



Borough of Neptune City
Regular Meeting of the Mayor and Council

Agenda
July 25, 2022
6:00 pm

****Agenda Items Amended 7/25/22***

This meeting has been advertised in accordance with Notice Requirements of Chapter 231 P.L. 1975, which have been satisfied by the publication of said notice in the Asbury Park Press, and the Coaster and by filing a copy with the Municipal Clerk.

Call to Order

Roll Call

Open Public Meetings Act Statement

Flag Salute

Minutes

Regular Meeting 6/27/2022

Communications

- 1) Assemblywoman Piperno – Acknowledging Receipt of Resolution re: Property Tax Dedications for Veterans
- 2) Neptune City Police Department, May 2022 Report
- 3) Neptune City Police Department, June 2022 Report
- 4) Monmouth County Planning Board, Notice of Farmland Preservation Hearing (August 15 at 2:00 pm)

Presentations

None

Board of Education Report

None

Mayor's Report – Mayor Wardell

Council Reports

Administration & Finance – Council President Brian Thomas

Human Services – Councilmember Scott Dellett

Administration & Justice – Councilmember Dana Farley

Law & Ordinance – Councilmember Glen Kocsis

Public Works – Councilmember Danielle Pappas

Special Services – Councilmember Pamela Renee

Administrator's Report – Administrator Jardine

Public Comments - Agenda Items Only

Unfinished Business

Ordinance Public Hearing / Adoption

22-10 Ordinance Amending §Section 139-53 Class 5 Licensed Cannabis Retailer - *Public Hearing / Adoption*

22-11 Ordinance Establishing a Mid-Block Crosswalk on West Sylvania Avenue (CR 17), Borough of Neptune City, County of Monmouth, State of New Jersey - *Public Hearing / Adoption*

New Business

Ordinance Introduction

- 22-12** - An Ordinance Amending Bond Ordinance 2021-02 Adopted May 10, 2021 In Order to Revise the Description Referred to in Sections 2 and 3 - *First Reading/Introduction* (Public Hearing 8/22/22)
- 22-13** - An Ordinance Appropriating \$20,000 From Capital Improvement Fund for Police Storage Trailer - *First Reading/Introduction* (Public Hearing 8/22/22)

Consent Agenda

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any member of the Governing Body may request an item be removed for separate consideration).

Resolution 22-87 - Authorize Payment of the Bills

Resolution 22-88 - Auth. Submission of NJDOT Municipal Aid Program FY 2023 Application (*Improvements to McClelland Place, South Wall Street, Merritt Avenue and Ridge Avenue*)

Resolution 22-89 - Rescinding Renewal of Alcoholic Beverage Control License Until Special Ruling is Received

Resolution 22-90 - Amending Resolution 22-44, Salary Resolution

Resolution 22-91 - Extending Grace Period for Payment of 3rd Quarter 2022 Taxes

Resolution 22-92 - Recognition of Overdose Awareness Day (August 31, 2022)

Resolution 22-93 - Auth. Temporary Waiver of Marriage and Civil Union License Fees

Resolution 22-94 - Auth. Refund of a Park Use Application Fee

Resolution 22-95 - Designating Genesis Redevelopment, LLC as Redeveloper of Certain Properties Identified as Block 18, Lot 1 and Block 13, Lot 1 Within the East Coast Ice Redevelopment Area and Authorizing Execution of Redevelopment Agreement

Resolution 22-96 - Auth. Approval of Volunteer Applications for the Neptune City Fire Department *

Public Participation

Adjourn

*The next Regular Council Meeting will be held
Monday, August 22, 2022 at 6:00 pm*

ORDINANCE NO. 2022-10

**BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH**

AN ORDINANCE AMENDING §SECTION 139-53 CLASS 5 LICENSED CANNABIS RETAILER

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; 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 marijuana 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 one 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 purchases 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, section 31b of the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 21, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough Council of the Borough of Neptune City has determined that, due to present and potential future impacts that allowing cannabis business might have on New Jersey municipalities in general, and on the Borough of Neptune City in particular, it is at this time necessary and appropriate, to amend the Ordinances of the Borough of Neptune City, Chapter 139 Zoning to prohibit Class 1, 2, 3, 4, and 6 of cannabis licensed businesses in the Borough of Neptune City and to permit the operation of Class 5 retail licensed businesses without consumption areas only in the C Zones; amending Chapter 39 and 95 regarding the public consumption of Cannabis and to create a new Chapter 121 establishing a Cannabis Transfer and User tax.

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Neptune City, in the County of Monmouth, State of New Jersey, as follows:

RECITALS INCORPORATED

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

GENERAL REQUIREMENTS

Definitions: the definitions and other provisions of the Act and N.J.A.C. 17:30 are hereby incorporated herein. Any amendments to the Act and N.J.A.C. 17:30-1.2 are also incorporated herein without the need to revise this Chapter.

