

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, OCTOBER 17, 2023 – 7:00 P.M.
MUNICIPAL COMPLEX COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: ____ Councilmember Demarest ____ Councilmember Reilly
____ Councilmember Vecchio ____ Councilmember Peperoni ____ Councilmember McNamara
____ Council President Davidson ____ Mayor Araneo

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Veterans Day

COMMITTEE REPORTS

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

Councilmember Demarest: KBBC, Public Works/Water-Sewer, Harbor Commission, Recreation/Senior Center

Councilmember Reilly: Environmental, Fire/First Aid/OEM, Finance/Grants, Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Cannabis

Councilmember Vecchio: Harbor Commission, Municipal Alliance, Police, NPP

Councilmember Peperoni: Health/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Recreation/Senior Center, Recycling, Municipal Alliance, Police, Redevelopment

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

Council President Davidson: Planning Board, Redevelopment, Fire/First Aid/OEM, Public Works/Water-Sewer

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

MAYOR'S UPDATES

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.)

- R2023-294 Payment of Bills Listed on the September 22, 2023 Bills List
- R2023-295 Payment of Bills Listed on the October 3, 2023 Bills List
- R2023-296 Payment of Bills Listed on the October 6, 2023 Bills List
- R2023-297 Payment of Bills Listed on the October 17, 2023 Bills List
- R2023-298 Authorizing the Borough to Enter into a Shared Services Agreement with the Keyport Public Schools for the Use of School Resource Officer/Special Law Enforcement Officers in the Keyport Public Schools
- R2023-299 Resolution in Support of Submission of Application for New Jersey Department of Transportation Safe Routes to School Program
- R2023-300 Resolution in Support of Submission of I-Bank Application for the Lead Service Line Replacement (LSLR) Accelerators Pilot Program
- R2023-301 New Jersey Department of Community Affairs Green Acres Enabling Resolution for Boardwalk Preservation Fund Grant Program
- R2023-302 Authorizing the Issuance of a Social Affair Permit for Our Lady of Fatima Parish
- R2023-303 Approving Keyport Recreation Committee Request to Reschedule the 2023 KeyportFest 5K Race to November 4, 2023
- R2023-304 Approving Keyport Recreation Committee Request to Reschedule the 2023 Trunk-or-Treat to October 22, 2023
- R2023-305 Authorizing Keyport Recreation Committee Use of Borough Hall Council Chambers on December 2, 2023
- R2023-306 Authorizing Advertisement for Request for Proposals for Professional Services for the Borough of Keyport for the 2024 Calendar Year
- R2023-307 Resolution in Support of Submission of a Grant Application by the Keyport Yacht Club for a Pumpout Facility

APPROVAL OF RESOLUTIONS

Motion to approve resolutions on the Consent Agenda

MM: 2nd: **Roll Call:** Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. Ordinance #2023-14– Establishing Elizabeth Street Community Garden Regulations

The Clerk reads 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 Open Public Hearing MM: 2nd;
- 1b. Motion to Close Public Hearing MM: 2nd;
- 1c. Motion adopt Ordinance
MM: 2nd; **Roll Call:** Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson
- 1d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2ND;

2. Ordinance #2023-15 - Amending Cannabis Business Licensure and Regulations

The Clerk reads 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**

- 2a. Motion to Open Public Hearing MM: 2nd;
- 2b. Motion to Close Public Hearing MM: 2nd;
- 2c. Motion adopt Ordinance
MM: 2nd; **Roll Call:** Demarest, Reilly, Vecchio, Peperoni, McNamara, Davidson
- 2d. Motion authorizing the Clerk to publish the Ordinance as adopted MM: 2ND;

MINUTES FOR APPROVAL

September 19, 2023 Council Meeting Minutes

MM: 2nd; Ayes: Nays:

REPORTS

1. Municipal Clerk’s Report for September 2023
2. Tax/Water/Sewer Collector’s Report for September 2023
3. Board of Health Treasurer’s Report for September 2023
4. Building Department Report for September 2023
5. Municipal Court Report for September 2023

