

Minutes of the Regular Session Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, NJ, pursuant to the adoption of 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 7:03PM and Deputy Borough Clerk Michele Clark read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Cooper, Goode, Fotopoulos, and McDermott. Others present: Mayor Kennedy, Borough Administrator Stephen Gallo, and Borough Attorney William P. Opel, Esq. Councilwoman Pacheco arrived at 7:24PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Moment of Silence dedicated to all who have served this Country

COMMITTEE REPORTS

Councilman Sheridan: Finance/Grants/Redevelopment/LEPC

- Historical Society had its Tea and Fashion Show Saturday, October 19th; the fundraiser went very well;
- Candlelight House tour is December 14th- we have a good number of houses scheduled;
- Thanked the Environmental Commission and Councilmembers Fotopoulos and McDermott, who came to weed at Cedar Street Park dunes; the weather cooperated - thanks to all who helped!
- The Keyport Skipper is running on Sundays; started on November 3rd; spread the news; Tuesdays and Thursdays there is an inner- loop around Keyport; Sundays goes to regular stops and houses of worship.

Mayor Kennedy - When was it stickered? Is it a temporary magnet?

Councilman Sheridan - NJT needs to approve any decals put on the bus, bus needs to get cleaned first; needs regular cleaning because it is being used more.

Mayor Kennedy - Can we get a driver holiday rate?

Councilman Sheridan - Same pay rate.

Councilman Cooper: Recreation/Senior Center/Green Team

- Recreation Committee only has half the normal staff - postponed the meeting to next month.
- Senior Center- Freehold Council on Aging meeting, grab-n-go bag to all who are over 60 for their medication, emergency contacts, etc.

Councilman Goode: Fire/First Aid/Emergency Services/Planning Board

- Read October's Fire Department call for service report.
- The annual Fire Chief's elections will be held in November.
- Planning Board use variance – Letter regarding changes to Zoning Ordinance.

Mayor Kennedy - They were supposed to have a drill last Saturday with DPW

Councilwoman Pacheco: Police/MAC/Harbor Commission – Not Present.

Councilman Fotopoulos: Board of Health/Registrar/Recycling/Environmental/MAC

- Read Registrar's Report for October; \$2,421.20 collected, most collected was in death certificates; one chicken permit was submitted.
- The Recycling Committee met; need a new cardboard dumpster; discussed the new recycling brochure; discussed website content; link to the County website; Federal level recycling information will be listed if found; Recycle Coach information was updated.
- Environmental Commission met, Councilman Goode attended; Beach Sweeps was a

success, 1,000 lbs of garbage removed; yoga mat, folding chair, and an *empty* bag of cremated human remains were some of the more interesting items collected; sand was piled up in the Park which was cleaned by DPW.

- Dune grass planting: Volunteers from the Environmental Commission and the community at large participated, as well as Scout members; gratitude to those who helped. Thanks to Councilmembers Sheridan and Pacheco, Mike Tomasello, Heather Miller, Jim Aumack, Scout Troops, Keyport schools, and National Honor Society members, Steve Gallo's expertise and the Community.

Mayor Kennedy - mentioned that she received Sustainable New Jersey report.

Councilwoman McDermott: Public Works/Construction/Zoning/Property Maintenance/
Library/Harbor Commission/KBBC

- There will be a Valentine's Day Dance; save-the-date sent out to schools
- Thanked DPW for their support; water lines flushed at Benjamin Terry and Veteran's Parks.
- Fire Code Inspection; read monthly Building Department report
- Clean Communities litter patrol
- Scarecrow Contest was a success
- Library Board member vacancy
- KBBC meeting for November date to be determined
- Holiday Tree lighting coming up
- Historical Society House Tour
- Request for NPP grant application by KBBC Board Members
- Thanked the Library Director for her work.

Mayor Kennedy - Good work on the roof at the Recycling Yard; Clean Communities truck and K-1 needs logos.

Mr. Gallo - Spoke about Best Practices; dune grass was delivered Saturday morning.

