

BOROUGH OF KEYPORT
REGULAR MEETING AGENDA
TUESDAY, JUNE 15, 2021 – 7:00 P.M.
MUNICIPAL COMPLEX, COUNCIL CHAMBERS
70 W. FRONT STREET, KEYPORT, NJ

Members of the public who wish to participate in the meeting shall use the following dial in information:

Dial In via Computer

The following Link can be accessed from the Public Notice posted at www.keyportonline.com

Link: <https://zoom.us/j/95652333784?pwd=VjZjYy9lOFh3NUFuL1loMTFmd1RJZz09>

Meeting ID: 956 5233 3784

Passcode: 088085

Dial In via Telephone

Dial: 646 558 8656 US (New York)

Meeting ID: 956 5233 3784

Passcode: 088085

CALL TO ORDER: PM

SUNSHINE LAW NOTICE:

ROLL CALL: ____ Mayor Kennedy ____ Council President Goode ____ Councilmember Pacheco
____ Councilmember Fotopoulos ____ Councilmember McDermott ____ Councilmember Davidson
____ Councilmember McNamara

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PROCLAMATION

Juneteenth

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments on items listed on the Agenda

Opened:

Closed:

COMMITTEE REPORTS

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

Councilmember:

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

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

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

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

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

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

MAYOR'S UPDATES

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.)

- R145-21 Authorizing the Appointment of Nicole Henn as Account Clerk in the Finance Department
- R148-21 Payment of Bills for the June 15, 2021 Bills List
- R149-21 Authorizing the Re-Appointment of Michael Delre as Part-Time Tax Assessor
- R150-21 Authorizing the Appointment of Robert Kutschman as Clean Communities Coordinator
- R151-21 Authorizing the Hiring of Daniel Rusin as a Crossing Guard
- R152-21 Authorizing Discharge of the Developer's Agreement made by Alaric Properties, LLC to and in Favor of the Borough of Keyport with Respect to the Property Located at Block 39, Lot 12.01 on the Tax Map of the Borough (45 Beers Street)
- R153-21 Authorizing the Borough of Keyport to Release a Portion of the Cash Repair Deposit Provided by Aurora Environmental, Inc., for Excavation Work at Block 61, Lot 22 – 34 W. Front Street
- R154-21 Authorizing the Renewal of Liquor Licenses for the 2021-2022 License Term
- R155-21 Authorizing the Extension of a Lease Agreement for 120 Francis Street, Unit 18, Keyport, New Jersey (Department of Public Works Building Lease)
- R156-21 Authorizing the Award of a Contract for Grass Cutting and Lawn Maintenance Services
- R157-21 Authorizing the Award of a Contract to CME Associates for Permitting and Related Engineering Services for Dredging of the Municipal Boat Ramp
- R158-21 Authorizing Shared Services Agreement to Provide Registrar and Deputy Registrar of Vital Statistics Services to Union Beach
- R159-21 Authorizing the Execution of a Memorandum of Agreement between the Borough of Keyport and Keyport PBA Local 223
- R160-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 2021 Distracted Driving Crackdown
- R161-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Bayshore Saturation Patrol
- R162-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Clean Communities Program
- R163-21 Requesting Approval of Items of Revenue and Appropriation – N.J.S.A. 40A:4-87 Office on Aging – CARES Act

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

MM: 2nd: Roll Call: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara

PUBLIC HEARING

The Meeting is opened to the Public for comments on the submission of a 2021 New Jersey Department of Environmental Protection Urban Parks and Green Acres Grants Program for park development - Fireman's Park

Motion to Open Public Hearing

MM: 2nd:

1. Resolution #164-21 State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution

MM: 2nd: Roll Call: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara

2. Resolution #165-21 State of New Jersey Department of Environmental Protection Urban Parks Initiative Enabling Resolution

MM: 2nd: Roll Call: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara

COMMUNICATIONS BY CONSENT

(For Approval)

1. Application for Use of Borough Property from Julie Nastasi for the Keyport Boy Scout Troop 364 Spring Court of Honor event to be held at Benjamin Terry Park on Tuesday, June 22, 2021 at 6:30PM. Certificate of insurance provided; requesting waiver of the fee.
2. Application for a Social Affair Permit from Our Lady of Fatima Parish for a parish picnic to be held at Our Lady of Fatima, 376 Maple Place on Sunday, June 27, 2021 between 12:30PM-4:30PM
3. Street Closure Request from Steve and Lisa Jannarone of 314 Division Street to close Monroe Street between Atlantic and Broad Streets for a block party to be held on Saturday, July 3, 2021 between 1PM-7PM (rain date July 4). Neighbor signatures and police feedback provided.
4. Application for Use of Borough Property from Douglas Weider and Eileen Lappin for a wedding ceremony at the Waterfront Pavilion to be held Sunday, July 11, 2021 between 5PM-6PM
5. Application for a Social Affair Permit from Keyport Fire Department for the Annual Fireman's Fair to be held at Fireman's Park between July 12-July 17, 2021 between 6PM-11:30PM
6. Application for Use of Borough Property from Keyport First Aid for a picnic to be held at Veteran's Park on Sunday, August 7, 2021 between noon and 4PM. Requesting the use of 12 picnic tables.
7. Application for Use of Borough Property from Michelle Knox for the Arts Society of Keyport Art Around the Bay event to be held at Waterfront Park and Gazebo on Saturday, September 18, 2021 between 10AM-6PM; requesting waiver of the fee.
8. Request from William H. Horton, Jr., Knight of Columbus St. Joseph's Council #3402 for permission to "Shake the Cans" for donations at the traffic light on County Road Broadway (intersection of W. 4th Street) on September 24, 25 and 26, 2021 between 10AM-4PM.

9. Request from Genevieve Kelly, Jersey Shore Ghost Tours to begin the Keyport Ghost Tour season on Saturday, July 17, 2021 and running through Saturday, November 13, 2021. A schedule of dates of times is included.

(To Receive and File)

10. Petition regarding Church Street road improvements

APPROVAL and/or RECEIPT AND FILE OF COMMUNICATIONS

Motion on Communications by Consent

MM: 2nd: Roll Call: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara

MINUTES FOR APPROVAL

May 4, 2021 Regular Meeting

MM: 2nd: Roll Call: Goode, Pacheco, Fotopoulos, McDermott, Davidson, McNamara

REPORTS

1. Municipal Clerk's Report for May 2021
2. Tax/Water/Sewer Collector's Report for May 2021
3. Board of Health Treasurer's Report for May 2021
4. Building Department Monthly Report for May 2021
5. Municipal Court Monthly Report for May 2021
6. Keyport Parking Advisory Committee Report for May 2021
7. Keyport Parking Advisory Committee Preliminary Report dated June 6, 2021

MM: 2nd: Ayes: Nays:

NEW BUSINESS

UNFINISHED BUSINESS

1. Cannabis Ordinance
2. 5G Ordinance
3. COVID-19 Borough Committee Reopening Update

ATTORNEY'S REPORT

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions.
Please limit comments to no more than five minutes per person.

Opened: Closed:

ADJOURNMENT

Motion to Adjourn moved by: 2nd:
Time of Adjournment: PM

R145-21
(TABLED at 6/1/21
meeting)

RESOLUTION #145-21

**AUTHORIZING THE APPOINTMENT OF NICOLE HENN
AS ACCOUNT CLERK IN THE FINANCE DEPARTMENT**

WHEREAS, a vacancy will occur as a result of a scheduled retirement within the Borough of Keyport (the "**Borough**") Finance Department; and

WHEREAS, the Borough Treasurer/Tax Collector and the Borough Administrator have reviewed the applications submitted to fill this vacant position, have interviewed prospective employees, and have recommended an appointment to fill this vacancy.

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. Nicole Henn is hereby appointed to the position of Account Clerk in the Finance Department at the annual salary of \$35,000.00 effective June 16, 2021 and subject to the satisfactory completion of all pre-employment requirements.
2. The Borough Administrator is hereby authorized to execute all documents necessary to effectuate this appointment.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, the Borough Treasurer/Tax Collector, and Nicole Henn.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION FOR THE PAYMENT OF BILLS (6/15/21)

Be it resolved by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing	CURRENT ACCT. 2021	\$ 18,469.53
	WATER/SEWER ACCT. 2021	\$ 11,682.75
	GENERAL CAPITAL ACCT.	\$ 8,248.00
	FEDERAL & STATE GRANTS	\$ 15,168.45
	TRUST ACCT.	\$ 1,000.00
	REC. BAYFRONT IMPROVEMENT	\$ 1,488.98
	DEVELOPER ESCROW	\$ 2,263.50

AUTHORIZED PER RESOLUTION

PASSED:

APPROVED:

MAYOR COLLETTE KENNEDY

ATTEST:

MICHELE CLARK, BOROUGH CLERK

OFFERED BY:

SECOND BY:

ROLL CALL VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I, MICHELE CLARK, BOROUGH CLERK HEREBY CERTIFY THIS TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AT THE _____ MEETING OF

MICHELE CLARK, BOROUGH CLERK

RESOLUTION #___-21

**AUTHORIZING THE RE-APPOINTMENT OF MICHAEL DELRE
AS PART-TIME TAX ASSESSOR FOR THE
BOROUGH 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, pursuant to *N.J.S.A. 40A:9-146 et seq.*, on July 19, 2016, the Borough adopted Resolution #214-16 appointing Michael Delre as part-time Tax Assessor for the Borough (the "**Appointing Resolution**"); and

WHEREAS, the Appointing Resolution will expire as of June 30, 2021; and

WHEREAS, the Mayor and Borough Council have reviewed the qualifications and service of Michael Delre as part-time Tax Assessor for the Borough, and find him to be suitable to be re-appointed to this position; and

WHEREAS, the Mayor and Borough Council desire to re-appoint Michael Delre to the position of part-time Tax Assessor for the Borough, for a four (4) year term beginning July 1, 2021 until June 30, 2025 at an annual salary of \$20,420.56; and

WHEREAS, sufficient funds are or will be available to pay for the above stated costs for the foregoing salary.

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 is hereby authorized to re-appoint Michael Delre as part-time Tax Assessor for the Borough, for a four (4) year term beginning July 1, 2021 until June 30, 2025 at an annual salary of \$20,420.56.
3. 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.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect immediately.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION #___-21**APPOINTING ROBERT KUTSCHMAN AS CLEAN COMMUNITIES
COORDINATOR**

WHEREAS, the State of New Jersey has established a Clean Communities Program which provides financial assistance to counties and municipalities for the implementation of litter abatement program; and

WHEREAS, the Borough of Keyport has been awarded \$14,986 for FY2021 for participation in the Clean Communities Program; and

WHEREAS, the Borough Administrator has recommended Public Works Superintendent Robert Kutschman be designated as the Clean Communities Coordinator.

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. Public Works Superintendent Robert Kutschman is hereby designated as Clean Communities Coordinator effective July 1, 2021 and shall serve until June 30, 2022 and shall be compensated at an annual rate of \$2,000.00.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, Chief Financial Officer, and Robert Kutschman.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION # -21**AUTHORIZING THE HIRING OF DANIEL RUSIN AS CROSSING GUARD**

WHEREAS, the Borough of Keyport (the "Borough") has determined the need to hire a Crossing Guard at a rate not to exceed Fifteen Dollars (\$15.00) per hour, pursuant to N.J.S.A. 40A:9-1 et seq.; and

WHEREAS, notice of the opening of such position was given and interviews were conducted; and

WHEREAS, the Police Chief has recommended Daniel Rusin be hired for the position of Per Diem Crossing Guard.

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

1. Daniel Rusin is hereby hired as a Crossing Guard for the Borough at a rate not to exceed Fifteen Dollars (\$15.00) per hour, effective immediately.
2. The maximum number of hours per week is not to exceed 20 hours.
3. The Borough Administrator is hereby authorized to execute all documents necessary to effectuate this appointment.
4. The Borough Clerk is hereby directed to forward copies of this resolution to the Borough Administrator, the Police Chief and Daniel Rusin.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of June 15, 2021.

Michele Clark, RMC
Municipal Clerk

RESOLUTION #__-21

**AUTHORIZING DISCHARGE OF THE DEVELOPER'S
AGREEMENT MADE BY ALARIC PROPERTIES, LLC, TO
AND IN FAVOR OF THE BOROUGH OF KEYPORT WITH
RESPECT TO THE PROPERTY LOCATED AT BLOCK 39,
LOT 12.01 ON THE TAX MAP OF THE BOROUGH**

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, Alaric Properties, LLC ("**Alaric**") previously made a certain Developer's Agreement dated August 25, 2014 to and in favor of the Borough (the "**Developer's Agreement**") to secure Alaric's municipal obligations with respect to improvements made to real property identified on the Borough's tax map as Block 39, Lot 12.01, commonly known as 45 Beers Street (the "**Property**"); and

WHEREAS, the Developer's Agreement was recorded in the Monmouth County Clerk's Office on September 22, 2014, in Book OR-9082, Page 1246 *et seq*; and

WHEREAS, Alaric's obligations secured by the Developer's Agreement, including those of certain performance bonds (having been properly superseded by maintenance bonds where appropriate) have been satisfied in full; and

WHEREAS, the Developer's Agreement is now cancelled and void, and may now be discharged of record.

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 Mayor of the Borough is authorized to execute and record a Discharge of Developer's Agreement for the Property in furtherance of this Resolution.
3. 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.
4. A copy of this Resolution shall be available for public inspection at the Office of the Borough Clerk.
5. This Resolution shall take effect as provided by applicable law.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

Prepared by/Record and Return to:

Leslie G. London, Esq.
McManimon, Scotland and Baumann, LLC
75 Livingston Avenue
2nd Floor
Roseland, New Jersey 07068

DISCHARGE OF DEVELOPER'S AGREEMENT

(Block 39, Lot 12.01, 45 Beers Street, Borough of Keyport)

A certain **DEVELOPER'S AGREEMENT** dated as of August 25, 2014, made by **ALARIC PROPERTIES, LLC**, to and in favor of **THE BOROUGH OF KEYPORT**, a Municipal Corporation of the State of New Jersey (the same hereafter the "**Developer's Agreement**"), was made to secure Alaric Properties, LLC's municipal obligations with respect to improvements made to real property identified on the Borough's tax maps as Block 39, Lot 12.01, and located at 45 Beers Street within the Borough of Keyport. The Developer's Agreement was recorded in the Monmouth County Clerk's Office on September 22, 2014, in Book OR-9082, Page 1246 *et seq.*

Alaric Properties, LLC's obligations secured by the Developer's Agreement, including those of certain performance bonds (having been properly superseded by maintenance bonds where appropriate) have been **SATISFIED IN FULL**, and are otherwise **SATISFIED** and **DISCHARGED**. The Developer's Agreement may now be discharged of record. This means that the Developer's Agreement is now cancelled and void and may be discharged.

Remainder of this page is intentionally left blank; signature page follows.

I sign and **CERTIFY** to this Discharge of Developer's Agreement on _____, 2021.

WITNESS OR ATTEST:

BOROUGH OF KEYPORT

Michele Clark,
Borough Clerk

By: _____
Collette J. Kennedy, Mayor

STATE OF NEW JERSEY :
: ss
COUNTY OF MONMOUTH :

I CERTIFY that on this ____ day of _____, 2021, Michele Clark came before me in person and acknowledged under oath, to my satisfaction, that:

- a) She is the Borough Clerk of the Borough of Keyport, the Municipal Corporation named in the attached Discharge of Developer's Agreement;
- b) She is the attesting witness to the signing of this Discharge by the proper Municipal Officer, who is Collette J. Kennedy, the Mayor of the Borough;
- c) This Discharge was signed and delivered by the Borough as its voluntary act, duly authorized by both a proper Resolution of its Borough Council, and by the ministerial discharge of the Developer's Agreement as a matter of law by virtue of fulfillment of its terms as herein noted;
- d) She knows the property seal of the Borough which is affixed to this Discharge; and,
- e) She signed this proof to attest to the truth of these facts.

Michele Clark, Borough Clerk

Signed and sworn to before me on
_____, 2021.

RECEIVED
MAY 10 2021



BY:

ATTORNEYS AT LAW

NORTH JERSEY
One Gateway Center, Suite 2600
Newark, New Jersey 07102
(973) 285-3048

CENTRAL JERSEY
46 - 50 Throckmorton Street
Freehold, New Jersey 07728
(732) 414-1170 phone
(732) 414-1167 fax
www.cutolobarros.com

SOUTH JERSEY
923 Haddonfield Road, Suite 300
Cherry Hill, New Jersey 08002
(856) 324-8237

REPLY TO FREEHOLD

May 5, 2021

VIA EMAIL (mclark@keyportonline.com) and
REGULAR AND CERTIFIED MAIL R/R/R

Michelle Clark, Borough Clerk
70 West Front Street, 2nd Floor
Keyport, New Jersey 07735

Re: 45 Beers Street, Keyport, NJ 07735
Block 39, Lot 12.01
Owner: Alaric Properties LLC

Dear Ms. Clark:

Please be advised that we represent Alaric Properties, LLC ("Alaric"), the current owner of the above-referenced property (45 Beers Street, Keyport, NJ 07735, Block 39, Lot 12.01, formerly Block 39, Lots 12, 13 and 14 on the Borough of Keyport Tax Map) (the "Property").

In this regard, Alaric is in the process of selling the Property and the title work obtained by the Buyer indicates that the Developers Agreement dated August 25, 2014 between Keyport and Alaric (a true copy of which is attached hereto as Exhibit A) (the "Developer's Agreement") is still in the chain of title even though, as we understand it, all Conditions of the Developer's Agreement have been fulfilled such that it should be discharged of record. In addition, as per Resolution #176-18 dated July 24, 2018 (a true copy of which is attached hereto as Exhibit B) (the "Resolution"), a Maintenance Bond in the amount of \$34,602.30 was posted along with an Escrow Account to cover costs associated with the observation of the Project and report at the end of the Maintenance Bond period which, by the terms of the Resolution, ended on July 24, 2020.

To that end, in accordance with the terms of the Developer's Agreement, this letter will serve as a formal written request for (1) discharge of the Developer's Agreement of record, (2) a final accounting of the disposition of the \$34,602.30 Maintenance Bond and Escrow Account and (3) return of remaining funds from the Maintenance Bond and Escrow Account.

Michelle Clark, Borough Clerk
May 5, 2021
Page 2

By copy of this letter sent via email, regular and certified mail r/r/r as indicated below, we are providing the Municipal Engineer (Trevor Taylor, PE) with a copy of this letter and notifying him of the above.

Thank you for your anticipated courtesies and cooperation in this regard and if you have any questions and/or require anything further in connection with this matter, please do not hesitate to contact me.

Very truly yours,
s/Gregg S. Sodini
Gregg S. Sodini

GSS/noe
Attachments

cc: (via email ttaylor@cmeusa1.com and regular and certified mail r/r/r)

Trevor Taylor, PE
CME Associates
1460 Route 9 South
Howell, New Jersey 07731

EXHIBIT A

**DEVELOPER'S AGREEMENT
OF THE
BOROUGH OF KEYPORT**

AGREEMENT made this ^{AUGUST} 25th day of July, 2014, by and between the Borough of Keyport, a municipal corporation of the State New Jersey, with its governmental officers located at 70 West Front Street, Keyport, NJ 07735 ("Borough"); and Alaric Properties LLC ("Developer"):

WITNESSETH:

WHEREAS, Developer is the owner of land known as Block 39, Lots: 12, 13, 14 on the Official Tax Map of the Borough of Keyport, and more commonly known and referenced to as 45 Beers Street, Keyport, NJ; and

WHEREAS, Developer had previously applied to the Unified Planning Board of the Borough of Keyport ("Board") for bifurcated use variance approval, with bulk variance relief, so as to allow for demolishing of two (2) existing apartment buildings, containing a total of fifteen (15) dwelling units, and constructing a new multi-family residential building consisting of twenty-four (24) dwelling units, with associated parking located on site; and

WHEREAS, Developer was granted the requested use variance and bulk variance relief during a meeting of the Unified Planning Board held on July 25, 2013 and more directly by way of a Resolution of Approval adopted by the Board on August 22, 2013; and

WHEREAS, as a condition of the use variance approval previously granted by the Board the Developer was required to return to the Board for preliminary and final site plan approval; and

WHEREAS, Developer was granted approval, by the Board, a duly constituted approving authority of the Borough, for preliminary and final site plan approval, with associated bulk variances, to be permitted to demolish two (2) existing apartment buildings, containing a total of fifteen (15) dwelling units, and subsequently construct a new multi-family residential building, consisting of twenty-four (24) dwelling units, with associated parking on site, which approval is memorialized in the Resolution of Approval by the Unified Planning Board of the Borough of Keyport at their meeting of October 24, 2013 and as annexed hereto as Exhibit A; and

WHEREAS, Developer desires to comply with the terms and conditions of such approval; and

WHEREAS, Developer and Borough desire to enter into a Developer's Agreement, which Agreement would provide for the completion of the various improvements and obligations required by the approval and accordingly, the parties wish to express by this Agreement their acceptance of the conditions, safeguards and limitations under which any construction, will proceed;

NOW, THEREFORE, in consideration of the approval heretofore granted to Developer, the mutual covenants herein contained, and the mutual benefits to be derived by the parties from the performance thereof, it is AGREED as follows:

1. Improvements to be completed by Developer: Developer shall, at its sole cost and expense, construct and install all of the on-site improvements shown on the Final Site Plan, as set forth in the Boards resolution adopted October 24, 2013 and shall otherwise fully perform all obligations required under said resolution.
2. Compliance with the Law: All improvements shall be constructed and installed in accordance with such state and federal laws as pertain thereto and in accordance with such specifications, ordinances, rules and regulations which are validly enacted or promulgated by the Borough, its officers, employees and agents prior to the commencement of construction. All buildings and structures are subject to inspection and approval by the applicable sub code official. All other site improvements not under the jurisdiction of the Construction Code Official shall be made subject to the inspection and approval of the Borough Engineer or his designees. Developer shall notify the Borough Engineer, in writing 48 hours prior to the commencement of construction of any improvements or other operations to be inspected. Said written notification shall include confirmation that the developer has complied with any pre-construction notifications as may be required from any other agencies exercising jurisdiction over the construction of the improvements. Additionally, Developer shall also notify the Police Chief in writing 48 hours prior to the commencement of any improvements.
3. Inspections: The Borough contemplates inspections of all facilities required to be completed by Developer hereunder. Prior to commencement of construction, a pre-construction meeting will be required. Developer shall notify the Borough Engineer at least 48 hours prior to the commencement of construction of any such facilities. In the event of temporary suspension of construction, the Borough Engineer shall be notified 48 hours prior to the renewed starting date of construction. The Borough Engineer shall use his best efforts with construction in an orderly, safe and expeditious manner. No backfilling after the installation of any curbing, drainage, utilities, or other improvements shall be done without the approval of the Borough Engineer.
4. Inspection Fees: An escrow amount shall be established to facilitate payment of engineering inspection fees, including water and sewer, in accordance with N.J.S.A. 40:55D-53.1. This account shall be initially funded to the Borough by Developer prior to construction in the amount of \$9,611.75. Engineering inspections by the Borough Engineering department shall be charged against this account at the rate prescribed by the appropriate ordinance. In the event there is a portion of any amount unused, it shall be returned to Developer upon approval of the Borough Council.
5. Performance Guarantees: The Developer has agreed to make certain improvements in accordance with the provisions hereof and to deliver a performance guarantee pursuant to N.J.S.A. 40:55D-53, totaling \$230,682.00 of which 10% or \$23,068.20 shall be provided

in Cash, Certified Check, or Money Order and the balance in the amount of \$207,613.80 by way of a Certified Check, Money Order, irrevocable Letter of Credit or a Performance Bond issued by a surety company acceptable to the Borough of Keyport, in the sole name of the Borough of Keyport to guarantee the proper installation of all improvements. As further detailed in paragraph 4 hereof, the Developer shall further deposit in cash with the Borough of Keyport certain engineering inspection fees for inspection by the Municipal Engineer in the amount of \$9,611.75 in addition to posting the aforesaid performance guarantee. Finally, upon acceptance of the public site improvements by the Borough Council, the Developer, will be required to post a 2-year maintenance guarantee in the amount of \$28,835.25, which is equal to 15% of the total cost of the bonded improvements. Performance Guarantee and Engineering and Inspection Escrow Estimate is annexed hereto as Exhibit B.