MM: 2nd; Ayes: Nays:

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

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

R2023-308 – 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):
Redevelopment/PILOT

MM: 2nd: Ayes: Nays:

ADJOURNMENT

Motion to Adjourn MM: 2nd:

RESOLUTION FOR THE PAYMENT OF BILLS

09/22/2023
R23-294

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	\$ 170,612.23
	WATER/SEWER ACCT. 2023	\$ 25,942.81
	FEDERAL & STATE GRANTS	\$ 5,281.01
	TRUST OTHER FUND	\$ 14,475.50

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 FOR THE PAYMENT OF BILLS

10/03/2023

R23-295

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	\$ 125,167.90
	WATER/SEWER ACCT.2023	\$ 4,944.02
	GENERAL CAPITAL FUND	\$ 2,979.05
	FEDERAL & STATE GRANTS	\$ 5,835.71
	TRUST OTHER FUND	\$ 465.92
	REC BAYFRONT IMPROVEMENT	\$ 2,414.00
	DEVELOPER ESCROW	\$ 3,975.75

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 FOR THE PAYMENT OF BILLS 10/06/2023 P23296

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	\$ 177,455.88
	WATER/SEWER ACCT. 2023	\$ 25,692.76
	FEDERAL & STATE GRANTS	\$ 6,651.01
	TRUST OTHER FUND	\$ 18,163.50

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 FOR THE PAYMENT OF BILLS 10/17/2023 R23-297

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. 2022	\$ 5,153.22
	CURRENT ACCT. 2023	\$ 1,934,433.93
	WATER/SEWER ACCT. 2023	\$ 120,074.12
	ANIMAL CONTROL TRUST FUND	\$ 1,400.00
	GENERAL CAPITAL FUND	\$ 239,040.39
	FEDERAL & STATE GRANTS	\$ 505.25
	REC BAYFRONT IMPROVEMENT	\$ 2,364.00
	OPEN SPACE TRUST FUND	\$ 2,881.25
	DEVELOPER ESCROW	\$ 24,834.48

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 #2023-**AUTHORIZING THE BOROUGH TO ENTER INTO A
SHARED SERVICES AGREEMENT WITH THE KEYPORT
PUBLIC SCHOOLS FOR THE USE OF SCHOOL
RESOURCE OFFICER/SPECIAL LAW ENFORCEMENT
OFFICERS IN THE KEYPORT PUBLIC SCHOOLS**

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the “Act”), municipalities and local units within the State of New Jersey are permitted to enter into agreements with other local units to provide or receive any service that each local unit is otherwise empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough of Keyport (the “**Borough**”) is desirous to provide certain services, and enter into a shared services agreement with the Keyport Public Schools (the “**District**”) with respect to the provision of certain law enforcement personnel to the District (the “**Shared Services Agreement**”); and

WHEREAS, it is in the best interests of the Borough to approve and to authorize the Borough Administrator, the Mayor, and the Chief of Police to enter into a Shared Services Agreement with the District, substantially in the form attached hereto, those services delineated therein; and

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 Mayor of the Borough, the Borough Administrator and Chief of Police are hereby authorized to enter into the Shared Services Agreement with the District consistent with the dictates of that certain proposed Shared Services Agreement, for the provision of certain law enforcement services to the District, substantially in the form on file with the Borough Clerk, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor of the Borough in her discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect as provided by law.