Councilwoman Pacheco arrived at 7:24PM

ADMINISTRATOR'S REPORT

Mr. Gallo reported on the following:

- Met with Redevelopment Counsel
- Met with potential Parking Consultant
- Held a meeting with the Developer of 75 Manchester
- Held a logistics meeting regarding the Keyport 5K
- Held a meeting regarding 149 West Front Street
- Held interviews for Deputy Court Administrator
- Attended KBBC meeting
- Held and update meeting on the Water Treatment Plant
- Participated in the Consultant selection process for our Complete Streets project
- Met with Ken Schwartz
- Participated in a special meeting of the Borough Council
- Commenced negotiations with the Keyport PBA

Ongoing Capital Projects

- Perry Street Water Treatment Plant Upgrades (funded through USDA-RD program)
- FEMA Funded Hazard Mitigation Grant Program Projects (HMGP)
- 2018 Roadway Improvement Project Phase 1 is complete
- 2019 Roadway Improvement Project Phase 2 is underway
- 2019 Roadway Improvement Project Phase 3 has begun
- Beach Park and Beers Street Outfall Reconstruction
- Improvements to Main Street Park
- Improvements to Kearney Street Park
- Library Chimney Replacement

- Flood Damage Prevention Ordinance
- TAP Grant Pedestrian Safety Project
- NJTPA Complete Streets
- Neighborhood Preservation Program (NPP)

Pending Grant Applications

- NJDOT Municipal Aid Grant FY2020, Improvements to Church Street (First to Atlantic)
- NJDOT Bikeways Grant FY2020, Broad Street and Main Street Bikeway Improvements
- NJDOT Safe Streets to Transit FY2020 - Green Grove Avenue Pedestrian Bridge
- Municipal CDBG FY2020—Broad Street Sidewalk Improvements (Maple Place to Route 36)
- Non-Profit CDBG FY2020—First Aid Squad Building Improvements

Redevelopment

- Mariners Village
- Longview Boatworks
- 75 Manchester
- Parking Deck Redevelopment
- Aeromarine
- Highway Redevelopment District

Other:

- Tech Review
- Library Bond
- NJ Route 35 Resurfacing

Mayor Kennedy - Any update on the Wi-Fi?

Mr. Gallo - Now that the phones have been completed, that's the next step.

Mayor Kennedy - Asked about the Longview Boatworks project, different CAFRA requirements.

Mr. Gallo – Will look into it.

Mayor Kennedy - Can we correct the clock on the waterfront? Also, lamps are not coming on at dark. Replaced the lantern in front of Jacks. American Legion Drive lamp is still out for a year now. The Menorah will be here for the tree lighting. Cedar Street swing set, add caution tape?

Mayor Kennedy - Asked about Atlantic Street water main break.

Mr. Gallo - No leak was identified.

Mayor Kennedy - Asked about Emergency vehicle drivers checked and policy for when robo-calls go out?

Mr. Gallo - Is in the middle of revising the policy.

MAYOR'S UPDATE

Mayor Kennedy gave an update on the following:

- Happy Thanksgiving!

Councilman Fotopoulos - Second Street parking lot - equipment is being stored there. Is that OK?

Mr. Gallo - Spoke to Trevor Taylor about it.

Councilman Cooper - People on Kearney Street want to thank Mr. Gallo for the paving work done.

Councilwoman McDermott - Asked when will East Third Street will be paved.

Mr. Gallo - Sewer alignment work being done now and resurfacing will be after that.

Mayor Kennedy - Fire hydrant down on Maple/Van Dorn. Can we talk about putting a decorative box over it?

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.)

