

**BOROUGH OF KEYPORT
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 17, 2023 – 7:00 P.M.**

CALL TO ORDER: 7:00 PM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

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, and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L.1975, c.231.

ROLL CALL:

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

Absent: Councilmember Reilly

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Araneo held a moment of silence in response to the horrific massacre by Hamas against Israel, our thoughts are with the thousands that have been killed or injured and to hope for the hostages to come home safe to the families. This was a true tragedy and the cruelty that was laid upon the innocent children, women, and elderly is unthinkable.

PROCLAMATION

Mayor Araneo read the Veterans Day Proclamation and invited all veterans in attendance to come forward for photograph with the Governing Body.

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

DPW report:

- emergency storm drain repair at 251 Atlantic Street, sidewalks complete;
- assisted with removal of a deceased dolphin;
- small storm drain repair complete on May Street;
- currently repairing numerous potholes;
- Kearny street sign replaced;
- lights repaired in front of Borough Hall;
- inmates painting various rooms in Borough Hall;
- removed old furniture from Police Department to garage;
- waterfront and beach debris cleaned up after two recent storms;
- waiting on estimates for railing repair to waterfront area from the boat strike from the storm have been submitted to the insurance company;
- new signage was installed for confined space areas loss control report and new confined space entry plan;
- the former mayor plaque was reinstalled;
- car show stage was set up;
- Garden Club bags picked up, thanked club for flowers and removing peppers;
- trash removal every day from Waterfront Park;
- regular maintenance in the senior building and water removal from the library as a result of rainfall;
- patching roof areas in borough hall;
- flag replacement after storms;
- senior building sewer line collapsed in parking area which backed up into building, so the plumbing was replaced and line was fixed and the building was aired out and cleaned;
- collecting brush and leaves in all zones;
- cleaned up the clogged drain lines at the dead end of Walnut;
- poles for the old playground at Cedar Street Park were removed;

- helped Police Department move old broken furniture so repairs can be made;
- met with roof engineer to locate leaks on Borough Hall;
- the Historic sign moved from in front of Lenora's due to rotted out posts and the sign will be restored by KBBC;
- cleaning weeds around Borough signage and Borough Hall;
- picking up metal and working the recycling yard;
- street lights at First and Broad Streets are being installed;
- meeting with Monmouth County to discuss paving Senior Center parking lot after tank removal and sewer repair;
- Upcoming DPW-involved events include the Trunk-or-Treat, rescheduled 5k, and attending mandatory safety training for MEL JIF, as well as being on-call.

Councilmember Reilly: Environmental, Fire/First Aid/OEM, Finance/Grants, Heath/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Cannabis
(read by Councilmember Vecchio)

Environmental Commission – this Saturday will be a Beach Sweep at Cedar Street; register online at Clean Ocean Action. Plantings at Cedar Street beach will be November 11 and November 12.

First Aid - new rig in production and should be ready by the end of the year.
Read the First Aid Calls for Service report.

Councilmember Vecchio: Harbor Commission, Municipal Alliance, Police, NPP
Harbor Commission – regarding the fishing boat, boathouse, and hot dog concessions, hope to have contracts by end of the year.

MAC – volunteered during Red Raider Night with Nicki Francis; bracelets were a hit. The goal is to prevent use and misuse. Contact Nicki Francis for more information. [contact information can be obtained from Borough Clerk]

Read the Police Department Calls for Service report.

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

Recreation – Saturday, November 4th is the 5k, with pre-race packet pickup at Borough Hall November 3rd.

Construction - 31 W. Front Street building is down. Making necessary repairs at 33 W. Front. CO's have been issued for Raritan Cove. Entire first building at Raritan Cove has been sold. Dunkin Donuts has completed renovation.

Read the Construction Department and Health Department reports.

Councilmember McNamara: Finance/Grants, Cannabis, Green Team, NPP
Resolution on this agenda allowing to post RFPs for 2024 professional services. Asked for year-to-date professional bills.

Grants – three resolutions on the agenda tonight. Received update from CDBG and awarded \$167,000 for the project. County allowed update to Cedar Street Park, which was awarded another \$100,000.

NPP had a small meeting this week; one resident provided notice about being unable to participate. No-go on T-Mobile grant but will reapply in 2024. Will be discussing the ARP grant and the receipt of \$262,000 for Beach Park.