- a) State Licensure Required: In order to locate within the Borough, a cannabis business must first obtain a license from the State Cannabis Commission. Such license must be in good standing during the entirety of the term of that business's operation within the Borough.
- b) The Borough, in determining zoning approval of a proposed location of a license applicant's cannabis businesses premises shall consider whether a cannabis business's premises conforms to zoning requirements based on the nature of the cannabis business's primary business operations. If zoning approval is granted, the Borough shall provide a letter or affidavit stating that the location will conform to zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at that location.
- c) Municipal Preference: Pursuant to N.J.A.C. 17:30-6.3, within twenty-eight (28) days of a receipt of a license application from the Cannabis Regulatory Commission ("CRC"), the Borough shall inform the CRC of its preference for the issuance of licenses to cannabis business and whether such license application complies with this Chapter.
- d) Evidence of Borough Support: In order to obtain a license from the CRC, a prospective licensee must provide evidence of support from the Administration and Borough Council of the Borough of Neptune City with respect to such application. Pursuant to N.J.A.C. 17:30-5.1(g), the Borough shall demonstrate proof of local support for the suitability of the cannabis business's proposed location by indicating that the intended location is appropriately located and otherwise suitable for activities related to the operations of the proposed cannabis business by the adoption of a resolution by Borough Council.
- e) All cannabis businesses shall be subject to health and safety review, inspection, and enforcement, including but not limited to an annual health and safety review and inspection, by the Borough.

Deletions are noted by ~~strike throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

SECTION I

Chapter 139, "Zoning" is hereby amended by amending Article I, §Section 139-4 Definitions., by adding the following new definitions:

CANNABIS RETAILER shall mean any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to the consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retail license.

Chapter 139, "Zoning", Article III, General Regulations and Provisions, §Section 139-27 Prohibited Uses. is hereby amended to read as follows:

(A.-GG. No changes)

HH.

Class1- Licensed Cannabis Cultivator

Class 2- Licensed Cannabis Manufacturer

Class 3- Licensed Cannabis Wholesaler

Class 4- Licensed Cannabis Distributor

Class 6- Licensed Cannabis Delivery Service

Cannabis Consumption Areas associated with Class 5 Cannabis Retailer licenses

Chapter 139, "Zoning", Article IV, Zone Regulations, §Section 139-41 C Commercial Zone, is hereby amended to read as follows:

- A. No premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

(1-5 no changes)

(6) Class 5 Licensed Retailer without a Cannabis Consumption Area¹

¹ **Hours of operation for Class 5 Retailer License shall be limited to 9 A.M. to 10 P.M. in the C Commercial Zone**

Chapter 139, "Zoning", Article V, General Performance Standard, is hereby amended to create new **§ 139-53 Class 5 Licensed Cannabis Retailer**. To read as follows:

§Section 139-53 Class 5 Licensed Cannabis Retailer.

- A. All applications for licenses and permits, all licenses and permits issued and all proceedings under this Article shall be in accordance with all applicable laws of the state.**
- B. All licenses and permits required by this Article shall be approved by the Borough Council and issued by the Borough Administrator, whom shall also administer the provisions of this Article. Any 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 Specified Permitted Area so long as: (i) the entity maintains its State license in good standing; (ii) the entity maintains a Borough of Neptune City 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 Borough of Neptune City governing the licensed activity, as may be amended.**
- C. A Business License to operate within the Borough of Neptune City shall not be granted or renewed without such evidence as may be required by the Borough Administrator to determine that the entity maintains all valid State and/or CRC licenses and approvals, and that all such licenses and/or approvals remain in good standing from the time of registration,**
- D. Borough Cannabis Advisory Committee.**
- 1. A Borough Cannabis Advisory Committee ("CAC") appointed by the Mayor will act as the body for local review for the Borough for all cannabis establishments. Under all circumstances in which State Law requires communication to the Borough by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State Law requires any review or approval by the Borough of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be communicated through the Borough Clerk's Office upon recommendation by the sign-off by the Borough Cannabis Advisory Committee and authorized by the Borough's governing body.**
 - 2. Members of said CAC may include residents and business owners located within the Township. The appointees shall include, at a minimum, one (1) member from the following categories:**
 - i. Mayor or designee.**
 - ii. Borough Administrator or designee.**
 - iii. Neptune City Chief of Police or designee.**
 - iv. Borough Planning Board Chair or Designee.**
 - v. Borough Clerk and/or Designee.**
 - 3. Duties of the CAC shall be to advise the Borough governing body as to the issuance of cannabis business permits within the Borough based on the issuance of request for proposals issued by the governing body and the establishment of the criteria presented herein.**
- E. Local licensing authority.**
- 1. The governing body of the Borough of Neptune City is hereby designated to act as the local licensing authority for the Borough for all cannabis establishments. The Borough Council, in reviewing and rendering decisions on all cannabis licenses, shall be assisted by and act upon the recommendation of the CAC, and any other individual(s) designated by the Mayor.**
 - 2. Under all circumstances in which State law requires communication to the Borough by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the Borough of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Borough Council.**
 - 3. Under no circumstances shall a local license for a cannabis establishment issued by the Borough Council be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. No cannabis establishment may lawfully operate in the Borough of Neptune City without the issuance of a State permit or license and full regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority as well as oversight and issuance of a license by the Borough.**
 - 4. Any permit issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.**

