

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. The Borough Administrator read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Goode, Fotopoulos, McDermott, Davidson, and McNamara. Others present: Mayor Kennedy, Borough Administrator Jay Delaney and Borough Attorney Leslie London. Councilmembers-elect Rose Araneo and Ron Peperoni were also present. Councilmember Pacheco arrived at 7:04PM.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mayor Kennedy dedicated a moment of silence in honor of the 80th Anniversary of the attack on Pearl Harbor.

Mayor Kennedy asked for a motion on **R238(a)-21** Appointing the Borough Administrator to Serve as Deputy Borough Clerk for the purposes of running this meeting.

Council President Goode – Stated our Borough Code doesn’t allow for a Deputy Clerk to be appointed for under three years. He asked that we modify the resolution to appoint a Temporary Clerk instead of a Deputy Clerk.

Motion to approve **R238(a)-21** Appointing the Borough Administrator to Serve as Deputy Borough Clerk, with the change from Deputy Borough Clerk to Temporary Borough Clerk, moved by McDermott, carried by Goode with ayes by all present. Councilmember Pacheco abstained.

RESOLUTION No. 238(a)-21

APPOINTING THE BOROUGH ADMINISTRATOR TO SERVE AS TEMPORARY BOROUGH CLERK

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, the Mayor has nominated Borough Administrator Jay Delaney to serve as Temporary Borough Clerk until December 31, 2021.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council hereby confirms the appointment of Borough Administrator Jay Delaney Temporary Borough Clerk until December 31, 2021.
3. Borough Administrator Jay Delaney shall receive no additional compensation to serve as Temporary Borough Clerk.
4. The Temporary Borough Clerk shall forward a certified copy of this resolution to Borough Clerk Michele Clark.

OFFERED: MCDERMOTT

SECONDED: GOODE

AYES: GOODE, FOTOPOULOS, MCDERMOTT, DAVIDSON, MCNAMARA

NAYS:

ABSTAINED: PACHECO

ABSENT:

Mayor Kennedy – Stated **R249-21** Authorizing Sick Day Buy Back for Non-Union Employees will be moved to the end of the meeting. She said Councilman Fotopoulos asked that **R209-21** Resolution of the

Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport (tabled at 10/5/21 meeting) be discussed separately.

Borough Administrator Jay Delaney - explained the purpose of **R251-21** Resolution Determining the Form and Other Details of Not to Exceed \$7,165,000 General Obligation Bonds, Consisting of a \$6,115,000 General Obligation Bond and a \$1,050,000 General Obligation Refunding Bond, of the Borough of Keyport, and Providing for the Sale Thereof to the Monmouth County Improvement Authority.

Mayor Kennedy - Regarding **R242-21** Resolution of the Borough of Keyport, County of Monmouth, New Jersey, Reinstating the Designation of Mariner's Village at Keyport Urban Renewal, LLC as Redeveloper with Respect to the Property Commonly Known as Block 20, Lots 1, 2, 3, 5, 6, 6.01, and 7 on the Tax Map of the Borough of Keyport, she asked if at section 5 on page 2 we could add "at the discretion of the Mayor and Council." She asked if we know why the dates proposed on **R242-21** are so far down the road as far as commencing construction in 2023. It is also her understanding that the site plan had been approved.

Borough Administrator Delaney – Stated it is his understanding that this resolution was drafted by the Borough's Redevelopment Council and did incorporate discussion that took place between the Redevelopment Committee and the developer and their attorney. During those discussions there were general outlines of the timetable moving forward, but these dates were the result of discussions between the attorneys.

Councilman Fotopoulos – Would like assurances from either Mr. Perlman or the Redevelopment Committee that these issues that were talked about were addressed.