Cannabis – no updates from CRC or in regards to litigation. Public hearing tonight on Ordinance #2023-15.

Green Team had table at Red Raider Night. Shared info about beach sweeps, which are rain or shine; participants should bring a bucket and work gloves. November 11th is a weeding of the dunes and has a rain date.

Asked to follow through about supporting seniors, concerning the PILOT extension for Bethany Manor, and regular complaints from those residents.

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

Discussion moving along regarding redevelopment which will be part of executive session tonight. Next Planning Board meeting will be Thursday, October 26th.

MAYOR'S UPDATES

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

- KBBC hired a new administrative assistant, Benny Machado, for 90 days.
- Amazing turn out for Cars and Blues show, which was held at the waterfront because the Mini Park stage not being ready. Thanked Jay Faltings, Melissa O'Connell, and volunteers.
- Wake the Dead Zombie Stroll had a great turnout. Keyport Princess and the Parlour collaborated on a boat ghost tour.
- Bewitched is the next KBBC event and the Clam Diggers will perform. There will be a Witch parade, potions, slime bar, and lots more.
- Attended: T&U Visa event on October 1st with Chief Torres, Council President Davidson and Councilmember McNamara; October 12th grant funding meeting for Cedar Street Park; and October 14th Knights of Columbus Ladies Auxiliary breast cancer awareness event.
- Thanked the Garden Club for the display in front of Borough Hall.

Councilmember McNamara referenced **R23-298** and asked if the shared service agreement is executed every year and why it's retroactive to July, to which the Borough Administrator replied that the delay was due to negotiations. Asked for clarification since throughout the agreement the School Resource Officers (SROs) and Special Law Enforcement Officer (SLEO) III's are under the Police Department except under paragraph D of the second page, which states that the Borough Administrator with input from the Police Chief and District Superintendent have the sole discretion, power, and authority to hire, discharge, and discipline the SRO and SLEO III's. The Borough Administrator responded that she is the appropriate authority for civil service, and day-to-day they report to Chief but personnel matters, discharge, and disciplinary actions come before the administrator pursuant to State law.

PUBLIC COMMENTS

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

Opened: 7:27 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

Michael Warren, 81 Division Street – asked about **R23-300** concerning the lead service grant and a cost estimate. The Borough Administrator explained there is no dollar amount tied to it and it's from NJ DEP and the U.S. EPA to provide the Borough with public assistance for notification and communication purposes. It's about 1700 lines [in need of replacement] but the actual number will be determined once the Borough goes through every construction file to see what changes have been made. More information will be available online soon. The Borough will be applying for grants from multiple funding sources and this grant award covers applying for other grants.

Elmer J. Graham Jr., 22 St. Peters Place – asked for explanation of **R23-306**, which the Borough Attorney explained the purpose of authorizing Requests for Proposals (RFP). Asked about **R23-300** and the Borough Administrator explained it's to begin the application process for grants.

Donna Purcell, 396 Maple Place – announced that the Keyport Board of Health and Monmouth County Health Department are hosting the annual free rabies vaccine clinic on Saturday, November 4th, 10am – noon, at the Public Works garage, 120 Francis Street, Keyport.

John Merla, 34 Broad Street – asked about **R23-307** and whether the Harbor Commission supported it and if it applied to all boaters or just the Yacht Club. Asked about **R23-306** dates, to which the Borough Administrator responded this authorizes the RFP process but the dates will be listed in the request.

Michael Lane, 51 First Street – regarding **R23-306** he asked about the professionals the Borough is seeking.

Closed: 7:36 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

CONSENT AGENDA

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

- 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 **R2023-294 through R2023-307** on the Consent Agenda.

