

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

Mayor Kennedy called the Meeting to Order at 7:00PM. Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

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

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy held a moment of silence of public choosing

Mayor Kennedy provided updates regarding the Agenda.

1. Received a communication on Sunday about the Annual Fire Inspection.
2. Regarding **R218-21** Authorizing the Appointment of a School Crossing Guard – Eddie Becton, the official first name is, “Edgar.”
3. Regarding **R223-21** Authorizing the Purchase of Fire Apparatus Equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, she said that the Public Works utility equipment should be changed to fire apparatus equipment.
4. Regarding **R216-21** Authorizing the Borough of Keyport to Enter into the Developer’s Agreement with PRC-ES Associates, LLC, there are no exhibits and she asked if it goes to the Construction office first for review.

Administrator Delaney – It is not a requirement to be reviewed by a Construction Official.

Mayor Kennedy – She asked about a payment on page three on **R214-21** Payment of Bills for Engineering and which grant it was for.

Administrator Delaney – It is for the TAP Grant.

Mayor Kennedy - She asked about a payment on page six on **R214-21** Payment of Bills for the skate park instruction and that it is her understanding that it did not take place. She asked if the payment could be held until it could be confirmed.

Councilwoman McDermott – She asked if we accept the communication from the Harbor Commission are we accepting the bylaws.

Attorney Leslie London – Be clear on the intent of what you are accepting.

Councilwoman McNamara – Regarding **R216-21** Authorizing the Borough of Keyport to Enter into the Developer’s Agreement with PRC-ES Associates, LLC, the paperwork is five years old. She asked if we should be discussing it since it was five years ago and things may have changed. Regarding **R223-21** Authorizing the Purchase of Fire Apparatus Equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, she asked if there are additional expenses.

Council President Goode – The Fire Chief says this is all in and that there should not be additional expenses.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on items listed on the Agenda at 7:13PM moved by Fotopoulos, carried by McDermott with ayes by all present.

John Merla, 34 Broad Street – Regarding **R214-21** Payment of Bills for the October 19, 2021 Bills List, he asked for an explanation on the \$9,141.00 expenditure from the Recreation Bayfront Improvement which Administrator Delaney provided.

Regarding **R219-21** Authorizing the Appointment of a Part-Time Code Enforcement Officer – Keith Parella, he asked if Council was included in the process. Administrator Delaney said, yes.

Regarding **R222-21** Authorizing the Purchase of a Police Vehicle and Related Equipment through the New Jersey State Cooperative Purchasing Program, he asked what the related equipment was and if training is included. Administrator Delaney provided an explanation.

Michael Lane, 51 First Street – He asked the status of the following items

- First and Waverly Bond
- Update on the plans to address the Aeromarine erosion
- Mariners Village redevelopment
- Complete Streets schedule for Pedestrian Safety Improvement Program meetings
- He asked what the blue and green mark outs are on First Street
- 25MPH speed limit signs and four-way stop signs
- Port 149 Bulkhead project – owner of lots of 20 and 21
- He asked why there are “no parking” signs on Borough owned lots
- NPP flood gates are not working
- Failure of Construction Department to have conditions met before CO’s are issues
- Land Use requirements discrepancies regarding parking
- OEM manual updates regarding fire sirens
- Plans to eliminate Division Street flooding
- Post site plan Ordinances on website
- Regarding **R216-21** Authorizing the Borough of Keyport to Enter into the Developer’s Agreement with PRC-ES Associates, LLC, he spoke about the Bond amount
- Code Enforcement Official salary
- Electrical Sub Code Official salary and hours
- Ownership of lots and Green Acres requirements
- East Third Street flooding and drainage ditches
- Atlantic Street drainage ditches
- 5G and status of poles

Elmer J. Graham, Jr., 22 St. Peters Place – Regarding **R225-21** Resolution of the Borough of Keyport, County of Monmouth, Supporting the Transfer of the Assignment of a Financial Agreement from Bethany Manor to Bethany Manor Urban Renewal as Contract Purchaser, he asked for an explanation which Administrator Delaney provided.

Regarding **R221-21** Authorizing the Purchase of Public Works Equipment through the Sourcewell Cooperative Purchasing Program, he asked for an explanation which Mayor Kennedy provided.

Regarding **R223-21** Authorizing the Purchase of Fire Apparatus Equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, he asked for an explanation which Mayor Kennedy provided.

Regarding **R216-21** Authorizing the Borough of Keyport to Enter into the Developer’s Agreement with PRC-ES Associates, LLC, he asked for an explanation which Mayor Kennedy provided.

Al Litwak of the Harbor Commission – He explained the intent to provide the bylaw updates and said that he is available to answer any questions.

There being no further comments or questions, the Meeting was closed to the public at 7:39PM moved by Davidson, carried by Davidson with ayes by all present.