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

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

R23-299

RESOLUTION #2023-

**RESOLUTION IN SUPPORT OF SUBMISSION OF APPLICATION
FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION
SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, the Borough of Keyport is applying for funding to construct new sidewalks curbing, curb ramps, signage and striping, along the school route for the Keyport Central School via Maple Place, West Fourth Street, St. Peters Place, and St. George Place, within the Borough of Keyport; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Borough of Keyport with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) improvements along County Roadways;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Borough Administrator, and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

RESOLUTION #2023-

**RESOLUTION IN SUPPORT OF SUBMISSION OF I-BANK APPLICATION
FOR THE LEAD SERVICE LINE REPLACEMENT (LSLR) ACCELERATORS
PILOT PROGRAM**

WHEREAS, the Borough of Keyport has received funding through the EPA's administration of the Bipartisan Infrastructure Law (BIL) LSLR funding; and

WHEREAS, the project will help to identify lead service lines within the Borough through the LSLR Accelerators Pilot Program; and

WHEREAS, part of the LSLR Accelerators Pilot Program is to review funding opportunities through the NJDEP I-Bank program; and

WHEREAS, the Borough desires to designate the Borough Administrator to review the funding opportunities and create an H2LOans account with the I-Bank on behalf the Borough; and

WHEREAS, any funding application to the I-Bank will require an endorsement by the Borough Council prior to submission.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that it hereby supports the designation of the Borough Administrator to review the funding opportunities and create an H2LOans account with the I-Bank on behalf of the Borough.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Presiding Officer)

R23-301

RESOLUTION #2023-

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Community Affairs ("State"), is accepting applications for the Boardwalk Preservation Fund grant program through their Division of Disaster Recovery and Mitigation (DRM); and

WHEREAS the program is made possible through federal funding from the American Rescue Plan; and

WHEREAS the Boardwalk Preservation Fund aims to make critical investments in the boardwalk infrastructure of the Jersey Shore. The goal is to address the most critical and necessary capital needs along the Jersey Shore by rebuilding outdated and crumbling boardwalk infrastructure, removing blight, and mitigating condemned/abandoned properties on the boardwalks; and

WHEREAS up to \$100,000,000 in capital investments will be made along the Jersey Shore to strengthen the boardwalk infrastructure and improve local tourism and economies. Successful applications will include strategies that enable or improve commercial, retail or transportation corridors. Successful applications will also invest in state-of-the-art materials that will meet the following objectives:

- Increase storm resiliency
- Improve ADA access to boardwalk facilities
- Ensure safer and longer lasting infrastructure

WHEREAS, the Borough of Keyport desires to make application to the State for the Fireman's Park Boardwalk Project a cost of \$3,283,215.00.

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

1. Mayor Rose P. Araneo or the successor to the office of Mayor is hereby authorized to:
 - a) make application for the Application,
 - b) provide additional application information and furnish such documents as may be required, and
 - c) act as the authorized correspondent of the above-named applicant;
2. The Borough agrees to provide its matching share of at least five (5%) percent to the funding request.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project including the Statements of Assurance (SOA); and
5. This resolution shall take effect immediately.

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

CERTIFICATION

I, Michele Clark, do hereby certify that the foregoing is a true copy of a resolution adopted by the Keyport Borough Council at a meeting held on the 17th day of October, 2023.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 17th day of October, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-

**AUTHORIZING THE ISSUANCE OF A SOCIAL AFFAIR PERMIT FOR
OUR LADY OF FATIMA PARISH**

WHEREAS, Our Lady of Fatima Parish has filed an application for a Social Affair Permit for an event to be held December 2, 2023, from 5 PM to 9 PM at 376 Maple Place; and

WHEREAS, the application is complete in all respects.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby authorize the issuance of the Social Affair Permit to Our Lady of Fatima Parish for an event to be held December 2, 2023, from 5 PM to 9 PM at 376 Maple Place.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on October 17, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVING KEYPORT RECREATION COMMITTEE REQUEST TO
RESCHEDULE THE 2023 KEYPORTFEST 5K RACE TO NOVEMBER 4, 2023**

WHEREAS, the Keyport Recreation Committee (the "Committee") 2023 KeyportFest 5K Race scheduled for Saturday, September 23, 2023, was cancelled due to inclement weather; and

WHEREAS, the Committee has requested to reschedule the KeyportFest 5K Race to Saturday, November 4, 2023, at 8:30 AM; and