6. Deposit of escrow monies. The Borough of Keyport shall deposit all escrow monies in a banking institution or savings and loan association in the State of New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of new Jersey, The Borough shall notify the Developer in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit.
7. Release of performance guarantees. The Developer's performance guarantees shall not be released until all of the terms of this Agreement, as well as all conditions of approval, have been fully complied with by the Developer.
8. Reduction of the performance guarantees. The Developer may seek reduction of the performance guarantees which have been posted in accordance with N.J.S.A 40:55D-53, but such request by Developer shall be made not more frequently than at six (6) month intervals. It is specifically understood and agreed by the Developer that a reduction in the amount of total bonds due hereunder will not constitute an acceptance or approval of any improvements or parts thereof. Upon Developer's completion of all items of improvements delineated herein, which are inspected and approved by the Borough, formal acceptance of said improvements will be acted upon by the Borough.
9. Release of performance guarantees: A request for a reduction or release of the performance guarantees must be made in writing and sent by certified mail to the Municipal Clerk with a copy to the Municipal Engineer. The Municipal Engineer shall then have forty-five (45)days in which to file a report with the Municipal Council indicating any outstanding items which need to be completed and a recommendation as to the amount of reduction. The Municipal Council shall then either approve or disapprove by resolution a release or reduction within forty-five (45) days of its receipt of the Municipal Engineer's report.
10. Engineering Inspection Review and Legal Charges: The engineering review, planning and legal costs incurred by the Borough and approving authority to the date of this Agreement or incurred under the performance of the Agreement, including but not

limited to any enforcement proceedings, shall be reimbursed by Developer at the hourly rates established pursuant to the provision of Borough ordinances.

11. Compliance with Resolutions of Approving Authority: Developer agrees to make provision for, implement and perform each of the conditions contained in the approving authority's Resolution.
12. Municipal Parties Not Liable to Third Persons: The covenants, undertakings, agreements or other obligations mentioned in this Agreement shall not be construed as representations by the Borough, or by any Borough officer, board or employee to have or to assume any contractual or other liability to or with any persons, firms, or corporations dealing with Developer or otherwise using or having an interest in the aforementioned premises, nor shall this Agreement be construed to work any liability on the Borough approving authority persons.

Nothing herein contained shall be construed to render the Borough or any of its officers, boards, or employees, liable for any charges, costs, or debts for material, labor or other expenses incurred in the making of the improvements.

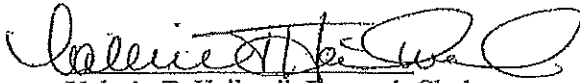
13. Indemnification: Developer shall be and remain liable for any and all damage or money loss occasioned to the Borough or the approving authority or their officers or agents by any neglect, wrongdoing, omission or commission of or by Developer or by any person, firm or corporation acting for the developer arising from the making of the site improvements from the performance of the terms hereof, from the granting of site plan approval, or from or out of this Agreement, and shall save indemnify and hold harmless the Borough, its officers, agents, boards, and employees' and the approving authority, its members, officer, agents and employees, from any and all actions at law or in equity, charges debts, liens, encumbrances, costs, counsel fees, and engineer and surveying fees which may arise from any such damage or loss, from the making or the improvements, from the performance of the terms hereof from granting of site plan approval or from or out of this Agreement unless the Borough or its agents shall have been judicially determined to have acted contrary to law or failed to perform acts required by law or by this Agreement or have been guilty or negligence which is actionable by law under N.J.S.A. 59:1-1 et seq. This indemnification shall not affect Developer's right to proceed against any third parties.
14. Operations Without Nuisance: Developer agrees not to commit a public or private nuisance and further agrees to abate any such nuisance within five (5) days of written notice from the Borough. Developer shall comply with the borough noise control ordinances and any applicable ordinance regulating construction. There shall be no construction on Sundays. Notwithstanding anything to the contrary herein, no provision of this Agreement shall be deemed a waiver of any rights or powers of the Borough or any agency of the Borough under any statutes, ordinances or other laws.
15. Abatement of Unsafe Conditions: Developer shall correct and make safe any dangerous or unsafe condition created by Developer or those acting for it, adversely affecting public

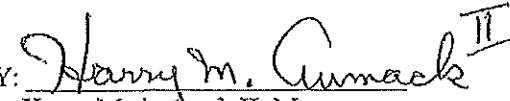
safety or general welfare, or affecting the safety or welfare of other occupants of the project as determined in the sole discretion of the Borough Engineer or enforcement official.

16. Severability of Provisions: If any paragraph, section, clause, sentence, provision or other part of this Agreement, or the application thereof to any person, firm or corporation, or its application to any facts or circumstances, shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgments shall not affect, impair or invalidate the remaining paragraphs, sections, clauses, sentences, provisions, or other parts of the Agreement. The provisions of this Agreement are intended to be severable.
17. Successor Bound: This Agreement shall be binding upon the successors and assigns of the parties signing it. All successors shall be given a copy of this Developer's Agreement providing the Borough with a corporate acknowledgment assuming all obligations hereunder, and reissue all bonds, security, or any other financial obligations set forth in this Agreement under the successor's name.
18. No Waiver: Nothing contained in this Agreement shall be deemed a waiver by any party or its rights under any ordinance of state statute or other law, or be construed as an abridgment, preemption or waiver of the powers of the Borough approving authority of any other agency or public body.
19. Provisions Enforceable as Conditions: Each of the provisions of this Agreement shall have the same force and effect as if set forth at length as conditions of the grant of site plan approval.
20. Cost of Enforcement: If the Developer or owner neglect or fail to carry out any provision of this Agreement within a reasonable time period, the Borough shall have the authority to have the necessary work performed and to charge Developer or owner for the cost of work done.
21. Filing of Agreement: This Developer's Agreement shall be filed with the Monmouth County Clerk's Office.

ATTEST:

BOROUGH OF KEYPORT


Valerie T. Heilwell, Borough Clerk

BY: 
Harry M. Annack II, Mayor

ATTEST:

BY: _____

STATE OF NEW JERSEY
COUNTY OF MONMOUTH SS:

I CERTIFY that on August 25, 2014

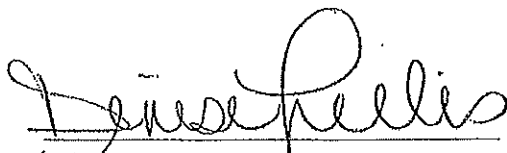
Valerie T. Heilwell, Borough Clerk

Personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the Clerk of the Borough of Keyport, the municipal corporation named in this document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is the Mayor of the Borough of Keyport, a municipal corporation;
- (c) This document was signed and delivered by the municipal corporation as its voluntary act duly authorized by a proper resolution of its Council;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on

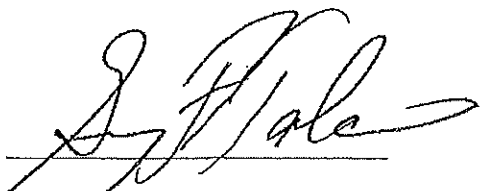
This 25th day of AUGUST, 2014



DENISE NELLIS
ID # 2360515
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires June 1, 2017

ATTEST:

ALARIC PROPERTIES, LLC

BY: 

GUY TALARICO, MANAGING MEMBER

STATE OF ~~NJ~~ *New York*

SS:

New York
COUNTY OF ~~MONMOUTH~~

September

I CERTIFY that on ~~July~~ *3*, 2014, Guy Talarico, personally came before me and this person acknowledged under oath, to my satisfaction, that:

- a. this person, Guy Talarico, is a Managing Member of Alaric Properties, LLC, the limited liability company named in this Deed;
- b. this Deed was signed and delivered by the limited liability company as its voluntary act, duly authorized by a proper resolution of its Members;
- c. this person knows the proper seal of the limited liability company;
- d. this person signed this proof to attest to the truth of these facts; and;
- e. the full and actual consideration paid or to be paid for the transfer of title is \$1.00 (such consideration is defined in N.J.S.A. 46:15-5).


NOTARY

EDWARD J. COOK
Notary Public, State of New York
No. 02CO6081030
Qualified in Nassau County
Commission Expires Sept. 30, 2014

RESOLUTION #176-18

AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR ALARIC PROPERTIES, LLC FOR THE PROPERTY LOCATED COMMONLY KNOWN AS BLOCK 39, LOTS 12, 13 AND 14 ON THE TAX MAP OF THE BOROUGH, SUBJECT TO POSTING A 2-YEAR MAINTENANCE BOND, PAYMENT OF ALL OUTSTANDING ENGINEERING OR INSPECTION ESCROW FEES, AND REPLENISHING THE ESCROW ACCOUNT TO AN AMOUNT NOT LESS THAN \$1,730.00

WHEREAS, the Unified Planning Board (the "**Planning Board**") of the Borough of Keyport (the "**Borough**") granted preliminary and final site plan approval (the "**Approval**") as to Alaric Properties, LLC (the "**Applicant**") with respect to proposed site improvements (the "**Project**") to the property commonly known as Block 39, Lots 12, 13 and 14 on the tax map of the Borough (the "**Property**"); and

WHEREAS, as one of the conditions of the Approval, the Applicant posted a performance guarantee comprised of a performance bond in the amount of \$62,332.74 and a cash deposit in the amount of \$6,925.86 (collectively, the "**Performance Guarantee**") as security for the installation of the Project at the Property; and

WHEREAS, in response to the Applicant's request for the release of the Original Performance Guarantee, CME Associates, the Borough engineer (the "**Engineer**") conducted a status review of the Project, including a field observation and review of the project files; and

WHEREAS, in a letter dated July 19, 2018, the Engineer reported that the bonded improvements at the Property are in substantial conformance with the project plans; and

WHEREAS, prior to the release of the Performance Guarantee to the Applicant, the Applicant shall: (a) provide a two (2) year, fifteen percent (15%) guarantee in the amount of \$34,602.30 (fifteen percent (15%) of the total guarantees posted), subject to review and approval by the Borough Attorney (the "**Maintenance Bond**"); (b) pay all outstanding engineering or inspection escrow fees; and (c) replenish the escrow account to an amount not less than \$1,730.00 to cover the costs associated with the observation of the Project and report at the end of the Maintenance Bond period; and

WHEREAS, in accordance with N.J.S.A. 40:55D-53(e)(1), a resolution authorizing the release of the Performance Guarantee is required by the Mayor and Council of the Borough.

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. Upon the recommendation of the Engineer, the Performance Guarantee, with the performance bond in an amount of \$62,332.74 and a cash deposit of \$6,925.86, shall be returned to the Applicant, upon completion of the following: (a) the Applicant shall provide a two (2) year, fifteen percent (15%) guarantee in the amount of \$34,602.30 (fifteen percent (15%) of the total guarantees posted), subject to review and approval by the Borough Attorney (the "Maintenance Bond"); (b) the Applicant shall pay all outstanding engineering or inspection escrow fees; and (c) the Applicant replenish the escrow account to an amount not less than \$1,730.00 to cover the costs associated with the observation of the Project and report at the end of the Maintenance Bond period

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: KENNEDY

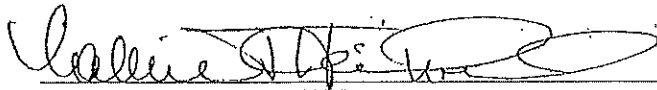
SECONDED: SHERIDAN

AYES: PACHECO, SHERIDAN, KENNEDY, LAMBERSON, COOPER, GOODE

NAYS:

ABSENT:

I, Valerie T. Heilweil, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of July 24, 2018.


Valerie T. Heilweil, RMC
Borough Clerk

RESOLUTION # -21

**AUTHORIZING THE BOROUGH OF KEYPORT TO
RELEASE A PORTION OF THE CASH REPAIR DEPOSIT
PROVIDED BY AURORA ENVIRONMENTAL, LLC FOR
EXCAVATION WORK AT 34 W. FRONT STREET**

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, in accordance with Borough Street Excavation requirements (Section 16-1 of the Borough Code), Aurora Engineering, LLC ("**Aurora**") was required to post a cash repair deposit in the amount of \$720 (the "**Deposit**") to guarantee the satisfactory completion of the necessary repair and restoration work associated with the removal of an underground storage tank within the sidewalk area at the property located at block 61, lot 22 on the Borough tax map (the "**Property**"); and

WHEREAS, upon completion of the work covered by the Deposit, one half of the Deposit shall be refunded, with the balance to be returned upon the expiration of a two (2) year maintenance period from the date of final approval of the work, subject to the determination of the Borough that the work remains in satisfactory condition; and

WHEREAS, the Borough Engineer has conducted a site observation of the Property and confirmed that all concrete work has been completed satisfactorily; and

WHEREAS, the Borough Engineer has recommended that one half of the Deposit in the amount of \$370 be refunded to Aurora, with the balance returned upon the expiration of a two (2) year maintenance period from the date of the final approval of the work, subject to the determination of the Borough that the work remains in satisfactory condition

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 is authorized to release one half of the Deposit in the amount of \$370 provided by Aurora to the Borough based on the recommendation of the Borough Engineer subject to the conditions listed in this resolution.
3. The Mayor of the Borough, the Borough Administrator, and/or the Borough Chief Financial Officer is authorized to effectuate the return of one half of the Deposit, including the execution of any forms necessary for the return in furtherance of this resolution.
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 Office of the Borough Clerk.

6. This Resolution shall take effect as provided by applicable law.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk



JOHN H. ALLGAI, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

June 8, 2021

Via Electronic & 1st Class Mail

Michele Clark, RMC
Borough Clerk
Keyport Borough
70 West Front Street
Keyport, NJ 07735

**Re: Cash Repair Deposit Review
Aurora Construction
34 West Front Street
Block 61, Lot 22
Borough of Keyport, Monmouth County, NJ
Our File: HKP00003.03**

Dear Michele:

In response to the Applicant's, Aurora Environmental Inc., request for release of the posted cash repair deposit with the Borough in the amount of \$740.00. Our recent site observation has revealed that all concrete work has been completed satisfactorily. However, as explained in our April 7, 2021 road opening permit review, upon completion of the work covered by the cash repair deposit or surety, as applicable, one half of the remaining cash repair deposit shall be refunded, with the balance returned upon the expiration of a two (2) year maintenance period from the date of final approval of the work, subject to the determination of the Borough that the work remains in satisfactory condition.

With that being said, our office has not objection to the release of half the funds in the amount \$370.00.

We trust that this is all the information you require at this time. Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Trevor J. Taylor, PE, PP, CME
Office of the Borough Engineer

TT:mmm

cc: Jay Delaney, Borough Administrator
Robert Kutschman, Superintendent of Public Works
Laurie Graham
Aurora Environmental- Applicant

S:\Keyport\Project Files\Road Opening Permits\21-05-07 34 W Front Street Bond Release Rvw.docx

CONSULTING AND MUNICIPAL ENGINEERS

1480 ROUTE 9 SOUTH • HOWELL, NEW JERSEY 07731 • (732) 462-7400 • FAX: (732) 409-0756



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIMOTHY W. GILLEN, PE, PP, CME
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LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME

April 7, 2021

Sent Via Electronic and Regular Mail

Michele Clark, RMC, Borough Clerk
70 West Front Street
Keyport, NJ 07735

Re: **Road Opening Permit (#3466)**
34-24 West Front Street
Block 61 Lot 22
Aurora Construction
Borough of Keyport, Monmouth County, NJ
Our File: HKP00003.03

Dear Michele:

Our office has reviewed the road opening permit application on the above referenced property. It is our understanding that the Applicant, Aurora Environmental Inc., will be removing the existing sidewalk for removal of an underground storage tank. West Front Street is a County roadway; however, since the work is within the sidewalk area, a road opening permit from the Borough is required. In accordance with the Borough of Keyport Street Excavation requirements (Section 16-1 of the Borough Code), Aurora shall be responsible for posting a cash repair deposit with the Borough prior to the issuance of any road opening permit. Subject to the approval of the Borough Council, a surety bond may be substituted for all or a portion of the cash repair deposit. However, pursuant to Subsection 16-1.8 of the Borough Code, the amount of the surety bond shall be double that of the cash repair deposit. Upon completion of the work covered by the cash repair deposit or surety, as applicable, one half of the remaining cash repair deposit shall be refunded, with the balance returned upon the expiration of a two (2) year maintenance period from the date of final approval of the work, subject to the determination of the Borough that the work remains in satisfactory condition.

By copy of this correspondence, we are advising the Borough that Aurora Construction shall post a cash repair deposit in the amount of \$720.00 to guarantee the satisfactory completion of the necessary repair and restoration work associated with the project. An estimate is enclosed for your reference.

In review of the application with the County Road Department, should the excavation extend beyond the sidewalk and affect the existing curb or roadway, a road opening permit from the Monmouth County Highway Department will be required. It is recommended, but not required, that a County road opening permit be submitted to the County in case there is disturbance of the curb or roadway. This will save time and potential delays should same be required during removal of the tank.

S:\Keyport\Project Files\Road Opening Permits\21-04-06 24 West Front Street Road Opening Permit.docx

CONSULTING AND MUNICIPAL ENGINEERS

1460 ROUTE 9 SOUTH • HOWELL, NEW JERSEY 07731 • (732) 462-7400 • FAX: (732) 409-0766



Michele Clark – Borough Clerk
Re: Road Opening Permit
34 24 West Front Street – Aurora Environmental

April 7, 2021
Page 2

In accordance with Chapter 16 of the Keyport Borough Ordinance, the following minimum standards should be followed during construction:

- 16-1.24(a): Prior to excavation, all trench openings shall be neatly saw cut. Unless specifically allowed, in writing, by the Superintendent of the Department of Public Works, or his designee, under unusual circumstances, no excavation work area shall remain open overnight. In the event any excavation work area is permitted to remain open overnight, the permittee shall be responsible for taking appropriate steps to properly block off the excavation work area and give adequate warning to anyone approaching same on foot or any vehicle of any type, including but not limited to the use of lighting, reflective materials and barriers.
- 16-1.24(b): The contractor shall backfill all trenches at the end of each working day with suitable materials from the trench excavation or with granular borrow material. Rocks larger than 6 inches may not be included in backfill. If the Superintendent of the Department of Public Works, or his designee, determines the existing material is unsuitable, select off site granular material shall be provided. Backfill material shall be deposited in layers and mechanically compacted to a minimum 90% percent Modified Proctor Density.
- 16-1.25(a)5: The permittee will be required to replace any structures including, but no limited to, curb, pavement and sidewalk, that had been undermined by the adjacent trench excavation and restoration work, at his or its expense. Such work shall be performed according to Borough standards.

We trust that this is all the information you require at this time. Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Trevor J. Taylor, PE, PP, CME
Office of the Borough Engineer

TT

Enclosure

Cc: Jay Delaney, Borough Administrator
Robert Kutschman, Superintendent of Public Works
Laurie Graham
Aurora Environmental- Applicant

ROAD OPENING CASH REPAIR DEPOSIT

LOCATION:

34 24 West Front Street
Block 61 Lot 22

APPLICANT:

Aurora Environmental, LLC
1102 Union Avenue
Union Beach, NJ 07735
(732) 888-1188

In accordance with Borough of Keyport Ordinance 16-1.7 Cash Repair Deposit, an excavation permit to perform excavation work shall be accompanied by a cash repair deposit in the following amount:

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED
3	<u>Miscellaneous</u>				
(a)	Remove sidewalks or aprons	60	SF	\$2.00	\$120.00
(b)	Concrete Sidewalks, 4" thick	60	SF	\$10.00	\$600.00

CASH REPAIR DEPOSIT REQUIRED TO POSTED PRIOR TO EXCAVATION: \$720.00

CASH REPAIR DEPOSIT TO BE RETURNED AFTER COMPLETION OF THE WORK: \$360.00

CASH REPAIR DEPOSIT TO BE RETURNED TWO (2) YEARS AFTER COMPLETION OF THE WORK: \$360.00

- 1) The Borough Engineer's office MUST be notified (732-462-7400) at least 48 hours in advance of installation of all the above improvements in order to schedule inspections.

PREPARED BY:


TREVOR J. TAYLOR, PE, PP, CME
OFFICE OF THE BOROUGH ENGINEER

RESOLUTION # -21**LIQUOR LICENSE RENEWALS
FOR THE 2021-2022 LICENSE TERM**

WHEREAS, application for renewal of certain plenary retail consumption, plenary retail distribution and club licenses has been made to the Mayor and Council of the Borough of Keyport as hereinafter set forth; and

WHEREAS, the Borough Clerk certifies that the requisite fee by each and every applicant has been paid and is in her office; and

WHEREAS, the Borough Clerk certifies that the requisite Alcoholic Beverage Retail Licensee Clearance Certificate (Renewal) has been received and is in her office; and

WHEREAS, the Borough Clerk certifies the Keyport Department of Code Enforcement, Fire Official and Police Department have inspected each of the locations and that they have advised her that all pertinent Statutes, Rules and Ordinances of the Borough of Keyport have been complied with by each of the applicants.

NOW, THEREFORE, BE IT RESOLVED that **plenary retail consumption** licenses be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2021 and ending June 30, 2022, upon application filed by:

1322-33-019-005	TC Inn Beverage Corporation, t/a Town and Country
1322-33-004-007	Fantasies Inc., t/a Fantasies
1322-33-012-010	Keyport Liquor License LLC, t/a McDonagh's Pub
1322-33-003-012	Keyport Waterfront Liquor, LLC t/a Old Glory Brew Hall & Brick Oven
1322-33-011-010	Timber Hill Associates II LLC, t/a Burlew's Seafood & Steak
1322-33-010-007	Uptown Keyport Bar & Grill LLC, t/a Uptown Keyport Bar & Grill
1322-33-006-005	Vestri Corp., t/a Up the Creek Tavern
1322-32-005-012	Keyport Liquor 56 Inc., t/a Keyport Liquor & Deli
1322-32-009-002	Suburban Wine & Liquor Inc., t/a Smiths Liquor Shop

NOW, THEREFORE, BE IT RESOLVED that **plenary retail distribution** license be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2021 and ending June 30, 2022, upon application filed by:

1322-44-001-009	MD Liquor & Wine LLC, t/a Buyrite of Keyport
-----------------	--

BE IT FURTHER RESOLVED that **club licenses** be issued by the Borough of Keyport and the appropriate officers of the Borough of Keyport are hereby authorized to issue and sign same in the name of the Borough of Keyport for the period commencing July 1, 2021 and ending June 30, 2022 upon application filed by:

1322-31-013-002	Raritan Post 23 American Legion, t/a American Legion Raritan Post 23
1322-31-014-002	Columbian Club of Keyport, t/a Knights of Columbus
1322-31-015-002	Keyport-Matawan Elks BPOE 2030
1322-31-016-002	Keyport Yacht Club

BE IT FURTHER RESOLVED that all licenses renewed herein, except Package Stores, but including Retail Consumption Licenses, Retail Plenary Distribution Licenses and Club Licenses shall have exit and entrance doors to licensed premises closed from 9:00 P.M. until closing absent complaints from residents residing in the immediate area of the licensed premises or as may be subsequently required by the Governing Body.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION # -21**AUTHORIZING THE EXTENSION OF THE LEASE
AGREEMENT FOR 120 FRANCIS STREET, UNIT 18,
KEYPORT, NEW JERSEY**

WHEREAS, pursuant to Resolution 227-19, the Borough of Keyport (the "Borough") entered into a two (2) year extension of its lease with Swift Properties for 120 Francis Street, Unit 18 for the period August 1, 2019 through July 31, 2021 (the "**Lease**");

WHEREAS, the Borough thereafter determined the need to extend the Lease for up to an additional two (2) year period, and Swift Properties has offered the Borough such an extension of the Lease, at the monthly rent of \$7,121.98, for the period starting August 1, 2021 through July 31, 2023; and

WHEREAS, the Borough has determined that it is beneficial to extend the term of the Lease for up to an additional two (2) year period at the same terms and conditions including the monthly rent of \$7,121.98 for the period starting August 1, 2021 through July 31, 2023; and

WHEREAS, apart from the aforementioned monthly rent payment, all other terms and conditions of the original lease will remain in effect; and

WHEREAS, sufficient funds are or will be available to pay the monthly payments under the Lease.

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 authorizes the extension of the Lease as set forth above at a monthly rent payment of \$7,121.98.
3. 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.
4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
5. This Resolution shall take effect as provided by law.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:
ABSTAIN:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

Swift Properties

COMMERCIAL INDUSTRIAL RENTAL
120 FRANCIS STREET KEYPORT, NEW JERSEY 07735
(732) 264-0089
FAX (732) 888-0667

June 7, 2021

Mr. Jay Delaney
Keyport Borough
Keyport, NJ 07735
administrator@keyportonline.com

**RE: Lease Renewal
Francis St Unit 18**

Dear Mr. Delaney,

Our records indicate that your lease will expire on 7/31/21.

At this time, I am prepared to offer you a two (2) year option on the space. All terms and conditions of your original lease will remain in effect, except your monthly rent, which will increase by 3%, from \$6,914.54 to \$7,121.98 for the two (2) year period starting 08/01/2021 to 07/31/2023.

If you wish to exercise this option, please sign below and return this letter to me as soon as possible. Please note that if this renewal is not signed, you will be considered a month-to-month tenant with no guarantee of tenancy or rental rate consistency. Your prompt attention to this matter is appreciated.

Sincerely,
SWIFT FAMILY PARTNERSHIP, LP

Cindy Valesi

Accepted By:

Jay Delaney
Keyport Borough

RESOLUTION #__-21

**AUTHORIZING THE AWARD OF A CONTRACT FOR
GRASS CUTTING AND LAWN MAINTENANCE SERVICES**

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 Borough owns and controls a variety of real property including ballfields and parks that require grass cutting, landscaping, and lawn; and

WHEREAS, the Borough Administrator solicited proposals from prospective vendors to provide grass cutting, landscaping, and lawn maintenance services for the Borough’s ballfields and parks and other Borough owned properties and open lots; and

WHEREAS, Scenic View Landscaping (the “**Vendor**”) submitted the lowest cost proposal to provide these services for a period of six (6) months in the amount of \$4,630.00 per month, for a total of \$27,780.00 (the “**Proposal**”); and

WHEREAS, Borough Administrator has reviewed the Proposal and has recommended Scenic View be authorized to provide these services in accordance with the Proposal; and

WHEREAS, the funds for these services have been certified as available from the Recreation Bayfront Improvement Trust and the Open Space and Recreation Trust by the Borough’s Chief Financial Officer.

