be renumbered to Resolution #2024-321 Authorizing Appointments of Special Law Enforcement Officers – Matthew Hozer, Yubir Rojas-Herrera, Heaven Cruz
 - o Resolution #2024-301 Authorizing Appointment of School Crossing Guard – Salvatore Laona shall be renumbered to Resolution #2024-322 Authorizing Appointment of School Crossing Guard – Salvatore Laona
 - o Resolution #2024-302 Authorizing Issuance of a Social Affair Permit for Keyport Yacht Club shall be renumbered to Resolution #2024-323 Authorizing Issuance of a Social Affair Permit for Keyport Yacht Club

- o Resolution #2024-303 Approving the Request of Our Lady of Fatima Parish to Conduct a Vehicular Procession shall be renumbered to Resolution #2024-324 Approving the Request of Our Lady of Fatima Parish to Conduct a Vehicular Procession

2. This resolution shall take effect immediately.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AMENDING RESOLUTION #2024-303 TO CORRECT THE NAME OF THE APPLICANT FROM 30 SOUTH SECOND LLC TO P&Y MANAGEMENT LLC**

WHEREAS, the governing body of the Borough of Keyport (the "Borough") adopted Resolution #2024-303 on September 17, 2024, which identified the applicant for a project at the property located at 23 Brook Avenue, block 102, lot 6 on the Borough tax map (the "**Property**") as **30 South Second LLC**; and

WHEREAS, it has come to the attention of the governing body that the correct name of the applicant should be **P&Y Management LLC**; and

WHEREAS, the governing body wishes to amend Resolution #2024-303 to correctly reflect the name of the applicant;

NOW, THEREFORE, BE IT RESOLVED, that Resolution #2024-303 is hereby amended as follows:

1. In the title of Resolution #2024-303, the name **30 South Second LLC** is replaced with **P&Y Management LLC**.
2. In all other references to the applicant within Resolution #2024-303, the name **30 South Second LLC** is replaced with **P&Y Management LLC**.

BE IT FURTHER RESOLVED, that all other provisions of Resolution #2024-303 not amended by this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the appropriate officials of the Borough are hereby authorized and directed to take all actions necessary to implement the provisions of this resolution.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING THE PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1322-33-008-008
(6 BROAD ST WATERFRONT LIQUOR LLC to KAL BHAIRAV LLC)**

WHEREAS, an application has been filed to transfer Plenary Retail Consumption License No. 1322-33-008-008 currently issued to 6 Broad St Waterfront Liquor LLC as an inactive license with a mailing address of 24 Clay Street, Red Bank, New Jersey, 07701; and

WHEREAS, the application is complete in all respects, an Affidavit of Publication has been received by the Municipal Clerk, all requisite fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the Keyport Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business; and

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, Monmouth County, New Jersey, that the person-to-person transfer of the Plenary Retail Consumption License No. 1322-33-008-008 to KAL BHAIRAV LLC, and the place-to-place transfer from inactive to be placed at 37 West Front Street, Keyport, New Jersey, is hereby approved.

BE IT FURTHER RESOLVED the Borough Clerk is authorized to endorse the transfer on the face of the license.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION NO. ____-2024

**AUTHORIZING AGREEMENT BETWEEN THE BOROUGH OF
KEYPORT AND NATIONAL LIFE GROUP TO PROVIDE A DEFERRED
COMPENSATION PLAN**

WHEREAS, the Borough of Keyport (the "Borough") offers a deferred compensation plan for its employees in an attempt to attract and retain qualified employees by providing them with an opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, there is no direct financial cost to the Borough to adopt and implement an employee Deferred Compensation Plan and Service Agreement; and

WHEREAS, the following contractor submitted a written proposal: National Life Group; and

WHEREAS, after reviewing the proposal it was determined that National Life Group has the ability to (1) maintain complete records of accounts; (2) manage account with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants; and

WHEREAS, there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor forth the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey, does hereby adopt and approve the Plan prepared by National Life Group and assigned Plan Document identifier 19-PD-National-091819 as a Deferred Compensation Plan Provider by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED THAT the Mayor and Clerk are hereby authorized to enter into Service Agreement (bearing the identifier: 19-SA-National-091819 assigned by the New Jersey Division of Local Government) with National Life Group upon the proposal received to serve as a Deferred Compensation Plan Provider for the Borough of Keyport employees.

BE IT FURTHER RESOLVED THAT it is hereby acknowledged that the Deferred Compensation Plan is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service expect for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Publica Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is

for guidance only and acknowledges that for the Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED THAT pursuant to N.J.A.C. 5:37-5.4, Kimberly Humphrey, Administrator, is hereby designated as the Local Plan Administrator for the administration of the Plan.