Borough Administrator Delaney – The issues that had been previously raised by the Borough regarding whether the project was still viable and what the timetable was for moving forward, those questions were raised and addressed, as well as related but separate issues regarding the current status of the property conditions, the use of the property – specifically the issues that transpired last summer regarding the jet skis. As a result of the meeting with the Redevelopment Committee, the developer did proceed with the demolition of a number of the structures in the neighborhood that had also been a lingering complaint from neighbors. To his knowledge, the issues that had been raised in terms of why the original designation had been pulled were raised in discussions and addressed and this resolution reflects the results of those discussions.

Councilman Fotopoulos – Asked if the storage of the marina had been removed from the backyard of Endeavor House.

Borough Administrator Delaney – Stated the status of that he does not know.

Councilman Fotopoulos – Asked if there have been any complaints regarding the demolition from any of the residents in the immediate area.

Borough Administrator Delaney – Responded he had not been made aware of any.

Councilwoman Pacheco – Said she was in the meetings and had expressed some of the same concerns and they did discuss a laundry list of concerns they had about how they were treating the neighborhood, the jet ski business with the parking, the structures, and construction equipment that hadn't been moved.

Motion to move **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society to the end of the agenda.

Councilwoman McNamara – Asked about the approval process regarding **R243-21** Authorizing and Approving the Person-to-Person Transfer of Plenary Retail Consumption License from Uptown Keyport Bar & Grill, LLC to 32 Broad Street Bar, LLC, which Borough Attorney Leslie London explained. She asked what the time period was for the \$968 payment for electric listed on the November Payment of Bills List.

Borough Administrator Delaney – Said he would have to double check to make sure it wasn't an estimated bill rather than an actual bill.

Councilwoman McDermott – Asked about the payment for the permit for dredging of the municipal boat ramp and whether it was dredged or not.

Borough Administrator Delaney – Stated it was not dredged yet as we are still in the permit phase and we have not yet received the permit.

Councilwoman McDermott – Asked if the payment for the testing of the Fire Department air packs was part of the Fire Department budget. Borough Administrator stated yes. She asked about the payment for professional services as well as the payment for the portable toilets. She asked if we are taking down the temporary stalls. The Borough Administrator stated there has been no determination made to do so at this time. She asked about the \$10,000 in payments to the landscaper and about the payment for the water plant operator.

Mayor Kennedy – Asked who prepared the Corrective Action Plan for **R227-21** Approving the Corrective Action Plan for the 2020 Municipal Audit.

Borough Administrator Delaney – Explained it was prepared between the CFO and himself.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments on items listed on the Agenda at 7:25PM moved by Pacheco, carried by Davidson with ayes by all present.

John Merla, 34 Broad Street – Asked about Communication #2 from the Friends of the Library and whether we are charging them. Response was no, we are not charging them. He asked about Communication #7 and stated he knows that applications have been submitted by people willing to volunteer, one of them being himself, but he has not heard anything.

Elmer J. Graham, Jr. – 22 St. Peters Place – He asked about **R238(a)-21** Appointing the Borough Administrator to Serve as Deputy Borough Clerk and asked why do we need a Deputy Borough Clerk.

Mayor Kennedy – Explained this was addressed at the beginning of the meeting and we had to change the language to “Temporary Clerk” and that is so that in the absence of our Clerk tonight Jay could run the meeting on her behalf.

Elmer J. Graham, Jr. – Asked for an explanation of **R251-21** Resolution Determining the Form and Other Details of Not to Exceed \$7,165,000 General Obligation Bonds, Consisting of a \$6,115,000 General Obligation Bond and a \$1,050,000 General Obligation Refunding Bond, of the Borough of Keyport, and Providing for the Sale Thereof to the Monmouth County Improvement Authority. The Borough Administrator provided an explanation.

Clay Perlman, Developer – Spoke about the conditions of the marina property. He said the boats have been removed and there have not been any parking issues that he knows of.

Councilman Fotopoulos – Asked when construction is going to start.

Clay Perlman – Stated we still have a bit of a road ahead of us with the CAFRA permit as well as a list of things to do but no one on our side doesn’t want this project to start tomorrow.

Councilman Fotopoulos – Stated the perception is that the delays exceeded what the expectation was.

