

**BOROUGH OF KEYPORT
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 19, 2023 – 7:00 P.M.**

CALL TO ORDER: 7:01 PM

SUNSHINE LAW NOTICE: Read by Municipal Clerk

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

ROLL CALL:

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

Absent: Councilmember Reilly

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

COMMITTEE REPORTS

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

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

No report on DPW and leaving KBBC report to the Mayor.

Councilmember Reilly: Environmental, Fire/First Aid/OEM, Finance/Grants, Heath/Registrar/Construction/Fire Bureau/Code Enforcement/Zoning, Cannabis
Councilmember Vecchio read Councilmember Reilly's Report in her absence

Fire Department meeting held November 24th:

- Question was brought up regarding purchase orders taking too long
- Moving to online requisitions in 2024
- Fire hydrant #75 leaking and DPW was advised
- Eagle Hose received new truck
- Fire Department held elections November 6th – congratulations to the 2024 chiefs
- Thanked Chief Strang for his service
- Read Fire Department calls for service report
- Read First Aid calls for service report
- Fire Museum is closed through St. Patrick's Day

Environmental Commission meeting was held on November 27th:

- County to inspect discharge pipe
- Looking to collaborate with Kean University for Living Shoreline project
- Evergreens/Christmas Trees to be placed on Cedar Street Beach Jan 13th (rain date Jan. 14th)
- November planting and weeding scheduled for November 16th (rain date November 17th)
- Clean Ocean Action Spring cleanup scheduled for April 13th and Fall cleanup scheduled for October 19th
- Wished all a happy holiday season and a healthy New Year

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

Harbor Commission met informally on December 11th:

- Interested in another Snapper Contest next year
- Discussed chipping of railings and specific finish to be applied
- Still waiting on insurance process to be completed regarding railing that sailboat crashed into
- Requesting DPW remove accessibility mat at Cedar Street Park
- Requesting DPW remove and store the volleyball net for the winter
- Requests for Proposals for concessions

- Regarding catalytic converter theft, the Police are requesting you share any surveillance footage of what appears to be a crime by sending to keyportpolice@keyportpd.org.
- Municipal Alliance met and continue to work on an ordinance for vaping and store displays.

She thanked Council President Davidson and Councilman Demarest for their service.

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

- Read the Board of Health/Registrar report
- Recreation Committee will be picking the top three houses for holiday light contest. Winners will be announced at the reorganization meeting.

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

Finance and Grants:

- Boardwalk Preservation fund grant submitted a couple of months ago and hope to hear update.
- Cannabis received update from counsel. Judge issued decision in KGNJ matter and upheld the Borough's action in support of Blaze. Oral argument for other location in downtown area scheduled for January 12th.

Green Team changed meeting to tomorrow.

- Continuing to work on the 2024 Explore the Bay action item – kickoff in February.
- Collaborating with Library Director. Had outreach with various organizations including Save Coastal Wildlife and the American Littoral Society.
- Check Borough website for tip of the month.

NPP:

- Reviewed the presentation that covered the year in review that Mr. Straub presented at the last council meeting.
- New Stakeholder Kathy Shaw
- 2024 will focus on Beach Park

RFP's are being looked at again. Requested hard copies for next year.

Mayor Araneo congratulated Councilmember McNamara on her election.

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

- Reorganization meeting for the Planning Board to be held in late January.
- Redevelopment will reconvene in the New Year.

She stated it has been an honor and a pleasure working for the residents of Keyport. She feels she served the past three years keeping her pride and dignity intact. She had hoped to reestablish the Historic Preservation Commission. She is also stepping down from Planning Board, which has been a bright spot of all the boards and commissions she has served on. She thanked Chief Torres and members of the police department, Fire Department chiefs and members of the department, DPW for their hard work, all Borough staff for their assistance, Borough Administrator Humphrey's demonstrated commitment to Keyport, Borough Clerk for her dedication and support, Mayor and Councilmembers for long conversations, the ranting, the raving, and the laughter - when appropriate. She wished the Councilmembers-Elect luck in their terms. Council President Davidson finished by reminding everyone that respect works both ways and wished all happy holidays and a happy New Year.

MAYOR'S UPDATES

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

Mayor Araneo - We've submitted the final step in a five-step process for Film Ready New Jersey. She thanked Deputy Clerk Amy Lewandowski for getting the application submitted, and

thanked Jack Straub for aiding Amy with images collected over the years. Hoping to get Film Ready certification in the next year. Thanked Rabbi Harrison for officiating the Menorah lighting which had approximately 40 attendees. News 12 New Jersey will be coming out to showcase seven businesses in town: Stress Free Body, Keyport Funhouse & Boutique, Tiffany's Vintage Closet, The Parlour, Nemo's, Drew's Bayshore Bistro, and Old Glory.

Borough Administrator Humphrey spoke to two resolutions listed on the agenda. She explained purpose of R23-352 affirming appointment of per diem electrical inspector – not a new hire – and explained purpose of R23-361 increase in amount to borough attorney, which is for services rendered and not a raise.