5. The Borough Administrator may, at his or her discretion, adjust the renewal date of the local permit to correlate with an applicant's State licensing and renewal schedule.
 6. Renewal of any permit shall be governed by any code amendments, additional restrictions or changes in the Act and N.J.A.C. 17:30 et seq., which have been adopted since the previous permit was issued or renewed.
 7. A licensee shall comply with N.J.A.C. 17:30-6.8 governing limitations on license-holders, owners, principals and passive investors, etc.
 8. A licensee shall comply with the provisions of N.J.A.C. 17:30-9.3 governing transfers of ownership interest.
 9. Transfer of a license or change of location or modification to expand a permitted premise shall be subject to the approval of the Administration, the Planning Board, and Borough Council. A potential transfer of a license caused by the death of a spouse, domestic partner or adult child shall not be unreasonably denied.
 10. Except where the Borough has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to operate after the date of a license expiration.
- F. Limitation on Number of Licenses. Within the geographic boundaries of the Borough of Neptune City, the maximum number of Class 5 licensed Cannabis Retailers shall be two (2).
- G. Limitation on Location. An existing Class 5 licensed Cannabis Retailer shall not be permitted within six hundred (600) feet of any existing Class 5 licensed Cannabis Retailer premises within the C Commercial zone. The distance shall be measured in the same manner as that required by statute for the measuring of the distance businesses between licensed retail sale of alcohol premises, schools and churches.
- H. Hours of Sale. Hours of operation for Class 5 Cannabis Retailer License businesses shall be limited to 9 A.M. to 10 P.M. in the C Commercial zone.
- I. Prohibition of Certain Activities.
It is hereby established that it is unlawful for any person, who is of legal age to consume cannabis products, to smoke, vape, aerosolize, ingest or otherwise consume in any public place any cannabis products on a public street, highway, avenue, alley or road of the Borough; or upon any public or quasi-public parking lots, or any other parking facilities in the Borough; or on any public grounds, parks, sidewalks, beaches, marine basins, promenade or quasi-public areas; or any shopping center common areas; or in any automobile, or other vehicle or in any other means of transportation on the public streets, highways, alleys, avenues, grounds, sidewalks, parks, marine basins, beachfronts or promenade or quasi-public areas in the Borough. Any unlawful consumption shall be a disorderly persons offense. Any person who is found to be in violation of this Section may be subject to a penalty as provided in Chapter 1, Art III Violations and Penalties §1-16 to 1-20.
- J. Application Process.
1. Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent receipt of a State permit or license of the same class or type of regulated cannabis activity.
 2. Persons wishing to obtain a Class 5 cannabis license shall file a license application with the CAC, on a standardized form established by the Borough Administrator and available in the Borough Clerk's office. The Borough Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete, and shall not be processed by the Borough Administrator, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
 - a. The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
 - b. The applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, antidiscrimination and fair employment practices. The applicant shall also certify under oath that they shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
 - c. The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.
 - d. The applicant shall submit, to the satisfaction of the Borough Administrator, proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking a license. Standards for proof of financial capability shall be determined by the CAC.

- e. The applicant and the application shall otherwise comply with any, and all qualification standards set forth by the State of New Jersey and Borough of Neptune City laws, regulations or ordinances.
- f. In the event there are multiple applicants for a license, the Borough Administrator shall evaluate all applicants and issue a notification of award after consideration and evaluation of the following criteria:
 - i. Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners' experience shall outweigh the experience of nonowner principals; and
 - ii. Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement and a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management; and
 - iii. Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board-approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research, whether the applicant has had any assurance accepted by the U.S. Department of Health & Human Services indicating the applicant's commitment to complying with 45 CFR Part 46, and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis-related research; and
 - iv. Applicant's brand and proposal for the physical presence of the business, including but not limited to: the site's ability to meet all land use regulations (parking, landscaping, signage, etc.), architectural treatments, customer experience; and
 - v. Applicant's or its owners' demonstrated commitment to the community and social responsibility; or sufficient evidence related to N.J.A.C. 17:30-30-7.10 (a)(13); and
 - vi. Summary of the applicant's environmental impact and sustainability plan; whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability; and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system; and
 - vii. Applicant's demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being committed to a local program in collaboration with organizations committed to the well-being of residents, including but not limited to the Borough and surrounding service area. This may be evidenced by letters in support and agreements, a local workforce hiring and development plan, community service, and/or collaborations with a university or specialized training facility; and
 - viii. Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices.
- 3. A notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to twelve (12) months. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received a State permit or license within twelve (12) months from issuance, the Borough Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.
- 4. In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding three (3) years.
- 5. Nothing in this Section shall prohibit the Borough from conducting a background check at the time of receipt of the application. Submission of an application shall constitute consent on behalf of the applicant and any persons proposed to have an ownership interest to such background check.

K. Term of license and license renewals.

1. Any local license issued pursuant to this Chapter shall be valid for a period of twelve (12) months from the date of issuance and shall be renewed yearly in accordance with the provisions of this Chapter. The Borough Administrator may, at his/her discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule. Renewal of any license shall be governed by any amendments to state law, regulations and/or the Borough of Neptune City Code. Except where the Borough Administrator has received a complete renewal application along with the requisite fees, and has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

L. Fees.

1. The following fees shall apply to all cannabis businesses:
 - a. Application Fee - \$10,000.00
 - b. Annual Renewal Fee - \$10,000.00
2. The above fees shall be submitted to the Borough at the time the cannabis business submits its Initial Application or the Renewal Application to the Borough. If the cannabis business's application is denied, the Borough shall refund eighty percent (80%) of the Initial Application or Renewal Fee if the applicant is not approved for a cannabis license by the State of New Jersey and/or is not selected by the Borough for issuance of a Class 5 license.