WHEREAS, the Committee has requested use of Borough Hall Council Chambers for early registration and race packet pick-up on Friday, November 3, 2023, from noon to 7:30 PM.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve the request of the Keyport Recreation Committee to reschedule the KeyportFest 5K Race to Saturday, November 4, 2023, at 8:30 AM, and use of Borough Hall Council Chambers for Friday, November 3, 2023, from noon to 7:30 PM for early registration and race packet pick-up.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**APPROVING KEYPORT RECREATION COMMITTEE REQUEST TO
RESCHEDULE THE 2023 TRUNK-OR-TREAT TO OCTOBER 22, 2023**

WHEREAS, the Keyport Recreation Committee (the "Committee") received approval to hold a Trunk-or-Treat on Saturday, October 21, 2023, at Waterfront Park; and

WHEREAS, the Committee has requested to reschedule the Trunk-or-Treat to Sunday, October 22, 2023, due to a conflict with Keyport Public School events; and

WHEREAS, the Committee has requested to amend the time for use of Waterfront Park to 2:00 PM to 3:00 PM for set up and 3:00 PM to 4:30 PM for the Trunk-or-Treat activities; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby approve the request of the Keyport Recreation Committee to reschedule the Trunk-or-Treat to Sunday, October 22, 2023, from 2:00 PM to 4:30 PM.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING KEYPORT RECREATION COMMITTEE USE OF
BOROUGH HALL COUNCIL CHAMBERS ON DECEMBER 2, 2023**

WHEREAS, the Keyport Recreation Committee has requested permission to use Council Chambers in Borough Hall for the purpose of hosting a winter crafts activity for children on Saturday, December 2, 2023, from 10:00 AM to 1:30 PM, which includes set up and clean up; and

WHEREAS, the winter crafts activity for children will include making winter-themed crafts, watching a film on the television in Council Chambers, and drinking hot chocolate; and

WHEREAS, the Keyport Recreation Committee anticipates approximately 50 participants and has requested the placement of extra trash/recycling containers and six tables in Council Chambers, and restroom accessibility.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby authorize use of Borough Hall Council Chambers by the Keyport Recreation Committee for the purpose of hosting the winter crafts activity for children on December 2, 2023, as set forth herein and subject to any reasonable conditions as determined by the Borough Administrator.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

RESOLUTION #2023-**AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS
FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF KEYPORT
FOR THE 2024 CALENDAR YEAR**

WHEREAS, the Borough of Keyport (the "Borough") has a need for certain professional services in order to advise the Mayor and Borough Council on various matters during the 2024 calendar year; and

WHEREAS, the Borough desires to prepare and publicly solicit sealed requests for proposals (RFP's) through a fair and open process for these services in accordance with N.J.S.A. 19:44A-20.5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the Borough Officials, including the Borough's Qualified Purchasing Agent, be and are hereby authorized to prepare and advertise for request for proposals for certain professional services for the 2024 calendar year.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

**RESOLUTION IN SUPPORT OF SUBMISSION OF A GRANT APPLICATION
BY THE KEYPORT YACHT CLUB FOR A PUMPOUT FACILITY**

WHEREAS, incorporated on March 3, 1908, the Keyport Yacht Club's praiseworthy mission is to be actively involved in the community and to promote yachting, other aquatic sports, and the science of seamanship; and

WHEREAS, the Keyport Yacht Club (the "Club") a private nonprofit club located at 115 First Street, Keyport, New Jersey, intends to submit a grant application through the New Jersey Sea Grant Consortium to obtain funding in order to install a pumpout facility on the Club dock located in Keyport Harbor on the Raritan Bay; and

WHEREAS, the pumpout facility will be available to the public for boaters to safely and efficiently pump out boat holding tanks in a clean and efficient manner; and

WHEREAS, the Club will be responsible for the installation and maintenance, as well as any additional sewerage charges incurred for the collection and disposal of waste discharged from the pumpout facility to the public wastewater treatment system; and

WHEREAS, the Borough of Keyport desires to support the efforts of the Club to secure grant funding for the pumpout facility.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body hereby supports the submission of a grant application by the Keyport Yacht Club through the New Jersey Sea Grant Consortium to obtain funds to install the pumpout facility.
3. A certified copy of this resolution shall be forwarded to the Keyport Yacht Club.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I, Michele Clark, Borough Clerk do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of October 17, 2023.