PUBLIC COMMENTS

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

Opened: 7:24 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

Robert Bergen, 16 Green Grove Avenue – commented on attorney fee increase and tax abatements. Mayor Araneo advised this portion of public comments is only for items listed on the consent agenda.

Victoria Pacheco, 168 Therese Avenue – asked if we had detail for attorney services and Borough Administrator Humphrey said she can OPRA the invoices. She asked if conversations were had. The Borough Attorney expounded on the reason for the fee increase resolution.

Dennis Fotopoulos 77A Beers Street – asked if the attorney was submitting charges throughout the year and was there visibility in the finance department.

Borough Administrator offered explanation of the process as it pertains to the billing, the budget, and the Finance Committee. She said there was not a separation between retainer amount and additional services.

George Walling, 54 Second Street – asked the attorney if she drew up her own appointing resolution. He said if you look at the borough code referenced in the resolution, it references “he” and not “she” and should be corrected.

Victoria Pacheco – asked for clarification on comment made that the Borough Administrator runs the town. Mayor Araneo clarified Borough Administrator runs the day-to-day operations.

Mike Lane, 51 First Street – commented on R23-361 increase in attorney fees, resolution R23-356 resignation of court administrator, and R23-357 hiring acting court administrator, who is the person who just resigned. Borough Administrator explained hiring process for court administrator. He commented on R23-363 advertising for concessions and asked which concessions. Mayor Araneo said the concessions are for the boathouse, the hot dog stand, and the charter boat. Mr. Lane further commented on R23-365 closed session resolution.

Robert Bergen – commented on legal bills.

John Merla, 34 Broad Street – said this is nothing new. This is why you transfer funds. That's the budget process.

Joanne Staeger, 428 Main Street – said she's concerned for the future. You said there is a lot of work to be done and she's concerned about the fees.

Closed: 7:55 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

CONSENT AGENDA

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

R2023-347 Payment of Bills Listed on the December 12, 2023 Bills List

R2023-348 Payment of Bills Listed on the December 19, 2023 Bills List

R2023-349 Cancel Water/Sewer Appropriation Balances

R2023-350 Permitting Transfer of Excess Appropriations

- R2023-351 Declaring an Emergency Regarding the Needed Repair of a Water Main Break Located on Eighth Street
- R2023-352 Affirming Appointment of Per Diem Electrical Inspector
- R2023-353 Authorizing Appointment of School Crossing Guard
- R2023-354 Authorizing Increase to Hourly Rate of Compensation for Crossing Guards
- R2023-355 Accepting Resignation of Employment from a Special Law Enforcement Officer I
- R2023-356 Accepting Resignation of the Court Administrator
- R2023-357 Authorizing Temporary Appointment of an Interim Acting Per Diem Court Administrator
- R2023-358 Authorizing Temporary Appointment of an Acting Deputy Court Administrator
- R2023-359 Authorizing Hiring Part-time Temporary Administrative Assistant Intern for the Keyport Senior Center
- R2023-360 Approving New Jersey State Firemen’s Association Application for Membership
- R2023-361 Increase in Authorized Amount for Borough Counsel Services for 2023
- R2023-362 Authorizing “Window” Contracts
- R2023-363 Authorizing Advertisement for Proposals for Borough Concessions for 2024
- R2023-364 Confirming Election of Fire Department Chief and Assistant Chiefs for 2024

Councilmember McNamara – commented on legal fees budget and asked to table R2023-361 Increase in Authorized Amount for Borough Counsel Services for 2023 until we have a full accounting of the legal services. Recommended that going forward council be kept apprised of monthly bills. Commented on electrical inspector resolution R23-352. Borough Administrator clarified that nothing is changing and we are just inserting them in civil service, everything else remains the same. Councilmember McNamara asked for an explanation of a “window” contract which the Borough Administrator provided explaining the vendor needs to fill out the pay to play paperwork. She asked about the Senior Center administrative assistant resolution R23-359 and the Borough Administrator said it is to hire an intern.

APPROVAL OF RESOLUTIONS

Motion to approve resolutions **R2023-347 through R2023-364** on the Consent Agenda.

MM: Peperoni 2nd: Vecchio

Roll Call: Ayes: Demarest, Vecchio, Peperoni, Davidson
Nays: McNamara
Absent: Reilly
Abstain: Davidson abstained as to R2023-348

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance #2023-16 – Vacating Two Parking Spaces

The Clerk read the Ordinance by Title: **AN ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO VACATE TWO PUBLIC PARKING SPACES LOCATED AT WEST THIRD STREET**

1a. Motion to Open Public Hearing: 8:03 PM

MM: Peperoni 2nd: Davidson

John Merla – commented on location of driveways on the property on W. Third Street and on the handicapped parking spot. He said maybe we should vacate the entire street.

Mike Lane – provided a handout and commented that the ordinance is eliminating business parking spaces and uses the word “vacate.” He asked if we are giving the property to anyone and whether the borough engineer reviewed drawings that show the site plan and the width of the street. The Borough Engineer responded that he has no authority on approving this ordinance. Mr. Lane said the resolution states the issue is the turning radius. The engineer said this is needed in order to be resolution compliant. Chief Torres said the police did a review and prepared a report and eliminating the parking spaces is important for emergency vehicle access. Mr. Lane asked to hold the ordinance until an engineer can review.