Clay Perlman – Said one of the major things that happened was that they completed their CAFRA permit and within two weeks of getting the permit the DEP said they wanted us to do an archaeological study. That took 6 months. We now need to refile for the CAFRA permit. The archaeological study was to search for historic items.

Councilman Fotopoulos – Asked if any of the items found ended up at the Keyport Historical Society.

Clay Perlman – Said when he gets the report he can give the report to the town.

Michael Lane, 51 First Street – Regarding **R242-21** Resolution of the Borough of Keyport, County of Monmouth, New Jersey, Reinstating the Designation of Mariner’s Village at Keyport Urban Renewal, LLC as Redeveloper with Respect to the Property Commonly Known as Block 20, Lots 1, 2, 3, 5, 6, 6.01, and 7 on the Tax Map of the Borough of Keyport, he asked why the canceled Financial Agreement, Ordinance #29-18, isn’t identified in the resolution. Borough Attorney Leslie London said we can add that to the

resolution. He also said there are a number of lots not listed in the resolution. Why isn't lot 16.01 referenced?

Borough Administrator Delaney – Stated there are a number of conditions that the Planning Board approval is subject to. Not the least of which is part of this development includes the vacation of a public right-of-way as well as ultimately a re-subdivision of the lot. When all of the dust settles, what is being done here specifically with this resolution is simply reinstating the redevelopment agreement between the Borough and the designated developer.

Michael Lane – Asked has the applicant paid the application fee to the Bayshore Regional Sewerage Authority of \$194,000. Also, they were supposed to appear before the Planning Board on December 2nd, but did not.

Mayor Kennedy – Said Mr. Lane was at the meeting when it was discussed that it was not the developer's fault they could not appear at the Planning Board meeting. It was the newspaper's error that it was not publicly noticed correctly. This resolution is happening tonight because of miscommunication among this current Dais that took place in July. There are a lot of different points that are being missed in this conversation.

Michael Lane – Stated the applicant still has not been listed as the owner of the lots on the County website, except for lots 1, 2 and 3. It's been three years and ownership of the additional lots has not been transferred.

Councilman Goode – Stated it is not a requirement that the developmental entity own all of the lots in order to be designated as a redeveloper.

Michael Lane – Said Exhibit "A" was still unsigned by the Mayor and the Clerk. Has that changed? He asked have we received monthly status reports. Has there been any discussion about the contaminated fill pile at the end of Washington Street? He asked if the issues pertaining to the benches referenced in **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport have been resolved. Regarding Communication #3 letter from the Freedom from Religion Foundation, he asked about the size of the poster and the location. He spoke about the anchoring of all structures according to the Master Plan, as well as the elevation of parking lots.

Clay Perlman – Stated that most of what Mr. Lane said was wrong. Transferring the property doesn't affect the process. Regarding the contaminated fill, we are in an arrangement with the government and an LSRP regarding clean up. The fill can be used in the apartment project as fill as long as it is capped. If reports are called for during the development process, that's something we need to fix.

Jack Straub, 239 Main Street – Regarding Communication #3, he asked at what point does the Borough decide what will be included in the holiday display. How does the Borough feel about opening this door? It's a little bit of a mockery that they call it a Bill of Rights nativity. He understands the free speech issue, but where does this go in the future in terms of anyone else wanting to add things to the holiday display.

Mayor Kennedy – Stated she feels the application is incomplete because it doesn't list the applicant's full address. Their hometown is not listed and her understanding is it is not someone from the Borough of Keyport. Also, there is not anything noted for the payment. She asked if the payment of \$100 per day has been made. Borough Administrator Delaney stated he doesn't believe any payment has been made.

Motion to the close the Meeting to Public at 7:56PM moved by Fotopoulos, carried by Pacheco with ayes by all present.