M. Disciplinary Actions; Sanctions; Penalties.

1. Disciplinary actions. Procedures for investigation of license violations and for suspension, revocation, or other licensing sanctions as a result of any such violation shall be as follows:
 - a. First Offense: Up to \$500 per violation per day;
 - b. Second Offense: Up to \$1000 per violation per day;
 - c. Third Offense: Up to \$2500 per violation per day;
 - d. Fourth violation shall result in a summary suspension.
2. Summary suspension. Notwithstanding the foregoing section, when the Borough has reasonable grounds to believe that a licensee has engaged in a willful violation of any applicable law, regulation or Borough of Neptune City Code provision, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Borough Administrator may enter a summary suspension order for the immediate suspension of such license pending further investigation.
 - a. The summary suspension order shall be in writing and shall State the reasons therefore. The licensee shall be afforded an opportunity for a hearing as outlined herein.
 - b. The Borough Administrator shall convene a review panel consisting of the Borough Administrator, a second administrative officer designated by the Mayor, and an officer designated by the Chief of Police. The hearing shall be scheduled within thirty (30) days of the date of the order.
 - c. The review panel is authorized to impose any fines, conditions, restrictions, suspensions, or combination thereof authorized by the State of New Jersey. The Borough may issue fines up to, but not to exceed, \$2,500 per offense and/or suspension of license for a period not to exceed six (6) months.
3. Inactive licenses. Following the commencement of retail sales of cannabis or cannabis products, the Borough may suspend or revoke any license if the licensed premises have been inactive or unoccupied by the licensee for at least six (6) months.
4. Revocation of License. In addition to the foregoing, any cannabis mercantile registration shall be deemed null and void at the discretion of the Chief Law Enforcement Officer of the Borough or any authorized Borough representative for violation of any Borough Ordinance, unless but not limited to a Dormant License as determined by the CAC and or any violation of any New Jersey State regulation shall be a basis for non-renewal.
5. State license. The Borough may suspend or revoke any license if the corresponding State license or permit for the subject location is expired, surrendered, suspended, or revoked.

N. Site Plan Review Requirements.

1. The Borough's Zoning Officer will review and determine whether any proposed Cannabis establishment requires approval from the Zoning Board of Adjustment and or Planning Board through the Zoning permit approval process.

O. Signage and Display of Products.

1. Each business shall be permitted two (2) signs.
2. Signs shall be limited to location identification/name of business.
3. Signs shall not promote consumption of any cannabis product.
4. Signage design shall not include artistic or photographic renderings of cannabis plants or paraphernalia.
5. Neon signs shall be prohibited.
6. The following words shall be prohibited from appearing on any sign: "pot" and "weed."
7. Signage shall comply with the Borough's Signage Ordinance, as may be amended from time to time.
8. No cannabis products shall be displayed in any windows or doors.

P. Requirements for Cannabis Businesses.

1. All Cannabis Businesses

- a. 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.
- b. No outside storage of any cannabis, cannabis products, or cannabis paraphernalia shall be permitted.
- c. All licensed cannabis facilities shall have a round-the-clock video surveillance system, 365 days a year.
- d. Video surveillance shall be retained a minimum of seven (7) days or pursuant to State and Federal law, whichever is greater.
- e. All licensed facilities must provide the Neptune City Police Department with access to security footage immediately upon request by the Department.
- f. All licensed facilities must provide at least one licensed security guard (or more if required by the State) during all times the facility is open to the public. All patrons must be screened by said security employee and patrons must demonstrate proof of minimum age (21 years old).
- g. As applicable and to the fullest extent possible, all licensed facilities must provide for adequate buffering as otherwise required by Borough of Neptune City Ordinance.
- h. All cannabis establishments shall conduct business and operations indoors.
- i. No more than one (1) ounce of cannabis or cannabis product may be sold to a specific customer at a given time.
- j. Use or consumption of cannabis or cannabis products in any manner shall not be permitted within the Cannabis Retailer's facility, whether in the building or on its grounds or parking lots. Cannabis Consumption Areas are not permitted.
- k. All licensed facilities shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- l. Any cannabis retailer shall only have one (1) primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- m. Drive-through facilities are not permitted.
- n. All licensed facilities' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- o. People shall not be permitted to congregate outside of a Cannabis Retailer, loiter, or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

Q. Odor Mitigation/Smoking.

1. All cannabis businesses must provide adequate HVAC air quality equipment.
2. Cannabis odor must not permeate outside any cannabis business establishment.
3. All cannabis businesses shall adhere to generally applicable Borough ordinances regulating odor emissions and environmental impacts.
4. All retail cannabis businesses must follow the protocols set forth in the Clean Air Act.
5. No smoking is permitted inside or outside of any cannabis business establishment.

R. Noise Mitigation. All cannabis businesses shall adhere to all generally applicable noise ordinances, nuisance ordinances, other Neptune City Borough Code requirements and all other state and federal requirements.