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

ADOPTED at the regular meeting of the Borough Committee of the Borough of Keyport held on _____.

Borough of Keyport

ATTEST:

Michele Clark

BY: _____
Mayor Rose Araneo

RESOLUTION #2024-

**RESOLUTION OF THE BOROUGH OF KEYPORT, IN THE
COUNTY OF MONMOUTH, NEW JERSEY,
AUTHORIZING EXECUTION OF A SECOND
AMENDMENT TO THE REDEVELOPMENT AGREEMENT
BETWEEN THE BOROUGH OF KEYPORT AND HUDSON
POINTE AT KEYPORT, LLC WITH RESPECT TO THE
PROPERTY COMMONLY KNOWN AS BLOCK 120, LOTS
8 AND 9, AND BLOCK 130, LOTS 42, 48, 49, 50, 51 AND 52
ON THE TAX MAP OF THE BOROUGH OF KEYPORT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, pursuant to and in accordance with the Redevelopment Law, on February 20, 2007, the Borough Council of the Borough (the "Council") adopted Resolution No. 105-07 designating the entire Borough as an area in need of rehabilitation; and

WHEREAS, the Council, pursuant to and in accordance with the requirements of the Redevelopment Law, adopted Resolution No. 256-18 on December 18, 2018 designating certain properties within the Borough as a condemnation area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, Hudson Pointe at Keyport, LLC (the "Redeveloper") is now the owner of a certain real property within the Redevelopment Area identified as Block 120, Lots 8 and 9 and Block 130, Lots 42, 48, 49, 50, 51 and 52 on the official tax map of the Borough and commonly known as 75 Manchester Avenue, and is the contract purchaser of Block 130, Lot 52 commonly known as 1 Maple Place, as further defined in the Original Redevelopment Agreement (as defined herein) (the "Project Area"); and

WHEREAS, pursuant to the Redevelopment Law, on September 15, 2020, the Council adopted Ordinance 9-20 implementing a redevelopment plan for the Project Area entitled "Hudson Pointe Redevelopment Plan" (as may be amended and supplemented, the "Redevelopment Plan"); and

WHEREAS, on December 15, 2020, pursuant to Resolution No. 290-20, the Council authorized the execution of a Redevelopment Agreement and the designation of the Redeveloper as redeveloper of the Project Area (as defined in the Redevelopment Agreement), which Redevelopment Agreement was executed on December 15, 2020 (the "Original Redevelopment Agreement"); and

WHEREAS, pursuant to the Original Redevelopment Agreement, the Redeveloper made an application to the Unified Planning Board for Preliminary and Final Major Site Plan Approval being Application No. 21-03 (the "Site Plan Approval"), which approval was granted on

September 23, 2023, which in part, amended the Project to replace the 3,500 square foot clubhouse with additional recreation space as further set forth in the Site Plan Approval.

WHEREAS, the Original Redevelopment Agreement was subsequently amended pursuant to First Amendment to Redevelopment Agreement, dated December 26, 2023, pursuant to Resolution No. 2023-20 in order to amend the Project (as defined in the Original Redevelopment Agreement) to replace the 3,500 square foot clubhouse with additional recreation space as further set forth in the Site Plan Approval and the Project Schedule (as defined therein), which are hereby incorporated by reference (hereinafter referred to as the "Redevelopment Agreement");

WHEREAS, the Redevelopment Agreement and the Site Plan Approval calls for certain improvements and the Redeveloper has agreed to construct those improvements, including, but not limited to certain planning and engineering review comments and recommendations, as contained in the Planning Board's Planning and Engineering Consultant's memoranda, inclusive of off-site improvements, specifically, the (i) installation of an 8" water main between Fulton Street and the intersection of Maple Place and Green Grove Avenue; (ii) installation of an 8" water main, including the looped main along the internal access roads and the 8" water main located on Manchester Avenue; and (iii) installation of 1,100 LF offsite water main between Green Grove and Atlantic Street in accordance with the Site Plan Approval;

WHEREAS, pursuant to the Redevelopment Law, the parties desire to further amend the Redevelopment Agreement that sets forth the terms and conditions pursuant to which the Project Area is to be redeveloped by the Redeveloper to reflect changes to the Project as set forth in the Second Amendment to Redevelopment Agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Second Amendment to Redevelopment Agreement").