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 Administrator is authorized to execute an agreement with Scenic View Landscaping or issue a purchase order for the services in accordance with the Proposal, and to execute any other documents necessary to carry out the purpose of this Resolution
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, Public Works Superintendent, and Chief Financial Officer.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

Resolution # -21
June 15, 2021

Certification of Funds

I certify that funds are available from: Recreation Bayfront Improvement Trust and the Open
Space and Recreation Trust

Thomas P. Fallon, Chief Financial Officer

SCENIC VIEW LANDSCAPING

ESTIMATE #14678

SENT ON:

May 24, 2021

RECIPIENT:

Jay Delaney

70 West Front Street
Keyport, New Jersey 07735

Phone: 732-739-5123

Proposal submitted by.: Mike 732-962-8886

Do we need mark out on this job.: No

Approx days to complete the jobs: 0.0 Days

Estimated time of starting job once deposit is received : 4- 6
weeks (weather/material depending)

SENDER:

Scenic View Landscaping

213 Broad Street
Keyport, New Jersey 07735

Phone: 732-602-1949

Website: www.ScenicViewNJ.com

PRODUCT / SERVICE	DESCRIPTION	QTY.	UNIT COST	TOTAL
General Lawn Maintenance Service (GLM)	Cut and trim lawn weekly, edge sidewalks and blow off all hardscaped areas. June 1 - November 25 Price is built equally June - November The ball fields and park lawns will be cut weekly through October 31st. The properties and open lot lawns will be cut bi-monthly until October 31st. A pre cut clean up and a fall clean up will be done at the above listed locations. The listed properties will be fertilized 4x's. 2 ball fields, cedar street park, waterfront park, Benjamin terry park, veterans park, main street park, and beach park. There will be no fertilizer or soil testing on the boro owned properties and open lots. There will no soil testing on the ball fields and parks also. There will be a 1x fall clean up around the 25th of November for all ball fields and parks only.	6	\$4,630.00	\$27,780.00

SCENIC VIEW LANDSCAPING

ESTIMATE #14678

SENT ON:

May 24, 2021

Total

\$27,780.00

All prices are plus NJ Sales Tax. All work is to be done as listed above. The prices and terms are hereby accepted. 50 percent payment is due at start of work. Balance is due at completion. There will be a one year guarantee on cracking and settlement of pavers. We guarantee all of our plants, trees, shrubs and sod to be healthy and alive upon installation. It will be the customer's responsibility to water and maintain them as instructed as there is no guarantee. All deposits are non-refundable after material is ordered, and jobs cannot be cancelled after material is ordered. Prices are valid for 30 days. All credit card transactions are subject to a 3.5% processing fee. Any extra items or services provided that are added by the customer will be an extra charge. Balances are to be paid in full at the time of completion of all services. After a 4 day grace period, a 10% late fee is added per month. Concrete removal is included up to 4" thick; concrete thicker than 5" will be subject to an extra charge. Concrete containing wire mesh or rebar will also be subject to an extra charge. Customer is responsible to obtain and pay for any permits that pertain to work above. Scenic View Landscaping reserves the right to use any pictures of property where landscaping took place in any advertisements or displays without any compensation to the customer. Scenic View Landscaping will not be responsible for any underground utilities that are not marked out or that are marked out incorrectly by "New Jersey One Call." It will be the customer's responsibility to have any and all other underground utilities marked out, such as: buried electrical lines, sprinkler lines, gas BBQ lines, pool heater/filter lines, cable lines, electric fence, etc. Drainage systems installed by Scenic View Landscaping regularly need to be checked for dirt, debris, leaves or such debris. We are not responsible for drainage system failure due to drainage systems being blocked or clogged from such debris. Payment is due at completion of services. Any and all late payments will void any and all warranties from Scenic View Landscaping and or its vendors. Once job starts 50 percent of payment is due then 25 percent of job is due at halfway point and balance upon completion. Due to a material shortage, estimated start dates and completion dates may change based on availability of materials.

Signature: _____ Date: _____

RESOLUTION #___-21**AUTHORIZING THE AWARD OF A CONTRACT TO CME ASSOCIATES FOR PERMITTING AND RELATED ENGINEERING SERVICES FOR DREDGING OF THE MUNICIPAL BOAT RAMP**

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, on January 1, 2021, the Borough Council adopted Resolution #4-21 appointing Gregory R. Valesi, PE, PP, CME, CFM, CPWM, from the firm CME Associates ("CME") as the Borough Engineer; and

WHEREAS, the Borough Administrator has determined a need exists for permitting and related professional engineering services for dredging of the municipal boat ramp; and

WHEREAS, at the request of the Borough Administrator, CME Associates has submitted a proposal dated June 8, 2021 to provide these services in an amount not to exceed \$19,500.00 (the "Proposal") a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Borough Administrator has recommended CME Associates be authorized to provide these services in accordance with the Proposal; and

WHEREAS, the funds for these services have been certified as available from the Recreation Bayfront Improvement Trust by the Borough's Chief Financial Officer of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough 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 Administrator is authorized to execute an agreement with CME Associates or issue a purchase order for the services in accordance with the Proposal, and to execute any other documents necessary to carry out the purpose of this Resolution.
3. The Borough Clerk is directed to forward copies of this resolution to the Borough Administrator, Borough Engineer, and Chief Financial Officer.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

Certification of Funds

I certify that funds are available from: Recreation Bayfront Improvement Trust

Thomas P. Fallon, Chief Financial Officer

EXHIBIT A

Proposal of CME Associates, dated July 20, 2018

~~JUNE 8, 2021~~



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

June 8, 2021

Via Electronic & 1st Class Mail

Borough of Keyport
70 West Front Street
Keyport, NJ 07735

Attn: Jay Delaney
Borough Administrator

**Re: *Estimate of Fees for Professional Environmental Consulting Services
Permitting for Municipal Boat Ramp Dredging
NJDEP and US Army Corps. Of Engineers
Block 94, Lot 1
Borough of Keyport, Monmouth County, NJ
Proposal No. 2021-113***

Dear Mr. Delaney:

We are pleased to submit our fee estimate for Professional Environmental Consulting Services for the preparation, submission and review coordination of permit applications to the NJ Department of Environmental Protection (NJDEP) and US Army Corps of Engineers (USACOE) for the dredging of the Borough boat ramp on American Legion Drive. This proposal outlines the scope and costs of services needed to authorize the previous dredging and to permit the dredging for the remaining portion of the ramp. The NJDEP and US ACOE have co-regulatory authority over the project because the water is tidal.

As part of the preparation of this proposal, we contacted the NJDEP's Office of Dredging and Sediment Technologies representative Jeff Thein to clarify the need to include sampling as part of the application package submission. He indicated that the work qualifies for an exemption based on the dredge volume being less than 1,000 c.y. and that there will be no residential or recreational exposure at the site of disposal. With this, only the sampling requirements of the Monmouth County Reclamation Center need to be met, as their facility is the intended disposal site.

With this in mind, we propose the following Scope of Services:

A. Survey Basemap Phase Services

- Conduct a limited bathymetric survey of the area in need of dredging. If the Borough has the design plans for the ramp, that will assist us in the preparation of the basemap.



Jay Delaney
Keyport Borough
Re: Borough of Keyport Boat Ramp Dredging

June 8, 2021
Proposal No. 2021-113
Page 2

B. Permit Phase Services

- Preparation of NJDEP Permit plan, including the spring high water line, the mean high water line, the position of mean low water line, the existing and proposed bathymetry and the volume of material to be dredged. The USACOE Permit Plan will be nearly identical to the NJDEP Permit Plan, except it will need to show the high tide line, which is based on a physical observation of the position of the average rack or drift line at the ramp.
- Obtaining one sample of the material to be dredged, and requesting analysis for the parameters required by the MCRC.
- Preparation of an NJDEP In Water, Waterfront Development permit application, including all map graphics and public notice requirements in the administrative checklist.
- Preparation of a USACOE Nationwide Permit #35, under Section 10.
- Coordination of application review with case managers for both agencies.

Summary of Fee Estimates

A. Survey Basemap Phase Services	\$6,000.00
B. Permit Phase Services	\$13,500.00
Total Fee Estimate	\$19,500.00

Please note that approximately \$1,662.00 of this fee is for the analytical services.

Exceptions:

- Any work not specified as listed in the above phases shall be considered additional services and will be invoiced at the time said work is authorized by the Borough.
- Application fees are considered extra and will be requested at time of submission. The In-Water, Waterfront Development permit application fee is expected to be \$3,000.00

The above fee estimates are based on information provided to us by the Borough. Should the scope of the project change requiring additional professional fees, we will detail same in writing and seek authorization prior to proceeding.



Jay Delaney
Keyport Borough
Re: Borough of Keyport Boat Ramp Dredging

June 8, 2021
Proposal No. 2021-113
Page 3

Should you accept our fee estimate, kindly provide a purchase order or professional services Resolution authorizing same. We trust this is the information you require at this time. However, if you have any questions or wish to discuss the above further, please do not hesitate to contact this office.

Very truly yours,

CME Associates

A handwritten signature in black ink, appearing to read 'Trevor J. Taylor', is written over the printed name.

Trevor J. Taylor, PE, PP, CME
Borough Engineer's Office

TT:JAG:mrm

RESOLUTION #___-21

**AUTHORIZING A SHARED SERVICES AGREEMENT TO
PROVIDE REGISTRAR AND DEPUTY REGISTRAR OF VITAL
STATISTICS SERVICES TO UNION BEACH**

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") and the Borough of Union Beach ("**Union Beach**") are public bodies corporate and politics of the State of New Jersey; and

WHEREAS, Union Beach requires the services of a Registrar and Deputy Registrar of Vital Statistics and seeks to enter into a shared services agreement with the Borough (the "**Shared Services Agreement**") to utilize the Borough's Registrar and Deputy Registrar of Vital Statistics on a shared services basis; and

WHEREAS, the Shared Services Agreement shall be for a term of eighteen (18) months retroactive to January 1, 2021 through June 30, 2022; and

WHEREAS, the Shared Services Agreement provides that Union Beach shall pay a fee of \$500.00 in accordance with the Shared Services Agreement; and

WHEREAS, it is in the best interests of the Borough to approve and to authorize the Borough Administrator, the Mayor, and other reasonably necessary personnel to enter into a Shared Services Agreement with Union Beach.

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 Mayor of the Borough, the Borough Administrator and other reasonably necessary personnel are hereby authorized and directed to enter into the Shared Services Agreement with the Borough of Union Beach consistent with the dictates of that certain proposed Shared Services Agreement, for the provision of a Registrar and Deputy Registrar of Vital Statistics on a shared services basis, substantially in the form on file with the Borough Clerk, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor of the Borough in her discretion in consultation with legal counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
3. 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.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

SHARED SERVICE AGREEMENT

THIS SHARED SERVICE AGREEMENT, ("Agreement") made this ____ day of _____ 2021 by and between the Borough of Keyport, a municipal corporation in the State of New Jersey with offices located at 70 West Front Street, Keyport, New Jersey 07735 ("Keyport" or "Provider") and the Borough of Union Beach, a municipal corporation in the State of New Jersey with offices located at 650 Poole Avenue, Union Beach, NJ 07735 ("Union Beach" or "Recipient").

WITNESSETH:

WHEREAS, Keyport and Union Beach wish to encourage inter-municipal cooperation and planning in the purchase, utilization and exhaustion of common resources such as bulk purchasing, contracted/shared services, equipment usage and storage; and

WHEREAS, Keyport and Union Beach are prepared to enter into such an Agreement at the current time; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity, for the provision of any service which the municipality could provide directly; and

WHEREAS, N.J.S.A. 40A-65-1 et seq., the Shared Services and Consolidation Act, provides a mechanism for making such contracts between public agencies; and

WHEREAS, Keyport and Union Beach have both respectively passed a resolution authorizing an Agreement for the provision of inter-municipal cooperation and planning in the purchase, utilization and exhaustion of common resources; and

WHEREAS, Keyport and Union Beach have each duly authorized their respective proper officials to enter into and execute this Agreement.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, agree as follows:

SCOPE OF SERVICES

A. General Provisions. This Agreement shall set forth the general shared service categories by and between Keyport and Union Beach to establish inter-municipal cooperation and planning in purchase, utilization and exhaustion of common resources such as bulk purchasing, contracted/shared services and equipment usage and storage. The Provider is hereby designated as the agent of the Recipient, to furnish a Registrar of Vital Statistics and Deputy Registrar.

B. Duration of Agreement. Duration of the Agreement shall be for a **period of eighteen (18) months beginning retroactively on January 1, 2021 and ending June 30, 2022.**

C. Fee. A fee of \$500.00 per month shall be paid by the Recipient to the Provider as follows: for the period January 1 to December 31, 2021 the amount of \$6,000.00 shall be paid on or before September 1, 2021; and for the period January 1 to June 30, 2022 the amount of \$3,000.00 shall be paid on or before April 1, 2022.

D. Duties of Keyport.

i. Staffing. The Provider shall furnish individuals to perform the following duties:

Registrar of Vital Statistics: One part-time employee, as needed; and

Deputy Registrar: One part-time employee, as needed.

ii. Personnel. At all times, the Provider shall maintain responsibility for and control over the personnel hired to provide the service. All Citizen inquiries and complaint resolution regarding employee performance shall be handled through the Provider.

E. Duties of Union Beach. As a condition of this Agreement, the Recipient shall name and appoint the Keyport employee identified by the Provider to be the Borough of Union Beach Registrar of Vital Statistics. If, at any time, the Union Beach Borough Council, with sufficient notice to Keyport, chooses to appoint an individual other than the person identified by the Provider, this Agreement shall be considered terminated and null and void, as appointment of the Provider's employee is contingent upon the existence of a valid and in effect Agreement.

F. Logistics.

i. Services to be Performed. The Registrar shall handle general correspondence, telephone contact, issuance of certified copies for Marriage, Birth, Death, receive Marriage Applications and administer the Oaths, provide for the deposit of monies to the appropriate accounts for the Borough of Union Beach, as arranged by the Recipient's Chief Financial Officer.

ii. Hours of Service. The posted hours of the Registrar are Monday through Friday, 8:30 AM to 4:00 PM. Hours will be posted on the Borough of Keyport web page. The Provider's Deputy is required to be available during these hours of operation as well.

iii. Place of Operation. The Recipient shall arrange for the Registrar to conduct and assist those requiring the attention of the Registrar at the offices of the Provider. In the event It is determined by the Recipient that the Registrar should work from the Union Beach municipal building rather than the Keyport Borough Hall, written notice of that decision shall be provided to the Provider.

iv. Maintenance of Records. All records of the Recipient shall remain the property of the Recipient and shall be stored in a manner consistent with the directive of the State of New Jersey Registrar and New Jersey Department of Archives and Records Management. All such records during the duration of this agreement shall be stored and retained at the Keyport Borough Hall.

G. Termination or Amendment of Agreement. Either party may terminate its participation in the Agreement by providing notice to the other party, with a least thirty days (30) notice. The Agreement may be amended at any time by mutual agreement by the parties, provided that such amendment is reduced to writing, executed by the Chief Administrative Official of each municipality or his/her designated representative and specifies the date the provision of such

amendment shall be effective. Upon termination of the agreement, all payments provided for in Section C shall be pro-rated to the month of said termination.

H. Interpretation of Agreement. Any questions regarding proper interpretation of the terms of the Agreement shall be submitted by the Municipal Clerk of the Provider, to the municipal attorney of the Provider as well as to the municipal attorney of the Recipient for interpretation. Absent a unanimous opinion, the requesting party may terminate their participation in the Agreement as provided for in Section G, or file an action in a court of competent jurisdiction with venue in the County of Monmouth.

I. Entire Agreement. This Agreement contains the entire understanding of the parties. This Agreement may not be modified or amended except by mutual agreement between the parties incorporated in writing and signed by the parties, as described in Section G. This Agreement shall be construed in accordance with the laws of the State of New Jersey. In the event that any provision of this Agreement is deemed to be illegal by any Court or agency of competent jurisdiction, then the remaining provisions shall continue in full force and effect.

In the event of any conflict between the terms, conditions, and provisions of this Agreement and the provisions of the Board's or Borough's policies or any permissive State and/or Federal law, unless otherwise prohibited by law, the terms of this Agreement shall take precedence over the contrary provisions of each entities policies or any such permissive laws during the Agreement term.

IN WITNESS WHEREOF, Keyport and Union Beach have caused their respective corporate seals to be hereunto affixed hereto and attest and this agreement to be signed by their respective officers duly authorized and this Agreement to be dated as of the day and year first above written.

ATTEST:

BOROUGH OF UNION BEACH

Anne Marie Friscia, Borough Clerk

Charles W. Cocuzza, Mayor

Date:

Date:

ATTEST:

BOROUGH OF KEYPORT

Michele Clark, Borough Clerk

Collette J. Kennedy, Mayor

Date:

Date:

(Placeholder)

R159-21

Authorizing the Execution of a Memorandum of Agreement
between the Borough of Keyport and Keyport PBA Local 223

To be provided

RESOLUTION # -21**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
2021 DISTRACTED DRIVING CRACKDOWN**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$7,500, which is now available from the National Priority Safety Program – 2021 Distracted Driving Crackdown.

BE IT FURTHER RESOLVED, that the like sum of \$7,500 is hereby appropriated under the caption 2021 Distracted Driving Crackdown; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION # -21**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
BAYSHORE SATURATION PATROL**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$13,200, which is now available from the NJ Division of Highway Traffic Safety Bayshore Saturation Patrol Grant.

BE IT FURTHER RESOLVED, that the like sum of \$13,200 is hereby appropriated under the caption NJ Division of Highway Traffic Safety Bayshore Saturation Patrol Grant; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:

SECONDED:

AYES:

NAYS:

ABSENT:

I, Michele Clark, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION # -21**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
CLEAN COMMUNITIES PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$14,986.21, which is now available from State of New Jersey Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$14,986.21 is hereby appropriated under the caption of Clean Communities Program; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

RESOLUTION # -21**REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION – N.J.S.A. 40A:4-87
OFFICE ON AGING – CARES ACT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Keyport in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$9,038, which is now available from the County of Monmouth Office on Aging Cares Act Title IIIB.

BE IT FURTHER RESOLVED, that the like sum of \$9,038 is hereby appropriated under the caption of County of Monmouth Office on Aging Cares Act Title IIIB; and

BE IT FURTHER RESOLVED, that the Electronic Special Item of Revenue Submittal form be filed with the Division of Local Government Services for approval thereof.

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at their Regular Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Keyport desires to further the public interest by obtaining funding from the State to fund the following project(s): the Fireman's Park Improvement Project;

NOW, THEREFORE, the governing body/board resolves that Borough Administrator and Council of Keyport or the successor to the Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWNSHIP OF BLOOMFIELD

1. That the Borough Administrator of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Fireman's Park Improvement Project;
2. That the applicant has its matching share of the project, if a match is required;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

CERTIFICATION

I, Michele Clark, Clerk of the Borough of Keyport, do hereby certify that the foregoing is a true copy of a resolution adopted by Borough of Keyport at a meeting held on the 15th day of June 2021.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 15th day of June 2021.

(name and title)

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
URBAN PARKS INITIATIVE
ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), is providing grants through the Urban Parks initiative; and

WHEREAS, the Borough of Keyport desires to further the public interest by obtaining grant funding that is not to exceed \$500,000 from the State to fund the following project: Improvements to Fireman's Park.

NOW, THEREFORE, the governing body resolves that The Borough of Keyport or the successor to the office of the Borough Administrator is hereby authorized to:

- (a) make an application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE BOROUGH OF KEYPORT

1. That the Borough Administrator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Fireman's Park;
2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

CERTIFICATION

I, Michele Clark, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Borough of Keyport at a meeting held on the 15th day of June, 2021.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 15th day of June, 2021.

(name and title of Secretary or equivalent)

OFFERED:
SECONDED:
AYES:
NAYS:
ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Council Meeting of June 15, 2021.

Michele Clark, RMC
Borough Clerk

Michele Clark

From: Julie Nastasi <[REDACTED]>
Sent: Monday, June 07, 2021 1:28 PM
To: mayorkennedy@keyportonline.com; Jay Delaney; 'Michele Clark'
Cc: Kristopher Krzyston
Subject: Borough of Keyport Application for Use of Borough Property Scout Troop 364 for June 22 2021 with Insurance.pdf
Attachments: Borough of Keyport Application for Use of Borough Property Scout Troop 364 for June 22 2021 with Insurance.pdf

Good afternoon,

Attached is an Application and permit for use of Borough Property form that I am submitting on behalf of Keyport Boy Scout Troop 364 for the Spring Court of Honor event to be held on June 22, 2021. This event is usually held indoors but in an effort to continue to be prudent we would like to hold it outside at Benjamin Terry Park, weather permitting. We would also request a waiver of the fee if possible. The event is casual and shouldn't take more than an hour. If you could list for consideration by the Governing Body at the next Borough Council meeting, we would greatly appreciate it. I can be reached at [REDACTED] if there are questions.

Thanks very much,
Best regards,
Julie



JULIE NASTASI
PROJECT ENGINEER

11 Tindall Road, Middletown, NJ 07748
T 732.671.6400 D 732.865.9492
JNASTASI@TANDMASSOCIATES.COM | TANDMASSOCIATES.COM





Borough of Keyport
70 West Front Street
Keyport NJ 07735

Clerks Office: 732-739-5124
Fax Number: 732-739-8738
mclark@keyportonline.com

**APPLICATION & PERMIT FOR
USE OF BOROUGH PROPERTY**

Date Received **JUN 07 2021** Date of Response _____
Property requested Benjamin Terry Park/Cedar Street
Organization Name/Purpose Scout Troop 364
Name Julie Nastasi
Address [REDACTED]
Telephone Number [REDACTED] Fax Number _____
Email Address: [REDACTED]

Type of Event Scout Court of Honor Time of Event 6:30 pm
Date of Event June 22, 2021
No of People Attending Approximately 30

Fee Schedule

Borough Property	Minimum 3 Hours	Additional Per Hour
Senior Center	\$23.00	\$5.75
Borough Hall Council Room	\$23.00	\$5.75
OTHER		
Waterfront Pavilion/Promenade	\$100.00	
Pictures at Pavilion/Promenade	\$100.00	
Beach Park	\$100.00	

Mail Check or Money Order Payable to:
Borough of Keyport, PO BOX 60, Keyport, NJ 07735

PLEASE READ THE FOLLOWING REGULATIONS PERTAINING TO EVENTS

- Event: Maximum of 100 people.
- Bring permit with you on the date of event. Police or park personnel may ask you to present permit.
- Amplification for music or other purposes is not permitted.
- Rules and directives of park personnel must be strictly adhered to.
- Chairs, tents, rugs and/or runners are not permitted
- For Wedding Photography: Maximum of 25 people limited to bridal party and parents.
- Throwing of rice, birdseed, flowers and confetti are not permitted.
- A Permit does not include the use of equipment unless by separate agreement approved by Council.
- A staff member must be on duty and/or call during times that groups are using facilities.
- Requests for the use of borough facilities must be made by contacting the Borough Clerk sufficiently in advance (a minimum of 7 days prior to the event) to insure that all conditions are met and to make all necessary arrangements.
- Groups using gymnasiums must wear shoes of a type that will not damage the gymnasium floor.
- A permit does not grant the right to establish concessions or sell items on borough property.
- Groups using Borough Property shall exercise all safety precautions.
- At the discretion of the Business Administrator, any permit for the use of Borough property may be revoked at any time. Applications for borough property must be signed by a responsible citizen who is 21 years of age or older.
- Permits will not be issued for purposes prohibited by ordinance, statute or law of any kind.
- Smoking, alcoholic beverages and/or illicit drugs are not permitted on Borough Property.
- The Borough Clerk shall be responsible for the assessment and collection of fees for the use of Borough property. Payment may be made in advance and cancellation penalty may be assessed for expenses incurred.
- Cancellations of approved applications must be made through the Borough Clerks Office at least 24 hours prior to the event (if the event is on a weekend, cancellation must be made by 10 a.m. the prior business day).
- Organization should provide certificate of insurance naming the Borough as an added insured.

I, the undersigned, agree to floor rules and regulations stated above. I understand that the public has access to any public Borough Park. The Public can only be requested to stay clear of the immediate area of the event.