R284-19 Payment of Bills

R285-19 Authorizing Execution of an Assignment and Assumption of the Developer's Agreement between Keyport Homes, LLC and 138 Broad Street, LLC, for Approved Construction at 138 Broad Street in the Borough

R286-19 Ratifying and Confirming the Action of the Borough Administrator in Executing Emergency Interconnection Operating Agreement between the Borough of Keyport and the Township of Aberdeen

R287-19 Authorizing the Extension of an Agreement with Ameriflex to Provide Employee Flexible Spending Accounts

R288-19 Authorizing Letter of Support to Reformed Church of Highland Park

R289-19 Canceling Property Taxes for Properties that are now Borough owned and Exempt. Through Foreclosed Municipal Tax Sale Certificates

R290-19 Certifying the Cost of Cleaning Up Properties and Placing a Lien Upon Such Lands – 43 Fulton, 45 Oak and 1 & 3 Walnut Terrace

R291-19 Authorizing Request for Reduction of Sewer Portion of Water/Sewer Bill Due to Leak – 54 Third Street

R292-19 Authorizing Request for Reduction of Sewer Portion of Water/Sewer Bill Due to Leak – 60 Chandler Avenue

R293-19 Authorizing Sick Day Buy Back for Non-Union Employees

R294-19 Authorizing the Hiring of a Bus Operator for the Borough – Joyce Zweidinger – and Setting Compensation Rate for all Bus Operators at \$17.00 Per Hour

R295-19 Authorizing the Hiring of a Plumbing Inspector/Subcode Official for the Borough – Joseph Crane

R296-19 Resolution Setting the Time and Place of the 2020 Borough of Keyport Reorganization Meeting

R297-19 Resolution of the Governor's Council on Alcoholism and Drug Abuse for Fiscal Grant Cycle July 2020-June 2025

R298-19 Ratifying and Confirming the Action of the Borough Administrator in Permitting ABC Studios/Emergence to Use the Main Parking Lot for a Negotiated Fee

R299-19 Authorizing the Extension of a Plenary Retail Consumption License to the Executrix of the Estate of Charles Merla, Deceased

R300-19 Resolution Authorizing the Issuance of a "New" Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding Keyport Liquor 3, LLC

R301-19 Resolution Authorizing the Issuance of a "New" Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding 6 Broad Street Waterfront Liquor, LLC

R302-19 Authorizing Payment in Excess of the Quote Threshold for Necessary Repairs Made to Equipment Owned by the Borough

Mayor Kennedy - Questions about **R286-19** Ratifying and Confirming the Action of the Borough Administrator in Executing the Emergency Interconnection Operating Agreement between the Borough of Keyport and the Township of Aberdeen, **R297-19** Resolution of the Governor's Council on Alcoholism and Drug Abuse for Fiscal Grant Cycle July 2020-June 2025 and **R298-19** Ratifying and Confirming the Action of the Borough Administrator in Permitting ABC Studios/Emergence to Use the Main Parking Lot for a Negotiated Fee. Who wrote them? On the Payment of Bills, there's a payment to pay for tree removal company. On page 13 on Payment of Bills, life rings for the waterfront were purchased? Regarding **R288-19** Authorizing

Letter of Support to Reformed Church of Highland Park -this is for six properties?

Mr. Gallo – This new round is only for two.

Mayor Kennedy - Asked about **R293-19** Authorizing Sick Day Buy Back for Non-Union Employees. Is there anything regarding vacation? Are Any union contracts due this year?

Mr. Gallo - December 2020 ending for the current contracts.

Mayor Kennedy - Regarding **R295-19** Authorizing the Hiring of a Plumbing Inspector/Subcode Official for the Borough – Joseph Crane. Are we processing the paperwork yet?

Mr. Gallo - Will make sure all paperwork is in place.

Mayor Kennedy – Asked about **R300-19** Resolution Authorizing the Issuance of a “New” Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding Keyport Liquor 3, LLC and **R301-19** Resolution Authorizing the Issuance of a “New” Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding 6 Broad Street Waterfront Liquor, LLC.

Attorney William P. Opel, Esq. - Explained the reason for the language.

Councilman Sheridan – Regarding **R294-19**, Authorizing the Hiring of a Bus Operator for the Borough-Joyce Zweidinger- and Setting Compensation Rate for all Bus Operators at \$17.00 Per Hour, asked what paperwork is needed before she can start?

Mr. Gallo - CDL license and CDL physical.

Councilman Sheridan - One driver taking time off.

Councilman Goode - Regarding **R300-19** Resolution Authorizing the Issuance of a “New” Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding Keyport Liquor 3, LLC and **R301-19** Resolution Authorizing the Issuance of a “New” Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding 6 Broad Street Waterfront Liquor, LLC, - did we get copies of the Petitions? Yes.