SECTION II

Chapter 95, "Parks and Playgrounds" is hereby amended by amending § 95-10 "No Smoking and Refuse" as follows:

- A. No Smoking. It is hereby established that no person shall smoke any cigarettes, cigars, or other tobacco products or smoke, vape, or aerosolize any cannabis products in any Borough of Neptune City Park, playground or park areas as herein defined at any time. ~~except in designated "smoking areas as indicated by signs posted in such park. The penalty~~

~~for a violation of this section shall be \$25.~~ **The penalty for a violation of this section shall be a disorderly persons offense. Any person who is found to be in violation of this Section shall be subject to a penalty as provided in Chapter 1, Art III Violations and Penalties §1-16 to 1-20.**

B. (no changes)

SECTION III

Chapter 39, entitled "Alcoholic Beverages" is hereby amended to be titled, "Alcoholic Beverages **and Cannabis Consumption**" Chapter 39, "Alcoholic Beverages and Cannabis Consumption", Article III Drinking in Public Places is hereby amended to be titled "Drinking or using Cannabis products in Public Places" and by creating a new § 39-27 "**Smoking cannabis in public or quasi-public places prohibited**"

§ 39-27 (Reserved) Smoking cannabis in public or quasi-public places prohibited.

It shall be unlawful for any person to smoke, vape, aerosolize or ingest cannabis on a public street, highway, avenue, alley or road of the Borough of Neptune City; or upon any public grounds, parks, sidewalks, beaches, marine basins, beachfronts, shopping center common area or public places in the Borough including within any Drug Free Zone, as established by Chapter 57 "Drug Free Zones" of the Code of the Borough of Neptune City. See also § 139-53 D. "Prohibition of Certain Activities". Any person who is found to be in violation of this Section shall be subject to a penalty as provided in Chapter 1, Art III Violations and Penalties §1-16 to 1-20.

SECTION IV.

BE IT FURTHER ORDAINED THAT NEW CHAPTER 121 IS HEREBY CREATED ENTITLED "ESTABLISHMENT OF CANNABIS TRANSFER TAX AND USER TAX IN THE BOROUGH OF NEPTUNE CITY"

CHAPTER 121 Establishment of Cannabis Transfer Tax and User Tax in the Borough of Neptune City

- A. The cannabis transfer tax in Borough of Neptune City shall be fixed at a uniform percentage rate of two percent (2%) on all sales or transfers of cannabis products from any of the cannabis establishments that are located within the geographical boundaries of the Borough. This tax shall be imposed on:**
- 1. Receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator;**
 - 2. Receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment;**
 - 3. Receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof.**
- B. A two percent (2%) transfer tax shall be collected from receipts from each sale by a cannabis wholesaler located within the geographical boundaries of the Borough.**
- C. A user tax is hereby also established at the same rate of the transfer tax as contained herein and shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to subsection A, from the license holder's establishment that is located in the Borough to any of the other license holder's establishments, whether located in the Borough or another municipality.**
- D. The transfer tax or user tax imposed by this ordinance shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act" (N.J.S.A. 54:32B-1 et seq). The transfer tax or user tax will be assessed and collected pursuant to established State law and Administrative rules and regulations adopted regarding same.**
- E. In accordance with the provisions of N.J.S.A. 40:48I-1, section 40, every cannabis establishment required to collect the transfer and user taxes imposed by this Chapter shall be personally liable for the transfer and user tax imposed, collected, or required by this Chapter and under N.J.S.A. 40:48I-1, section 40.**
- F. Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time or with respect to nonpayment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the Chief Financial Officer of the Borough of Neptune City which imposes the transfer tax and user tax is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.**
- G. No cannabis establishment required to collect the transfer and user taxes imposed by this Chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.**
- H. Each cannabis establishment collecting transfer and user taxes pursuant to this chapter shall be remitted to the Tax Collector of the Borough of Neptune City, on a basis to be determined by the Chief Financial Officer.**

- I. Delinquent taxes. If a Licensee is a Lessee of the parcel of the real property comprising the cannabis establishment premises, and the Licensee/Lessee becomes delinquent in submitting either the transfer or user taxes for more than thirty (30) days, the Borough may refer the Licensee/Lessee to the Borough Administrator to consider any actions to be taken, including but not limited to, penalties to be imposed, suspension of the license, disallowance of a license renewal or any other remedies allowed by law.**
- J. If the Licensee is the owner of the parcel of real property comprising the cannabis establishment premises, and if the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises. The annual Borough license issued pursuant to this Chapter shall not be renewed for the cannabis establishment should any transfer or user tax pursuant to this Chapter be delinquent.**
- K. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.**
- L. The Borough shall file with the Tax Collector, a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.**

DATE INTRODUCED: June 27, 2022

PUBLIC HEARING: July 25, 2022

ORDINANCE 2022-11

BOROUGH OF NEPTUNE CITY – COUNTY OF MONMOUTH

**ORDINANCE ESTABLISHING A MID-BLOCK CROSSWALK ON WEST SYLVANIA AVENUE (CR 17),
BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey as follows:

I

Chapter 129 of the Code of the Borough of Neptune City, entitled “Vehicles and Traffic”, is hereby amended and supplemented to include the following additional section

129-42. Schedule XIX: Mid-Block Crosswalks

Name of Street

West Sylvania Avenue (CR-17)

Location

290’ West of westerly curb line of Oak Drive,
at 401 W. Sylvania Ave

II

Regulatory and Warnings signs shall be erected and maintained to affect the above designated Mid-block Crosswalk in accordance with the Manual on Uniform Traffic Control Devices; and

III

All ordinances, rules and regulations inconsistent herewith are hereby repealed.