Julie Nasrasi
Signature

6/7/2021
Date

Please return completed application/permit to:

Borough of Keyport
Borough Clerk's Office
70 W. Front Street
Keyport, NJ 07735

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 8144 Walnut Hill Lane, 16th Floor Dallas TX 75231	CONTACT NAME: Laura Craig PHONE (A/C No. Ext): 972-770-1402 FAX (A/C No): 972-770-1699 E-MAIL ADDRESS: laura.craig@marshmma.com														
	<table border="1"> <thead> <tr> <th data-bbox="797 401 1373 409">INSURER(S) AFFORDING COVERAGE</th> <th data-bbox="1373 401 1513 409">NAIC #</th> </tr> </thead> <tbody> <tr> <td data-bbox="797 409 1373 417">INSURER A : Evanston Insurance Company</td> <td data-bbox="1373 409 1513 417">35378</td> </tr> <tr> <td data-bbox="797 417 1373 426">INSURER B :</td> <td data-bbox="1373 417 1513 426"></td> </tr> <tr> <td data-bbox="797 426 1373 436">INSURER C :</td> <td data-bbox="1373 426 1513 436"></td> </tr> <tr> <td data-bbox="797 436 1373 445">INSURER D :</td> <td data-bbox="1373 436 1513 445"></td> </tr> <tr> <td data-bbox="797 445 1373 453">INSURER E :</td> <td data-bbox="1373 445 1513 453"></td> </tr> <tr> <td data-bbox="797 453 1373 462">INSURER F :</td> <td data-bbox="1373 453 1513 462"></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Evanston Insurance Company	35378	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER D :															
INSURER E :															
INSURER F :															
INSURED Boy Scouts of America, National Council and All of its affiliates and subsidiaries Monmouth Council,BSA #347 705 Ginesi Drive Morganville, NJ 07751															

COVERAGES

CERTIFICATE NUMBER: 1356383642

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒	COMMERCIAL GENERAL LIABILITY			MKL4PBC000980	3/1/2020	3/1/2021	EACH OCCURRENCE	\$ 1,000,000
	☐	CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
	☐							MED EXP (Any one person)	\$
	☐							PERSONAL & ADV INJURY	\$ 1,000,000
	☐	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 10,000,000
	☐	POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	\$
	☐	OTHER:							\$
	☐	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	☐	ANY AUTO						BODILY INJURY (Per person)	\$
	☐	OWNED AUTOS ONLY	☐					BODILY INJURY (Per accident)	\$
	☐	HIRED AUTOS ONLY	☐					PROPERTY DAMAGE (Per accident)	\$
	☐	SCHEDULED AUTOS NON-OWNED AUTOS ONLY	☐						\$
	☐	UMBRELLA LIAB	☐					EACH OCCURRENCE	\$
	☐	EXCESS LIAB	☐					AGGREGATE	\$
	☐	DED	☐						\$
	☐	RETENTION \$	☐					PER STATUTE	OTH-ER
	☐	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	☐					E.L. EACH ACCIDENT	\$
	☐	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH)	☐	N/A				E.L. DISEASE - EA EMPLOYEE	\$
	☐	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks schedule, may be attached if more space is required)
Certificate holder is named as an additional insured by virtue of a written or oral contract or by the issuance/existence of a permit or certificate of insurance but only with respect to operations by or on behalf of the insured, or to facilities of, or facilities used by the insured and then only of the limits of liability specified in such contract for the event specified. Primary and Non-Contributory applies as required by written contract or agreement. Waiver of Subrogation applies when required by written contract or agreement. Sexual Molestation coverage is incorporated in the policy and addressed by endorsement and is subject to the policy period, terms, limits and conditions of the policy. Certificate holders include directors, officers, agents, owners, volunteers, mortgagees and landlords as required by written contract or agreement.

For: All Official Scout Activities

CERTIFICATE HOLDER

Borough of Keyport
285 Main Street
Keyport, NJ 07735

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Paul B. [Signature]

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Michele Clark

From: ABCDoNotReply@njoag.gov
Sent: Wednesday, June 02, 2021 7:51 PM
To: mclark@keyportonline.com
Subject: NJ ABC - Permit Application for an event in your municipality.
Attachments: 22029524-2D43-4C0E-997F-466909A4FA4F.jpeg



FOR ALL APPLICANTS: You are receiving a courtesy copy of your application.

FOR APPLICANTS OF COVID 19 EXPANSION OF PREMISES PERMIT : You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality in which the expanded premises that is the subject of this application is located.

FOR APPLICANTS OF SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISES AND LIMITED BREWERY OFF-PREMISES EVENT PERMITS FOR EVENTS TO BE HELD ON MUNICIPAL OR PRIVATE PROPERTY: You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality in which the event that is the subject of this application.

FOR APPLICANTS OF TEMPORARY STORAGE PERMITS: You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality that is the subject of this application.

FOR MUNICIPAL ISSUING AUTHORITIES: A Special Permit (Social Affair or Catering or Extension of Premises or Limited Brewery Off-Premises or COVID-19 EXPANSION OF PREMISES) has been applied for in your jurisdiction. Please login to the Division website to review the Permit Application and provide your Endorsement of the application by the noted due date. If you have any questions regarding the application, please contact the Division at 609-984-2830, and request to speak with a representative of the Permit Unit.

FOR APPLICANTS OF SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISE AND LIMITED BREWERY OFF-PREMISES PERMITS FOR EVENTS TO BE HELD ON PROPERTY OR PREMISES THAT ARE OWNED BY OR UNDER THE CONTROL OF A STATE OR COUNTY ENTITY: You are responsible for obtaining the Endorsements of the Chief Law Enforcement Officer and Chief Administrative Official with jurisdiction over the property or premises on which the event that is the subject of this application will be held. For instructions on obtaining the required Endorsements, please scroll down to the end of this Notification.

FAILURE TO OBTAIN THE REQUIRED ENDORSEMENTS WILL RESULT IN DENIAL OF YOUR APPLICATION.

This notification is being sent to the following email addresses:

- cstrauss@fatimakeyport.org
- mclark@keyportonline.com

Permit Type:	Social Affair
File Number:	449295
Permittee:	OUR LADY OF FATIMA PARISH
License Number:	N/A
Mailing Address:	376 MAPLE PLACE KEYPORT, NJ 07735 USA
Physical Address:	
Contact:	CATHY STRAUSS 

Applicant Email: cstrauss@fatimakeyport.org

Additional Permit Information

County:	13 - MONMOUTH COUNTY
Municipality:	22 - KEYPORT BOROUGH

Was the Non-Profit Group/Organization formed as a Religious, Civic or Educational Entity?
Yes

Location

Location Description:
Our lady of Fatima

Address:
376 Maple pl
Keyport, NJ 07735
USA

Event Details

What is the specific event being held?
Parish picnic

Event Dates

~~Jun 28, 2021 from 12:30 PM to 4:30 PM~~

Sun. June 27th

Application Questions

Question 1:

Please supply the person's name and phone number to contact should there be any questions related to this application. NAME PHONE NUMBER

Response:

Catherine strauss [REDACTED]

Question 2:

Is the event premise owned by or under the control of a A) municipality, B) county, C) State or D) other? Please Identify the owner by one of the aforementioned codes. Provide the name of the owner, as well as a phone number for the owner and for what the premise is normally used.

Response:

No

Question 3:

By checking yes, the applicant is stating that they are in good standing and do not currently have their non-profit status revoked.

Yes / No Response:

Yes

Question 4:

Has the organization been issued a Social Affair Permit during the past three (3) years?

Yes / No Response:

Yes

Question 5:

Does the event premise hold an alcoholic beverage license or Winery Salesroom/Outlet issued by the New Jersey Division of Alcoholic Beverage Control?

Yes / No Response:

No

Question 6:

For what purpose is the premise normally used for?

Response:

Church

Question 7:

Does the premise conduct mercantile business?

Yes / No Response:

No

Question 8:

How is a charge assessed? Ticket, contribution or other; please specify.

Response:

Tickets

Question 9:

Who is the recipient of the proceeds?

Response:

Our lady of Fatima

Question 10:

Will you be dispensing Wine?

Yes / No Response:

No

Question 11:

Will you be dispensing Malt Alcoholic Beverages(Beer)?

Yes / No Response:

Yes

What is the cup size?

Response:

8oz

Question 12:

Will you be dispensing Distilled Spirits?

Yes / No Response:

No

Question 13:

How is the alcohol being obtained? Is it being donated or are you purchasing? Please explain:

Response:

Will be purchasing

Question 14:

Who will be pouring the alcoholic beverages at the event?

Response:

Cathy strauss

Question 15:

How many people are expected to attend the event on a daily basis?

Response:

200

Question 16:

What is the approximate age group of the attendees?

Response:

25 and older

Question 17:

Will persons under the legal age to consume alcohol be in attendance?

Response:

No

Question 18:

Explain in DETAIL the security plans for the event. The plans should include the number of people checking for ID's, plans to prevent pass-offs to minors, the type of security at the event, the limit of alcoholic beverages per transaction, and any other relevant information pertaining to the event.

Response:

Hiring police office- after I?d bracket will be given to person s long with ticket

Question 19:

Is the event being handled by a third party, promoter, production company, or other entity?

Yes / No Response:

No

Question 20:

By selecting yes, you understand that gambling, mock gambling and gambling paraphernalia are not permitted on the premise licensed by the Special Permit unless otherwise approved by the Legalized Games of Chance Control Commission. Contact the Commission at (973) 273-8000

Yes / No Response:

No

Question 21:

Has this organization exceeded their limit of 12 Social Affair Permits for this calendar year?

Yes / No Response:

No

Question 22:

The Division must be notified for cancellation or rescheduling prior to the date of the event. Refunds will not be issued if cancellation is provided after the event date. Do you acknowledge the above statement and wish to submit your application.

Yes / No Response:

Yes

Question 23:

By checking "yes" to this question, you are stating that you have obtained the necessary consent from the person so authorized at the premises where the affair is to be held, including property under the control of a unit of government, municipality, county or State, a church; or premises under license or other privately owned facility.

Yes / No Response:

Yes

Question 24:

Provide the full name, title, phone number and e-mail address of the person who provided the applicant with approval for the event being held at the location specified.

Response:

Catherine Strauss Our lady of Fatima Pastoral assistant
[REDACTED] Cstrauss@fatimakeyport.org

Question 25:

For verification purposes, please supply the mailing address of the non-profit organization.

Response:

376 maple place Keyport New Jersey 07735

Documents

See below for a list of documents attached to this email.

Document Type	File Name	Upload Date
Site Plan/Sketch of Premise	22029524-2D43-4C0E-997F-466909A4FA4F.jpeg	Jun 02, 2021

SPECIAL NOTE TO ALL SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISES AND LIMITED BREWERY OFF-PREMISES EVENT APPLICANTS FOR EVENTS TO BE HELD ON PROPERTY OR PREMISES OWNED BY OR UNDER THE CONTROL OF A STATE OR COUNTY ENTITY

1) If you identified in question two (2) above that the event will be held on property or at a premises which is either owned by or under the control of a County or State entity, you are required to obtain the Endorsements of the Chief Law Enforcement Officer and Chief Administrative Official with jurisdiction

over the property on which the event is to be held.

2) This notification and all documents identified above must be submitted to the appropriate officials;

3) If the Chief Law Enforcement Officer or Chief Administrative Official objects to the application or seeks to impose Special Conditions on the requested permit, they shall provide, in writing, the reason(s) for the objections or Special Conditions.

4) The Endorsements required herein must be returned to the Division via email (NJABCPermits@njoag.gov) by no later than five business days prior to the date of the event. Counterparts of the Endorsements may be submitted, provided that both Endorsements are received by the Division no later than five business days prior to the date of the event.

THIS SECTION IS TO BE COMPLETED BY THE OFFICIALS OF THE COUNTY OR STATE ENTITY WITH JURISDICTION OVER THE PREMISES OR PROPERTY ON WHICH THE EVENT IS TO BE HELD

CERTIFICATION OF CHIEF ADMINISTRATIVE OFFICIAL AND CHIEF LAW ENFORCEMENT OFFICER:

I hereby certify that:

1. I have the authority to act on behalf of the State or County entity in this matter;
2. I have reviewed the application submitted;
3. I have considered any objections made to this application; and
4. I have concluded that there are not more than 25 permits issued for the premises designated in this application for this calendar year.

I further certify that the statements provided herein are accurate. If any of the foregoing statements are willfully false, I am subject to punishment.

Print Name: _____ Title: _____

Chief Administrative Official

Signature: _____ Date: _____

Name of State or County Entity: _____

Contact Phone: _____

Email Address: _____

Print Name: _____ Title: _____

Chief Law Enforcement Officer

Signature: _____ Date: _____

Name of State or County Entity: _____

Contact Phone: _____

Email Address: _____

If there are any questions regarding the Certification section above, please contact the Division at 609-984-2830 and request to speak with a representative of the Permit Unit.

Thank you,

NJABC Permit Unit

Please note: Upon the request by the Division, original signatures must be provided.

CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the New Jersey Attorney General is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at (609) 292-4925 to arrange for the return of this information.



RECEIVED
MAY 25 2021

BY: Comm #3

STREET CLOSURE REQUEST FOR SPECIAL EVENT FORM

APPLICANT INFORMATION (Please print or type clearly)

Applicant Name: Steve and Lisa Jannarone

Address: 314 division st

City: Keyport

State: NJ. Zip: 07735

Telephone: [REDACTED] Lisa

Cell: [REDACTED] Steve

Email: [REDACTED]

EVENT INFORMATION

Date of Event: July 3, 2021

Time of Event: 1pm to 7pm

Number of People: Approximately 70

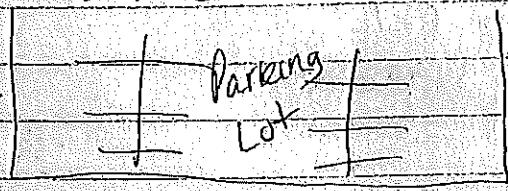
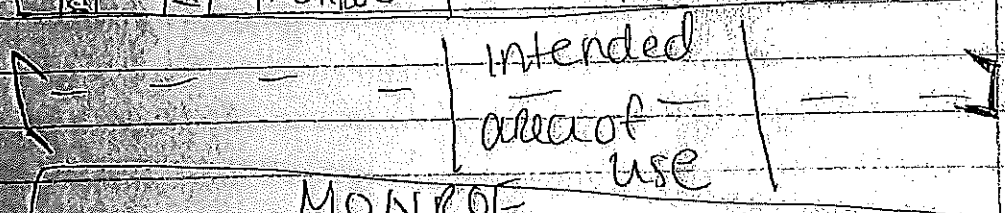
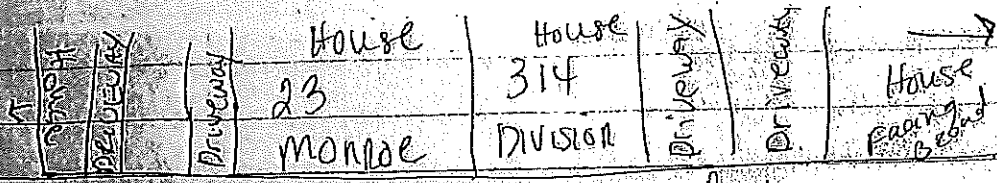
Rain Date: Sunday July 4th

Name of the Street or Streets proposed to be closed and the portion to be closed if less than the entire length of street: Monroe st between Atlantic and broad st

Description of the Event: The event is scheduled to be had on July 3, 2021. Our intention is to use the street directly in front of 314 Division St. Tables may extend down toward Broad Street. Access to all driveways located on the block will be accessible we do not intend to block anybody's driveway. We are asking for Monroe St. between broad and Atlantic Street to be blocked off. We are requesting this only for the primary purpose of using the Street directly located in front of our property which is 314 Division St.

Additional Requests:

What arrangements are being made for the collection and removal of litter created by the event? We will be providing five garbage cans located on and around our property and/or the street that will be used. The party will be hosted on Saturday our garbage removal is Wednesday morning at which time we will dispose of the garbage.



High School

Atlantic

Broad

To whom it may concern:

I, , resident of 314 division st
Newport, NJ 07735 am submitting a request for
a block party on July 3rd, 2021; resulting in
closure of street between Broad & Atlantic Street to
the intersection. Below are the address' and
signature of the resident's located in/on the
block that would need to agree to these
requests.

Address:
314 DIVISION ST
NEWPORT NJ

Print & Signature:
SAL LARSEN [Signature]
Ernie B. Larso

Thank you for your consideration.

Steven Jannouros
732.986.7882

Patty Olsen

Subject:

FW: Block party signAtures

----- Forwarded message -----

From: **Lisa Savoia** <lsavoia@kpsdschools.org>

Date: Tue, May 25, 2021 at 7:40 PM

Subject: Re: July 3 inquiry for approval

To: Lisa Colilla <[REDACTED]>

CC: Dylan Borders <dborders@kpsdschools.org>, Anthony Rapolla <arapolla@kpsdschools.org>

Lisa,

I am including Dylan Borders (facilities) and Tony Rapolla (BA) on this email in the event I am incorrect or that they have input.

We will be paving during July, but I do believe it is not during that weekend. Ultimately, the Borough approves the request as you indicated above and can direct you in regards to official road closures. I know we have done such for Broad Street in the past.

Thank you so much for including the district and I love that neighbors are gathering.

Stay safe!

Lisa Savoia, Ed.D.

Superintendent

(732)212-6100 ext 1000

(732)212-6125 Fax

lsavoia@kpsdschools.org

Learners Today ... Leaders Tomorrow

On Tue, May 25, 2021 at 7:02 PM Lisa Colilla <[REDACTED]> wrote:

Dear Mrs. Savoia,

Hi. My name is Lisa Jannarone. Mason and Paetyn Jannarone attend the central school and I am also a neighbor of the high school located on Monroe st. I am across from the Keyport high school gym. I am seeking your approval for a July 3rd block party on Monroe Street between Atlantic and Broad street. We have received approval from all houses within this area but would like to reach out for yours as well. We will only be using the street directly in front of our property (314) and only for tables and chairs, not at all on the sidewalk or parking lot of the high school. Litter and garbage containers will be provided as to ensure nothing will be left on the street. We have submitted a proposal to the town council. As mentioned earlier it would be greatly appreciated to have your approval. As well as double check that there will not be any events at the school on this day, Saturday July 3rd. Please let me know if you have any questions or concerns and if you are ok with this. The town is asking that I let them know by 4pm Tuesday the 26th.

Thank you for your time and consideration,

Lisa Jannarone

Feedback from Police Department

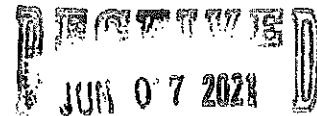
In regards to the block party on Monroe, my concern is Monroe is typically a high traffic road for Route 36 traffic. Cars use Monroe from Atlantic and Broad to cross over Route 36. Shutting down Monroe Saturday July 3rd would cause traffic to flow North on Broad and Atlantic Street to Hurley street which may cause issues. This is typically a very busy weekend for the police department.

Also, should a fire/fire alarm occur at the high school the fire department will need access to high school parking lot at the Monroe Street entrance.

I would request also if we go forward with the party shutting down both the Atlantic Street and Broad Street sides of Monroe Street that an officer be detailed to assist with any traffic issues.

Chief Torres, Sergeant Wheeler

Comm #4



Borough of Keyport
70 West Front Street
Keyport NJ 07735

Clerks Office: 732-739-5124
Fax Number: 732-739-8738
mclark@keyportonline.com

**APPLICATION & PERMIT FOR
USE OF BOROUGH PROPERTY**

Date Received 6/7/21 Date of Response _____
Property requested Waterfront Pavillion
Organization Name/Purpose Wedding Reception at McDougghs
Name Douglas Weider & Eileen Lappin
Address [REDACTED] Keyport
Telephone Number: [REDACTED] Fax Number _____
Email Address: [REDACTED]
Type of Event Wedding
Date of Event July 11, 2021 Time of Event 5-6 PM
No of People Attending 60

Fee Schedule

Borough Property	Minimum 3 Hours	Additional Per Hour
Senior Center	\$23.00	\$5.75
Borough Hall Council Room	\$23.00	\$5.75
OTHER		
Waterfront Pavilion/Promenade	\$100.00	/pd. cash
Pictures at Pavilion/Promenade	\$100.00	
Beach Park	\$100.00	

Mail Check or Money Order Payable to:
Borough of Keyport, PO BOX 60, Keyport, NJ 07735

PLEASE READ THE FOLLOWING REGULATIONS PERTAINING TO EVENTS

- Event: Maximum of 100 people.
- Bring permit with you on the date of event. Police or park personnel may ask you to present permit.
- Amplification for music or other purposes is not permitted.
- Rules and directives of park personnel must be strictly adhered to.
- Chairs, tents, rugs and/or runners are not permitted
- For Wedding Photography: Maximum of 25 people limited to bridal party and parents.
- Throwing of rice, birdseed, flowers and confetti are not permitted.
- A Permit does not include the use of equipment unless by separate agreement approved by Council.
- A staff member must be on duty and/or call during times that groups are using facilities.
- Requests for the use of borough facilities must be made by contacting the Borough Clerk sufficiently in advance (a minimum of 7 days prior to the event) to insure that all conditions are met and to make all necessary arrangements.
- Groups using gymnasiums must wear shoes of a type that will not damage the gymnasium floor.
- A permit does not grant the right to establish concessions or sell items on borough property.
- Groups using Borough Property shall exercise all safety precautions.
- At the discretion of the Business Administrator, any permit for the use of Borough property may be revoked at any time. Applications for borough property must be signed by a responsible citizen who is 21 years of age or older.
- Permits will not be issued for purposes prohibited by ordinance, statute or law of any kind.
- Smoking, alcoholic beverages and/or illicit drugs are not permitted on Borough Property.
- The Borough Clerk shall be responsible for the assessment and collection of fees for the use of Borough property. Payment may be made in advance and cancellation penalty may be assessed for expenses incurred.
- Cancellations of approved applications must be made through the Borough Clerks Office at least 24 hours prior to the event (if the event is on a weekend, cancellation must be made by 10 a.m. the prior business day).
- Organization should provide certificate of insurance naming the Borough as an added insured.

I, the undersigned, agree to floor rules and regulations stated above. I understand that the public has access to any public Borough Park. The Public can only be requested to stay clear of the immediate area of the event.

Douglas Weider
Signature

June 7, 2021
Date

Please return completed application/permit to:

Borough of Keyport
Borough Clerk's Office
70 W. Front Street
Keyport, NJ 07735

Michele Clark

From: ABCDoNotReply@njoag.gov
Sent: Friday, June 04, 2021 11:34 AM
To: mclark@keyportonline.com
Subject: NJ ABC - Permit Application for an event in your municipality.
Attachments: IMG_8942.jpg



FOR ALL APPLICANTS: You are receiving a courtesy copy of your application.

FOR APPLICANTS OF COVID 19 EXPANSION OF PREMISES PERMIT : You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality in which the expanded premises that is the subject of this application is located.

FOR APPLICANTS OF SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISES AND LIMITED BREWERY OFF-PREMISES EVENT PERMITS FOR EVENTS TO BE HELD ON MUNICIPAL OR PRIVATE PROPERTY: You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality in which the event that is the subject of this application.

FOR APPLICANTS OF TEMPORARY STORAGE PERMITS: You are responsible for ensuring that your application has been endorsed by the Chief of Police and the Clerk of the municipality that is the subject of this application.

FOR MUNICIPAL ISSUING AUTHORITIES: A Special Permit (Social Affair or Catering or Extension of Premises or Limited Brewery Off-Premises or COVID-19 EXPANSION OF PREMISES) has been applied for in your jurisdiction. Please login to the Division website to review the Permit Application and provide your Endorsement of the application by the noted due date. If you have any questions regarding the application, please contact the Division at 609-984-2830, and request to speak with a representative of the Permit Unit.

FOR APPLICANTS OF SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISE AND LIMITED BREWERY OFF-PREMISES PERMITS FOR EVENTS TO BE HELD ON PROPERTY OR PREMISES THAT ARE OWNED BY OR UNDER THE CONTROL OF A STATE OR COUNTY ENTITY: You are responsible for obtaining the Endorsements of the Chief Law Enforcement Officer and Chief Administrative Official with jurisdiction over the property or premises on which the event that is the subject of this application will be held. For instructions on obtaining the required Endorsements, please scroll down to the end of this Notification.

FAILURE TO OBTAIN THE REQUIRED ENDORSEMENTS WILL RESULT IN DENIAL OF YOUR APPLICATION.

This notification is being sent to the following email addresses:

- btend@aol.com
- mclark@keyportonline.com

Permit Type: Social Affair
File Number: 449855
Permittee: Keyport Fire Department
License Number: N/A
Mailing Address:
Physical Address:
Contact: Louis Troisi

Applicant Email:

Additional Permit Information

County: 13 - MONMOUTH COUNTY
Municipality: 22 - KEYPORT BOROUGH

Was the Non-Profit Group/Organization formed as a Religious, Civic or Educational Entity?

Yes

Location

Location Description:

Firemans Park

Address:

Corner of American legion drive and West Front Street
Keyport, NJ 07735
USA

Event Details

What is the specific event being held?