MAYOR'S UPDATES

- Attended the November KBBC meeting
- Attended the New Jersey State Veteran's Day ceremony with several members of the council as well as committee members and the Borough received the "We Value Our Veterans" award.
- Held a Mayor's Wellness Campaign meeting via Zoom
- Attended the New Jersey League of Municipalities Conference and served on a nominations committee for the New Jersey League of Municipalities
- Attended the November Green Team meeting
- Attended the Holiday Tree Lighting
- Attended the New Jersey Reentry Corporation Atrium dedication to Senate President Sweeney on behalf of the Reentry Mayor's Task Force
- Participated in the bi-monthly collaboration meeting with the Board of Ed
- Mr. Delaney held the second annual Keyport Resource Panel via Zoom

- Participated in the New Jersey League of Municipalities Library Law webinar
- Attended Planning Board meeting

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.)

- R238(a)-21 Appointing the Borough Administrator to Serve as Deputy Borough Clerk
- R209-21 Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport *(tabled at 10/5/21 meeting)*
- R227-21 Approving the Corrective Action Plan for the 2020 Municipal Audit *(tabled at 11/9/21 meeting)*
- R238-21 Payment of Bills for the November 5, 2021 Bills List
- R239-21 Payment of Bills for the November 19, 2021 Bills List
- R240-21 Payment of Bills for the December 3, 2021 Bills List
- R241-21 Payment of Bills for the December 7, 2021 Bills List
- R242-21 Resolution of the Borough of Keyport, County of Monmouth, New Jersey, Reinstating the Designation of Mariner’s Village at Keyport Urban Renewal, LLC as Redeveloper with Respect to the Property Commonly Known as Block 20, Lots 1, 2, 3, 5, 6, 6.01, and 7 on the Tax Map of the Borough of Keyport
- R243-21 Authorizing and Approving the Person-to-Person Transfer of Plenary Retail Consumption License from Uptown Keyport Bar & Grill, LLC to 32 Broad Street Bar, LLC
- R244-21 Approving the Borough of Keyport, County of Monmouth, New Jersey, Emergency Operations Plan
- R245-21 Authorizing the Execution of the 2022 Grant Agreement Number 13-067 with Monmouth County for the Provision of Social Services by the Keyport Senior Center to Senior Citizens
- R246-21 Supporting the Drive Sober or Get Pulled Over 2021 Year End Holiday Crackdown
- R247-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 2021 Drive Sober or Get Pulled Over Holiday Crackdown
- R248-21 Resolution of the Borough of Keyport, County of Monmouth, New Jersey, Authorizing Certain Transfers of Appropriations Pursuant to N.J.S.A. 40A:4-58
- R249-21 Authorizing Sick Day Buy Back for Non-Union Employees
- R250-21 Authorizing the Hiring of a Class II Special Law Enforcement Officer (SLEO II) – Kelly Plath
- R251-21 Resolution Determining the Form and Other Details of Not to Exceed \$7,165,000 General Obligation Bonds, Consisting of a \$6,115,000 General Obligation Bond and a \$1,050,000 General Obligation Refunding Bond, of the Borough of Keyport, and Providing for the Sale Thereof to the Monmouth County Improvement Authority

Mayor Kennedy – Stated **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport is being pulled for consideration after further discussion. **R249-21** Authorizing Sick Day Buy Back for Non-Union Employees is being moved to be voted on after Closed Session. She asked that **R242-21** Resolution of the Borough of Keyport, County of Monmouth, New Jersey, Reinstating the Designation of Mariner’s Village at Keyport Urban Renewal, LLC as Redeveloper with Respect to the Property Commonly Known as Block 20, Lots 1, 2, 3, 5, 6, 6.01, and 7 on the Tax Map of the Borough of Keyport, be inclusive of the words “and Council” after the word “Mayor” in Section 5.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda with the requested changes moved by Goode, carried by Pacheco

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

Mayor Kennedy – Next we have discussion on **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport.

Councilman Fotopoulos – Stated he would like to make a Motion that we approve **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport, and then we can discuss afterwards if it is seconded.

Councilman Goode – Seconded the Motion.