George Walling – asked if the borough is aware there is a driveway coming out of a parking lot onto that street. He also commented on the turning radius issue.

- 1b. Motion to Close Public Hearing: 8:17 PM
MM: Peperoni 2nd: Davidson

Councilmember McNamara – said she can see the issue of difficulty getting in and out of the property. Doesn't see much option.

Council President Davidson – said she remembers applicant conversation regarding the turning radius and knows it is an issue. She asked what happens if this is tabled.

Borough Administrator Humphrey said this is the recommendation of the Planning Board Engineer.

- 1c. Motion to adopt Ordinance
MM: Vecchio 2nd: Davidson
Roll Call: Ayes: Demarest, Vecchio, Peperoni, McNamara, Davidson
Nays:
Absent: Reilly
Abstain:
1d. Motion authorizing the Clerk to publish the Ordinance as adopted
MM: Davidson 2nd: Peperoni Ayes: all present Nays:

MINUTES FOR APPROVAL

October 3, 2023 Workshop Meeting Minutes

October 17, 2023 Regular Meeting Minutes

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

REPORTS

1. Municipal Clerk's Report for November 2023
 2. Tax/Water/Sewer Collector's Report for November 2023
 3. Board of Health Treasurer's Report for November 2023
 4. Building Department Report for November 2023
 5. Municipal Court Report for November 2023
- MM: Peperoni 2nd: Vecchio Ayes: all present Nays:

NEW BUSINESS

UNFINISHED BUSINESS

DAIS UPDATES

Borough Engineer:

- Working on priority road repair plan
- Working on draft for bid for solid waste contract. We are in the final year of a 5-year contract.
- Provided update on active capital projects

Chief Torres:

- Police are aware of rising trend where scammers call using local numbers. She reminds the public that the Keyport police never call to request money for police matters.

PUBLIC COMMENTS

The Meeting was opened to the public for comments.

Opened: 8:25 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

Dennis Fotopoulos – addressed Council President Davidson and commented on her fairness. He said council comments regarding having to fix things done in the past is nothing new. He is hoping the Post Office is going to be addressed soon. Commented on smart growth development plan to address density in downtown area.

Donna Purcell, 396 Maple Place – disappointed in the passing of the ordinance tonight taking away two parking spaces in the business district.

John Merla – thanked outgoing council members, Council President Davidson and Councilmember Demarest. Suggested for next year to take long hard look at putting out a newsletter like Union Beach does four times a year.

Anonymous (no address) – refused to state name and address and stated commenters do not have to provide their name and address. He commented regarding the new construction at the waterfront (Mini Park) and asked why steps were put in place of the ramp. He said accessibility was taken away. He said he heard the Halloween event was a disaster.

The Borough Engineer said previous existing conditions were not considered accessible. The ramp was extremely steep. The Borough obtained a grant and creating switchbacks would have exceeded grant funding. The Borough also could not impede on adjacent property. The park is accessible from the bottom to get to the stage area and is fully compliant from bottom area.

El Rampidor (no address) – stated he is disabled and said using the back door to get in was difficult because there is no button to open the door. We should be thinking about our disabled veterans.

Victoria Pacheco – thanked Council President Davidson for her service.

George Walling – regarding 31 W. Front Street he asked did the engineer check the foundation. The engineer responded that his role is to check the site improvements and the engineering team was out there today.

Mike Lane - said structures have to be anchored to prevent flotation and lateral movement and he provided handouts.

Jack Straub, 235 Main Street – wanted to address the previous comment made about the Halloween event being a disaster because that is not true.

Robert Bergen – asked why zoning is a closed session issue and asked whether committees get budget statements.

Dennis Fotopoulos – said there has been an exponential increase of semi-trucks traveling up and down Beers Street. Today one went down one of the Saint Streets and turned right onto Main Street to get to the highway.

Closed: 9:01 PM Motion by Peperoni, Carried by Davidson. Ayes by all present.

EXECUTIVE SESSION

Resolution #2023-365 read by Borough Attorney.

R2023-365 – 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. pursuant to 10:4-12b(7) for the following: attorney-client privilege matter pertaining to zoning; pending cannabis litigation.

RESOLUTION #2023-365

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

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

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

WHEREAS, it is necessary for the Borough to discuss, in a session not open to the public, attorney-client privileged matters related to zoning; and pending cannabis litigation, pursuant to 10:4-12b(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 19, 2023 and determined that an Executive Session closed to the public shall be held on December 19, 2023 at approximately 7:00 P.M. at the Borough Hall located at 70 West Front Street, Keyport, New Jersey, for the discussion of matters relating to the specific items designated above.
3. This resolution will take effect immediately.

Motion to go into Closed Session at 9:02 PM.

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

Council reconvened to Open Session at 9:55 PM.

ADJOURNMENT

Motion to Adjourn moved by Peperoni, carried by Davidson with ayes by all present

Time of Adjournment: 9:57 PM