Annual Firemans Fair

Event Dates

Jul 12, 2021 from 6:00 PM to 11:30 PM

Jul 13, 2021 from 6:00 PM to 11:30 PM
Jul 14, 2021 from 6:00 PM to 11:30 PM
Jul 15, 2021 from 6:00 PM to 11:30 PM
Jul 16, 2021 from 6:00 PM to 11:30 PM
Jul 17, 2021 from 6:00 PM to 11:30 PM

Application Questions

Question 1:

Please supply the person's name and phone number to contact should there be any questions related to this application. NAME PHONE NUMBER

Response:

Louis Troisi [REDACTED]

Question 2:

Is the event premise owned by or under the control of a A) municipality, B) county, C) State or D) other? Please Identify the owner by one of the aforementioned codes. Provide the name of the owner, as well as a phone number for the owner and for what the premise is normally used.

Response:

Municipality Parking lot

Question 3:

By checking yes, the applicant is stating that they are in good standing and do not currently have their non-profit status revoked.

Yes / No Response:

Yes

Question 4:

Has the organization been issued a Social Affair Permit during the past three (3) years?

Yes / No Response:

Yes

Question 5:

Does the event premise hold an alcoholic beverage license or Winery Salesroom/Outlet issued by the New Jersey Division of Alcoholic Beverage Control?

Yes / No Response:

No

Question 6:

For what purpose is the premise normally used for?

Response:

Municipal Parking Lot

Question 7:

Does the premise conduct mercantile business?

Yes / No Response:

No

Question 8:

How is a charge assessed? Ticket, contribution or other; please specify.

Response:

Contribution

Question 9:

Who is the recipient of the proceeds?

Response:	Keyport Fire Dept
Question 10:	Will you be dispensing Wine?
Yes / No Response:	Yes
	What is the cup size?
Response:	5oz
Question 11:	Will you be dispensing Malt Alcoholic Beverages(Beer)?
Yes / No Response:	Yes
	What is the cup size?
Response:	12oz
Question 12:	Will you be dispensing Distilled Spirits?
Yes / No Response:	No
Question 13:	How is the alcohol being obtained? Is it being donated or are you purchasing? Please explain:
Response:	Purchasing from a dealer at wholesale pricing
Question 14:	Who will be pouring the alcoholic beverages at the event?
Response:	adults over the age of 21
Question 15:	How many people are expected to attend the event on a daily basis?
Response:	500 to 1000
Question 16:	What is the approximate age group of the attendees?
Response:	21-80
Question 17:	Will persons under the legal age to consume alcohol be in attendance?
Response:	yes
Question 18:	Explain in DETAIL the security plans for the event. The plans should include the number of people checking for ID's, plans to prevent pass-offs to minors, the type of security at the event, the limit of alcoholic beverages per transaction, and any other relevant information pertaining to the event.
Response:	We have a fence around a beer garden and will have security checking IDs for people in attendance to consume the beverages
Question 19:	Is the event being handled by a third party, promoter, production company, or other entity?

Yes / No Response:

No

Question 20:

By selecting yes, you understand that gambling, mock gambling and gambling paraphernalia are not permitted on the premise licensed by the Special Permit unless otherwise approved by the Legalized Games of Chance Control Commission. Contact the Commission at (973) 273-8000

Yes / No Response:

Yes

Question 21:

Has this organization exceeded their limit of 12 Social Affair Permits for this calendar year?

Yes / No Response:

No

Question 22:

The Division must be notified for cancellation or rescheduling prior to the date of the event. Refunds will not be issued if cancellation is provided after the event date. Do you acknowledge the above statement and wish to submit your application.

Yes / No Response:

Yes

Question 23:

By checking "yes" to this question, you are stating that you have obtained the necessary consent from the person so authorized at the premises where the affair is to be held, including property under the control of a unit of government, municipality, county or State, a church; or premises under license or other privately owned facility.

Yes / No Response:

Yes

Question 24:

Provide the full name, title, phone number and e-mail address of the person who provided the applicant with approval for the event being held at the location specified.

Response:

Michele Clark,RMC Mclark@keyportonline.com
7327395124 Borough Clerk

Question 25:

For verification purposes, please supply the mailing address of the non-profit organization.

Response:

PO box 612 Keyport NJ 07735

Documents

See below for a list of documents attached to this email.

Document Type	File Name	Upload Date
Site Plan/Sketch of Premise	IMG_8942.jpg	Jun 04, 2021

SPECIAL NOTE TO ALL SOCIAL AFFAIR, CATERING, EXTENSION OF PREMISES AND LIMITED BREWERY OFF-
PREMISES EVENT APPLICANTS FOR EVENTS TO BE HELD ON PROPERTY OR PREMISES OWNED BY OR
UNDER THE CONTROL OF A STATE OR COUNTY ENTITY

- 1) If you identified in question two (2) above that the event will be held on property or at a premises which is either owned by or under the control of a County or State entity, you are required to obtain the Endorsements of the Chief Law Enforcement Officer and Chief Administrative Official with jurisdiction over the property on which the event is to be held.
- 2) This notification and all documents identified above must be submitted to the appropriate officials;
- 3) If the Chief Law Enforcement Officer or Chief Administrative Official objects to the application or seeks to impose Special Conditions on the requested permit, they shall provide, in writing, the reason(s) for the objections or Special Conditions.
- 4) The Endorsements required herein must be returned to the Division via email (NJABCPermits@njoag.gov) by no later than five business days prior to the date of the event. Counterparts of the Endorsements may be submitted, provided that both Endorsements are received by the Division no later than five business days prior to the date of the event.

THIS SECTION IS TO BE COMPLETED BY THE OFFICIALS OF THE COUNTY OR STATE ENTITY WITH
JURISDICTION OVER THE PREMISES OR PROPERTY ON WHICH THE EVENT IS TO BE HELD

CERTIFICATION OF CHIEF ADMINISTRATIVE OFFICIAL AND CHIEF LAW ENFORCEMENT OFFICER:

I hereby certify that:

1. I have the authority to act on behalf of the State or County entity in this matter;
2. I have reviewed the application submitted;
3. I have considered any objections made to this application; and
4. I have concluded that there are not more than 25 permits issued for the premises designated in this application for this calendar year.

I further certify that the statements provided herein are accurate. If any of the foregoing statements are willfully false, I am subject to punishment.

Print Name: _____ Title: _____

Chief Administrative Official

Signature: _____ Date: _____

Name of State or County Entity: _____

Contact Phone: _____

Email Address: _____

Print Name: _____ Title: _____

Chief Law Enforcement Officer

Signature: _____ Date: _____

Name of State or County Entity: _____

Contact Phone: _____

Email Address: _____

If there are any questions regarding the Certification section above, please contact the Division at 609-984-2830 and request to speak with a representative of the Permit Unit.

Thank you,

NJABC Permit Unit

Please note: Upon the request by the Division, original signatures must be provided.

CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the New Jersey Attorney General is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at (609) 292-4925 to arrange for the return of this information.

Chalk food
+ Bar tent



Chalk
point



Fireman's
light
pole

opening
to
the
ground

ground

Comm #6



Borough of Keyport
70 West Front Street
Keyport NJ 07735

Clerks Office: 732-739-5124
Fax Number: 732-739-8738
mclark@keyportonline.com

**BOROUGH PARK FACILITIES
USE PERMIT APPLICATION**

Date Received

JUN 07 2021

Borough Park requesting

Name Keyport First Aid

Date of Response _____

Address P.O. Box 168 Keyport

Telephone Number: [REDACTED]

Email Address: [REDACTED]

Fax Number _____

Type of Event Picnic

Location: Veterans Park

Time of Event 12 to 4pm

Date of Event August

7, 2021 Sunday

No of People Attending 90

Request for 12 picnic tables as past years

PLEASE READ THE FOLLOWING REGULATIONS PERTAINING TO EVENTS

- Fee is \$100, non-refundable however you may reschedule event for another date if within the same calendar year.
- Event : Maximum of 100 people.
- Bring permit with you on the date of event. Police or park personnel may ask you to present permit.
- Amplification for music or other purposes is not permitted.
- Rules and directives of park personnel must be strictly adhered to.

- Chairs, tents, rugs and/or runners are not permitted

I, the undersigned, agree to floor rules and regulations stated above. I understand that the public has access to any public Borough Park. The Public can only be requested to stay clear of the immediate area of the event.

Robert M Poling_____

Signature

Date June 4, 2021

Mail Check or Money Order Payable to:
Borough of Keyport, 70 West Front St., Keyport, NJ 07735

Comm#7



Borough of Keyport
70 West Front Street
Keyport NJ 07735

Clerks Office: 732-739-5124
Fax Number: 732-739-8738
mclark@keyportonline.com

**APPLICATION & PERMIT FOR
USE OF BOROUGH PROPERTY**

RECEIVED
MAY 27 2021

Date Received _____ Date of Response _____

Property requested Watrefront and Gazebo

Organization Name/Purpose The Arts Society of Keyport

Name Michelle Knox

Address PO Box 206 Keyport

Telephone Number: [REDACTED] Fax Number _____

Email Address: info@asknj.org

Type of Event Art Around the Bay

Date of Event 9/18/21

Time of Event 10-6

No of People Attending _____

Fee Schedule

Borough Property

**Minimum
3 Hours**

**Additional
Per Hour**

Senior Center

\$23.00

\$5.75

Borough Hall Council Room

\$23.00

\$5.75

OTHER

Waterfront Pavilion/Promenade

\$100.00

Pictures at Pavilion/Promenade

\$100.00

Beach Park

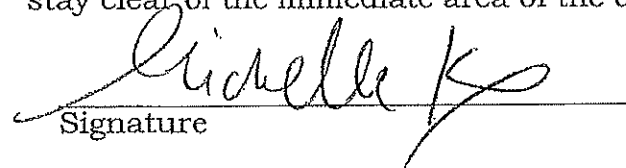
\$100.00

Mail Check or Money Order Payable to:
Borough of Keyport, PO BOX 60, Keyport, NJ 07735

PLEASE READ THE FOLLOWING REGULATIONS PERTAINING TO EVENTS

- Event: Maximum of 100 people.
- Bring permit with you on the date of event. Police or park personnel may ask you to present permit.
- Amplification for music or other purposes is not permitted.
- Rules and directives of park personnel must be strictly adhered to.
- Chairs, tents, rugs and/or runners are not permitted
- For Wedding Photography: Maximum of 25 people limited to bridal party and parents.
- Throwing of rice, birdseed, flowers and confetti are not permitted.
- A Permit does not include the use of equipment unless by separate agreement approved by Council.
- A staff member must be on duty and/or call during times that groups are using facilities.
- Requests for the use of borough facilities must be made by contacting the Borough Clerk sufficiently in advance (a minimum of 7 days prior to the event) to insure that all conditions are met and to make all necessary arrangements.
- Groups using gymnasiums must wear shoes of a type that will not damage the gymnasium floor.
- A permit does not grant the right to establish concessions or sell items on borough property.
- Groups using Borough Property shall exercise all safety precautions.
- At the discretion of the Business Administrator, any permit for the use of Borough property may be revoked at any time. Applications for borough property must be signed by a responsible citizen who is 21 years of age or older.
- Permits will not be issued for purposes prohibited by ordinance, statute or law of any kind.
- Smoking, alcoholic beverages and/or illicit drugs are not permitted on Borough Property.
- The Borough Clerk shall be responsible for the assessment and collection of fees for the use of Borough property. Payment may be made in advance and cancellation penalty may be assessed for expenses incurred.
- Cancellations of approved applications must be made through the Borough Clerks Office at least 24 hours prior to the event (if the event is on a weekend, cancellation must be made by 10 a.m. the prior business day).
- Organization should provide certificate of insurance naming the Borough as an added insured.

I, the undersigned, agree to floor rules and regulations stated above. I understand that the public has access to any public Borough Park. The Public can only be requested to stay clear of the immediate area of the event.


Signature

5/17/21

Date

Please return completed application/permit to:

Borough of Keyport
Borough Clerk's Office
70 W. Front Street
Keyport, NJ 07735

Mayor
Collette J. Kennedy

Councilmembers
Matthew Goode, President
Lori Ann Davidson
Dennis Fotopoulos
Delia McDermott
Kathleen McNamara
Victoria Pacheco



Borough Administrator
Jay Delaney

Borough Clerk
Michele Clark, RMC

Chief Financial Officer
Thomas P. Fallon, CPA, RMA

Monmouth
County
Agenda
6/24/2021

Comm #8

June 1, 2021

Office of Monmouth County Counsel
Hall of Records, Room 236
One East Main Street
Freehold, NJ 07728
Attn: Michael D. Fitzgerald, County Counsel

Re: Request for Permission to Solicit on County Roadway

Dear Mr. Fitzgerald:

Enclosed please find a copy of a request from the Knights of Columbus St. Joseph Council #3402 for permission to use a County roadway in the Borough of Keyport for a fundraising event.

1. Letter dated May 28, 2021, requesting permission to "Shake the Cans" for donations on September 24th, 25th and 26th between 10AM and 4PM at the traffic light on County road Broadway (intersection of W. 4th Street) in the Borough.

I respectfully request your consideration to permit the Knights of Columbus to access this County roadway in support of their fundraising efforts.

Should you have any questions, please feel free to contact me at 732-739-5124 or by email at mclark@keyportonline.com.

Very truly yours,

Michele Clark, RMC
Borough Clerk

Enclosures

Cc: William H. Horton, Jr., Past Grand Knight



**KNIGHTS
OF COLUMBUS**
IN SERVICE TO ONE. IN SERVICE TO ALL.

RECEIVED
JUN 0-1 2021

BY:

**St. Joseph Council - # 3402
54 State Highway # 35 North
Keyport, New Jersey 07735
732-264-9729**

William H. Horton, Jr., PGK

May 28, 2021

Mayor and Council
Borough of Keyport
70 West Front Street
Keyport, New Jersey 07735

Re: Send a Soldier Home for the Holidays

Dear Council Members:

For this last eight years the members of the Knights of Columbus have raised money to send soldiers home from the various Military Basis and Coast Guard Stations in New Jersey. Last year the Knights of Columbus Councils were able to send home for the holidays from November to the end of January 163 soldiers!

Due to the current situation that the country is experiencing fund raising has been a problem with restrictions on holding fund raising in buildings.

The St Joseph Council is requesting permission to "Shake the Cans" at the traffic light by the Keyport Matawan Elks on Broadway on September 24th, 25th and 26th. The hours will be from 10:00 a.m. to 4:00 p.m. each day.

Please note that there would be no physical contact with the donors who would drop their donation in a bucket. We will conduct social distance and wear the Personal Protection Equipment that is required at that time.

Members will be also be wearing vests and step off the curb while the light is "Red" at each corner.

Should you have any further questions please feel free to contact me at 732-320-0950.

Very truly yours,

William H. Horton, Jr.
Past Grand Knight

RECEIVED
JUN 08 2021

BY:
Comm # 9

JERSEY SHORE GHOST TOURS
31 OSBORN STREET, KEYPORT, NEW JERSEY 07735

June 7, 2021

Mayor Collette Kennedy and Council
Keyport Borough
70 West Front Street
Keyport, New Jersey 07735

Awaiting
Certificate
of Insurance

Dear Mayor Kennedy and Council:

With careful planning and consideration for the health and safety of our guides and guests, we would like to start the Keyport Ghost Tour season in July. Several health and safety measures will be implemented, and we will continue to follow CDC and state guidelines throughout the 2021 tour season.

OBJECTIVE

Offer visitors a walking tour of Keyport, noting historic buildings, haunted tales and exciting stories about this charming small town.

- Although group *public* tours will be offered monthly in July and August, the weekly tour schedule will begin on Saturday, September 11, 2021. Tour dates are listed below.
- *Private* tours would be available anytime, weather permitting.
- Public tours would take place on Saturdays.
- Several special event tours will be offered on Sunday evenings, dates to be determined.
- If demand requires, additional evenings may be added.

PROCEDURES

Visitors will be encouraged to park in the Fireman's Park municipal lot. Visitors will then meet in the Mini Park, across from Keyport Pizza. Tours will travel through town utilizing sidewalks at all times, social distancing will be maintained. Masks will be recommended. This year's tour route will be selected based on areas that are well-lit and have well-maintained sidewalks.

Please note that insurance has been purchased for the protection of visitors as well as this business owner and also the borough of Keyport.

RESPONSIBILITIES

This project demands minimal responsibility from the town. Although the tour guides will take every precaution to make sure their guests travel safely, the police will want to be aware that the tours are taking place. Please see the attached schedule for proposed tour dates. I would like to request use of the Mini Park as the location for the tours to meet. Additionally, since there is no identifiable landmark at the park, I would like to be permitted to again place a sign at the Mini Park. I will maintain the sign and its upkeep so that it is no additional maintenance for the borough.

SAFETY GUIDELINES

- Tours will operate outdoors. All local, state and CDC guidelines for outdoor gatherings will be followed.
- Guest lists will be maintained in the event that contact information is required for contact tracing.
- Hand sanitizer will be available for all guests.
- Social distancing guidelines will be followed-with the exception of those living in the same households.
- A maximum of 20 guests will be permitted per tour.
- To accommodate demand, we may operate two staggered tours, each capped at a maximum of 20 guests.
- Online registration and payment will be required, to limit contact between individuals.
- Private tours will be available but not to exceed 20 guests.
- Should guidelines from local or federal government, or CDC change, we will modify or cancel tours to adhere to the new guidelines.

I would like to thank you for your support of this project since 2006. I look forward to working closely with you to continue to provide a safe, fun experience for visitors and to promote the beauty and history of this great town!

Sincerely,

Genevieve Kelly
Jersey Shore Ghost Tours, Owner

2021 Keyport Ghost Tour Schedule

July 17, Public tour, 8:30 PM

August 15, Public tour, 8:30PM

September 11-Public tour, 7PM and 8:30PM

September 18-Public tour, 7PM and 8:30PM

September 25-Public tour, 7pm and 8:30PM

October 2-Public tour, 7PM and 8:30PM

October 9- Public tour, 7PM and 8:30PM

October 16- Public tour, 7PM and 8:30PM

October 23- Public tour, 7PM and 8:30PM, Witch Walk Special Event, 9:45 PM

October 30-Public tour, 7PM

November 6-Public tour, 7PM and 8:30PM

November 13-Public tour, 7PM and 8:30PM

This is Original Document

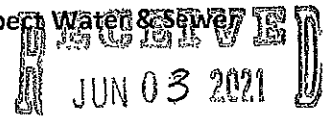
Copy on File in my
Office

To: Jay Delaney

From: John Meacham
Ron Peperoni
Rose Alamedo

Sub: Church St Petition
For Combs + Side walk

We the undersigned Residents & Businesses of Keyport, hereby recommend sidewalks and curbs are included in the Church Street Road Improvements, for the continuing safety of our residents, including our children. We further ask the Borough Council & Mayor to televise and inspect Water & Sewer Lines.



Name Address Phone # BY:Date....

Ronald Peperoni 122 Church St 5/22/21

Stacy Peperoni 122 Church St 5/22/21

Margaret R Lemire 52 Church St 5/22/21

Debbie Smith 116 Church St 5/22/21

* Paul B Heilesen 98 Church St 5/22/21

Erin W. Heisen 98 Church St 5/22/21

Spanne Dubson 101 Atlantic St 5/22/21

Ann Dubson 101 Atlantic St 5/22/21

Owen Scott Babington 136 Church St Keyport 5-28-21

Joseph A. Pinta 128 " Keyport

Linda Fister Babington 136 Church St Keyport 5/29/21

Carolyn Sulphur 147 Church St Keyport 5/29/21

John Sulphur 147 Church St Keyport 5/29/21

Efrain Cabrera 56 Church St Keyport 5/29/21

Ashlin Brennan 70 Church St Keyport 5/29/21

Sheila Lombard 70 Church St Keyport NJ 07735

Dea Clayton 70 Church Keyport NJ 07735

Eugene & Dorcen Lombard 53 Third Street, Keyport, NJ 07735

We the undersigned Residents & Businesses of Keyport, hereby recommend sidewalks and curbs are included in the Church Street Road Improvements, for the continuing safety of our residents, including our children. We further ask the Borough Council & Mayor to televise and Inspect Water & Sewer Lines.

Name	Address	Phone #	Date
* Luis Gonzalez	52 Church St	(609) [REDACTED]	5-22-21
Thomas Femia	123 Church St	[REDACTED]	5-22-21
Dominique Femia	123 Church St	(609) [REDACTED]	5-22-21
Wmery Trichie	100 Church St	[REDACTED]	5-22-21
* Denise Castro	91 Church St.	[REDACTED]	
[REDACTED]	76 Church St	[REDACTED]	
Diane Ombrellino	87 Church St	[REDACTED]	
* Raymond T. Driscoll	137 Church St. Keyport	[REDACTED]	
Judith Molina	73 Church St Keyport NJ 07735		
Bobbie Joe Burr	75 Church		
* Penny Christanio			
Sady Valdez	73 Church		
Theresa Guida	71 Church		
Jennifer Williams	67 Church St. Keyport NJ 07735		
Dw + Dula Rute	61 Church St Keyport		
* Tim Williams	67 Church St. Keyport, NJ 07735		

We the undersigned Residents & Businesses of Keyport, hereby recommend sidewalks and curbs are included in the Church Street Road Improvements, for the continuing safety of our residents, including our children. We further ask the Borough Council & Mayor to televise and inspect Water & Sewer Lines.

Name	Address	Phone #	Date
Paul Albrecht	129 Church St		Keyport
James Hearty	112 Church St.		
Betty Male	108 Church St		
Jennifer C. Cr	Church St		125
KAREN BURKE	156 Church St		
George Leary	180 Church St		
Jacqueline D. Kohn	45 Church St		
Margarita Gonzalez	52 Church St		
Jay Patah	35 Church St		Key Port
Daniel + Carol Fox	40 Church St		Key Port

[illegible]

KEYPORT BOROUGH CLERK'S OFFICE

DATE: 6/1/2021
 TO: MAYOR & COUNCIL
 FROM: MICHELE CLARK, BOROUGH CLERK
 RE: CASH RECEIPTS FOR MAY 2021

WATER/SEWER ACCOUNT

OTHER: DEMOLITION		0.00
TOTAL WATER/SEWER	\$	0.00

CURRENT ACCOUNT

BINGO LICENSE	\$	0.00
LIMO LICENSES		0.00
PHOTOCOPIES		0.00
POSTAGE		1.40
RAFFLE LICENSE		120.00
TAXI DRIVER		0.00
TAXI OWNER		0.00
TOW TRUCK OPERATOR APPLICATION		0.00
FLEET FEE/TOW OWNER		0.00
SEARCHES		0.00
VENDING/PEDDLER LICENSE		0.00
VENDING MACHINE		390.00
LIQUOR LICENSE		18,064.00
STREET OPENING		75.00
RECYCLING PERMITS		20.00
PARKING PERMITS		0.00
AUCTION FEES		0.00
PD- ACC RPTS		0.00
SIDEWALK/STREET CAFÉ		0.00
FILM PERMIT APPLICATION		500.00
OTHER: RETURNED CHECK CHARGE		0.00
NSF FEE		0.00
SUBPOENA		0.00
TOTAL CURRENT		\$19,170.40

ESCROW ACCOUNT

SEASONAL BUSINESS	\$	810.00
ESCROW	\$	0.00
TOTAL ESCROW	\$	810.00

TOTAL RECEIPTS	\$19,980.40
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KEYPORT BOROUGH CLERK'S OFFICE

DATE: 6/1/2021
 TO: MAYOR & COUNCIL
 FROM: MICHELE CLARK, BOROUGH CLERK
 RE: BINGO/RAFFLE MONTHLY REPORT

LICENSE NO.	LICENSE FOR	LICENSEE	PLACE	IDENTIFICATION NO.	DATE OF EVENT	HOURS
RA16-21	MONEY WHEEL	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	9/11/2021	12-5PM
RA17-21	ON-PREMISE 50/50	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	9/11/2021	2-6PM
RA18-21	ON-PREMISE 50/50	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	10/2/2021	2-6PM
RA19-21	MONEY WHEEL	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	10/2/2021	2-6PM
RA20-21	GIFT AUCTION	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	10/2/2021	2-6PM
RA21-21	OFF-PREMISE 50/50	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	10/2/2021	4PM
RA22-21	PULL TAB	K OF C #3402 ST JOSEPHS	54 ROUTE 35	236-6-39765	7/5/2021-7/4/2022	11AM-CLOSING