Regarding **R288-19** Authorizing Letter of Support to Reformed Church of Highland Park, can we omit the language “low income?”

Councilwoman Pacheco - Can we say “non-deed restricted?”

Attorney William P. Opel, Esq. - Would make a clarification as to deed-restriction.

Mayor Kennedy - **R285-19** Authorizing Execution of an Assignment and Assumption of the Developer’s Agreement between Keyport Homes, LLC and 138 Broad Street, LLC, for Approved Construction at 138 Broad Street in the Borough needs to be amended. The second “Whereas” – the new address is 7 and 9 Warren Street. Now they face Warren Street, not Broad Street.

Attorney William P. Opel, Esq. - will amend. “More commonly known as 7 and 9 Warren Street, previously known as 138 Broad Street.”

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on resolutions listed on the Consent Agenda at 8:02PM moved by Sheridan, carried by Cooper with ayes by all present.

Andrew Kelsey, 29 St. Peter Place - Asked has water been tested on water leak. He asked about dune grass and if sand on ball fields abated.

Councilman Fotopoulos - Yes.

Councilwoman Pacheco - We will be planting more dune grass on Saturday.

George Walling, 54 Second St – Regarding **R295-19** Authorizing the Hiring of a Plumbing Inspector/Sub code Official for the Borough – Joseph Crane, he asked if all of his certifications are in order.

Mr. Gallo - We contacted DCA, they advise he is qualified.

Elmer J. Graham, Jr., 22 St. Peter - Happy Thanksgiving! Asked for explanations of **R285-19** Authorizing Execution of an Assignment and Assumption of the Developer's Agreement between Keyport Homes, LLC and 138 Broad Street, LLC, for Approved Construction at 138 Broad Street in the Borough, which the Borough Administrator provided.

Attorney William P. Opel, Esq. - Expounded on **R285-19** Authorizing Execution of an Assignment and Assumption of the Developer's Agreement between Keyport Homes, LLC and 138 Broad Street, LLC, for Approved Construction at 138 Broad Street in the Borough.

Elmer J. Graham, Jr. – Asked for an explanation of **R286-19** Ratifying and Confirming the Action of the Borough Administrator in Executing the Emergency Interconnection Operating Agreement between the Borough of Keyport and the Township of Aberdeen, which the Borough Administrator provided. Mr. Graham asked for an explanation of **R287-19** Authorizing the Extension of an Agreement with Ameriflex to Provide Employee Flexible Spending Accounts and explanation of **R294-19** Authorizing the Hiring of a Bus Operator for the Borough – Joyce Zweidinger – and Setting Compensation Rate for all Bus Operators at \$17.00 Per Hour. He asked how did we arrive at \$17 per hour?

Administrator Gallo - That is a reasonable rate for a CDL driver with passenger endorsement.

Elmer Graham, Jr. – Asked for an explanation of **R302-19** Authorizing Payment in Excess of the Quote Threshold for Necessary Repairs Made to Equipment Owned by the Borough. Mr. Gallo provided an explanation.

Elmer J. Graham, Jr. - Asked when more public meetings will be held on 75 Manchester. Mr. Gallo said in December.

Elmer J. Graham, Jr. – Asked for an update on the Complete Streets project and progress of Governor coming to Keyport.

Councilman Fotopoulos - Spoke to Senator Declan O'Scanlon, author of Tax Pilot Program. He offered to come speak to us.

Mike Lane, 51 First Street - Asked about **R288-19** Authorizing Letter of Support to Reformed Church of Highland Park—is it a single family home?

Mr. Gallo - There is no application yet.

Mike Lane – Regarding **R288-19** Authorizing Letter of Support to Reformed Church of Highland Park, who makes distinction it should be Borough-owned property?

Mr. Gallo - The CFO brought it to our attention and it was approved by the Council. The town is still obligated to pay a portion of the assessed property taxes to the County, even if the town hasn't received any monies from the owner, so it is advantageous to have such property owned by the town, without a tax obligation.