Michele Clark, RMC
Borough Clerk

PUBLIC HEARING/
ADOPTION
ORD. #1

ORDINANCE NO. 23-14

**AN 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"**

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

WHEREAS, the Borough wishes to provide community members with an accessible place to garden and where gardeners may share and exchange ideas while producing healthy foods for friends and family; and,

WHEREAS, Chapter 9 of the Borough's Revised General Ordinance is presently "reserved";

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

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

Section 2. Chapter 9 shall be entitled "Keyport Borough Community Garden," which shall include the following new sections:

§9-1 ESTABLISHMENT. A permanent community garden is hereby established within the Borough of Keyport to be located at Elizabeth Street also known as Block 84, Lot 18 on the official Tax Map of the Borough and shall be designated as the Keyport Borough Community Garden.

§ 9-2. MANAGEMENT. The community garden shall be managed by the Keyport Garden Club, who shall enforce the rules and regulations established by and under the direction of the Borough Administrator. The Garden Club shall require gardeners to sign a use agreement to supplement the rules and regulations set forth in this chapter, provided that the Borough Administrator has approved the terms of the use agreement. Fees for the usage of the community garden shall be collected by the Borough and deposited into the Borough's Open Space Trust Fund.

§ 9-3. USE OF GARDEN. The community garden is available to all residents of the Borough, ages 18 and over, on a first-come, first-served basis for the purpose of growing fruits and vegetables, flowers and herbs. The community garden is also available to nonresidents provided there are plots available after registration has been open to residents for 30 days. Residents and nonresidents may rent plots for one year at a time. Each person renting a plot shall be required to enter into an agreement governing the use of the plot(s) with the Borough of Keyport.

§ 9-4. FEES. No person shall be permitted to maintain a plot in the Keyport Community Garden unless they have registered for the plot, signed the required agreements and paid the applicable fee.

§9-5. RULES AND REGULATIONS. The use of the Keyport Community Garden will be subject to the following rules and regulations:

a. The annual fee for rental of a 4'x8' flat bed or raised bed shall be \$45.00 for a resident, \$25.00 reduced rate for senior citizens who are residents, and \$70.00 for a nonresident. Fees are payable to the Borough of Keyport, are nonrefundable and must be paid at the time of registration for the plot. Those who maintain good gardening status shall be permitted to maintain their plot on a year to year basis so long as the annual fee is paid by March 1st of each calendar year.

b. No more than one plot may be rented by a household unless open plots remain after registration has been open for 60 days.

1. Hours: Dawn to dusk. Gates must be kept closed and locked at all times.

2. Season: Each season shall start on March 1st and shall run the entire year (March 1st to February 28th), or as otherwise established by the Garden Club. Cultivation and planting must be started by June 1 and plots must be tended through the time of fall cleanup. Persons renting plots are expected to spend at least two hours per week on plot maintenance in order to cultivate a productive and attractive garden plot.

3. Parking: In designated areas only.

4. Structures: Elaborate garden structures, fountains or the use of multiple decorative items is prohibited. The Garden Club and/or the Borough Administrator must approve any structures or decorative items used in an individual plot to be sure that such structures do not shade adjacent plots.

5. Weeds: All waste, weeds, etc. shall be disposed of offsite.

6. Water: Water from the watering spigots provided in the community garden is non-potable and is for the use of the garden only. Hoses will be provided. Water must be securely turned off after each use. Access to the

water will not be available between those months during which time there shall be frost (i.e., October to April).