IV

This Ordinance shall take effect upon its passage and publication according to law and upon submission of a certified copy of the same to the New Jersey Department of Transportation and Monmouth County Engineer once adopted.

ORDINANCE 2022 – 12

**BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, NEW JERSEY**

**AMENDING BOND ORDINANCE 2021-02 ADOPTED MAY 10, 2021
IN ORDER TO REVISE THE DESCRIPTION REFERRED TO IN SECTIONS 2 AND 3.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NEPTUNE CITY, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Bond Ordinance 2021-02 of the Borough finally adopted May 10, 2021 and entitled an Ordinance of the Borough of Neptune City, County of Monmouth, providing for the Steiner Avenue Pedestrian and ADA Improvement Phase 3 in and for the Borough of Neptune City and appropriating \$425,000 therefor and providing for the issuance of \$245,935 in bonds and notes of the Borough of Neptune City to finance the same.

Section 2. Sections 2 and 3 are hereby amended to read as follows: Steiner Avenue Pedestrian & ADA Improvement Phase 3 and Various Road Improvements.

Section 3. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 2022-13

**BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH**

**AN ORDINANCE APPROPRIATING \$20,000 FROM CAPITAL IMPROVEMENT FUND
FOR POLICE STORAGE TRAILER**

BE IT ORDAINED by the Borough Council of the Borough of Neptune City, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The capital improvements described in Section 2 of this Bond Ordinance are hereby authorized by the Borough of Neptune City, New Jersey. For the capital improvements described in Section 2, an amount of \$20,000 is appropriated from the Capital Improvement Fund to finance the total cost.

Section 2. The following purchases are hereby authorized:

Police Storage Trailer \$20,000

The minimum period of usefulness is five years.

Section 3. The capital budget of the Borough of Neptune City is in agreement with the provisions of this Ordinance.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

The purchases described in Section 2 of this bond ordinance are not a current expense. It is an improvement that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

Section 5. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE INTRODUCED: July 25, 2022
PUBLIC HEARING: August 2, 2022

RESOLUTION 22-87
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING PAYMENT OF THE BILLS

BE IT RESOLVED that the bills as presented, all have been certified and approved as complete as to form, goods having been delivered, and/or services performed and sufficient funds being available for payment for said bills, be paid in the amount of \$92,659.95

| PO # | Vendor ID | Vendor Name | Description | Amount |
|----------|-----------|------------------------------|--------------------------------|-----------|
| 22-00188 | LAROS005 | LAROSA, MARIE | MEMORIAL GAZEBO RENTAL | 25.00 |
| 22-00476 | TOROK005 | TORO, KIMBERLY | MEMORIAL/PAVIALION PARK RENTAL | 100.00 |
| 22-00481 | 02112 | ALL HANDS FIRE EQUIPMENT | VEST MORGAN | 855.40 |
| 22-00499 | 02112 | ALL HANDS FIRE EQUIPMENT | VEST HOLMSTEDT/MAZZEO | 1,710.80 |
| 22-00501 | 02112 | ALL HANDS FIRE EQUIPMENT | VEST VOLLBRECHT | 855.40 |
| 22-00512 | 00916 | HOME DEPOT CREDIT SERVICES | FLOWERS | 84.54 |
| 22-00513 | BALBI005 | BALBINO, ITALIA | MEMORIAL/PAVILION PARK RENTAL | 100.00 |
| 22-00544 | CONNO005 | CONNOR, JACLYN | MEMORIAL/PAVILION PARK RENTAL | 100.00 |
| 22-00575 | SIDLE005 | SIDLEY, KATE | MEMORIAL/PAVILION PARK RENTAL | 100.00 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 559.87 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 131.59 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 0.00 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 2.45 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 3.09 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 87.40 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 24.58 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 35.88 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 593.00 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 15.69 |
| 22-00578 | 02362 | GENUINE PARTS COMPANY | EST. REPAIR PARTS JUNE 2022 | 50.98 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 231.81 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 67.20 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 73.08 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 144.75 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 340.86 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 30.36 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 401.94 |
| 22-00579 | 01959 | SEA BREEZE FORD, INC. | EST COST REPAIR PARTS JUNE 202 | 216.70 |
| 22-00580 | 00788 | BRADLEY CAR CARE | EST. COST TIRE SERVICE JUNE 20 | 25.00 |
| 22-00592 | 01973 | MONMOUTH TRUCK EQUIPMENT | PARTS FOR STIHL TRIMMERS | 146.93 |
| 22-00640 | 20347 | IROQUOIS PRODUCTS | REINFORCED PAPER SHOP TOWELS | 205.75 |
| 22-00640 | 20347 | IROQUOIS PRODUCTS | REINFORCED PAPER SHOP TOWELS | 207.00 |
| 22-00641 | 01175 | STAPLES CREDIT PLAN | OFFICE SUPPLIES-CLERKS OFFICE | 359.45 |
| 22-00643 | 21381 | C.A. POWER EQUIPMENT, INC. | ANTI-SCALP ROLLERS | 162.00 |
| 22-00646 | 01175 | STAPLES CREDIT PLAN | OFFICE SUPPLIES-NC LIBRARY | 121.97 |
| 22-00647 | 00916 | HOME DEPOT CREDIT SERVICES | new door storage vault | 326.80 |
| 22-00653 | 21381 | C.A. POWER EQUIPMENT, INC. | LAWN MOWER-NC DPW | 13,500.00 |
| 22-00670 | 21472 | MONMOUTH WIRE & COMPUTER INC | RECYCLING OF ELECTRONICS | 150.00 |