Mike Lane - Two properties on each side of Luppataong Creek (west side) heavily eroded and Borough-owned. Used to be bulk-headed. Now two pieces of property without a bulkhead.

Encouraged us to get rid of it. Regarding **R300-19 [sic] R299-19** Authorizing the Extension of a Plenary Retail Consumption License to the Executrix of the Estate of Charles Merla, Deceased, spoke about issues with the bar and asked if anyone spoke to Susan Merla about these issues. Suggested maybe Police Chief speak to her.

Mayor Kennedy - Doesn't think it's the responsibility of the Chief to speak to her.

Mr. Gallo - You're referring to **R299-19** Authorizing the Extension of a Plenary Retail Consumption License to the Executrix of the Estate of Charles Merla, Deceased, not **R300-19** Resolution Authorizing the Issuance of a "New" Liquor License upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2019-2020 License Term and to Permit Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2019-2020 License Term Regarding Keyport Liquor 3, LLC. Will talk to the Chief and Captain about this.

Councilman Cooper – Is it only Merla's bar you have an issue with, or are there others in town?

Mike Lane - No.

There being no further comments or questions, the Meeting was closed to the public at 8:21PM moved by Sheridan, carried by Pacheco with ayes by all present.

APPROVAL OF RESOLUTIONS

Motion to approve items listed on the Consent Agenda moved by Sheridan, carried by Cooper.

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
 Nays:
 Absent:
 Abstain:

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance #18-19 – Amending Salary Ordinance to Add Management Assistant

The Deputy Clerk read the Ordinance by Title: **ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPERSEDING THE ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT**

Mayor Kennedy: wants to table this until the next meeting.

- 1a. Motion to Open Public Hearing at 8:23PM moved by Goode, carried by Sheridan with ayes by all present.

Elmer J. Graham, Jr. - Asked for an explanation, which the Borough Administrator provided.

Mike Lane - Ordinance just adds a line item, is there a Statement of Work?

Mayor Kennedy - Yes, but not listed with the Ordinance.

Attorney Gallo - Employee will run NPP and assist with other work I have to accomplish. It is a grant-funded position.

Councilman Fotopoulos - Are we required to have an NPP Coordinator? Spoke in favor of the position.

Attorney Gallo - There's too much work and not enough people to do it. We will have this position filled.

Councilman Fotopoulos - We have resumes and interviews scheduled.

Councilman Goode - We are amending this Ordinance to add this position whether we fill it or not.

There being no further comments or questions, the Meeting was closed to the public at 8:29 PM moved by Sheridan, carried by Goode with ayes by all present.

1b. Motion to adopt Ordinance moved by Goode, carried by Pacheco

Roll Call: Ayes: Sheridan, Goode, Pacheco, Fotopoulos
Nays: McDermott
Absent:
Abstain: Cooper

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

2. Ordinance #19-19 – Amending Chapter XXV Land Use Regulations

The Deputy Clerk read the Ordinance by Title: **AMENDING CHAPTER XXV, LAND USE REGULATIONS, TO REFLECT REVISIONS TO THE GENERAL COMMERCIAL DISTRICT (GC) REGULATIONS**

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

Elmer J. Graham, Jr. - Asked for an explanation of the Ordinance, which Attorney Opel provided.

Mike Lane – This was before the Planning Board last week and the vote was unanimous that this Ordinance needs to be changed. Reiterated the requirement for twenty (20) foot setbacks. Recommended to revise the Ordinance to align with the recommendations of the Planning Board.

Councilman Goode – What is your opinion of adequate buffers?

Mayor Kennedy -Twenty (20) foot setback between residential properties and general Commercial Zone. Others she feels are recommendations.

Councilman Fotopoulos - We agree with the twenty (20) foot setback—issue is the fencing. Setback only applies to a right-of-way, like Broad St. in Red Bank, but we don't have that.

Mr. Gallo - No problem making the change to the Ordinance for the twenty (20) foot setback. Will adopt to include the twenty (20) foot setback. We will not hold off adoption for a recommendation.

Councilwoman Pacheco - Does the fence have to be permanent?