Councilman Fotopoulos – Stated he did communicate with ASK as requested and they have expressed a willingness to repair the benches if needed when asked by the Borough Administrator and/or approved by the Borough Council. They can't be under any obligation to do so given the nature of the organization so they are not looking to be baked into this resolution. They have liability insurance which was pointed out in the email that the Mayor sent to all of us. As far as any other insurance, that is probably not what we are looking for there as far as insuring the sculptures themselves. Volunteering their time to do the repair if needed is a possibility if the volunteer performs the work. As far as Mr. Lane's comments or questions, the sculptures are on Borough property so they get insured by the Borough. He begs that we approve this now and leave for future discussion how we disseminate and accept public art in the future with very specific steps.

Mayor Kennedy – Stated that in a letter dated June of 2013 the Arts Society indicated they would maintain and make repairs of the benches. There was a presentation made twice to the governing body. There was never an "approval." In the presentation it was stated in their letter that they would maintain and repair the structures. The resolution that is being presented tonight takes that away from them and puts it on us and if they've had liability insurance this entire time, they could have filed for the repairs to be made.

Councilman Fotopoulos – Stated the liability insurance doesn't cover damage so their insurance wouldn't cover the repairs. The liability is for injury.

Borough Attorney Leslie London – Wants to make clear that the donation agreement that is attached to the resolution says very specifically that the Borough agrees to assume full responsibility for maintenance and repairs of the sculptures. We would have to modify the agreement if there is a desire to have them do something. I would recommend some kind of agreement with them just like any contractor that you would use. You would want to make sure that whoever is doing the work is insured and can do the work.

Councilwoman Pacheco – We have art at the Library which we accepted as a gift. What happens when the art at the Library, the butterfly, gets damaged? Who is responsible for that?

Councilwoman McDermott – That is different because the butterfly can be moved and stored away somewhere. This is something that is going to cost the Borough a lot of money and it is a permanent structure. I would rather have an agreement on an annual basis and it should be in the resolution.

Councilman Fotopoulos – Doesn't agree that it should be in the resolution.

Councilwoman Davidson – Thinks anything regarding this should be outlined in the resolution.

Mayor Kennedy – Said there's not a person in the room that doesn't appreciate the Arts Society. Where this becomes a problem is if this is going to be something that people take pictures of a damaged area and put it all over social media and blame our DPW department for not repairing it. The way it was presented was that they would maintain them and I don't know where that dialogue had changed.

Councilwoman McNamara – We shouldn't be accepting something that is already in need of repair. There's still a little bit more that needs to be worked out. She would like to see it repaired before we accept the donation.

Councilwoman McDermott – Asked regarding our insurance what does the artwork fall under and what is the fee for us covering pieces of art like this. Administrator stated that at the very least our insurance will cover it.

Borough Attorney Leslie London – Stated once you accept the donation it brings with it the obligation to maintain and repair it.

[1:28:00] static/no audio

Motion to approve **R209-21** Resolution of the Mayor and Council of the Borough of Keyport Accepting a Donation of Mosaic Bench Sculptures from the Arts Society of Keyport moved and carried.

RESOLUTION #209-21
(NOT ADOPTED)

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF KEYPORT ACCEPTING A DONATION OF MOSAIC BENCH
SCULPTURES FROM THE ARTS SOCIETY OF KEYPORT**

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, the Arts Society of Keyport (“**ASK**”) has offered to donate the three (3) mosaic bench sculptures along the Borough’s Waterfront Park (the “**Sculptures**”) to the Borough; and

WHEREAS, *N.J.S.A. 40:12-29* authorizes municipalities to accept donations for parks and recreation areas; and

WHEREAS, the Borough desires to accept such a donation from ASK; and

WHEREAS, the Borough has agreed to assume full responsibility for maintenance, repairs, and insurance of the Sculptures as set forth in the attached Donation Agreement; and

WHEREAS, the Borough of Keyport expresses its thanks and appreciation for the generosity of ASK.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough hereby accepts the donation of the Sculptures from ASK. The Sculptures shall be insured under the Borough’s municipal insurance policy, and maintenance and repair obligations shall be fully assumed by the Borough.
3. The Mayor of the Borough and the Borough Administrator are hereby authorized to execute the Donation Agreement and any other documents necessary to effectuate the Borough’s acceptance of the donation.
4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
6. This Resolution shall take effect as provided by law.