TAX COLLECTOR'S / UTILITY COLLECTOR'S MONTHLY REPORT 2021

TREASURERS REPORT	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT.	OCT.	NOVEMBER	DECEMBER	TOTALS
2021 TAXES	\$897,381.78	\$3,665,006.08	\$268,526.63	\$1,383,950.52	\$3,161,048.53								\$9,476,913.94
2020 TAXES	\$72,870.07	\$48,829.13	\$21,989.45	\$20,773.54	\$83,182.64								\$247,598.83
2020 TAXES	\$4,978.12	\$4,272.33	\$9,141.06	\$2,308.10	\$15,405.80								\$33,105.40
INTEREST AND COSTS	\$1,892.67		\$1,010.07		\$3,842.84								\$6,745.58
6% YEAR END PENALTY	\$60.00		\$60.00										\$120.00
NSF FEES													\$0.00
OFFICIAL TAX SEARCH FEE				\$15,495.25									\$15,495.25
ADMIN. FEES/POLICE VEHICLES													\$47,692.06
UNIFORM FIRE SAFETY	\$12,569.00	\$12,970.00	\$4,241.00	\$13,070.06	\$4,842.00								\$32,690.00
LANDLORD REGISTRATION	\$550.00	\$550.00	\$500.00	\$8,280.00	\$22,410.00								\$11,650.00
MUNICIPAL PERMIT FEES	\$1,360.00	\$5,415.00	\$2,355.00	\$1,000.00	\$1,520.00								\$20,101.00
MUNICIPAL LICENSES FEES	\$903.00	\$279.00	\$283.00	\$135.00	\$18,601.00								\$23,901.26
MUNICIPAL COURT FEES	\$5,978.40	\$4,347.10	\$6,039.39	\$8,605.97	\$9,929.40								\$56,501.00
UNIFORM CONSTRUCTION FEES	\$10,769.00	\$13,987.00	\$9,050.00	\$13,070.00	\$9,625.00								\$7,909.50
MRNA - UCC	\$735.00	\$1,940.00	\$1,455.00	\$1,150.00	\$2,029.50								\$1,650.00
PLANNING BOARD APPLICATION			\$1,025.00	\$73.00	\$50.00								\$78,500.00
VACANT PROPERTY REGISTRATION FEES	\$3,500.00	\$75,000.00											\$0.00
PROPERTY MAINTENANCE FEES													\$52,282.31
HEALTH INSURANCE CO-PAY	\$14,045.74	\$9,546.84	\$9,531.40	\$9,563.31	\$9,595.22								\$0.00
WORKER'S COMPENSATION													\$0.00
REIMB. POLICE/FIRE/DEM CAR ACCIDENTS													\$132,500.00
BETHANY MANOR (PILOT)	\$35,650.00	\$19,370.00	\$19,370.00	\$19,370.00	\$38,740.00								\$19,333.88
OYSTER BAY LEGION (PILOT)	\$19,333.88												\$1,145.00
POLICE INCIDENT REPORTS		\$475.00	\$355.00	\$25.00	\$290.00								\$1,145.00
POLICE TOWSTORE - IMPRIS	\$245.00	\$235.00	\$245.00	\$175.00	\$245.00								\$1,650.00
POST OFFICE LAND RENT	\$1,650.00												\$0.00
OUTDOOR MEDIA	\$1,160.00	\$1,560.00	\$1,840.00	\$2,210.00	\$1,930.00								\$8,700.00
BIRTH/DEATH/MARRAGE - BOH FEES					\$50.00								\$50.00
RECREATION FEES		\$401.38											\$401.38
DMV INSPECTION FEES			\$500.00		\$750.00								\$1,250.00
CEDAR PARK FEES		\$157.20			\$420.00								\$577.20
RECYCLE - METAL / TIRES													\$0.00
ALCOHOL ED. AND REHAB GRANT													\$1,830.01
MUNICIPAL DRUG ALLIANCE GRANT		\$1,830.01		\$52,466.00									\$52,466.00
OFFICE ON AGING GRANT			\$1,789.04										\$1,789.04
BODY ARMOUR GRANT													\$0.00
CLEAN COMMUNITIES GRANT													\$0.00
DRUNK DRIVER ENF GRANT			\$5,770.57										\$5,770.57
RECYCLING TONAGE GRANT													\$0.00
SUSTAINABLE JERSEY GRANT													\$0.00
NPP GRANT/COVID 19 GRANT		\$60,311.00											\$60,311.00
CABLEVISION FEES	\$38,421.19												\$38,421.19
SENIOR CENTER TRIP MONEY													\$0.00
SENIOR CENTER MEMBER FEES	\$50.00		\$50.00	\$50.00									\$150.00
SENIOR CENTER TRIP SURCHARGE													\$0.00
SENIOR CENTER REQUEST													\$0.00
INTERFUND FOR OTHER ACCOUNTS	\$204.00		\$54.00	\$720.00									\$978.00
JIF DIVIDEND													\$0.00
CMPTRA - STATE AID													\$0.00
FALL ENERGY RPT'S - STATE AID													\$0.00
SPRING ENERGY RPT'S - STATE AID													\$0.00
LIBRARY STATE AID													\$0.00
SNR CITIZEN DEDUCT REIMBURSMT													\$0.00
SNV ADMIN FEE / HOMESTEAD ADMIN FEE													\$0.00
HOMESTEAD REBATE - STATE PAYMENT													\$0.00
UNION BEACH INTERLOCAL FEES													\$0.00
INTERFUND POLICE IN SCHOOLS													\$0.00
POLING LOCATION RENTS													\$0.00
SALE OF MUNICIPAL ASSETS													\$0.00
MUNICIPAL LIEN REDEMPTION FEES	\$81,788.68												\$81,788.68
COUNTY REIMBURSEMENT - COVID19	\$134.00	\$169.00	\$2,877.51	\$615.88	\$501.40								\$4,297.79
MISCELLANEOUS REVENUE	\$1,306,099.53	\$3,926,444.87	\$356,038.14	\$1,553,610.63	\$3,353,988.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,566,181.47
TOTAL CURRENT RECEIPTS													

REPORT #2

TAX COLLECTOR'S / UTILITY COLLECTOR'S MONTHLY REPORT 2021

[illegible]

TREASURERS REPORT FOR THE MONTH OF MAY 2021

<u>TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE.....</u>	<u>\$1805.20</u>
DOG LICENSES.....	\$47.80
CAT LICENSES.....	\$16.40
MARRIAGE & CIVIL UNION LICENSES.....	\$6.00
MARRIAGE & CIVIL UNION LICENSES TRUST.....	\$50.00
DOMESTIC PARTNERSHIP AFFIDAVITS.....	\$-0-
BURIAL PERMITS TRUST.....	\$-0-
DEATH CERTIFICATES.....	\$-0-
DEATH CERTIFICATES EFT**	\$1210.00
MARRIAGE CERTIFICATES.....	\$90.00
BIRTH CERTIFICATES.....	\$-0-
TATTOO PARLOR.....	\$-0-
PLAN REVIEW.....	\$100.00
FOOD HANDLERS.....	\$235.00
MISCELLANEOUS.....	\$50.00
(Chicken Permit)	

DISBURSEMENTS –

Check #346	- Boro of Keyport Misc. Acct.	- \$481.00
Check #347	- Boro of Keyport Trust Acct.	- \$50.00
Check #348	- Boro of Keyport Dog Acct.	- \$59.40
Check #349	- NJ State Dept. of Health	- \$4.80

****STATE ELECTRONIC FUNDS TRANSFER-\$1210.00**

Treasurers Report
Page Two

Respectfully submitted,

Board of Health Secretary

Cc: Borough Clerk
Treasurer w/checks

BUILDING DEPARTMENT
MONTHLY REPORT - CASH RECEIPTS FOR:

May-21

PERMIT TYPE	# ISSUED	AMOUNT
State DCA Fee	46	\$622.00
Construction Certificates	2	\$371.00
Plumbing	28	\$2,875.00
Electrical	21	\$2,805.00
Building	9	\$4,469.00
Fire Sub Code	4	\$408.00
Code Enforcement C of O	46	\$3,755.00
Transfer of Title C of O	15	\$490.00
Smoke Detector Inspection	46	\$2,470.00
Zoning	15	\$2,487.00
Soil Transfer	0	\$0.00
200 Ft. Property List	3	\$30.00
Fence	5	\$275.00
Shed	0	\$0.00
Flatwork	1	\$93.00
Const. Debris Deposit	6	\$180.00
Construction Violations	2	\$1,000.00
NSF	0	\$0.00
Backflow Preventor	0	\$0.00
TOTALS	249	\$22,330.00
TRC	0	\$0.00
Vacant Property Registration	0	\$0.00
Landlord Registration	206	\$22,410.00
Total	455	\$44,740.00

ACCOUNTS PAYABLE

Amount Paid to Borough \$21,708.00 Check # 2896
State Fee Due quarterly

Respectfully Submitted
Laurie Graham

**MUNICIPAL COURT
BOROUGH OF KEYPORT**

P O Box 60
70 West Front St
Keyport, NJ 07735

Frank J. LaRocca, JMC
Municipal Court Judge

Phone: (732)739-5155
Fax: (732)739-2133

Sandra M. Akes, Acting CMCA
Acting Court Administrator

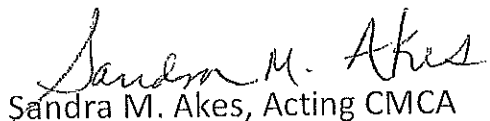
Jun 8, 2021

Jay Delaney, Borough Administrator
BOROUGH OF KEYPORT

Dear Mr. Delaney,

The Municipal Court met three times in the month of May 2021. There were 231 new cases added and 166 cases disposed of. Enclosed are check # 10236 in the amount of \$9,926.14 for all fines collected, check # 10237 in the amount of \$400 for Public Defender fees and check # 10238 in the amount of \$2 for POAA fee collected.

Sincerely,



Sandra M. Akes, Acting CMCA
Borough of Keyport Municipal Court

KEYPORT MUNICIPAL COURT
DISTRIBUTION OF MONIES MAY 2021
GENERAL CASH BOOK

AGENCY	FROM 5/01/2021 TO 5/31/2021
ATS	590.00
DE	88.00
SL	0.00
SN	190.00
WB	327.75
VCCB	225.00
DMV	3,491.86
COUNTY	5,176.00
MUNICIPAL	9,926.14
PUBLIC DEFENDER	400.00
P.O.A.A.	2.00
CD	00.00
RT	275.00
WM	225.00
TOTAL DISBURSED	20,916.75.

REPORT ID: TFC01610-0
RUN DATE: 06/05/2021
RUN TIME: 20:03

NJ AUTOMATED TRAFFIC SYSTEM
AOC REPORT-TRAFFIC SECTION
KEYPORT BORO MUNICIPAL COURT
FROM 05/01/2021 TO 05/31/2021

XVII. COURT PERSONNEL TIME
B JUDICIAL STAFF
CASE RELATED HOURS
1 CASE RELATED HOURS
A TOTAL BENCH TIME
B TOTAL CASE RELATED NON-BENCH TIME

TRAFFIC/PARKING
MATTERS
0.00
0.00

END OF TRAFFIC SECTION - AOC STATISTICAL REPORT

REPORT ID: CMC1610
RUN DATE : 06/05/2021
RUN TIME : 16:08

NJ AUTOMATED COMPLAINT SYSTEM
AOC STATISTICAL REPORT - CRIMINAL SECTION
KEYPORT BORO MUNICIPAL COURT

PAGE: 1
RUN : MONTHLY

(FROM 05/01/2021 TO 05/31/2021)

	INDICTABLE OFFENSES	D.P. & P.D.P. OFFENSES	ALL OTHER NON-TRAFFIC
I. TOTAL CHARGES PENDING - BEGINNING OF MONTH		297	280
II. CHARGES ADDED			
A. NEWLY FILED IN THIS MUNICIPAL COURT	7	11	14
B. REMANDED BY COUNTY PROSECUTOR		4	
C. RECEIVED FROM ALL OTHER COURTS			1
D. REINSTATE (E.G., CD FAILURES)	7	13	15
E. TOTAL CHARGES ADDED		28	50
III. CHARGES DISPOSED BY			
A. REFERRAL TO COUNTY PROSECUTOR	7	6	
B. REFERRAL TO ALL OTHER COURTS			
C. VIOLATIONS BUREAU (R. 7:7)		3	2
D. ENTRY OF GUILTY PLEA		1	1
E. A FINDING OF GUILTY AFTER TRIAL		5	1
F. A FINDING OF NOT GUILTY AFTER TRIAL		2	
G. DISMISSAL		1	
H. PLACEMENT IN A DIVERSIONARY PROGRAM		1	
I. CLOSED PER R.7:8-9.	7	18	4
J. TOTAL CHARGES DISPOSED			29
IV. TOTAL CHARGES PENDING END OF MONTH (BY AGE FROM DATE OF COMPLAINT)			
A. FROM 0 TO 60 DAYS		16	15
1. OPEN, ACTIVE (NON-FUGITIVE)		64	119
B. FOR 61 DAYS OR LONGER			
1. OPEN, ACTIVE (NON-FUGITIVE)		105	79
2. OPEN, WARRANT ISSUED (FUGITIVE)		102	79
C. TOTAL CHARGES PENDING - END OF MONTH		287	292
V. SENTENCES IMPOSED ON EACH CHARGE			
A. JAIL SENTENCE			
B. CONDITIONAL DISCHARGE			
C. REVOCATION/SUSPENSION OF MV LICENSE			
D. PROBATION (R. 3:21-7)			
E. COMMUNITY SERVICE			
F. FINE IMPOSED		5	3
G. CONDITIONAL DISMISSAL		2	
VI. DEFENDANTS SENTENCED AND COMMITTED TO JAIL			
VII. COMPLAINTS AND NOTICES FILED			
A. NUMBER OF COMPLAINTS SUMMONES (CDR-1)	3	5	
B. NUMBER OF COMPLAINTS WARRANTS (CDR-2)			
C. NOTICE IN LIEU OF			
VIII. MONIES ASSESSED OR FORFEITED (VIOLATIONS BUREAU AND OPEN COURT)			
A. TOTAL FINES IMPOSED	.00	1650.00	922.00
B. TOTAL VCCB PENALTIES ASSESSED	.00	150.00	.00
C. TOTAL COURT COST IMPOSED	.00	140.00	84.00
D. TOTAL CASH BAIL FORFEITURES	.00	750.00	.00

Keyport Parking Advisory Committee

May Report

Andrew Kelsey, Chair

Lori Ann Davidson, Council Member

Rose Araneo, Resident

Kathleen McNamara, Council Member

Ron Peperoni, Resident

Christopher Matey, Business Owner

- Meeting held May 3. Conditions of Borough lots downtown assessed
- Reached out to the public on Facebook to attract additional members to the committee.
- Generated first report draft: "Parking Lot Improvement and Wayfinding Signage".
- New member appointed; Christopher Matey, business owner.
- Meeting held on May 25. "Parking Lot Improvement and Wayfinding Signage" report discussed, and the review of Borough parking Ordinances began.

Keyport Parking Advisory Committee

Parking Lot Improvement and Wayfinding Signage

Preliminary Report

June 6, 2021

Andrew Kelsey, Chair

Lori Ann Davidson, Council Member

Rose Araneo, Resident

Kathleen McNamara, Council Member

Ron Peperoni, Resident

Christopher Matey, Business Owner

The Keyport Parking Committee has been tasked with providing the Borough Council of our findings, policy options, and recommendations for improved management of existing parking resources. This document will be a part of that report at the end of our work as a committee. The information within should be considered preliminary and may change as our work progresses.

Municipal Lots of Downtown

Downtown Keyport has many municipal owned parking lots. They vary in in size, location, and condition. They can found spread throughout the business district, and some can be considered one of Keyport's best kept secrets.

The functionality of these lots is affected by the distance a driver and their passengers are willing to walk to their destination. This willingness is affected by distance to destination, duration of stay, type of visit (shopping, work, social), and feeling of safety.^{1,2,3}

Boat Parking

There are two locations set aside for the parking of boat trailers. The first can be found against the bay, between the boat ramp and Beach Park. The overall condition of the pavement, striping, and design is good as it was part of the redevelopment of the waterfront. There is lighting in this lot on the north side along the bulkhead railing. It does lack lighting on the south side leaving that area darker than may be desired. Despite the lighting condition, we agreed that this lot had a high feeling of safety.



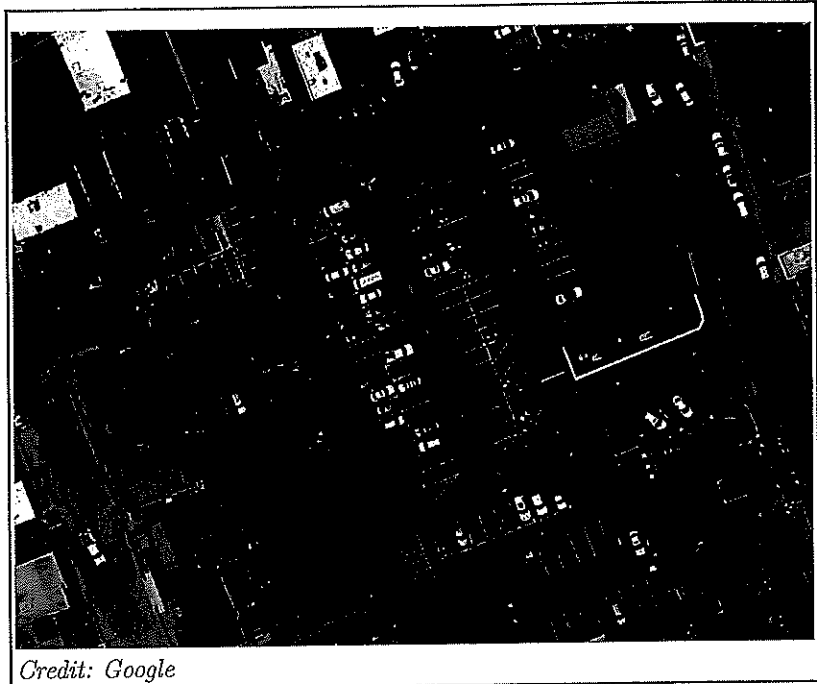
The second location can be found to the west of the ramp at the former location of the Steamboat Dock Museum. This lot is considered to be for overflow and is disorganized in its nature. It only had partial pavement and striping that poorly delineates its usage. There is no direct lighting provided here. Despite these deficiencies, it is part of the later Waterfront Park development and retains a high feeling of safety.

With the boat ramp sandwiched between both of these lots, they possess a location to purpose that cannot be beat.

Broad St. Lot

With Broad St. on its east, Main St. on its west, and West Front St. to its north, this parking lot is located at the heart of Downtown Keyport. It is by far the best known and most utilized by those that visit town. The pavement is in need of repair, and some areas are plagued by poorly patched pot holes. The alley entrance from Main St. is in terrible condition. The lot has been striped with different patterns over the years and the faded condition of those patterns makes it

challenging to discern the current orientation of things. The lot is well lit and its central location gives it a high feeling of safety.



Credit: Google

Church St. Lot

Located at the corner of Church St. and Second St and is well situated to serve the East end of downtown. It is completely unimproved with no pavement, no line striping, and no lighting. The entrance is on Second St. making it very difficult to access from the business district. Because of its condition, lack of lighting, and location away from the bustle of the business district, this lot has a very low feeling of safety after dark.

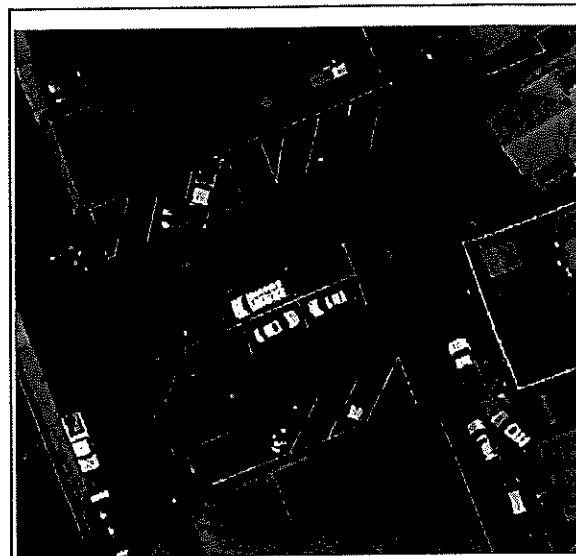


Credit: Google

Division St. Lot

Just south of East Front St. on Division, this lot is positioned to serve the east end of downtown well. The pavement and line striping is in top condition, however, there is no lighting. Given the lack of lighting and the “industrial” nature of the nearby businesses, the feeling of safety at night is low.

This lot is plagued with business use by its auto body shop neighbors. Company and project vehicles are routinely found parked in this lot preventing its use by visitors.



Credit: Google

Fireman's Lot

On the west side of town where the Lupatatong Creek meets Keyport Harbor, Fireman's Lot is popular for those who visit to enjoy nice days along the water. The lot is large and lacks the beauty that visitors have come to see. The pavement is in moderate condition, and striping is in good shape. The layout of the parking spaces may not be the most efficient and changes may increase capacity here. The lighting here is largely good with the exception of the southeast corner being less than desired.

Despite its location away from the busiest parts of town, we agreed that this lot has a high feeling of safety.

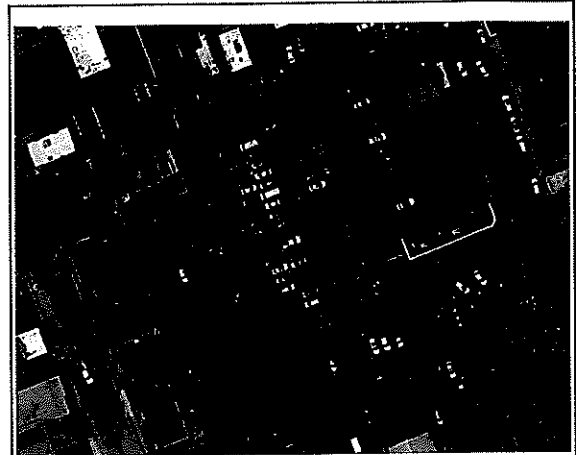
The elevation of this lot, approximately 4' NAVD88 at the bay sloping to approximately 6' NAVD88 at West Front St., gives itself the notorious reputation of regular flooding. The low end can be expected to flood annually a total of 34 times, forecast to be 158 times by 2030^{4,5}, and the high end can be expected to flood annually a total of 3 times, forecast to be 21 times by 2030^{4,5}.



Credit: Google

Main St. Lot

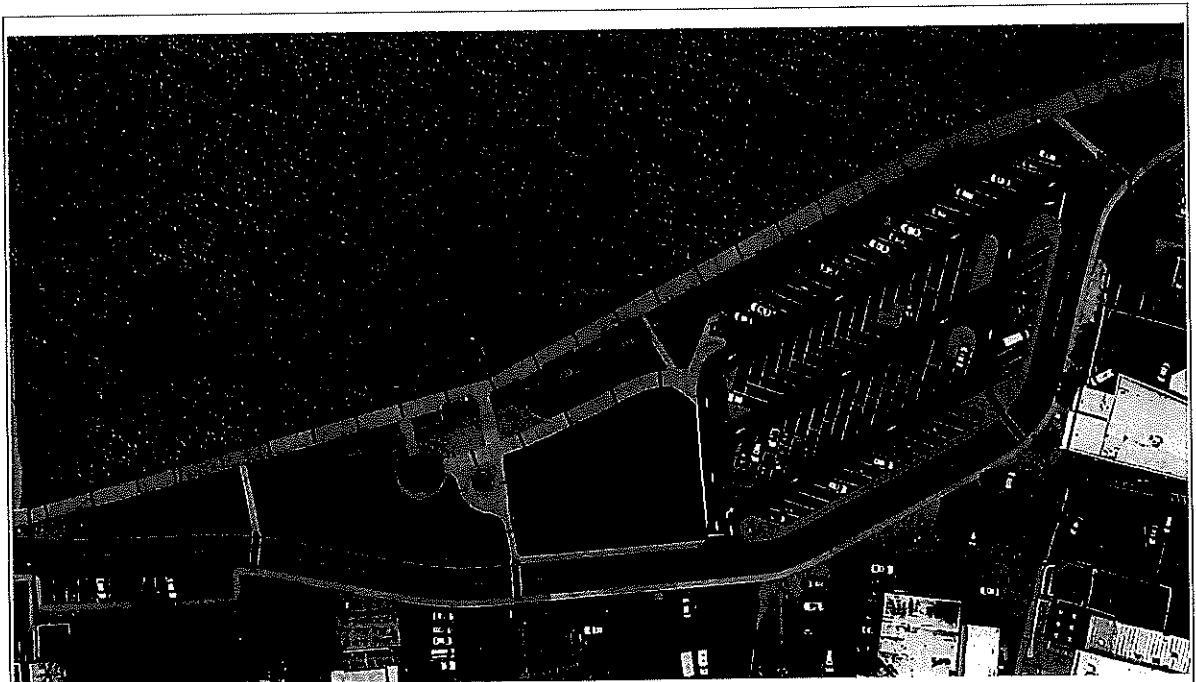
This lot is quietly tucked away on Main St., just south of Third St. The pavement is in good condition, but the line striping is completely gone. There is no lighting provided. The feeling of safety here is good.



Credit: Google

Waterfront Lots

This collection of lots is located in Waterfront Park. There is one large lot located on the north side of American Legion Drive and several small, lesser known lots located on the south side. These small lots are often adjacent to private parking and the delineation is not necessarily clear. The pavement, line striping, and lighting is excellent. The one exception for lighting is the small lot behind the American Legion. The feeling of safety for this area is high.