Mayor Kennedy - It was not discussed.

Attorney William P. Opel, Esq.: There are two (2) options:

1. Disapprove or change by majority vote
2. Reject and put on record the reason for rejection

Mayor Kennedy - So, is the twenty (20) foot setback a substantial change or not?

Attorney William P. Opel, Esq. - If the Council wants to add the new language “All uses shall be conducted in a completely enclosed building...”, it is not a substantial change. If adding the twenty (20) foot setback, the Ordinance should be reintroduced.

Discussion ensued regarding fencing and setback.

There being no further comments or questions, the Meeting was closed to the public, moved and carried with ayes by all present.

- 2b. Motion to adopt Ordinance with amended language regarding setback moved by Sheridan, carried by Cooper.

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain:

- 2c. Motion authorizing the Deputy Clerk to publish the Ordinance as adopted moved by Sheridan and carried by Pacheco with ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance – Amend Parking Restrictions at Union Street

The Deputy Clerk read the Ordinance by Title: **AMENDING CHAPTER VII, TRAFFIC, SCHEDULE IX, ONE-WAY STREETS, TO REFLECT REVISED TRAFFIC REGULATIONS FOR UNION STREET**

Mayor Kennedy: When school is in session, Union Street is closed off with a rusty tire rim. The First Aid allows teachers to park in their lot.

Motion was made to table this Ordinance moved by Sheridan, carried by Pacheco with ayes by all present.

COMMUNICATIONS BY CONSENT

(For Approval)

(To Receive and File)

1. Email dated October 22, 2019 from Mike Lane suggesting a letter of appreciation for the 1988 “Save the Park” team.
2. Email dated October 12, 2019 from Mike Lane regarding flooding on Beers Street.
3. Email dated October 18, 2019 from Mike Lane regarding opposition to the NESE pipeline project.
4. Email dated October 21, 2019 from Mike Lane regarding the draft NPP area map.
5. Letter dated October 22, 2019 from the Monmouth County Clerk regarding the “Honoring Our Heroes” initiative.
6. Letter dated October 23, 2019 from NJ DEP approving the Borough’s application for a Green Acres matching grant of \$71,250 for Kearney Street Park Improvements.
7. Letter dated October 23, 2019 from Mike Lane with resident signatures regarding the 75 Manchester site.
8. Email dated October 25, 2019 from CFO Tom Fallon regarding the Borough’s Best Practices Inventory.
9. Email dated October 29, 2019 from Citizens Improving Affordable Housing attaching correspondence regarding affordable housing legislation.
10. Email dated October 30, 2019 from John Campbell reporting a missing street sign at the intersection of Beers Street and Elizabeth Street. Response provided by Captain. Torres.
11. Email dated October 30, 2019 from Mike Lane attaching a photo of flooding on Beers Street.
12. Letter dated November 4, 2019 certifying the results of the KBBC election.
13. Email dated November 4, 2019 from Gay Lee Benedict tendering her resignation from the Keyport Library Board of Trustees effective immediately.
14. Letter received November 6, 2019 from the Church of Saint Mary the Virgin regarding a final Eucharistic Celebration at 10:00AM on December 8, 2019, with a luncheon to follow.
15. Application dated November 8, 2019 from Chris Tucci for use of the Waterfront Park gazebo for a wedding ceremony on Saturday, November 23, 2019 at 4PM.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions on the Communications listed above at 9:13PM moved by McDermott, carried by Sheridan with ayes by all present.

Elmer J. Graham, Jr. - Asked for an explanation of Communications #8 and 9, which Borough Administrator Gallo provided.

Ted Polk, 28 Manchester - Regarding item #7 and the meeting coming up, it is discouraging to hear he will present project with eighty (80) units.

Mr. Gallo - We discouraged him, but he believes when you hear his presentation, you will be impressed.

Councilman Fotopoulos - Did the Developer see the letter from the residents?

Mr. Gallo - No, but we will send it.

Tetyana Boyko, 78 Manchester - We signed the letter. Has any member contacted the developer? We will deliver the letter. The building is unsafe.