OFFERED: FOTOPOULOS
SECONDED: GOODE
AYES: GOODE, PACHECO, FOTOPOULOS
NAYS: MCDERMOTT, DAVIDSON, MCNAMARA, MAYOR KENNEDY (tiebreaker vote)
ABSENT:

Resolution #R209-21 is not adopted.

INTRODUCTION OF ORDINANCES

1. Ordinance – Deputy Recycling Coordinator

The Clerk read the Ordinance by Title:

**ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH,
NEW JERSEY, AMENDING CHAPTER 16 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT ENTITLED “STREETS,
SIDEWALKS, AND SANITATION” AT SECTION 16-6 (MANDATORY
SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND
RECYCLING)**

1a. Motion to introduce moved by Fotopoulos, carried by McDermott

Roll Call: Ayes: McDermott, Davidson, McNamara, Mayor Kennedy tiebreaker vote
Nays: Goode, Pacheco, Fotopoulos
Absent:
Abstain:

1b. Motion authorizing the Clerk to publish the Ordinance as introduced in the Asbury Park Press for a public hearing moved by McDermott, carried by McNamara

Roll Call: Ayes: McDermott, Davidson, McNamara, Mayor Kennedy tiebreaker vote
Nays:
Absent:
Abstain: Goode, Pacheco, Fotopoulos

COMMUNICATIONS BY CONSENT
(For Approval)

1. Application for Use of Borough Property from Gabriella Conditto for a wedding ceremony at Waterfront Park Pavilion to be held Friday, December 10, 2021 at 6PM
2. Application for Use of Borough Property from Alexandra Yanosh and Gwen Heffron, Friends of the Library, to decorate the Library for the holidays on December 12, 2021 from 10AM to 12PM.
3. Application for Use of Borough Property from Patrick Trischitta, Freedom from Religion Foundation, to place a Winter Solstice/Bill of Rights Display in the Mini-Park through December 31, 2021. Certificate of Insurance provided.
4. Application for Membership in Eagle Hose Company from Jayden Graham (subject to State approval) and notification that at the October 11, 2021 meeting the membership accepted the resignation of Walter Schaub as an active member.
5. Application for Membership in Fire Patrol Company from Frank Trykowski (subject to State approval) and notification that at the November 9, 2021 meeting the membership accepted the resignation of Joseph Konish as an active member.
6. Application for Membership in Fire Patrol Company from Craig Trykowski (subject to State approval) and notification that at the November 9, 2021 meeting the membership accepted no resignation of an active member.

(To Receive and File)

7. Email dated November 21, 2021 from Christine Matarese advising of her resignation from the Recreation Committee.

Motion to table Communication #3 and invite Mr. Trischitta to the next meeting to provide answers to some questions, moved and carried.

[1:52:00] audio returns

Mayor Kennedy – Regarding Communication No. 3, the applicant did not choose to write their hometown. To me that is a deemed incomplete application.

Mayor Kennedy requested a Motion on Items 1, 2, 4, 5, and 6.

Councilman Fotopoulos – For a matter of record, the applicant should be told that the application is incomplete. Is there any objection to that? No objection.

Mayor Kennedy – They’ve self-disclosed that they have public gatherings every year at the winter solstice in the Mini Park.,

Mayor Kennedy – Asked for a Motion to approve Items 1, 2, 4, 5, and 6.

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion to approve Communications #'s 1, 2, 4, 5 and 6 moved by Goode, carried by Fotopoulos

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

Motion to approve Communication #7 moved and carried.