MM: Peperoni 2nd: Davidson

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

PUBLIC HEARINGS/ADOPTION OF ORDINANCES

1. **Ordinance #2023-14– Establishing Elizabeth Street Community Garden Regulations**
The Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING THE KEYPORT BOROUGH CODE TO ESTABLISH WITHIN CHAPTER 9 A CHAPTER ENTITLED “KEYPORT BOROUGH COMMUNITY GARDEN”**

- 1a. Motion to Open Public Hearing: 7:35 PM
MM: Peperoni 2nd: Davidson

Dennis McNamara, 162 Broadway – read a statement noting he presented a simple ordinance the last time he was here. The proposal did not place any additional burden on Borough employees

or increase tax to taxpayers. He understood that the proposal was not considered because it was from an outside entity. Resolution 109-16 was unanimously approved and he takes exception to being deemed an outside entity. As a founding Keyport Garden Club member, he's volunteered for civic pride and enhancement of Keyport's neighborhoods being top. He and a co-manager work in the agricultural field and have experience with managing community gardens. Rather than considering his proposal, this ordinance didn't take input from managing gardeners and places burdens on Borough employees and costs to taxpayers. Urged the Governing Body to drop the ordinance and work with volunteers.

Ed Carew, 64 Broadway, founding member of the Garden Club – asked about the purpose of Borough's open space trust fund, and does the Garden Club have access to any of those funds? Borough Administrator responded no they do not, but explained the process for purchasing supplies. Mr. Carew thinks the \$45 fee is too high and all pesticides should be prohibited, not just nonorganic. Thinks it's ridiculous to prohibit compost. Suggests Garden Club should be exempt from Borough fees for activities – such as the Garden Walk, plant sales, and meetings.

Andrea Shadel, 62 Division Street, founding committee member for the Elizabeth Street Community Garden – discussed composting at the community garden. Spoke about reported rat problem she thinks is a false claim. Feels this newly proposed ordinance is reinventing the wheel and suggests club input be considered.

Clair Skeen, 33 St. Peters Place, founding member of the Garden Club – the garden successfully operated under two previous administrations. The club has welcomed Girl Scout groups and an Eagle Scout candidate built the shed and raised garden beds to accommodate gardeners with special physical needs. Composting is important. Urged dropping the ordinance and working with the club.

Dawn Diamond, 101 Green Grove Ave – identified she's an apartment dweller and appreciates the opportunity to access the community garden and grow her own vegetables. Spoke about Healthy People 2030. Donates food to Keyport Food Ministerium.

Bill Shadel, 62 Division Street – both he and his wife are members of the Garden Club and their house was on the a Garden Walk at one time. He is a lifelong gardener and composter. Performed soil test, fence installed with donated funds and time, gates donated, woodchips donated, DPW brought us water and the fire departments prior to that, border plants are beneficial – they are not weeds - and are donated by members and businesses, and benches are donated. Shed and standing garden beds built by Eagle Scout. Church Street entrance graded and graveled by Apollo Plumbing. Compost bins built and donated by Mike Palmisano.

Michael Warren – reiterated points about composting. Concerned about practically doubling the membership fee and asked how the \$45 amount was determined. Borough Attorney spoke about the fee and the purpose of the ordinance, which is to have a use agreement in place because this is Borough Property. Attorney noted it's crucial to have a formal legal arrangement and was discussed at three or four public meetings. Borough Administrator stated this helps to properly insure the property.

Jennifer Henning, 102 Main Street – Keyport tax payer since 1985. Posited that there wasn't input from the Garden Club. Mayor said the DEP instructed that no Borough property can have composting and it was removed from the Library as well as the community garden. Mrs. Henning thinks the Garden Club should have been included in the thought process for this ordinance. The Borough Administrator explained that an ordinance is necessary to create a mechanism by which an entity can use Borough property. Mrs. Henning hopes the ordinance is tabled and the Borough works with the Garden Club.

Dennis Fotopoulos, 77A Beers Street – understands the need for an ordinance, but the issue is that there was never a good faith dialogue, which the Garden Club deserves. Appreciated the governing body's input, but felt the Borough Attorney should remain impartial.

Borough Administrator explained the timeline, that the ordinance was proposed before receiving anything in writing from the Garden Club.

Councilmember Peperoni asked about the water usage.

Mr. Fotopoulos suggested holding off on the ordinance to engage with the Garden Club.

Council President Davidson asked if there is a DEP exception to composting for community gardens. The Mayor replied that the DEP saw the garden and advised there can be no composting on Borough property, at the Library or community garden.

Bills Shadel – asked about the compost violation. Thinks the \$45 fee is exorbitant. Suggests the Borough codify but omit the prospective provisions.

Andrea Shadel - spoke about the fee compared to the plot size in other towns. Thinks you should table this ordinance and have a discussion with the members. Thinks DEP gave misinformation about composting.