Mr. Gallo - We cannot force anyone to demolish. The Engineer said the building is sound.

Tetyana Boyko - Wants the owner to clean it up.

Andrzej Bakun, 80 Manchester - The building is in bad shape. When the wind blows, metal parts from that building end up on her property.

Mr. Gallo - The engineer states that the building is structurally sound. We have been issuing fines. The owner pays the fines. We will continue to impose financial penalties.

Mayor Kennedy - We have encouraged the owner to sell. Previous offers fell through. So many more steps before anything permanent is decided.

Mike Lane - Is the Engineering Report available?

Mr. Gallo - Provided the report to Mike Lane.

Mike Lane - Was the report provided to Beacon?

Mr. Gallo - We will share the report.

Mike Lane - The Building should be secured.

Mr. Gallo - We will send Property Maintenance out again.

Mike Lane - Regarding his NPP email, the map and definition does not agree with the Resolution. It was a draft map.

Mr. Beuhler - Explained there is a new Zoning Map. It doesn't have to agree.

Elmer J. Graham, Jr. - Understands the concerns about the building.

There being no further comments or questions, the Meeting was closed to the public at 9:39PM moved by Sheridan, carried by Fotopoulos with ayes by all present.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve items listed on Communications by Consent and receive and file moved by Fotopoulos, carried by Sheridan.

Roll Call: Ayes: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott
Nays:
Absent:
Abstain

REPORTS OF DEPARTMENTS

1. Municipal Clerk's Report for October 2019
2. Tax/Water/Sewer Collector's Report for October 2019
3. Board of Health Treasurer's Report for October 2019
4. Building Department Monthly Report for October 2019
5. Municipal Court Monthly Report for October 2019
6. Tax Assessor's Report for October 2019
7. Tax Sale Report for 2019

Motion to receive and file moved by Sheridan, carried by Pacheco with ayes by all present.

NEW BUSINESS

1. "Save the Park" team letter of appreciation

Councilman Sheridan: motioned to table this item—ayes by all present.

2. "Honoring Our Heroes"

Mayor Kennedy - explained the purpose and said she forwarded the information to the KBBC. Also, the Government Community Award requires a small committee be put together

Councilman Sheridan – Yes.

Councilman Cooper - Yes.

Mayor Kennedy - Suggested the KBBC

Councilman Sheridan - Chair

3. Ordinance amending Chapter II of the Borough Code

Mayor Kennedy asked how these amendments originated.

Councilman Goode explained a few reasons, trying to get some structure.

Mayor Kennedy - It implies we are changing the form of government, removing powers of the Mayor.

Councilman Goode - Cannot find anything regarding Mayor/Presiding Officer to set an agenda. Found Mayor can propose. We are not trying to change the form of government

Councilman Fotopoulos - This is about establishing guidelines. Items (c): do we have a definition of "establishing?"

Councilman Cooper - Thinks we should discuss this in closed session.

Councilwoman McDermott - Are we aligned with other Boroughs?

Mayor Kennedy stated the Statute and Powers of the Mayor.

Councilman Sheridan - No issues with the Mayor setting the agenda. She has done a great job improving the agenda and with distribution.

Councilman Fotopoulos - Likes to know who is being appointed to committees ten (10) days in advance.

Councilwoman McDermott - Need to look at the entire document, not just a section.

Attorney William P. Opel, Esq. - Will provide memo as to powers under form of government.

Add to December 3rd New Business

- Mini-Park
- Letter from Monmouth County

Councilmember Sheridan – Can we add Councilmembers for NPP?

UNFINISHED BUSINESS

Councilwoman McDermott - application for kayak lockers to be sent to the Harbor Commission.

ATTORNEY'S REPORT

Honor Heroes - delegate Councilman Sheridan to look into it; recommend how the Borough will proceed.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 10:19PM moved by Sheridan, carried by Pacheco with ayes by all present

George Walling - Regarding **R238-19** Authorizing Award of Funds for Keyport Cub Scouts Pack 364 for Program Fees Pursuant to 2019 Keyport Recreation Micro-Grant program and **R237-19** Authorizing Award of Funds for Keyport Boy Scout Troop 364 for Program Fees Pursuant to 2019 Keyport Recreation Micro-Grant Program Resolutions, asked Councilman Sheridan about his vote.