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

APPROVAL OF MINUTES

Motion to approve November 9, 2021 Regular Meeting moved by Goode, carried by Pacheco with ayes by all present

NEW BUSINESS

Mayor Kennedy - Requested a New Jersey Bakers Food Law (Cottage Food Law) update be listed on the next meeting agenda under New Business for discussion.

Councilwoman McNamara – Stated that at last night’s Recreation Committee meeting, on the line was Al Smith who runs the Mat Rats wrestling program that typically goes from next week through mid-February. They are looking to have the Borough provide the insurance. There was also a question as to whether council would authorize t-shirts. They have four or five coaches and they have not done recent background checks since the pandemic.

Mayor Kennedy – In 2019 they applied for a micro grant to pay for the shirts. I think that’s why they are thinking that the Borough would issue the payment, but the micro grants are not available this year. As far as the insurance, Jay raised some questions today. We had seen it advertise and we thought they got their certificate of insurance elsewhere because they did not come and make any inquiries to us. Again, they’ve been advertising this for over a month and just came to us at a meeting last night to ask.

Borough Administrator Delaney – Stated he doesn’t believe there is an additional direct insurance charge associated with the sponsorship of this. If it is the desire of the governing body to approve this, as has been done in the past, then that should carry with it a requirement that all adult participants go through the process of being fingerprinted and have a background check performed. It is a requirement of our JIF insurance.

Discussion ensued regarding who is responsible for the insurance coverage and what is the cost of the background checks.

UNFINISHED BUSINESS

1. 2022 Reorganization Meeting

Mayor Kennedy – Went over the four different options that exist for the 2022 Reorganization Meeting.

2. Flood Damage Prevention Ordinance

Borough Administrator Delaney – There is a new model flood prevention ordinance that is really a complete rewrite of the prior model ordinance that had gone through some discussion with the council. We have minimal ability to modify the model.

Borough Engineer Trevor Taylor – Before we introduce a new ordinance we should gather any comments and send it to FEMA to make sure that they are okay with it.

3. Harbor Commission Bylaws - Tabled

ATTORNEY'S REPORT

Borough Attorney Leslie London provided an update on the cannabis licensing process.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:23PM, moved Fotopoulos, carried by Pacheco with ayes by all present.

Councilwoman-elect Araneo – Stated her first choice for the Reorganization Meeting would be the First Aid with her second choice being Keyport Central School.

Councilmember-elect Peperoni – Said that works for him.

John Merla – Said he is disappointed with the vote to not accept the donation from Arts Society. He asked if the shrubs which were removed from American Legion Drive were going to be replaced.

Borough Administrator Delaney – The plan is to develop a re-planting plan for the spring.

John Merla – Asked if there is any update on the First Street light poles.

Borough Administrator Delaney – Responded there are a number of light poles that have been ordered for replacement.

John Merla – Asked about the salt contract and commented about the Borough email system. He asked if they have hired anyone for the drug alliance coordinator position.

Councilwoman Pacheco – They have not hired anyone. We've received applications but there are concerns about the grant funding, which is much less.

Jack Straub – Asked if any consideration has been given regarding a COVID policy at Borough Hall for masks and vaccinations.

Borough Administrator Delaney – There is no employee mandate for vaccinations. We recommend that those who are not vaccinated wear masks, both employees and the public.

George Walling – Asked the Borough Administrator where we are with the dumpster enclosures.

Borough Administrator Jay Delaney – It is still in the enforcement stage.

George Walling – Asked why 149 W. Front Street was not relisted. He asked why the new stop signs are not the ones with the flashing lights and asked about the striping at the new stop sign locations.

Mike Lane – Asked for an update on the maintenance of the drainage ditch on the Henry Hudson Trail.

Borough Engineer Trevor Taylor – The County has been out there and clean up has begun and will continue.

Mike Lane – Asked for an update on the 5G network issue.

Mayor Kennedy – Said we've received an email from JCP&L which indicated Keyport is on the list to begin infrastructure upgrades, including inventory. This is a year-and-a-half project.

Elmer Graham, Jr. – Asked about the next Veteran's Committee meeting to be scheduled.