Claire Skeen - has data that contradicts what the DEP said when they came to the Borough. Referenced Andrea citing a conversation and email from Mr. Patel at DEP stating what community gardens have to do. Referenced October 3, 2022 State legislation to allow onsite composting systems. Composting is done elsewhere in the County so invite Mr. Patel here to clear things up.

Donna Purcell – agreed the community garden is a wonderful thing. Asked if there is some way to pass the legality part, and leave out the fee and put that in later and leave out the composting for now.

Mayor Araneo – suggested striking the fee and leaving the compost until we talk to Mr. Patel at DEP.

Council President Davidson – asked if we can have an agreement that the waste stays there. The Borough Attorney said the provision about fees can be struck but certain changes would require the ordinance be reintroduced.

Discussion ensued regarding whether striking fees and leaving compost were substantial changes to the ordinance.

Councilmember McNamara – thinks anyone saying the space created is illegal is wrong; it was created by resolution in 2016, is mentioned in the Master Plan (2017) and Open Space Inventory (2018). The Garden Club had zero access to a draft ordinance until it was introduced two weeks ago, while the Garden Club forwarded a draft ordinance one month ago and nobody spoke to them. The current arrangement has been working since 2016. Doesn't understand why charge almost double for plots, knowing that the increase is from adding an administrative layer to the structure. Referenced the Borough Attorney saying the ordinance will have a lease attached to it, and the Borough Administrator shared a lease agreement from another municipality. Doesn't understand why it's not a simple ordinance with other things being included in a resolution or a lease, in order to avoid incurring fees in the future to amend an ordinance. Other municipalities do this. Communication is nonexistent with folks being ignored. Why were there no conversations with the Community Garden? They've requested dialogue. Saddened by attacks on club that started earlier this year. Embarrassed for this council that priorities have been selected that have had us spending the amount of time that we have on crafting a micromanagement document for an already established community garden that runs efficiently. Asked if anyone uncovered original conversations and intent from March 2016; personally reached out to some council members at the time the garden was established by resolution, who shared positive feedback. We now know it was a March resolution and that the Borough Administrator at the time never followed through with the proper paperwork stipulated in that resolution. The Elizabeth Street Community Garden, with organic practices, community involvement, food pantry donations, and multiple Eagle Scout projects, has been an ongoing source of points for Sustainable New Jersey, allowing the Green Team to maintain a strong bronze status for years. The Borough has been a Sustainable Jersey grant recipient. New Keyport residents said the garden was a factor in selecting this Borough. At the rent control workshop meeting Councilmember Vecchio voiced concern about considering policies that will cost the Borough more to implement than would bring in financially, and previously advocated for the Garden Club on fees before, and spoke about the good the club does in the community. At the April 18th council meeting, every sitting council member was on board with changing the

arrangement for yoga and tai chi on the waterfront. The Borough staff no longer needs to spend weeks recording subscribers, issuing cards, and fielding information calls as a result of an arrangement with the yoga provider to use the site. Asked why this process would come to the Borough instead of allowing the Garden Club to continue doing this. Asked peers on the dais to consider a simpler ordinance that puts a lease in place and allows the club to continue implementing the rules and regulations as directed by the Borough at the longstanding \$25 per plot, which is in line with other communities. This process has left the community garden funds that were designated for necessary gate repairs in limbo and limited subscribers' access to the garden because of that gate. Asked why the council would want to add this property to the small DPW crew workload, given the Borough contracts out some landscape work. Taking on the garden could entail woodchip spreading, fence repairs, gate installation, maintenance, and more. Asked if the Borough will get quotes, work done by volunteers of this group, which would incur more costs than the administrative layer and would impact all taxpayers. The club keeps an annual statement of funds received and expended, which can be shared with the Borough. Asked that this ordinance be tabled for further thought and collaboration.

George Walling, 54 Second Street – asked about who attended the meeting with the DEP, to which the Borough Administrator responded, and if there were meeting notes that would be reviewable under OPRA.

Mike Lane – council scheduled a public hearing on the ordinance. Urged it to be tabled and worked out.

Tim Sharp, 33 Pershing Place – Unclear about the goal of the ordinance. Asked if it's possible to approve and work on the details later.