Councilman Sheridan - Wanted it to be open to all of Keyport.

George Walling, 54 Second Street – Asked about Johnny Olsen's bench and about the enforcement of dumpster enclosures. Advised Davis Locksmith windows are broken.

Judy J. Scibetti, 103 Jackson Street - Wanted to thank the Mayor and Council for improvements to the Jackson Street traffic during football season.

Mike Lane - (Requested that this be put under Unfinished Business) New Zoning Ordinance is not updated on the County MOD IV database.

Councilman Goode - We can make a request; we don't control the data.

Mike Lane - Need to complete Zoning Ordinance Sections 25:1-17 and 25:1-23. What's happening with marijuana? Hot Dog Bob property? Trailers in coastal area? Asked that a letter be sent regarding park team. Require a fence where outdoor eating area will be in place for a couple of months. Feedback on TAP? Handed out a list dated November 12, 2019.

Mr. Gallo - Regarding the marijuana facilities regulations: there are designated spots on the map where places could be located under State law—1,000 ft. from a school, 500 ft. from a park, so that excludes most of the Borough.

Andrew Kelsey - Asked about Ordinances on the website.

Mr. Gallo - Explained where we are with codification project.

Andrew Kelsey - Spoke about MOD IV—asked who maintains GIS database? Do the updates get sent to the County?

Mr. Gallo - Explained about the County website.

Elmer J. Graham, Jr. - Asked about progress of Cable TV channel being used.

Mr. Gallo - Stated that it is not in the budget for the equipment needed.

Jack Straub, 239 Main St. - Spoke about the proposed Ordinance, amending Chapter II. There being no further comments or questions, the Meeting was closed to the public at 10:42PM moved by Sheridan, carried by Pacheco with ayes by all present.

Motion to go into Closed Session after a five-minute break moved by Sheridan, carried by Pacheco with ayes by all present.

CLOSED SESSION

RESOLUTION #303-19

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, certain personnel matters, pursuant to N.J.S.A. 10:4-12(b) (8).

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 November 12, 2019 and determined that an Executive Session closed to the public shall be held on November 12, 2019 at approximately 8:00 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: Sheridan

SECONDED: Pacheco

AYES: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott

NAYS:

ABSENT:

Council reconvened to Open Session at 10:57PM moved by Sheridan, carried by Pacheco with ayes by all present.

PUBLIC SESSION

Motion to Open the Meeting to the public moved by McDermott, carried by Sheridan with ayes by all present

Elmer J. Graham, Jr. - Asked what happened in closed session.

Attorney William P. Opel, Esq. - We cannot discuss the terms at this time.

There being no further comments or questions, the Meeting was Closed to the public at 11PM moved by Sheridan, carried by Pacheco with ayes by all present.

RESOLUTION #304-19

RESOLUTION #304-19

**AUTHORIZING EXECUTION OF A SEPARATION AND
RELEASE AGREEMENT WITH BOROUGH CLERK
VALERIE T. HEILWEIL**

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

WHEREAS, Valerie T. Heilweil is employed by the Borough as the Borough Clerk; and

WHEREAS, the Borough and Ms. Heilweil have negotiated the terms of an employment Separation and Release Agreement (the “**Agreement**”), which terms have been reviewed by the Borough Council, and which have determined to be reasonable and advantageous to the Borough; and

WHEREAS, the Borough wishes to memorialize its acceptance of the terms of the Agreement, and its authorization for appropriate Borough representatives to execute same.

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Agreement is hereby approved and accepted.
3. The appropriate Borough representatives are authorized and directed to execute the Agreement consistent with the terms set forth therein.
4. This Resolution shall take effect immediately.

OFFERED: Sheridan

SECONDED: Cooper

AYES: Sheridan, Cooper, Goode, Pacheco, Fotopoulos, McDermott

NAYS:

ABSENT:

ADJOURNMENT

Motion to Adjourn at 11:01PM was moved and carried with ayes by all present.