| | | | | |
|----------|----------|--------------------------------|--------------------------------|----------|
| 22-00670 | 21472 | MONMOUTH WIRE & COMPUTER INC | RECYCLING OF ELECTRONICS | 150.00 |
| 22-00674 | 00117 | JCP&L | SERVICE:MAY-JUNE 22 COMM CNTR | 540.29 |
| 22-00678 | 00183 | NJ NATURAL GAS CO | SERVICE: MAY-JUNE 2022 | 3,184.63 |
| 22-00689 | 00017 | AVAKIAN,LEON S INC. | MCOS-MEM PK/GAZEBO | 580.00 |
| 22-00690 | 00017 | AVAKIAN,LEON S INC. | SPPP UPDATES #18278 | 850.00 |
| 22-00691 | 00017 | AVAKIAN,LEON S INC. | SPPP UPDATES #17859 | 500.00 |
| 22-00692 | 00017 | AVAKIAN,LEON S INC. | MCOS #17858 | 220.00 |
| 22-00694 | 23622 | JANITOR SUPPLY COMPANY | JANITORIAL SUPPLIES-PARKS | 349.76 |
| 22-00695 | 00778 | THE NEW COASTER, LLC. | LEGAL ADS: 6-16-2022 | 50.00 |
| 22-00696 | 21309 | NJ AMERICAN WATER | HYDRANTS-MAY 2022 | 4,296.08 |
| 22-00697 | 23288 | MONMOUTH COUNTY SPCA | SERVICE: MAY 2022 & TNR | 1,150.00 |
| 22-00698 | 02219 | RELIANCE GRAPHICS, INC. | 2022 PRIMARY ELECTION PRINTING | 1,588.00 |
| 22-00699 | 23272 | DE LAGE LANDEN FINANCIAL SERV. | COPIER LEASE: JULY 2022 | 576.72 |
| 22-00700 | 01175 | STAPLES CREDIT PLAN | OFFICE SUPPLIES-CLERKS OFFICE | 133.12 |
| 22-00701 | 01835 | SCHINDLER ELEVATOR CORP. | SERVICE: JULY 2022 | 281.90 |
| 22-00702 | 21523 | TRUGREEN COMMERCIAL | SERVICE: 6-6-2022 ADAMS FIELD | 613.21 |
| 22-00702 | 21523 | TRUGREEN COMMERCIAL | SERVICE: 6-22-2022 MEM PARK | 221.50 |
| 22-00703 | OPENS005 | OPEN SYSTEMS INTEGRATOR, INC | SERVICE CALL: MAY 2022 | 390.16 |
| 22-00705 | 00178 | NJ AMERICAN WATER COMPANY | SERVICE: JUNE 2022 | 521.35 |
| 22-00705 | 00178 | NJ AMERICAN WATER COMPANY | SERVICE: JUNE 2022 | 43.64 |
| 22-00705 | 00178 | NJ AMERICAN WATER COMPANY | SERVICE: JUNE 2022 | 136.33 |
| 22-00706 | GONZA010 | GONZALAZ, LEAH | COMMUNITY CENTER RENTAL | 150.00 |
| 22-00710 | 02362 | GENUINE PARTS COMPANY | LEAF SPRINGS #665 | 484.14 |
| 22-00710 | 02362 | GENUINE PARTS COMPANY | SHIPPING CHARGE | 98.04 |
| 22-00712 | 00746 | ALLIED FIRE & SAFETY EQUIP CO. | FIRE EXTINGUISHER INSP-NCPD | 192.09 |
| 22-00712 | 00746 | ALLIED FIRE & SAFETY EQUIP CO. | FIRE EXTINGUISHER INSP-NCPD | 632.05 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2021-2022 COMM CNTR | 59.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2022 BORO HALL | 66.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2022 BORO HALL | 66.00 |
| 22-00714 | 21307 | COWLEY'S TERMITE & PEST | SERVICE: 2022 BORO HALL | 66.00 |
| 22-00715 | COVAN005 | COVANTA ENVIR SOLUTIONS | WASTE/EVIDENCE | 401.10 |
| 22-00719 | 23536 | NJ DEPT HEALTH & SENIOR SERV | DOG LICENSE REPORT-APRIL 2022 | 19.80 |
| 22-00719 | 23536 | NJ DEPT HEALTH & SENIOR SERV | DOG LICENSE REPORT-APRIL 2022 | 67.80 |
| 22-00720 | 23201 | PLOSIA COHEN, LLC | PROF SERV: JUNE 2022 | 66.00 |
| 22-00721 | 02142 | VIRGILIO, FRANK | MEDICAL REIMBURSEMENT | 25.00 |
| 22-00722 | UDOV1005 | UDOVIC DESIGN, LLC | LIBRARY CRAFT PROGRAM | 85.00 |
| 22-00723 | 23651 | QUADIENT LEASING USA, INC. | LEASE: 3RD QTR 2022 | 236.61 |
| 22-00724 | 21520 | QUADIENT FINANCE USA, INC. | POSTAGE: JUNE 2022 | 408.85 |
| 22-00725 | 20958 | MONMOUTH COUNTY TREASURER | POSTAGE-PRIMARY ELECTION 2022 | 346.46 |
| 22-00727 | 00178 | NJ AMERICAN WATER COMPANY | IRRIGATION: FIRST RESP PARK | 334.33 |
| 22-00729 | 21272 | OPEN SYSTEMS INTEGRATORS, INC | SUPPORT: JULY 2022-JUNE 2023 | 2,319.00 |
| 22-00736 | 00017 | AVAKIAN,LEON S INC. | 2021 ROAD PROGRAM #18283 | 200.00 |
| 22-00738 | BOWLE005 | BOWLES, TERESA | COMMUNITY CENTER RENTAL | 150.00 |