1b. Motion to Close Public Hearing: 8:50 PM
MM: Peperoni 2nd: Davidson

1c. Motion to table Ordinance
MM: McNamara 2nd: Davidson
Roll Call: Ayes: Demarest, Vecchio, Peperoni, McNamara, Davidson
Nays:
Absent: Reilly
Abstain:

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

The Clerk read the Ordinance by Title: **ORDINANCE AMENDING CHAPTER 5 “GENERAL LICENSING AND BUSINESS REGULATIONS,” AND CHAPTER 25 “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH REGARD TO THE LICENSURE AND REGULATIONS OF CANNABIS BUSINESSES**

2a. Motion to Open Public Hearing: 8:52 PM
MM: Peperoni 2nd: Davidson

Matthew Goode, 82 Third Street – saw we are reducing number of licenses allowed to be issued by the Borough. Keyport was the 20th highest increase taxes in the State. There are three retail cannabis businesses in the county: Eatontown, Neptune, and Freehold Borough. Eatontown is bringing in about \$1 million per month in taxes; people are coming from outside of town and paying these taxes to buy. Freehold opened end of June and already on target for \$250,000 in taxes directly paid to the Borough. Unsure about Neptune. Considering Keyport taxes are high, asked why limit the number of licenses which could maintain or reduce taxes?

Mayor Araneo questioned why would the town want 12 licenses in 1.4 square miles and recognition as the cannabis capitol of New Jersey?

Donna Purcell – agreed with Mayor Araneo wondering how many licenses will be allowed. She would approve it now and amend later.

Jennifer Henning – asked for clarification regarding the number of licenses, the motivation to limit the number of licenses, and the premise of the litigation. The Mayor responded that there

are currently two retailers and the litigation is not currently resolved. By changing the ordinance from two licenses per class to limit it to just to two licenses total, it can be amended and increased later – whether by type of license or number of licenses. The Borough Attorney explained the license application process and that multiple applications were submitted to the Borough and the respondents who were not selected are challenging it. Ms. Henning asked if this helps the Borough avoid being sued and the Attorney responded that there is a new safeguarding clause allowing the Borough to seek indemnification and attempts to minimize the legal defense costs.

Mike Lane – The ordinance should be corrected to note the Borough’s Land Use regulation is 25:1, not 25/1. The Planning Board Engineer was unaware that there are site requirements for cannabis. Stated that the Borough’s Land Use ordinance has clear sight-specific requirements for liquor licenses but there is a huge gap and Planning Board members aren’t aware of cannabis business site requirements.

Dennis Fotopoulos – removing the cultivator license eliminated the lowest hanging fruit for tax revenue. We have an appropriate spot for this, and now with this ordinance, a potential cultivator licensee is out. Likes the security language built into the ordinance. A cultivator is one of the safest facilities to have in a municipality. Asked if the cannabis committee was consulted, to which Councilmember McNamara, a committee member, responded no. The Mayor noted that the litigation is costly and there is no income for the Borough yet.

Elmer Graham Jr. – pleased that this is being handled right.

John Merla – was at the same Planning Board meeting as Mr. Lane. The Planning Board engineer and attorney both made it clear that this was a building approval and they were not approving a cannabis business license. Thinks council took the right direction. We don’t know what to expect with cannabis.

Mike Lane – asked if the Planning Board have any role in the Wells Fargo site.

Council President Davidson explained why the highway applicant had to come before Planning Board. It didn’t have to do with the cannabis business license but with the particular site as a retail space on the highway. With this ordinance, the Planning Board will have more to consider for a future cannabis business.

2b. Motion to Close Public Hearing: 9:22 PM
MM: Peperoni 2nd: Davidson

John K., 38 Main Street – wanted to comment about the siren.

Councilmember McNamara – merit to the Ordinance and the Planning Board issue. Seems the pause on additional licensing has unanimous agreement until the Borough is through litigation. Read portion of Ordinance preamble and paragraph 4. of section 5-17. Noted the increased business license fees would directly impact the two cannabis retailers, for which the Governing Body issued letters of support to the Cannabis Regulatory Commission. The significant annual increase, from \$5,000 to \$25,000, to me is a penalty to the establishments we awarded support to, who have not engaged in litigation, whose road to opening has been hampered, and whose annual fees would increase 500%. Called them this afternoon and discovered they were unaware of this. Acknowledged John Merla’s questioning the prudence of amending this ordinance prior to completion of the litigation. Concerned that the people most affected by this were unaware of the ordinance; recommends tabling until they can attend.