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

1. The foregoing recitals are hereby incorporated herein.
2. The Mayor is hereby authorized and directed to execute the Second Amendment to Redevelopment Agreement in substantially the same form as attached hereto, with such deletions, additions, and other modifications as deemed appropriate by the Mayor, in consultation with counsel.
3. The Mayor is further authorized to take all actions necessary, and to prepare, negotiate and execute any other documents or agreements necessary or required, to effectuate the terms of this Resolution. The Mayor, acting Mayor and any other Borough officer, official or professional are each hereby authorized and directed to execute and deliver such documents as are necessary to effectuate the terms of this Resolution, and to take such actions or refrain from such actions as are necessary for same, in consultation with counsel, and all such actions or inactions by the aforesaid Borough officers, officials and professionals heretofore are hereby ratified and confirmed, *nunc pro tunc*.
4. This Resolution shall take effect immediately.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSTAIN:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of October 15, 2024.

Michele Clark, RMC
Borough Clerk

229515530 v1

RESOLUTION #2024-**APPROVING A MEMORANDUM OF AGREEMENT BETWEEN
THE BOROUGH OF KEYPORT AND THE INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 68
(DEPARTMENT OF PUBLIC WORKS)**

WHEREAS, Keyport Borough (the "Borough") and the International Union of Operating Engineers, Local 68 (the "Union") agreed to the terms of a successor collective negotiations agreement; and

WHEREAS, those terms have been incorporated into a Memorandum of Agreement (the "MQA"); and

WHEREAS, the Borough wishes to approve those terms and incorporate them into a successor collective negotiation agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough approves the terms of the MOA and directs Labor Counsel to prepare a successor collective negotiations agreement incorporating those terms.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024

Michele Clark, RMC
Borough Clerk

RESOLUTION NO. 2024-**AUTHORIZING REIMBURSEMENT OF EVENT FEE TO BAYSHORE CHRISTIAN FELLOWSHIP FOR CANCELED EVENT**

WHEREAS, Bayshore Christian Fellowship requested permission from the Mayor and Borough Council to use Waterfront Park for the purpose of hosting the "Sound of Hope" event, which was approved to take place on Saturday, September 28, 2024, from 11:00 AM to 5:00 PM; and

WHEREAS, Bayshore Christian Fellowship paid a \$150 event fee in accordance with the approval of the event; and

WHEREAS, the "Sound of Hope" event was ultimately canceled for reasons beyond the control of Bayshore Christian Fellowship; and

WHEREAS, the governing body of the Borough acknowledges the cancellation and wishes to reimburse the \$150 fee to Bayshore Christian Fellowship for the event that did not take place.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

1. The Borough shall reimburse Bayshore Christian Fellowship in the amount of \$150 for the event fee paid for the "Sound of Hope" event scheduled for September 28, 2024, which was subsequently canceled.
2. The Finance Department is hereby authorized and directed to process the reimbursement and issue a check to Bayshore Christian Fellowship in the amount of \$150.
3. This reimbursement is contingent upon the receipt of a formal request from Bayshore Christian Fellowship confirming the event cancellation.

BE IT FURTHER RESOLVED that all other provisions and policies regarding the use of public facilities remain unchanged.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a resolution adopted at the Regular meeting of the Mayor and Council of the Borough of Keyport held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2024-**AUTHORIZING APPOINTMENT OF A SCHOOL CROSSING GUARD***Joshua Sahl*

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 Joshua Sahl 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. Joshua Sahl is hereby appointed as a school crossing guard to serve for the 2024-2025 school year for a term that shall expire July 31, 2025, contingent upon the successful completion of a pre-employment physical examination.
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 \$16.00 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 the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk

Public Hearing
Adoption
Ord #1
#2024-13

ORDINANCE NO. 2024-xx

AN ORDINANCE ADOPTING AMENDMENTS TO
CHAPTER 25 (LAND USE REGULATIONS), ARTICLE I
(ZONING), SECTION 29 (ZONING FEES) TO AMEND
CERTAIN FEES FOR ZONING PERMITS

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

WHEREAS, the Mayor and Council of the Borough of Keyport has determined that the current zoning fees require modification to better reflect the costs associated with the administration and enforcement of land use regulations, and are authorized by the Municipal Land Use Law, N.J.S.A. 40:55D-8, to "adopt reasonable fees for applications or for the rendering of any service by a municipal agency"; and,

WHEREAS, the Mayor and Borough Council hereby desire to amend Chapter 25 (Land Use Regulations), Article I (Zoning), Section 29 of the Borough Code to reflect the following changes in costs for zoning permits (*note to codifier: additions are underlined and deletions crossed out*)

§ 25-1-29 ZONING FEES.