7. Fertilizers and Pesticides: The use of nonorganic pesticides, fungicides, herbicides and fertilizers is prohibited.

8. Pets: Pets and other animals are prohibited at all times.

9. Children/Minors: While children are welcomed to the garden, they must be accompanied and supervised by an adult at all times.

10. Smoking: Smoking is prohibited at all times.

11. No invasive species or corn may be planted in the community garden without the consent of the Garden Club or the Borough.

12. Compost: Compost shall not be permitted at the community garden.

13. Growing Season: The official growing season is from May to November. By no later than December 1 of each year, gardeners are responsible for clearing their plot of all plant material.

14. Rules of Conduct: All gardeners and their visitors shall observe the rules of conduct established by the Garden Club, as well as the rules and regulations for the use of Borough parks and recreation areas. Failure to do so may result in the forfeiture of the gardening plot. No refunds will be permitted for any violations of the rules of conduct.

§ 9-6. INDEMNIFICATION. All persons using the Keyport Community Garden assume any and all risks associated with the use of the community garden. Prior to use of the community garden, each person shall execute and deliver to the Borough an agreement for the use of the Community Garden which shall contain hold harmless and indemnification language.

§ 9-7. VIOLATIONS. Use of the community garden is a privilege. The Borough reserves the right to revoke the use of the community garden by any person for failure to observe the rules and regulations established in this chapter. Upon violation of any rule or regulation, a written notice will be issued and the violator will be given a reasonable opportunity to correct the violation. If the violation does not cease or is not cured within 14 days, a second written notice will be issued. If the violation has not ceased or been cured within 14 days of the second notice, the use of the community garden for the remainder of the season may be revoked and the plot may be reassigned. Any person whose permission to use a plot is revoked may appeal the decision to the Borough Administrator, who shall hold a hearing on the matter within 15 days of the revocation.

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 this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: October 3, 2023
First Publication: October 9, 2023
Second Reading: October 17, 2023
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

PUBLIC HEARING /
ADOPTION
ORD. #2

ORDINANCE NO. 23-15

AN ORDINANCE AMENDING CHAPTER 5 "GENERAL LICENSING AND BUSINESS REGULATIONS," SECTION 5-17 "CANNABIS BUSINESS LICENSES" AND CHAPTER 25 "ZONING," SECTION 25-1-15.20 OF THE CODE OF THE BOROUGH OF KEYPORT.

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

WHEREAS, Chapter 5 "General Licensing and Business Regulations, Section 5-17 Cannabis Business Licenses" of the Code of the Borough of Keyport (the "Code") regulates the cultivation, production, sale, and transportation of cannabis in the Borough in accordance with the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," N.J.S.A. 24:61-31 et seq.; and,

WHEREAS, Chapter 25 "Zoning" of the Code shall be amended to include provisions related to the cultivation, production, sale, and transportation of cannabis in the Borough in accordance with the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," N.J.S.A. 24:61-31 et seq.;

WHEREAS, after reviewing the costs incurred by the Borough in relation to the cannabis business license review process, and the ongoing litigation that has ensued following the issuance of licenses by the Borough, it has been determined to be in the public interest that the Borough revise the license standards; and,

WHEREAS, the Mayor and Borough Council have determined to amend sections of Chapter 5 and 25 of the Code to read as follows (additions are underlined and deletions are denoted by strikethrough):

. . . NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] . . .

Section 25-1-15.20

[. . .]

d. Site Standards for Cannabis Businesses

[. . .]

2. Entry onto the premises of a cannabis business by a person who is under the age of 21 is prohibited, unless the individual is accompanied by and supervised by a parent or legal guardian or is otherwise permitted by law. All cannabis businesses shall be subject to health and safety review, inspection and enforcement, including annual reviews and inspections, by State, County and/or Borough employees and/or representatives.

[. . .]