There being no further comments or questions, the Meeting was closed to the public at 9:45PM moved by Pacheco, carried by McDermott with ayes by all present

Councilman Fotopoulos – Asked the Borough Administrator for the status of Office 365 and/or Google Government.

Borough Administrator Delaney – Said he has proposals for both.

Councilman Fotopoulos – Asked about the progress of getting the dumpster enclosures done at Green Grove.

Mayor Kennedy – Said the enclosures were done and then some where subject to an accident. I don’t know if the repairs were ever made.

CLOSED SESSION

R252-21 Closed Session Resolution
- Contract Negotiations

Borough Attorney Leslie London explained the reason for the Closed Session resolution.

Motion to go into Closed Session at 9:49PM moved by Pacheco, carried by Fotopoulos with ayes by all present.

RESOLUTION # 252-21

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 issues related to contract negotiations involving 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 December 7, 2021 and determined that an Executive Session closed to the public shall be held on December 7, 2021 at approximately 7:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.
3. This resolution will take effect immediately.

OFFERED: PACHECO

SECONDED: FOTOPOULOS

AYES: GOODE, PACHECO, FOTOPOULOS, MCDERMOTT, DAVIDSON, MCNAMARA

NAYS:

ABSTAIN:

ABSENT:

Motion to reconvene to Open Session at 10:20 PM moved by Goode, carried by Pacheco with ayes by all present

Borough Attorney Leslie London stated what was discussed in Closed Session, matters of attorney-client privilege regarding contract negotiations. No formal action was taken.

Mayor Kennedy asked for a motion to approve **R249-21** Authorizing Sick Day Buy Back for Non-Union Employees

RESOLUTION #249-21

AUTHORIZING SICK DAY BUY BACK FOR NON-UNION EMPLOYEES

WHEREAS, for many years non-union and administrative employees have received sick day buy back in accordance with a similar benefit that was negotiated with union employees within the Borough; and

WHEREAS, authorization for these buy backs were authorized by resolution adopted by the Borough Council annually; and

WHEREAS, the following six (6) employees have requested the buy back of sick days as follows:

Sandra Akes	10 days / \$2,222.23
Michele Clark.....	10 days / \$2,611.12
Madeline Costello	10 days / \$1,847.39
Barbara Hassmiller.....	10 days / \$2,548.00
Robert Kutschman	10 days / \$3,054.80
Denise Nellis	10 days / \$2,005.86

WHEREAS, N.J.S.A. 11A:6-19 through 19.2 provides for payments for the buy back of unused and accumulated sick leave are only authorized at the time of retirement.

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

1. The above referenced employee sick leave buy back requests are hereby approved.
2. The Borough Administrator is directed to notify all Borough employees subject to the requirements of N.J.S.A. 11A:6-19 through 19.2 no later than December 31, 2021 that employees may no longer receive sick leave payouts annually and that such payments are limited to the time of retirement and are capped limited by New Jersey statute.
3. The Borough Administrator is further directed the take the necessary steps to amend contracts and the employee handbook and personnel manual to comply with the requirements of N.J.S.A. 11A:6-19 through 19.2.

OFFERED: GOODE
SECONDED: PACHECO
AYES: GOODE, PACHECO, FOTOPOULOS, MCDERMOTT, DAVIDSON, MCNAMARA
NAYS:
ABSENT:

Mayor Kennedy – Asked for feedback from the governing body regarding the four options for the 2022 Reorganization Meeting.

Councilwoman McDermott – Said her first choice would be the Central School. She doesn’t want to go to virtual unless we have to.

Councilwoman Pacheco – Said her vote would be for the Central School.

Mayor Kennedy – Asked for a motion on what would be the location.

Motion by Pacheco to hold the meeting at the Central School, carried by McDermott, with the inclusion of the Zoom link in the Public Notice

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

ADJOURNMENT

Motion to adjourn moved at 10:33PM by Goode, carried by Pacheco with ayes by all present