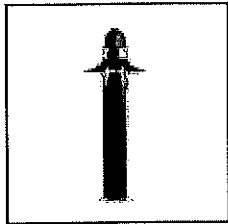


Credit: Google

Recommendations for Lot Improvements

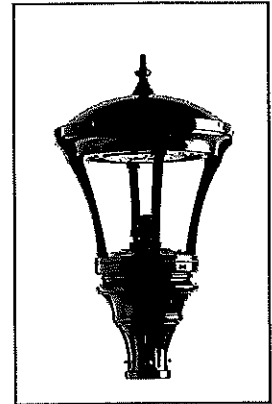
All Lots

1. With the exception of the Waterfront Lots, lighting should be installed and replaced with the following requirements:



Dark Sky bollard.

- (a) Lighting should be decorative, appropriate in brightness, and be Dark Sky⁶ approved to minimize light pollution.
- (b) Lighting styles should be the same in all lots to aid in the identification of municipal parking.



Dark Sky luminaire.

2. Lots should be beautified with landscaping to the maximum amount possible.
3. Lots that border private parking should have a double white line to make that delineation.
4. Signage should be installed to clearly mark the location of each lot on how to navigate to them. (See Wayfinding Signage.)

Boat Ramp

Former Steamboat Dock Museum

1. Area should be paved and stripe accordingly.
2. Install appropriate lighting.
3. Create entrance on Broad St. across from boat ramp for easier access.

Broad St. Lot.

1. Repave.
2. Restripe lot with a more efficient space layout and traffic flow.
3. Replace lighting.

Church St. Lot

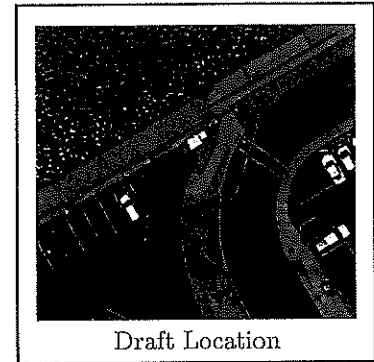
1. Pave.
2. Move entrance to Church St. so it is accessible to downtown visitors.
3. Install lighting.

Division St. Lot.

1. Resolve business encroachment onto lot.
2. Restripe lot to allow more parking spaces.
3. Install lighting.

Fireman's Lot

1. Repave.
2. Replace lighting.
3. Reline lot to allow more parking spaces.
4. Increase the elevation to 8' NAVD88 to eliminate nuisance flooding for the next 50 years.
5. Provide an unobstructed location, at the northeast corner, for fire apparatus to easily draft water from the harbor.



Main St. Lot

1. Repave.
2. Stripe.
3. Remove access to Church property.
4. Remove the privatization of parking spaces by neighboring property.

Waterfront Lots

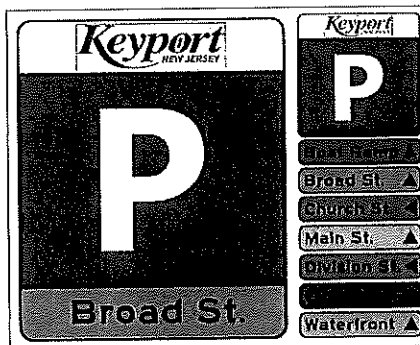
1. Install lighting at the small lot behind the American Legion.

Wayfinding Signage

The municipal lots in downtown Keyport are many and dispersed throughout. They are either not marked as public parking, or not noticeably mark and this causes makes it difficult for visitors to easily locate available spaces.

The Keyport Parking Advisory Committee makes the following recommendations:

1. Signage is to be noticeable.
2. All lots to be identified as public parking with signage that has the lot name and a large parking icon.
 - (a) The parking icon to be a white P placed on a blue background.
 - (b) Lot names to be assigned a colored background that will be used on all wayfinding signage.
3. Place signage on the primary entrance streets to downtown to guide visitors to municipal parking.
4. Place signage to be seen on exiting popular lots that will direct drivers to other municipal lots.

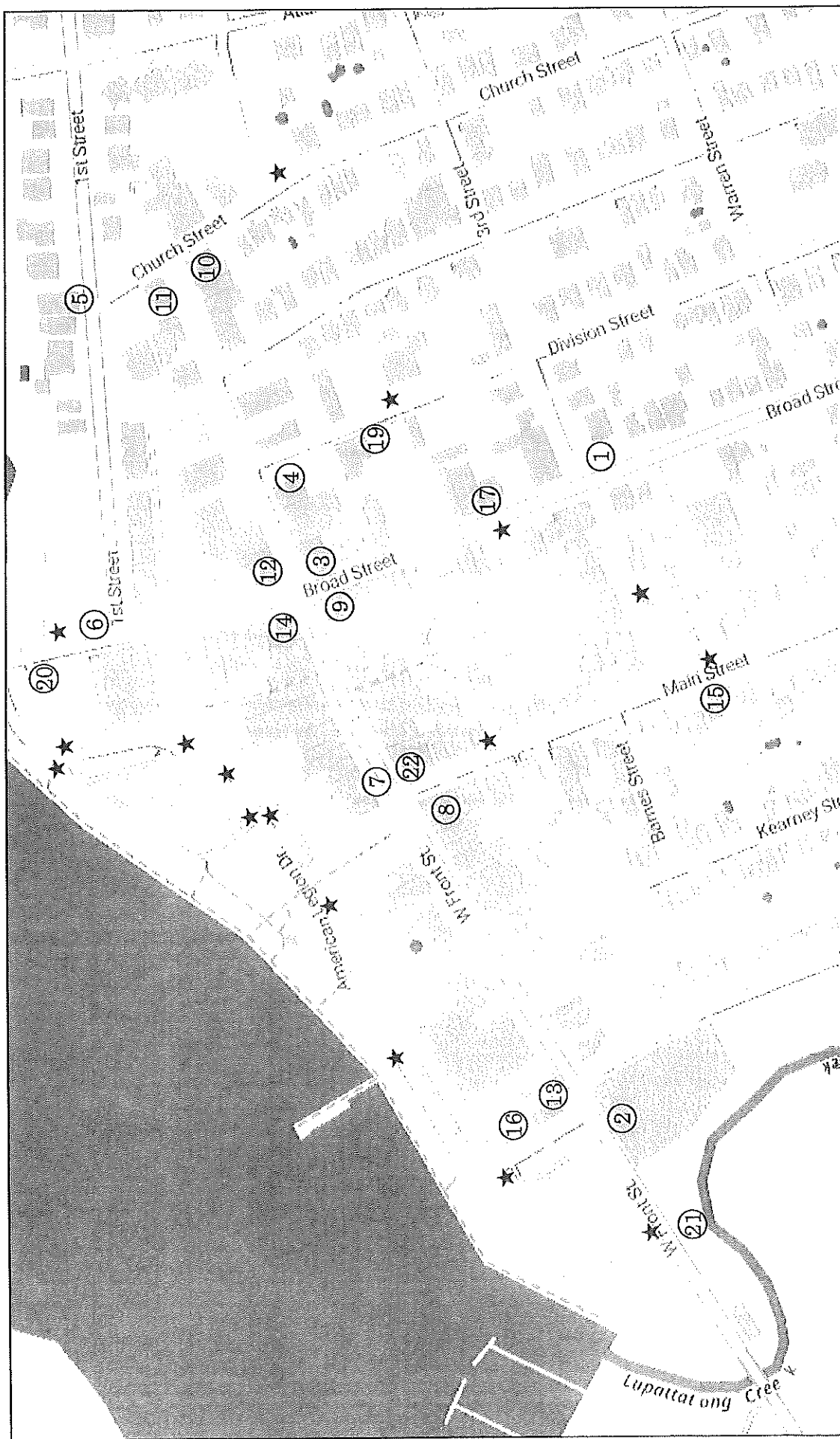


Our recommendations are the minimum requirements for wayfinding signage, and the above image is an example of what we envision. However, wayfinding signage comes in all shapes and sizes and we encourage the further refinement of this design that is the most attractive while keeping with our recommendations. See Appendix A for suggested signage locations and design.

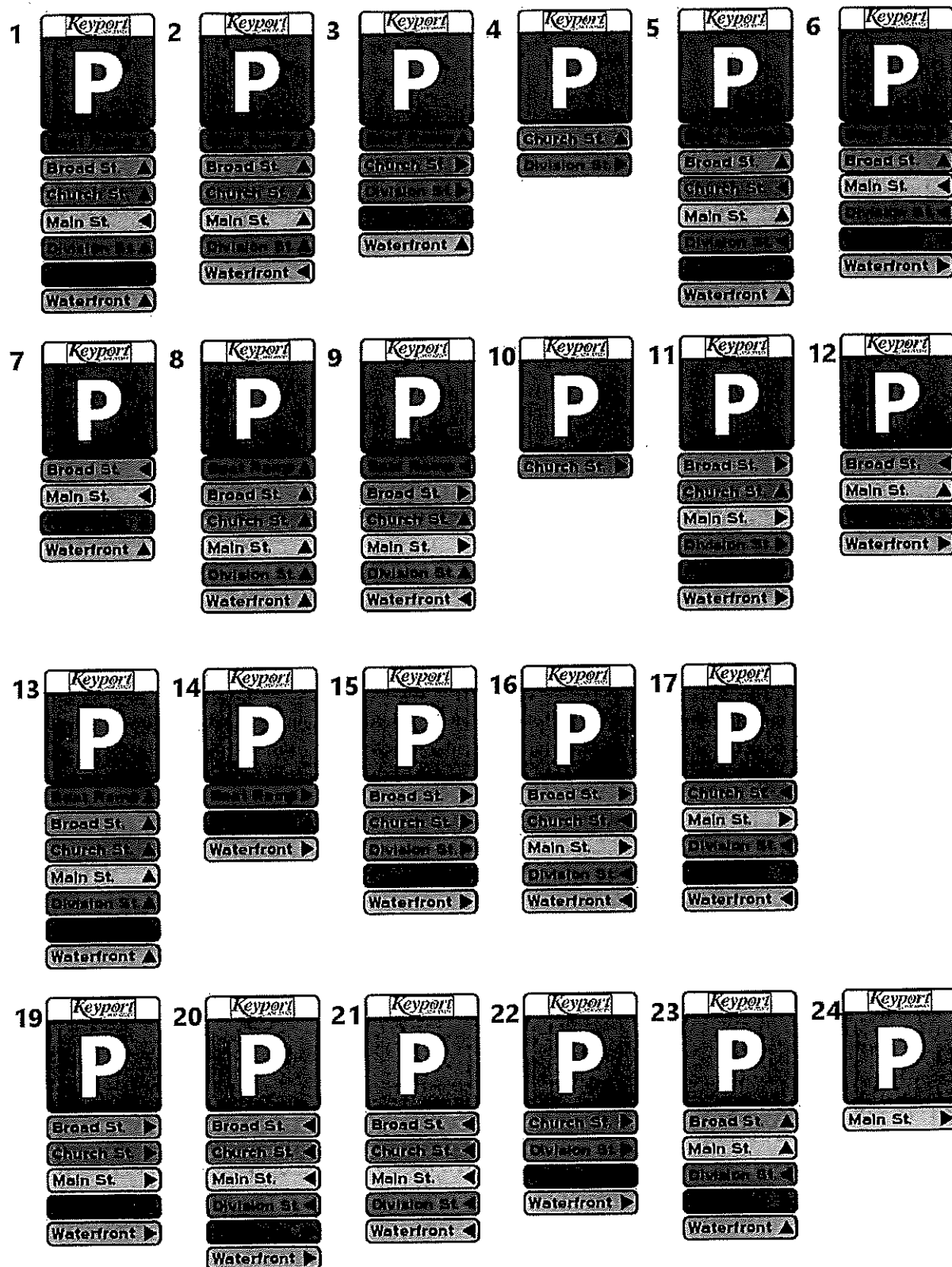
Appendix A

Suggested Wayfinding Signage Location and Design

Wayfinding Signage Location



- ★ Lot Identification Signs
- Wayfinding Signs



Signs 15, 16, 17, 20, and 21 to be positioned so drivers exiting lots can see them.

- 1 VAN DER WAERDEN, P.; TIMMERMANS, H.; DE BRUIN-VERHOEVEN, M. Car drivers' characteristics and the maximum walking distance between parking facility and final destination. *Journal of Transport and Land Use*, [S. l.], v. 10, n. 1, 2015. DOI: 10.5198/jtlu.2015.568.
- 2 Loukaitou-Sideris, Anastasia. (2006). Is it Safe to Walk?1 Neighborhood Safety and Security Considerations and Their Effects on Walking. *Journal of Planning Literature - J PLAN LIT.* 20. 219-232. 10.1177/0885412205282770.
- 3 Yang, Y., & Diez-Roux, A. V. (2012). Walking distance by trip purpose and population subgroups. *American journal of preventive medicine*, 43(1), 11–19. <https://doi.org/10.1016/j.amepre.2012.03.015>
- 4 USGS 01407081 Raritan Bay at Keansburg, NJ
- 5 Kopp RE, Andrews CJ, Broccoli A, et al. New Jersey's Rising Seas and Changing Coastal Storms: Report of the 2019 Science and Technical Advisory Panel. Rutgers, The State University of New Jersey.; 2019:56 p. doi:10.7282/t3-eeqr-mq48
- 6 The International Dark-Sky Association promotes the use of lighting that is appropriate in brightness and designed to prevent light pollution. <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/>

ORDINANCE #-21

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 25 "ZONING" AND 5 "LICENSES" OF THE CODE OF THE BOROUGH OF KEYPORT ESTABLISHING LAND USE REGULATIONS AND LICENSING REQUIREMENTS FOR CANNABIS BUSINESSES

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the Municipal Land Use Law (*N.J.S.A. 40:55D-1, et seq.*) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the State legislature; and

WHEREAS, the Borough Council wishes to create land use regulations and licensing requirements for cannabis businesses that can promote the health, safety, and general welfare of the community; and

WHEREAS, the State of New Jersey is presently reviewing applications and will be issuing licenses to cannabis businesses in the State of New Jersey; and

WHEREAS, inquiries have been made by persons and companies that operate or seek to operate cannabis facilities in New Jersey and that have expressed interest in establishing business operations in Keyport; and,

WHEREAS, these companies have applied or will apply to the State of New Jersey for licensing and are awaiting approval and issuance of a State license; and

WHEREAS, it is in the best interest of the Borough of Keyport to be proactive in establishing such local land use regulations and licensing requirements for cannabis businesses in advance of the issuance of additional licenses by the State to facilitate the opportunity for such businesses to establish operations in the Borough of Keyport; and

WHEREAS, the Mayor and Borough Council have determined that cannabis businesses present special concerns and should be regulated specifically to permit the uses where appropriate in the Borough; and

WHEREAS, the Borough has determined that all classes of cannabis businesses should be permitted in certain zones and in appropriate locations as delineated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AS FOLLOWS:

SECTION ONE: AMENDMENT TO ZONING ORDINANCE

Chapter 25 "Zoning" of the Code of the Borough of Keyport shall be amended as follows; additions to the current ordinance are noted in underline.

Section 25-1-15.20 Cannabis Businesses

a. Definitions. The terms and definitions as delineated in *N.J.S.A. 24:6I-33* are incorporated herein.

b. State Licensed Cannabis Businesses are Permitted.

1. Any class of cannabis business duly licensed by the State of New Jersey to conduct legal adult use cannabis operations, as defined by State law, may operate within

the noted zones so long as: (i) the entity maintains its State license in good standing; (ii) the entity maintains its Keyport Cannabis Business License in good standing; and (iii) the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended.

2. No Business License to operate within the Borough of Keyport shall be granted or renewed without such evidence as may be required by the Borough Clerk's Office to determine that the entity maintains all valid State and/or Departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.

c. Zoning Districts Where Cannabis Businesses are Permitted.

1. Cannabis Retailers and Cannabis Delivery Services are permitted in the following areas, subject to all applicable provisions set forth herein, state law, and all other applicable codes and regulations, including but not limited to the Building Code:

- a. Highway Commercial District (HC);
- b. Industrial District (I); and
- c. Light Industrial District (LI) except for those parcels in or around Manchester Avenue;
- d. General Waterfront Commercial (GWC) but only for those lots fronting West Front Street between Broad Street and Beers Street; and
- e. General Commercial District (GC) but only for those lots:
 - i. fronting West Front Street between Broad Street and Beers Street;
 - ii. fronting Broad Street between West Front Street and Third Street; and
 - iii. fronting Main Street between West Front Street and Barnes Street.

2. Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, and Cannabis Wholesalers are only permitted in the Industrial District (I) in accordance with all applicable provisions set forth herein, state law, and all other applicable codes and regulations, including but not limited to the Building Code.

d. Site Standards for Cannabis Businesses

1. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or cannabis by patrons at any cannabis business.

2. Hours of public operation of Cannabis Retailers shall be limited to 9:00 a.m. through 10:00 p.m. daily.. The hours of public operation of Cannabis Delivery Services shall be as regulated by the Cannabis Regulatory Commission.

3. For any licensed cultivation, processing, or similar operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building.

4. For any licensed cultivation, processing, manufacturing, or similar operation, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel limitations.

5. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of cannabis products. Footage must be maintained for the duration required under State law.

6. All licensed cannabis facilities must provide the Keyport Police Department with access to security footage immediately upon request by the Department.

7. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.

8. For any licensed cultivation operation, the facility must mitigate lighting spillover into any residential neighborhoods, and must comply with all applicable State lighting limitations.

9. No Cannabis Business shall be located within the following distances from the specified land uses listed below:

a. 250 feet of a licensed childcare facility or residential childcare facility;

b. 250 feet of any elementary school, middle school, high school, college or university either public or private;

10. No licensed Cannabis Retailer shall be located in or upon any premises in which a grocery store, delicatessen, indoor food market, or other store engaging in retail sales of food operates, or in or upon any premises in which a store that engages in licensed retail sales of alcoholic beverages operates.

11. Cannabis waste shall be stored, secured, and managed in accordance with applicable State laws.

12. Display of Cannabis and Related Paraphernalia: Cannabis plants, products, and paraphernalia shall be screened from view from any exterior windows.

13. All Cannabis Businesses shall conduct operations indoors. No Cannabis Cultivators shall be permitted to operate outdoors, e.g., grow canopies.

14. Cannabis consumption areas shall not be permitted in the Borough.

e. On-Site Signage

1. No State licensed cannabis business shall display signage containing text and/or images intended to promote excessive consumption of cannabis products.

2. Signage shall otherwise comply with the requirements of Article 25-1-17 (Signs) of the Keyport Land Use Regulations to the extent permissible by applicable State laws and regulations governing signage standards for licensed cannabis businesses.

3. No State licensed cannabis business shall place or cause to be placed any off-site advertising signage.

f. Penalties.

Any person violating any provision of this section shall, upon conviction be subject to the penalties stated in Chapter I, Section 1-5, General Penalty, except that the minimum penalty shall not be less than \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for a third offense.

SECTION TWO: AMENDMENT AND SUPPLEMENT TO CHAPTER 5 GENERAL LICENSING AND BUSINESS REGULATIONS

Chapter 5 "General Licensing and Business Regulations" of the Code of the Borough of Keyport shall be amended and supplemented as follows; additions to the current ordinance are noted in underline.

Section 5-17 Cannabis Business Licenses.

a. Purpose. This section is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the borough in accordance with the provisions of the "New Jersey

Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" comprising *N.J.S.A. 24:6I-31 et seq.*, and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

b. Definitions. As used in this Chapter, words and phrases shall have the same meanings they have in *N.J.S.A. 24:6I-31 et seq.*, and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

c. Cannabis Business Licenses.

1. **Laws Applicable.** All applications for licenses, all licenses issued, and all proceedings under this Chapter shall be in accordance with the Act, rules and regulations referred to in Section 25-1-15.20 and all other applicable laws of the State of New Jersey.

2. **Issuing Authority.** All licenses required by this Chapter, including renewal licenses, shall be issued by the governing body of the Borough, which shall also administer the provisions of this Chapter.

3. **Cannabis Business License Required.** No person shall cultivate, sell, or distribute cannabis within the Borough without having obtained a license in accordance with the Act referred to in Section 5-17(a) and the provisions of this Chapter.

4. **Cannabis Business License Fees--Maximum Number.** The annual license fee and maximum number of licenses for the Cannabis Businesses in the Borough shall be as follows:

Class of License	Annual License Fee	No. of Licenses
Class 1 Cannabis Cultivator	\$10,000	2
Class 2 Cannabis Manufacturer	\$10,000	2
Class 3 Cannabis Wholesaler	\$5,000	2
Class 4 Cannabis Distributor	\$5,000	2
Class 5 Cannabis Retailer	\$5,000	2
Class 6 Cannabis Delivery	\$5,000	2

d. Cannabis Business License Conditions. In order to be granted a business license for the operation of any Cannabis Business the following conditions must be satisfied:

1. Completion of all forms, checklists, and other submissions as may be required by the Borough Clerk's Office;
2. Payment of all applicable local fees, including inspection and licensing fees;
3. Demonstration that all applicable State licenses have been obtained;

4. Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license;

5. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency;

6. Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (NOTE: pages not marked as confidential will be disclosed in response to an applicable OPRA request); and

7. Submission of application fee of Five Thousand (\$5,000.00) Dollars.

e. **Regulation of Cannabis Business Licenses.** Any license issued under this Chapter shall conform to the requirements of Section 25-1-15.20 of the Borough Code with regard to operation.

f. **Revocation of Cannabis Business Licenses.**

1. Any license issued under this Chapter may be suspended or revoked for violation of any of the provisions of this Chapter or any provision of any applicable statute or any of the rules and regulations of the Cannabis Regulatory Commission.

2. Notice of a hearing for the suspension or revocation of a license shall be given in writing by the Borough Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the licensee at his or her last known address by certified mail, return receipt requested, at least five (5) days prior to the date set for the hearing.

3. At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his or her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his or her own expense. The Council shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

4. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this Chapter

g. **Penalties.**

In the absence of State specified penalties, the Borough may issue fines to any person violating any provision of this section, upon conviction, up to \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

SECTION 3: AMENDMENT AND SUPPLEMENT TO CHAPTER 2 ADMINISTRATION

Chapter 2 "Administration" of the Code of the Borough of Keyport shall be amended as follows; additions to the current ordinance are noted in underline.

Chapter 2-27 Cannabis Business Sales Tax

a. A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Cultivator, Cannabis Manufacturer, or Cannabis Retailer in the Borough of Keyport, at the rate of two percent (2%) or the maximum rate allowable by law, whichever is greater, of the gross receipts from such sales made in the course of that business. Retailers may reimburse themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect.

b. A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Wholesaler in the Borough of Keyport, at the rate of one percent (1%) or the maximum rate allowable by law, whichever is greater, of the gross receipts from such sales made in the course of that business. Retailers may reimburse themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

c. The imposition of the tax imposed by this Chapter is in accordance with the provisions of State law and is in addition to any and all other taxes and charges.

d. The tax imposed by this Section, and all civil penalties that may be assessed as an incident thereto, shall be remitted to, collected by and enforced by the Borough of Keyport Tax Collector, who shall have the full power to administer and enforce the provisions of this Chapter.

e. The failure to timely collect or remit all taxes due pursuant to this Chapter is a violation of this Code and may be subject to the penalties hereunder.

f. Penalties.

Any person violating any provision of this section shall, upon conviction be subject to the penalties stated in Chapter I, Section 1-5, General Penalty, except that the minimum penalty shall not be less than \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for a third offense.

SECTION FOUR: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION FIVE: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX: This Ordinance shall take effect after publication and passage according to law.