2c. Motion to table Ordinance
MM: McNamara 2nd: (none)
Motion failed

2d. Motion to adopt Ordinance
MM: Peperoni 2nd: Vecchio
Roll Call: Ayes: Demarest, Vecchio, Peperoni, Davidson
Nays: McNamara
Absent: Reilly

Abstain:

- 2e. Motion authorizing the Clerk to publish the Ordinance as adopted
MM: Peperoni 2nd: Vecchio Ayes: all present Nays:

MINUTES FOR APPROVAL

September 19, 2023 Council Meeting Minutes

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

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

Engineer – Reported on status of active engineering projects through September 2023:

- Church Street line replacement per NJNG complete;
- Mini Park substantially completed;
- Priority road plan is ongoing. Meeting with DPW to analyze existing conditions of roads throughout Borough and necessary improvements related to water and sanitary to help the Borough facilitate future projects;
- Active capital projects by CME:
 - NJ DEP tap grant design – will be completed this fall
 - NJ DOT Church Street project – DOT brought back out to complete the punchlist and make sure everything is good by the State and the request is made to the contractor for ponding at Second Street parking lot and cracks in the roadway to be addressed.
 - CDBG Broad Street sidewalk project – substantially complete; overhead singles are being installed Columbus Day, which would complete the project.
 - NJ DOT Butler Street and East Third Street – water improvements are completed, concrete work to follow, tentatively to be completed spring 2024.
 - NJ DOT improvements to Fulton, 7th & 8th Streets – surface course was completed in September, construction to be completed by the end of this year.
 - Cedar Street Park – play structure installed and overall project to be completed next year.

Clerk – Reminders about the General Election (Tuesday, November 7th): early voting is Saturday, October 28th through Sunday, November 5th; locations and additional important election information will be on the Borough website by the end of the week.

PUBLIC COMMENTS

The Meeting was opened to the public for comments.

Opened: 9:32 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

Mary Holtz, 108 Manchester Avenue – 7th and Manchester sidewalk is starting to crack. Borough Engineer noted that project is being handled by CME.

Dennis Fotopoulos – regarding the 7th Street road project, asked whether any infrastructure, like the water lines, change beneath the road before it was finished. Asked Borough Administrator to find out the age of the lines.

Asked Council President Davidson if she recalled putting a hold on the Church Street paving to replace water lines. Is there any way there can be inventory beneath the roads before paving. Mayor said this was discussed. Borough Administrator responded that road pavement projects should be videoed and investigated, taking into consideration stormwater management, and policy needs to be followed.

Asked what road projects are coming up. Borough Engineer stated he's completed assessment of all roads in town and developing matrix of infrastructure needs; pavement is easiest part. Waiting on award for FY 2023 Second Avenue Phase 1. FY 2024 grant application submitted in July for Second Ave Phase 2. Engineer to figure out what has been done since 2005. For the water lines, anything less than 6" is a problem. All will be combined along with biannual meeting with gas company to find out about gas improvements to find opportunity to combine infrastructure improvements and complete the road once.

Asked if Brown's Point PILOT program was being discussed in closed session, and when will it be discussed with the public. Mayor replied that it'll be discussed in closed session and there is no timeframe.

Elmer J. Graham Jr. – recommends We Care Adult Care and recommends their services to Keyport senior citizens.

Michael Lane – concerned about the tremendous increase in taxes over the last 5 years. Noted that Republicans put out a flyer pledging to never support a PILOT.

Elmer J. Graham Jr. – stated that tax issues should be addressed to the New Jersey Legislature and Governor, instead of this body.

Closed: 9:49 PM Motion by Davidson, Carried by Peperoni. Ayes by all present.

EXECUTIVE SESSION

Resolution #2023-308 read by Borough Attorney.

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

RESOLUTION #2023-308

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.

Motion to go into Closed Session at 9:50 PM.

Moved by Davidson, Carried by Vecchio. Ayes by all present.

Council reconvened to Open Session at 10:46 PM.

ADJOURNMENT

Motion to Adjourn

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

Time of Adjournment: 10:46 PM