COMMITTEE REPORTS

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

Council President Goode: Fire/First Aid/OEM/Redevelopment/Finance/Grants/Recreation/Senior Center

- Fire Department correspondence received
- The purchase of a fire apparatus is on the Agenda
- Potential redeveloper for Pedersen’s has new plans
- Correspondence from Brown’s Point Attorney to review
- First and Waverly developer was told JCP&L will not put utilities underground and will apply to the Planning Board
- Lots 20 and 21 ownership and lot lines are shifting

**Councilwoman Pacheco: Police/MAC/Harbor/Complete Streets/Library Construction/Redevelopment/
Public Works/Construction/ Fire Bureau/Property Maintenance/Zoning**

- Harbor Commission bylaws and status of kiosk
- Status of boat ramp dredging and no wake zones
- Red Ribbon week October 25th through 29th
- Read Police Calls for Service report
- Coffee with a Cop
- Video Investigation
- Child Safety Seminar on October 21st
- Operation Take Back – drop off used prescriptions on October 23rd from 10AM-2PM
- Halloween curfews in effect on October 30th and 31st at 9PM
- Follow Police Department Facebook page for road closures

**Councilman Fotopoulos: Finance/Grants/Board of Health/Registrar/Recycling/Environmental/
Complete Streets/Fire/First Aid/OEM**

- Beach Sweeps this weekend October 23rd from 9AM-Noon
- Finance Committee met
- Infrastructure improvements
- \$365K grant funds received, but not yet allocated
- Church Street contract award
- East Third Street storm sewer improvements
- Health report is included in the Agenda
- Shredding event
- Leaf bags available at the Recycling Center on Saturdays from 9AM-Noon
- Pedestrian Safety Improvements meetings
- 25MPH speed limit signs, Trevor continues to follow up
- Four way stop signs at First and Broad Street

**Councilwoman McDermott: Keyport Bayfront Business Cooperative/Neighborhood Preservation
Program/Library Construction/Police/MAC**

- KBBC delivered Keyport Kash to the 5K
- Keyport Kash delivered for the Wellness Walk
- Keyport Kash delivered for the scarecrow contest
- NPP floodgates
- NPP year-2 funding
- DCA representative came today to view NPP projects

**Councilwoman Davidson: Public Works/Construction/Fire Bureau/Property Maintenance/
Zoning/Planning Board/Neighborhood Preservation Program**

- Read Building Department monthly report
- Code Enforcement hire
- Electrical Sub Code hire
- Sewer Jet training

Councilwoman McNamara: Recreation/Senior Center/Green Team/Harbor/Board of Health/Registrar

- Skipper Bus is operating on Tuesday and Thursdays
- Movies on Thursdays
- Charades
- Line Dancing on Wednesdays
- Ceramics began on 10/4
- Spanish lessons on Mondays
- COVID vaccines
- Boosters at Sav-On
- Dining room floor
- November is re-registration for Keyport residents
- December 9th holiday party
- Atlantic City trips
- Trunk or Treat this Saturday at Fireman's Lot
- 5K reported 294 runners finished
- Thanked all who supported the 5K
- Ballfields maintenance
- Rabies Vaccine clinic November 6th

- Green Team reappointments and meeting next week
- Fire sirens

MAYOR'S UPDATES

- American Legion meeting, We Value our Veterans award ceremony
- Board of Education collaboration meeting with Administrator Delaney
- KBBC meeting
- Senior Citizen Advisory Board

Mayor Kennedy asked for updates on the below items

- Anbaric meeting, Administrator Delaney said that they have not responded to any communications.
- Ramp for stage, Administrator Delaney said that it has been ordered, but there is not a confirmed delivery date.
- Swing Set at Kearney Street Park, Administrator Delaney said that they did not make a final selection.
- FEMA submission information, Administrator Delaney said that he has a preliminary report that will be provided.
- Installation of the tennis nets, Administrator Delaney said that they have not been.
- OEM Plan submission, Administrator Delaney said that is ready to be submitted to Council at the next meeting.
- Library hours
- Designated parking space hours in front of the library

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.)

- R214-21 Payment of Bills for the October 19, 2021 Bills List
- R215-21 Amending Resolution #190-21 Authorizing Grant from Monmouth County Planning Board for the 2021 Park Improvement Project – *Cedar Street Park*
- R216-21 Authorizing the Borough of Keyport to Enter into the Developer's Agreement with PRC-ES Associates, LLC
- R217-21 Authorizing the Appointment of Two (2) Class I Special Law Enforcement Officers – *Victor Matay and Derek Martinez*
- R218-21 Authorizing the Appointment of a School Crossing Guard – *Eddie Becton*
- R219-21 Authorizing the Appointment of a Part-Time Code Enforcement Officer – *Keith Parella*
- R220-21 Authorizing the Appointment of a Part-Time Electrical Subcode Official and Electrical Inspector – *Jay Everard*
- R221-21 Authorizing the Purchase of Public Works Equipment through the Sourcewell Cooperative Purchasing Program
- R222-21 Authorizing the Purchase of a Police Vehicle and Related Equipment through the New Jersey State Cooperative Purchasing Program
- R223-21 Authorizing the Purchase of Fire Apparatus Equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program
- R224-21 Authorizing the Award of a Contract for Improvements to Church Street
- R225-21 Resolution of the Borough of Keyport, County of Monmouth, Supporting the Transfer of the Assignment of a Financial Agreement from Bethany Manor to Bethany Manor Urban Renewal as Contract Purchaser