Fees for zoning permits shall be determined as follows:

a. Every application for a zoning permit shall be accompanied by a payment made payable to the Borough of Keyport in accordance with the following schedules.:

1. ~~For each zoning application (includes variance, conditional use, appeal from decision of Administrative Officer or Construction Official or interpretation of a zoning map or ordinance) to the Zoning Officer not accompanied by a subdivision or site plan application, the fee shall be \$25.~~
2. ~~A zoning permit fee of \$15 per \$1,000 of contribution costs, minimum of \$40 shall be charged for the construction or alteration of driveways, patios, aprons, curbs, walkways, sidewalks, asphalt and concrete slabs.~~
3. ~~A zoning permit fee of \$5 per \$1,000 of contribution costs shall be charged for the construction or alteration of decks, additions, accessory structures and pools.~~
4. ~~The fee for a zoning permit to install or reconstruct a shed shall be \$50.~~

<u>Permits for New Construction (includes new dwelling units, accessory structures, generators, additions, gazebos, etc.)</u>	<u>\$75.00</u>
<u>Sidewalk, Curbs, Walkways, Driveways and other flatwork</u>	<u>\$50.00</u>
<u>Decks and Patios</u>	<u>\$50.00</u>
<u>HVAC Units</u>	<u>\$40.00</u>
<u>Fence or Retaining Wall, Residential</u>	<u>\$50.00</u>
<u>Fence or Retaining Wall, Commercial</u>	<u>\$75.00</u>
<u>Fence or Retaining Wall, Industrial</u>	<u>\$150.00</u>
<u>Shed</u>	<u>\$50.00</u>
<u>Signs</u>	<u>\$35.00</u>
<u>Swimming Pool or Hot Tub</u>	<u>\$75.00</u>
<u>Construction or Office Trailers</u>	<u>\$50.00</u>
<u>Change or Continuation of Use</u>	<u>\$25.00</u>
<u>Temporary Storage Container</u>	<u>\$25.00</u>
<u>Dumpster</u>	<u>\$30.00</u>

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

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

Section 2. Chapter 25 (Land Use Regulations), Article I (Zoning), Section 29 of the Borough Code be and hereby is amended to reflect the aforementioned changes in costs for zoning permits.

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 the 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 17, 2024

Public Hearing: October 15, 2024

Adopted:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

Public Hearing
Adoption
Ord #2
#2024-14

ORDINANCE NO. 2024-xx

AN ORDINANCE ADOPTING AMENDMENTS TO
SCHEDULE I (NO PARKING) OF CHAPTER 7 (TRAFFIC),
SECTION 3.3 TO REFLECT ADDITIONAL NO PARKING
AREAS WITHIN THE BOROUGH

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

WHEREAS, pursuant to N.J.S.A. 39:4-197, the Mayor and Council of the Borough of Keyport have the power to adopt ordinances concerning traffic and parking within the Borough; and,

WHEREAS, the Mayor and Borough Council hereby desire to amend Schedule I "NO PARKING" of Chapter VII, Section 3.3 of the Borough Code to reflect additional no parking areas within the Borough (*note to codifier: additions are underlined and deletions crossed out*)

SCHEDULE I NO PARKING.

In accordance with the provisions of Subsection 7-3.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

[....]

Name of Street	Sides	Location
Front Street/West Front Street	North	From Beers Street west to a point 100 feet east of the easterly curbline of Broadway
<u>Front Street/West Front Street</u> <u>[Added 9-17-2024 by Ord. No. X-24]</u>	<u>South</u>	<u>From Beers Street west to a point 253 feet east of the easterly curbline of Broadway</u>

NOW, THEREFORE, BE IT ORDAINED, on this 17th day of September 2024, by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

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

Section 2. Schedule I "NO PARKING" of Chapter VII, Section 3.3 of the Borough Code shall be amended to reflect additional no parking areas within the Borough as set forth above.

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 the 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 17, 2024

Public Hearing: October 15, 2024

Adopted:

Michele Clark, RMC

Clerk, Borough of Keyport

Mayor Rose Araneo

Borough of Keyport

RESOLUTION #2024-

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, pursuant to *N.J.S.A. 10:4-12b(1)* attorney-client privileged matters related to a fire department feasibility study, and pursuant to *N.J.S.A. 10:4-12b(8)* personnel matters.

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 Mayor and Council assembled in public session on October 15, 2024 and determined that an Executive Session closed to the public shall be held on October 15, 2024 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.
2. This resolution will take effect immediately.

RECORDED VOTE						
Councilmember	Offered	Seconded	Aye	Nay	Abstain	Absent
Brady						
Gross						
McNamara						
Peperoni						
Reilly						
Vecchio						

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting held on October 15, 2024.

Michele Clark, RMC
Borough Clerk