ORDINANCE #__-21

**ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER XVI OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH
OF KEYPORT ENTITLED "STREETS, SIDEWALKS AND
SANITATION" TO ADD A SECTION GOVERNING THE
CONSTRUCTION AND/OR INSTALLATION OF SMALL
WIRELESS FACILITIES, CABINETS AND POLES IN
PUBLIC RIGHT OF WAYS AND PUBLIC GROUNDS**

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey and a municipality within the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40:48-1 et. seq., and N.J.S.A. 40:48-2 et. seq., the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, not contrary to the laws of the State of New Jersey (the "State") or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred by law; and

WHEREAS, the Mayor and Council (the "**Borough Council**") of the Borough are aware that certain technological developments have made access to the Borough's Municipal Rights-of-Way and Public Grounds desirable to certain telecommunications companies for the placement of small wireless facilities, including, but not limited to, antennas, equipment, cables, wires, conduits and other appurtenances attached to poles used to transmit, receive, distribute and provide personal wireless services and communication services ("**Small Wireless Facilities**") and cabinets; and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way and Public Grounds constitute a valuable resource to its citizens, finite in nature, by permitting the public to pass freely over and across these Municipal Rights-of-Way and Public Grounds without unreasonable obstruction or interference, in a safe and secure manner; and

WHEREAS, the Borough recognizes that the use of its Municipal Rights-of-Way and Public Grounds must be managed carefully with the utmost consideration given to general welfare and best interest of its citizens; and

WHEREAS, the Federal Telecommunications Act (the "**FTA**") preserves local government's ability to "manage the public Rights-of-Way." 47 U.S.C. § 253(c); and

WHEREAS, the FTA preserves local government's authority over the "placement, construction and modification of personal wireless service facilities." 47 U.S.C. § 332(c)(7)(A); and

WHEREAS, the FTA makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service. *U.S.C.* § 332(c)(7)(B)(i)(II); and

WHEREAS, the FTA provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services.” *U.S.C.* § 332(c)(7)(B)(i)(I); and

WHEREAS, 4G and 5G wireless technology involves the placement of Small Wireless Facilities and Cabinets in the Municipal Right-of-Way and Public Grounds; and

WHEREAS, New Jersey municipalities must give consent before a Small Wireless Facility can be placed on an Existing Pole pursuant to N.J.S.A. 48:3-19 and N.J.S.A. 27:16-6; and

WHEREAS, New Jersey municipalities must give consent to the installation of a new Pole within a Municipal Right-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the installation of Small Wireless Facilities and Poles in Municipal Rights-of-Way and Public Grounds raises significant aesthetic and safety concerns; and

WHEREAS, the installation of Small Wireless Facilities and Poles in the Municipal Rights-of-Way and Public Grounds raises concerns related to sight triangles, minimum sidewalk width and dimensions, access to and from parked vehicles, and other safety related issues related to the use of roadways, public lands, and the ability of the public to pass over the Municipal Rights-of-Way and Public Grounds; and

WHEREAS, the Federal Highway Administration has acknowledged the problem concerning Municipal Rights-of-Way by stating “[as] demand for the finite space in existing Right-of-Way increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases.” Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm>; and

WHEREAS, the Federal Communications Commission (the “FCC”) has adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” WT Docket No. 17-79; WC Docket 17-84, which places a “shot clock” on municipal approval for the placement of small cells on Existing Poles and the placement of new Poles in the Municipal Rights-of-Way; and

WHEREAS, on September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket 17-84 (the “FCC Order”); and

WHEREAS, the FCC Order provides that municipalities can impose aesthetic and location requirements on Small Wireless Facilities and related infrastructure including, but not limited to, Poles, antennas, and Cabinets, where said requirements are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployment; and, (3) are published in advance; and

WHEREAS, the Borough has determined to create a Right-of-Way permit system for all Poles, Cabinets and Small Wireless Facilities which are proposed to be placed in the Borough's Municipal Rights-of-Way and Public Grounds; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Small Wireless Facilities within the Borough's Municipal Rights-of-Way and Public Grounds for the benefit of its citizens, utilities and telecommunications providers which use, or will seek to make use of, the Borough's Municipal Rights-of-Way and Public Grounds.

NOW, THEREFORE, BE IT ORDAINED, by the Council that the Revised General Ordinances of the Borough of Keyport, Chapter XVI be and is hereby amended and supplemented as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Council hereby amends and supplements Chapter XVI of the Revised General Ordinances of the Borough of Keyport to read as follows:

16-9 INSTALLATION OF SMALL WIRELESS FACILITIES, CABINETS AND POLES IN PUBLIC RIGHT OF WAYS AND PUBLIC GROUNDS

16-9.1 SCOPE AND PURPOSE

- a. Purpose. The purpose of this Section is to establish uniform, nondiscriminatory standards for the placement, installation and construction of Small Wireless Facilities (as hereinafter defined), Cabinets (as hereinafter defined) and Poles in the Municipal Right-of-Way (as hereinafter defined) and Public Grounds (as hereinafter defined) within the Borough's jurisdiction in a manner that will provide public benefit and will preserve the integrity, public safety and aesthetics of the Borough's Municipal Right-of-Way and Public Grounds, and community character.
- b. Intent. The intent of the standards established herein is to facilitate deployment of facilities that provide for the public benefits of advanced communications services, while providing for proper management of the Borough's Municipal Right-of-Way and Public Grounds in a manner that complies with all applicable State and federal laws and regulations. In fulfilling this intent, this Section is designed to prevent:
 1. Interference with the use of streets, sidewalks, alleys, bikeways, and other public ways and places;
 2. Creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Interference with facilities and operation of facilities lawfully located in or near the Borough's Municipal Rights-of-Way and Public Grounds;
 4. Environmental damage, including damage to trees; and

5. Degradation to the character of the areas in which Small Wireless Facilities and Poles are installed.

16-9.2 DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable Application.

ANTICIPATED MUNICIPAL EXPENSES

The cost of processing an Application including, but not limited to, all professional fees such as engineering fees and attorney costs incurred by the Borough.

APPLICANT

The person or entity, and the agents, employees, and contractors of such person or entity, who submits an Application seeking to place a Small Wireless Facility, Cabinet or Pole within the Municipal Right-of-Way or Public Grounds.

APPLICATION

An application submitted by the Applicant to the Borough Council for purposes of procuring a Right-of-Way Permit

CABINET

A small box-like or rectangular structure used to facilitate utility or wireless services located in a Municipal Right-of-Way or Public Grounds.

COLLOCATION

To install or mount equipment, Cabinets or Small Wireless Facilities on, under or withing a pre-existing communications facility, Pole, Existing Pole, Cabinet, or other support structures in the Municipal Right-of-Way or Public Grounds.

EXISTING POLE

A Pole that is in lawful existence within the Municipal Right-of-Way or Public Grounds.

FACILITY

A Cabinet, Pole, or Small Wireless Facility installed in or on a Municipal Right-of-Way or Public Grounds.

FCC

The Federal Communications Commission.

GROUND LEVEL CABINETS

A Cabinet that is not attached to an existing Pole and is touching the ground.

MUNICIPAL RIGHT-OF-WAY or RIGHT-OF-WAY or ROW

The surface of, and the space above or below, any public street, road, lane, path, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Borough as an

easement or in fee simple ownership, or any other area that is determined by the Borough to be a right-of-way in which the Borough may allow the installation of Small Wireless Facilities, Cabinets and Poles. This term may also include rights-of-ways held by the County of Monmouth where the Borough's approval is required for the use of the same pursuant to N.J.S.A. 27:16-6.

PERMITEE

An Applicant that has obtained a Right-of-Way Permit.

POLE

A long, slender, piece of wood, metal, fiberglass composite, or other materials, including, but not limited to, decorative streetlights, non-decorative streetlights and traffic signal structures.

POLE MOUNTED CABINET

A Cabinet that is proposed to be placed on an Existing or Proposed Pole.

PROPOSED POLE

A Pole that is proposed to be placed within a Municipal Right-of-Way or Public Grounds.

PUBLIC GROUNDS

Any lands, areas, buildings or installations owned by the Borough of Keyport or any of its departments, agencies or commissions, and shall include, but not be limited to, the Keyport Board of Education lands, areas, buildings or installations.

RF EMISSIONS

The radio frequency power transmitted from a Small Wireless Facility.

RIGHT-OF-WAY AGREEMENT

An agreement that sets forth the terms and conditions for use of a Municipal Right-of-Way or Public Grounds and includes, but is not limited to, municipal franchise agreements.

RIGHT-OF-WAY PERMIT

An approval from the Borough Council, or its designee, which sets forth that an Applicant is in compliance with the requirements of the Borough's requirements under this Section.

SHOT CLOCK

The deadline(s) imposed by the FCC for a municipality to approve the placement of Small Wireless Facilities on Existing Poles and/or the placement of Proposed Poles in Municipal Rights-of-Way and Public Grounds.

SMALL WIRELESS FACILITIES

Antennas, equipment, cables, wires, conduits and other appurtenances attached to Poles used to transmit, receive, distribute and provide personal wireless services and communication services.

SURROUNDING STREETScape

Existing Poles within the same Right-of-Way, which are located within five hundred (500) feet of a Proposed Pole.

UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES

Companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes of the State of New Jersey.

UTILITY SERVICE

Electric, telephone or cable service.

16-9.3 APPLICABILITY

Notwithstanding any franchise or right-of-way agreement to the contrary, all Facilities proposed to be placed within the Municipal Right-of-Way and Public Grounds by a utility regulated by the Board of Public Utilities and all other entities lawfully regulating any Facility, equipment, antenna, Cabinet and/or other installation within the Municipal Right-of-Way shall be subject to the standards and procedures set forth within this Section and shall be required to obtain Right-of-Way permits for the siting of Poles, antennas, Cabinets and related Facilities, equipment or other installation within the Municipal Right-of-Way and Public Grounds.

16-9.4 RIGHT OF WAY AGREEMENT

- a. No person shall operate or place any type of a Small Wireless Facility, Cabinet or Pole within the Municipal Right-of-Way and Public Grounds without first obtaining a Right-of-Way Permit pursuant to the provisions of this Section and executing a Right-of-Way Agreement with the Borough pursuant to the provisions of this Section.
- b. The terms of said Right-of-Way Agreement shall include, but not be limited to:
 1. A term as established in the Right-of-Way Agreement not to exceed fifteen (15) years;
 2. Collocation requirements;
 3. Performance Bond requirements;
 4. Indemnification requirements;
 5. Fee Schedule requirements;
 6. Requirements regarding repair, maintenance, relocation and removal;
 7. Public notice requirements;
 8. Reasonable insurance requirements;
 9. A fine for unauthorized installations;
 10. A reference to the siting standards set forth in this Section;
 11. A provision for public notice of installation of Small Wireless Facilities, Poles and Cabinets;

12. Any other items which may reasonably be required for the Applicant's operation within the Municipal Right-of-Way and Public Grounds.

16-9.5 RIGHT OF WAY PERMIT

- a. No Small Wireless Facility, Pole, antenna or Cabinet shall be installed in a Municipal Right-of-Way and Public Grounds without the issuance of a Right-of-Way Permit for that installation. It is a violation of this Section to construct, install or place a Small Wireless Facility, Cabinet or Pole in a Right-of-Way or Public Grounds without obtaining a Right-of-Way Permit as required herein.
- b. Pole Siting Standards.
 1. Height. No Pole shall be taller than thirty-five (35) feet or one hundred and ten percent (110%) of the height of Poles in the surrounding streetscape, whichever is higher.
 2. Distance from the curb line: No Pole shall be farther than eighteen (18) inches from the curb line.
 3. All Poles must be structurally sound and not pose a risk of falling during heavy winds.
 4. Location, Safety and Aesthetics: No Pole shall be erected in the Municipal Right-of-Way and Public Grounds unless it:
 - (a) Is replacing an existing Pole; or,
 - (b) Is approved pursuant to a land development Application by the Keyport Unified Planning Board pursuant to a Land Use Application; or,
 - (c) Is located on the opposite side of the street from a part of the electrical distribution system; and,
 - (d) Is located in the Municipal Rights-of-Way located in the RA, RB and RC Zones, except as noted below; and,
 - (e) Is two hundred (200) linear feet from any other existing Pole or proposed Pole along the same side of the street; and,
 - (f) Is not located in an area with underground utilities; and,
 - (g) Does not inhibit any existing sight triangles or traffic signals; and,
 - (h) Allows adequate room for the public to pass and repass along and across the public Right-of-Way; and,
 - (i) Is finished and/or painted so as to blend in compatibly with its background

and so as to minimize its visual impact on surrounding properties

5. Poles are prohibited in the Municipal Rights-of-Way located on any Public Grounds.
- c. Ground Level Cabinet Site Standards. Ground Level Cabinets are prohibited in Municipal Right-of-Way and Public Grounds in the RA, RB and RC Zones and on any Public Grounds.
- d. Small Wireless Facilities And Pole Mounted Cabinet Siting Standards.
 1. Small Wireless Facilities are permitted on Existing Poles, provided that each Pole - mounted antenna:
 - (a) Does not exceed three (3) cubic feet in volume; and
 - (b) Is finished or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - (c) Does not inhibit any existing sight triangles or traffic signals;
 - (d) Allows adequate room for the public to pass and repass along and across the Municipal Right-of-Way; and
 - (e). Does not interfere with public safety communications; and
 - (f). Does not obstruct sight lines to drivers, pedestrians and bicyclists; and
 - (g). Is in compliance with the FCC RF Emissions exposure guidelines and all applicable law; and
 - (h). Designed by a qualified engineer licensed by the State of New Jersey and must meet all applicable building and electrical code standards.
 2. Pole Mounted Cabinets are permitted on Existing Poles, provided that each Pole Mounted Cabinet:
 - (a) Does not exceed sixteen (16) cubic feet in volume; and
 - (b) Is finished or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - (c) Does not inhibit any existing sight triangles or traffic signals;

- (d) Allows adequate room for the public to pass and repass along and across the Municipal Right-of-Way;
 - (e) Does not interfere with public safety communications; and
 - (f) Does not obstruct sight lines to drivers, pedestrians and bicyclists;
- 3. The Borough may also require that an Applicant provide a certification from a licensed engineer attesting to the structural integrity of any Small Wireless Facility or Pole Mounted Cabinet.
- 4. A Right-of-Way Permit issued under this Section shall be valid for a period of six (6) months, provided that the six (6) month period shall be extended for up to an additional six (6) months upon written request of the Applicant made prior to the end of the initial six (6) month period if the failure to complete installation is delayed as a result of circumstances beyond the Applicant's reasonable control.
- 5. A copy of all permits and licenses required by the Borough must be displayed at the work site at all times during the construction, placement, replacement or installation of a Small Wireless Facility, Cabinet or Pole.
- 6. The Borough may deny a Right-of-Way Permit sought by an Applicant who is currently in violation of any provisions of this Section regarding other Small Wireless Facilities, Cabinets or Poles placed or installed by the Applicant subsequent to the effective date of this Section or (ii) is in violation of any Right-of-Way Agreement executed by the Borough and the Applicant.

16-9.6 APPLICATION PROCESS

- a. Pre-Application Meeting. Prior to making a formal Application with the Borough for use of the Municipal Right-of-Way and Public Grounds, all Applicants are advised to meet with the Borough Engineer to review the scope of the Applicant's proposal.
- b. The form of Application shall be provided by the Borough.
- c. The Application shall include but not be limited to the following:
 - 1. Applicant's submission of proof of insurance as required by the Right-of-Way Agreement;
 - 2. Posting of financial security as required by the Right-of-Way Agreement;
 - 3. Applicant's submission of an Original Certificate of Incorporation and/or Certificate of Good Standing from the Secretary of the State of New Jersey evidencing authorization for the Applicant to do business in the State;

4. Fulfillment of all other conditions established by the Borough as a pre-requisite to the issuance of the Right-of-Way Permit; and
5. Applicant's submission of a certification, in a form approved by the Borough, that the proposed Small Wireless Facility, Cabinet or Pole complies with all applicable federal, State and Borough requirements, including but not limited to regulations pertaining to:
 - A. Environmental matters;
 - B. Historic preservation;
 - C. Radio frequency emissions; and
 - D. The American with Disabilities Act.
- c. All Applications made under this Section and Chapter shall be expedited so as to comply with all Shot Clocks set forth in the FCC Order entitled "Accelerating Wireless Broadband Deployment By The Removal Of Barriers To Infrastructure Investment," WT Docket No. 17-79; WC Docket No. 17-84.
- d. Every Application, made under this Section with the exception of installations on Existing Poles, must include a stamped survey prepared by a New Jersey licensed land surveyor demonstrating that any proposed Pole, Cabinet or antenna is located within the Municipal Right-of-Way. Any such Application which does not include such survey shall immediately be deemed incomplete.
- e. New Poles and Ground Level Cabinets. The Keyport Unified Planning Board shall, pursuant to N.J.S.A. 40:55D-25(B)(3), review all Applications for the placement of new Poles and Ground Level Cabinets proposed to be located in the Municipal Right-of-Way and Public Grounds and advise the Borough Council of its recommendations to approve, approve with conditions or deny such Applications. If the Keyport Unified Planning Board recommends a denial of such Application, it shall set forth the factual basis for such denial in writing. If the Keyport Unified Planning Board recommends an approval with conditions, it shall set forth the factual basis for such conditions in writing.
- f. Small Wireless Facilities and Pole Mounted Cabinets.
 1. The Borough Engineer shall review all Applications to place Small Wireless Facilities and Pole Mounted Cabinets within the Municipal Right-of-Way and Public Grounds and advise the Keyport Unified Planning Board and Borough Council of his or her recommendation to approve, approve with conditions, or deny such Applications. The provisions of subsection e above shall apply to the Engineer as to written findings. Review of the Keyport Unified Planning Board is limited to new Poles and Cabinets, not installations on Existing Poles.
 2. The Keyport Unified Planning Board shall, pursuant to N.J.S.A. 40:55D-25(B)(3), review all Applications for the placement of new Poles and Ground Level Cabinets proposed to be located in the Municipal Right-of-Way and advise the Borough Council of its recommendations to approve, approve with conditions, or deny such Applications. If the Keyport Unified Planning Board recommends a denial of such Application, it shall set forth the factual basis for such denial in

writing. If the Keyport Unified Planning Board recommends an approval with conditions, it shall set forth the factual basis for such conditions in writing.

- g. The Borough Council shall, by resolution, authorize the execution of all Right-of-Way Agreements based upon the recommendations provided to it by the Borough Engineer or Keyport Unified Planning Board.
- h. If the Borough Council denies any Application made under this Section, it shall do so in writing and set forth the factual basis therefor.
- i. Waiver. The Borough Council may waive any siting standard set forth in this Section where the Applicant demonstrates that strict enforcement of any siting standard will:
 - 1. Prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service, pursuant to 47 *U.S.C.A.* § 253(a); or,
 - 2. Prohibit or have the effect of prohibiting personal wireless service, pursuant to 47 *U.S.C.A.* § 332(c)(7)(B)(i)(II); or,
 - 3. Will violate any requirement set forth in the FCC Order entitled "Accelerating Wireless Broadband Deployment by The Removal of Barriers To Infrastructure Investment," WT Docket No. 17-79; WC Docket No. 17-84.

16-9.7 PERMIT FEES AND COSTS

- a. Every Right-of-Way Permit Application must include a Right-of-Way Permit fee in the following amounts.
 - 1. One (1) to five (5) Collocations on Existing Poles - \$500.
 - 2. Each additional Collocation on an Existing Pole - \$100.
 - 3. New Poles (i.e. not a Collocation) - \$1,000
- b. Deposit toward Anticipated Municipal Expenses.
 - 1. In addition to the Right-of-Way Permit Application fee, every Applicant shall post an escrow in the amount of two thousand dollars (\$2,000.00) towards Anticipated Municipal Expenses including, but not limited to, a planner, engineer, legal or other municipal fees related to review of an Application for a Right-of-Way Permit under this Section.
 - 2. The Applicant's deposit shall be deposited in an escrow account. If at any time such deposit contains insufficient funds to enable the Borough to conduct its review of the Right-of-Way Permit Application, the Borough's Chief Financial Officer shall provide the Applicant with notice of an insufficient balance. The Applicant shall deposit within ten (10) calendar days of such notice, such additional deposit as shall be agreed upon by the Applicant and the Borough's Chief Financial Officer to complete the Borough's review.

3. The Borough's Chief Financial Officer shall, upon request by the Applicant after a final decision has been made by the Borough Council in accordance with this Section regarding the Applicant's Right-of-Way Permit Application, refund any unused balance from the Applicant's deposit toward Anticipate Municipal Expenses.

c. Recurring Annual Fee and Reporting.

1. All Permittees shall pay a recurring annual Right-of-Way fee to the Borough in the amount of Two Hundred and Seventy dollars (\$270.00) per each installation of each Small Wireless Facility. All annual Right-of-Way fees shall be paid no later than the last day of the calendar year and the first annual right-of-way fees shall be due for the first full calendar year following the Permittee's permit approval.
 - (a) Late Payment. A ten percent (10%) late payment penalty shall be imposed against any Permittee who fails to pay any its annual rights-of-way fees due within thirty (30) days of the date on which the fee is due.
 - (b) Removal. When a Small Wireless Facility has been removed, no further annual Rights-of-Way fees will be due.
 - (c) Fee Waivers and Reductions. Any fee required under this Section may be waived or reduced for any Small Wireless Facility shared with the Borough, including any such Small Wireless Facility used for placement of lights, cameras, or other equipment on Poles, Cabinets, or other support structures that are subject to this Section. A waiver or reduction in the fee otherwise due from the Permittee will be effective only if established in a Right-of-Way Agreement.
 - (d) Performance Bond. In addition to the foregoing fees and deposit, the Applicant shall provide a performance bond, if required by the Right-of-Way Agreement, that will cause the Poles, associated equipment, Cabinets, Small Wireless Facilities, and all other related improvements to the Right-of-Way or Public Grounds to be removed, at no cost to the Borough, when the same are no longer operative. The amount of the performance bond shall not be less than 100 hundred twenty percent (120%) of the cost (as determined by the Borough Engineer at the time of the Application) of such demolition, removal, and restoration of the site to a state required under applicable Borough Code/Ordinances.
2. Along with its annual Right-of-Way fee, all Permittees shall be required to submit to the Borough Clerk, a written report listing of all the Permittee's Small Wireless Facilities within the Borough and which provides the following additional information:

- (a) Whether or not the Small Wireless Facility(ies) is actively used; and
- (b) The Permittee's name, address, and telephone number and the name, address, and telephone number for the individual responsible for the condition and maintenance of the Facility(ies).

16-9.8 REMOVAL, RELOCATION, OR MODIFICATION OF A RIGHT-OF-WAY INSTALLATION

- a. Notice of Removal. Within sixty (60) days following written notice from the Borough, the Permittee, at its own expense, shall protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Facility whenever the Borough has determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance or installation of any Borough improvement in or upon, or the operations of the Borough in or upon, the Municipal Right-of-Way or Public Grounds. The Borough shall apply the same standards to all utilities in the Municipal Right-of-Way or Public Grounds.
 - 1. Emergency Removal or Relocation of Small Wireless Facilities. The Borough retains the right and privilege to cut power to or move any Small Wireless Facility, as the Borough may determine to be necessary, appropriate or useful in response to any public welfare emergency or safety emergency. If circumstances permit, the Borough shall notify the Permittee and provide the Permittee an opportunity to move its own facilities prior to cutting power to or removing the facilities and in all cases shall notify the Permittee after cutting power to or removing the facility as promptly as reasonably possible. The Borough shall not be responsible for any damages to equipment or expenses incurred as a result of an interruption of power due to a public welfare emergency or safety emergency.
- b. Abandonment of Small Wireless Facility.
 - 1. All Permittees shall notify the Borough of any and all abandonment of Small Wireless Facility(ies). Following receipt of such notice, the Borough shall direct the Applicant to remove all or any portion of the Small Wireless Facility(ies) if the Borough determines that such removal will be in the best interest of the public safety and public welfare. If the Permittee fails to remove the abandoned the Small Wireless Facility within sixty (60) days after such notice, the Borough may undertake to do so and recover the expenses of doing so from the Permittee, its successors and/or assigns.
 - 2. Any Small Wireless Facilities not used for its intended and approved purpose for a period of one (1) year shall be considered abandoned and the Borough may direct the Permittee to remove all or any portion of the Small Wireless Facility and complete such additional remedial measures as may be necessary for the integrity of the Right-of-Way or Public Grounds, or the public health, safety, or welfare. If the Permittee fails to take such actions within ninety (90) calendar days after the Permittee has been directed to do so, the Borough may remove the Small Wireless Facility, complete all necessary remedial measures, and charge the

Permittee for removal, storage, disposition, and Right-of-Way remediation costs. The Permittee must pay any such charges within thirty (30) calendar days of the date they are billed. Alternatively, the Borough may require that an abandoned Small Wireless Facility or components of an abandoned Small Wireless Facility remain in place if removal would cause damage to public property or if the Small Wireless Facility or components can be used by the Borough or serve a public purpose.

16-9.9 NOTICE

Permittees shall provide, at their sole cost and expense, via regular mail at least seven (7) days prior to installation of any Proposed Pole, written notification of any Proposed Pole to all residents located within two hundred feet of each Proposed Pole. The notice shall be approved by the Borough, which approval shall not be unreasonably withheld, conditioned, or delayed, and shall include information about the Proposed Pole, including but not limited to, the location of any Proposed Pole, the schedule for installation, the impact on parking and pedestrian traffic, and any additional information in accordance with the requirements of a Right-of-Way Agreement.

16-9.10 MISCELLANEOUS PROVISIONS

- a. Any approval granted pursuant to this Section does not relieve the Applicant from receiving consent of the owner of the land above which an Applicant's facility may be located upon, as required under New Jersey law.
- b. An Applicant must, in addition to obtaining a Right-of-Way Permit pursuant to this Section, also receive any and all necessary road opening permits, construction permits, and any other permits required under the laws and statutes of the State of New Jersey and the Revised General Ordinances of the Borough of Keyport, including, but not limited to, the Uniform Construction Code.
- c. The Borough's consent to the use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall be subject to the standards and Application process set forth in this Section. However, no such Applicant shall be required to enter into a Right-of-Way Agreement with the Borough, but will be required to have a Right-of-Way Permit.

16-9.11 VIOLATIONS AND PENALTIES

Any person, firm or corporation that shall be convicted of a violation of a provision of this Section shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine of no less than one hundred dollars (\$100) and no more than one thousand dollars (\$1,000), imprisonment not to exceed ninety (90) calendar days or community service of not more than ninety (90) calendar days, or any combination of fine, imprisonment and community service, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 5. Except as amended by this Ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This Ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced:
Public Hearing:
Adopted:

Michele Clark, RMC
Borough Clerk
Borough of Keyport

Collette J. Kennedy, Mayor
Borough of Keyport