APPROVAL OF RESOLUTIONS

Motion to table **R216-21** Authorizing the Borough of Keyport to Enter into the Developer's Agreement with PRC-ES Associates, LLC moved by Pacheco, carried by McDermott.

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

Motion to approve Consent Agenda with the exception of payment for the skate instruction on **R214-21** Payment of Bills for the October 19, 2021 Bills List, the correction to amend "Eddie" to "Edgar" on **R218-21** Authorizing the Appointment of a School Crossing Guard – Eddie Becton, and to change "Public Works and utility equipment" to "Fire Apparatus" on **R223-21** Authorizing the Purchase of Fire Apparatus

Equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program moved by Goode, carried by McDermott.

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

PUBLIC HEARING/ADOPTION OF ORDINANCE

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

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

1a. Motion to Open Public Hearing at 8:12PM moved by Pacheco, carried by McDermott.

George Walling, 54 Second Street – He asked why Second Street is not on the list.

Administrator Delaney – This amendment was precipitated by the work that’s going on at Church Street.

George Walling – He asked for a list of the streets. Administrator Delaney provided them.

Michael Lane – He said that it should cover all streets that meet the requirements.

There being no further comments or questions, the Meeting was closed to the public at 8:17PM moved by Goode, carried by McDermott with ayes by all present.

Councilman Fotopoulos – He asked if Stone Road allows those vehicles.

Councilwoman Davidson – She asked who notifies the logistics companies for their GPS.

Administrator Delaney – He is not aware of any requirements of notification and that eventually the word does get out.

Councilwoman Davidson – She asked if we can look into one main logistics company to notify.

Chief Torres – She suggested notifying the businesses of the changes.

Councilwoman McDermott- She asked if we can post the notice of the change on our website and also include a color coded map.

Administrator Delaney – He recommends doing Second Street separately by Ordinance.

1b. Motion to adopt Ordinance moved by McDermott, carried by Fotopoulos.

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

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

INTRODUCTION OF ORDINANCES

1. Ordinance – Refunding Bond Ordinance to Realize Interest Cost Savings for the Borough

The Clerk read the Ordinance by Title: **REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF OUTSTANDING GENERAL OBLIGATION BONDS BY THE BOROUGH OF**

KEYPORT, APPROPRIATING \$1,050,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,050,000 REFUNDING BONDS OF THE BOROUGH TO FINANCE THE COST THEREOF

Administrator Delaney explained the purpose of the Ordinance. He said that it is essentially refinancing the Bonds and will save approximately \$75k over the course of the remaining five years.

1a. Motion to introduce was moved by Pacheco, carried by Goode.

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

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

2. Ordinance – Establishing Land Use Regulations and Licensing Requirements for Cannabis Businesses

The Clerk read the Ordinance by Title: **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 25 “ZONING” AND 5 “LICENSES” OF THE CODE OF THE BOROUGH OF KEYPORT ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR CANNABIS BUSINESSES**

Councilwoman McDermott – She had a question on the map and said that there were no supporting documents or forms.

Attorney Leslie London – The forms are more of a directive coming from the CRC and that she doesn’t know if anyone has applications yet. It is okay to proceed with the Ordinance at this time.

Administrator Delaney – The map is for informational purposes and is not part of the Ordinance.

Mayor Kennedy – Please mark the map “unofficial” and place it on the homepage with the Ordinance.

Councilwoman Davidson – She asked if we can get a sample form from another state for the website.

Attorney Leslie London – She will try to find some.

Councilwoman McNamara – She asked who is responsible for the application and if there are any updates.

Councilman Fotopoulos – He asked if the setbacks are established at the Planning Board level.

Trevor Taylor – The Zone determines the setback.

Attorney Leslie London – The smell is covered in the Ordinance.

Councilman Fotopoulos – We should look at the Zoning Ordinance next.

Chief Torres – She asked why we left out parks and playgrounds.

Trevor Taylor – On page four, number ten, regarding distances, he asked if it is from the structure or actual lot line.

Council President Goode – The intent was “door-to-door.” He thinks that by adding in playgrounds it will cause more questions than we need to.