7. All licensed cannabis facilities must provide the Keyport Police Department with access to security footage immediately upon request by the Department. All contact information for security personnel shall be provided to the Keyport Police Department for emergency contact purposes.

[. . .]

10d. No retailers will be allowed within 1,000 feet of another retailer within the same zone or abutting zones.

[. . .]

16. Transfer of a license or change of location or modification must be subject to the approval of the Borough and/or the Planning Board.

17. All land use approvals shall be obtained from the Keyport Unified Planning Board by an applicant demonstrating compliance with the site standards set forth herein, as well as any other applicable zoning regulations, prior to submitting an application for a Cannabis Business License.

f. Penalties.

Any person violating any provision of this section shall, upon conviction be subject to the penalties stated in Chapter I, Section 1-5, General Penalty, except that the minimum penalty shall not be less than \$500 for the first offense, \$1,000 for a second offense, and \$1,500 for a third offense. Continued violations may be ground for revocation of a municipal license(s) or suspension.

Section 5-17

[....]

c. Cannabis Business License Fees

[...]

2. Issuing Authority. All licenses required by this Chapter, including renewal licenses, shall be issued by the governing body of the Borough, which shall also administer the provisions of this Chapter. The granting of any license permitted by this Chapter shall be at the sole and absolute discretion of the Borough. All applicants for a Cannabis Business License shall obtain all applicable land use approvals from the Keyport Unified Planning Board prior to applying for a license pursuant to this Chapter. All applicants shall demonstrate adherence to all State cannabis standards.

[....]

4. Cannabis Business License Fees --Maximum Number. The annual license fee shall be \$7,500 in Year One, which shall increase \$2,500 in each anniversary year thereafter (e.g., in Year 2, the fee shall be \$10,000, in Year 3, the fee shall be \$12,500), which shall be payable on the anniversary of the date that the license was issued. The annual license fee shall not exceed \$25,000. The and-maximum number of licenses for the Cannabis Businesses in the geographic boundaries of the Borough shall be two, regardless of the class of license (i.e., if there are two retailer licenses issued, then there shall be no more licenses available). as follows:

Class of License	Annual License Fee	No. of Licenses
Class 1 Cannabis Cultivator	\$10,000	2
Class 2 Cannabis Manufacturer	\$10,000	2
Class 3 Cannabis Wholesaler	\$5,000	2
Class 4 Cannabis Distributor	\$5,000	2
Class 5 Cannabis Retailer	\$5,000	2
Class 6 Cannabis Delivery	\$5,000	2

[....]

d. Cannabis Business License Conditions.

[. . . .]

7. Submission of an application fee of Five Thousand (\$5,000) Fifteen Thousand (\$15,000) Dollars.

8. The applicant must demonstrate financial solvency. Previous general business experience may be considered.

9. If the Borough is named as a party to litigation involving the businesses for whom are issued a Cannabis Business License pursuant to this Section, the licensee agrees and acknowledges that it shall indemnify the Borough for any and all costs associated with that litigation, which shall include, but not be limited to, defense costs, expenses and attorney's fees.

10. All applicants who seek to transfer their licenses shall provide notice to the Borough, in accordance with State law and regulations.

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

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

Section 2. The above-referenced sections of the Code shall be amended as set forth above.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed above.

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 this 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: October 3, 2023
First Publication: October 9, 2023
Second Reading: October 17, 2023
Public Hearing & Adoption:
Final Publication:
Effective Date:

Michele Clark, RMC
Clerk, Borough of Keyport

Mayor Rose Araneo
Borough of Keyport

RESOLUTION #2023-**RESOLUTION OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING
A MEETING NOT OPEN TO THE PUBLIC IN
ACCORDANCE WITH THE PROVISIONS OF THE NEW
JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.**

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

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

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, attorney-client privileged matters related to redevelopment 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 17, 2023 and determined that an Executive Session closed to the public shall be held on October 17, 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.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on October 17, 2023.

Michele Clark, RMC
Borough Clerk