Administrator Delaney – He thinks that the only playground that would be affected is Beach Park.

Attorney Leslie London – It is defined in another municipality from “property line to property line.”

2a. Motion to introduce with the change to page four, number ten, “No Cannabis Business shall be located within the following distances, measured door- to-door from the specified land uses listed below” and forward to Planning Board for review moved by Goode, carried by Pacheco.

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

2b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by Goode, carried by Pacheco with ayes by all present.

Motion to forward the Ordinance to the Planning Board for review was moved by Pacheco, carried by Goode with ayes by all present.

COMMUNICATIONS BY CONSENT
(For Approval)

1. Application for Membership in Lincoln Hose Company from Sean Walsh (subject to State approval) and notification that at the September 14, 2021 meeting the membership accepted the resignation of John Kovacs Jr. (deceased) as an active member
2. Amended Application requesting Use of Borough Property changing the date for a previously approved wedding ceremony to be held at the Waterfront Park Gazebo from Sunday, October 17, 2021 at 1:45PM to Sunday, October 24, 2021 at 1:45PM
3. Request from Chief Borsari for the Fire Department to hold their annual inspection at Fireman’s Lot on November 6, 2021 at Noon. In the event of inclement weather, the inspections will be held inside the individual buildings and they shall travel as a group (Borough Officials, Chiefs and guests).

(To Receive and File)

4. Email from Harbor Commission Chairperson requesting consideration of the proposed draft bylaws.

Mayor Kennedy – She asked that the Harbor Commission be invited to the next meeting and placed at the beginning of the Agenda for discussion.

Discussion ensued amongst the dais regarding purchasing procedures.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve and receive/file Communications by Consent items moved by Goode, carried by Pacheco.

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

MINUTES FOR APPROVAL
October 5, 2021 Regular Meeting

Motion to approve minutes moved by McDermott, carried by McNamara with ayes by all present.

REPORTS

1. Municipal Clerk’s Report for September 2021
2. Tax/Water/Sewer Collector’s Report for September 2021
3. Board of Health Treasurer’s Report for September 2021
4. Building Department Monthly Report for September 2021
5. Municipal Court Monthly Report for September 2021
6. Keyport Fire Department PIO/PR Report for September, 2021

Motion to receive and file moved by Davidson, carried Pacheco by with ayes by all present. Council President Goode abstained due to stepping out.

NEW BUSINESS

Mayor Kennedy read the Red Ribbon Week Proclamation

UNFINISHED BUSINESS

None

ATTORNEY'S REPORT

None

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:23PM moved by Pacheco, carried by Davidson.

Andrew Kelsey, 29 St. Peters Place – He asked if the parking lot at Church and Second Street will be paved and how many spaces will be permitted.

John Merla – He asked how we get the NPP enclosures that were hit replaced.

Administrator Delaney – The insurance handles it.

John Merla – Years ago we had an agreement with the County to maintain the County property. The 45 Beers Street property has had seven poles out for seven months. Regarding the sirens, he said to tell County dispatch to not set them off. He said that Waverly Street underground utilities are three-quarters paved, one –quarter stone, and now hay.

Mayor Kennedy – She asked Trevor to follow up about Waverly and First Street.

George Walling – He asked the status of the dumpster enclosures.

Michael Lane – He asked the status of Aeromarine bulkhead and erosion.

Council President Goode – We met last week and we told them that item needed to be addressed.

Michael Lane – The Ordinance states that they have to maintain the bulkhead. He asked about the status of resolving the inconsistencies in Ordinances.

Administrator Delaney – The plan is to get comments from the Planning Board.

Michael Lane – He asked for the time for the Flood Damage Prevention Ordinance. FEMA instituted a revised model that the Engineer should review. The model Ordinance is on the DEP website.

Administrator Delaney – There is a 45-day review process.

Michael Lane – We need to get out in front of the utility pole issues.

Andrew Kelsey – He asked for a copy of the lot line survey.

Elmer J. Graham, Jr. – He asked Council to adopt a resolution honoring General Colin Powell who passed away a couple of days ago. The sidewalks around the Borough look like a disgrace and he asked why we can't use grants to improve them.

Jack Straub, 235 Main Street – The KBBC ballots went out recently. He asked Attorney Leslie London if she had any involvement in the process and asked Mayor Kennedy if she had any updates on the KBBC status.

Harry Aumack, 52 Kearney Street – He spoke about the County dispatch sending out sirens and that the Firemen would like it to stop as well.

Mayor Kennedy – She asked Council President Goode to obtain a letter from the Board of Fire Chiefs regarding the sirens.

There being no further comments or questions, the Meeting was closed to the public at 9:55PM moved by Fotopoulos, carried by Davidson with ayes by all present

ADJOURNMENT

Motion to Adjourn at 9:55PM moved by Pacheco, carried by Goode with ayes by all present.