| | | | | |
|----------|----------|--------------------------------|---------------------------------|-----------|
| 22-00740 | 00450 | TOWNSHIP OF NEPTUNE | SHARED EMS SERV: MAY 2022 | 5,784.05 |
| 22-00740 | 00450 | TOWNSHIP OF NEPTUNE | SHARED EMS SERV: JUNE 2022 | 5,784.05 |
| 22-00751 | 023210 | CABLEVISION-MUNICIPAL | SERVICE: JULY-AUGUST 2022 | 0.00 |
| 22-00751 | 023210 | CABLEVISION-MUNICIPAL | SERVICE: JULY-AUGUST 2022 | 50.95 |
| 22-00751 | 023210 | CABLEVISION-MUNICIPAL | SERVICE: JULY-AUGUST 2022 | 185.60 |
| 22-00752 | 00117 | JCP&L | SERVICE: MAY-JUNE 2022 SEWERS | 714.96 |
| 22-00754 | 21142 | NJ DEPT OF COMMUNITY AFFAIRS | 2ND QTR DCA FEES 2022 | 1,525.00 |
| 22-00756 | 23242 | BROWN & BROWN BENEFIT ADVISORS | CONSULTING FEE: AUGUST 2022 | 1,250.00 |
| 22-00756 | 23242 | BROWN & BROWN BENEFIT ADVISORS | CONSULTING FEE: APRIL 2022 | 0.00 |
| 22-00757 | 00778 | THE NEW COASTER, LLC. | LEGAL ADS: 7-7-2022 | 17.36 |
| 22-00760 | ARCHE005 | ARCHER & GREINER | PROF SERVICES: MAY 2022 #42547 | 400.00 |
| 22-00761 | 02085 | QUAGLIATO, MATTHEW | CELL PHONE ALLOWANCE: JULY 2022 | 100.00 |
| 22-00762 | 01827 | MITCHELL, KEITH | CELL PHONE ALLOWANCE- JULY 2022 | 100.00 |
| 22-00763 | 02372 | CANO, HOOVER | CELL PHONE ALLOWANCE- JULY 2022 | 100.00 |
| 22-00764 | 23628 | HELLWIG, KELLY | CELL PHONE ALLOWANCE- JULY 2022 | 100.00 |
| 22-00765 | 23234 | JARDINE, ALBERT | CELL PHONE ALLOWANCE- JULY 2022 | 100.00 |
| 22-00766 | 01887 | REYNOLDS, ROBERT SR. | CELL PHONE ALLOWANCE- JULY 2022 | 50.00 |
| 22-00767 | 02200 | LAUENSTEIN, ERIC | CELL PHONE ALLOWANCE- JULY 2022 | 35.00 |
| 22-00768 | AMAZO005 | AMAZON CAPITAL SERVICES | CODE & CONSTRUCTION BOOKS | 45.00 |
| 22-00768 | AMAZO005 | AMAZON CAPITAL SERVICES | CODE & CONSTRUCTION BOOKS | 90.00 |
| 22-00769 | 20947 | ELLCOTT NETWORK CONSULTANTS | 1ST QTR 2022 | 4,862.58 |
| 22-00770 | 23653 | S&S ASSOCIATES, LLC | SERVICE: JULY 2022 | 900.00 |
| 22-00772 | 21498 | FBINAA | 2022 ANNUAL CONFERENCE | 475.00 |
| 22-00773 | 21498 | FBINAA | 2022 ANNUAL CONFERENCE | 475.00 |
| 22-00774 | 00905 | KEY ELECTRIC CO. | ALARM SERVICE: JULY-SEPT 2022 | 444.00 |
| 22-00775 | 00141 | MAZZA RECYCLING SERVICES, LTD. | TRUCK RENTAL TIPPING FEE | 111.60 |
| 22-00775 | 00141 | MAZZA RECYCLING SERVICES, LTD. | TRUCK RENTAL TIPPING FEE | 61.56 |
| 22-00778 | 02529 | VERIZON WIRELESS (CELL PHONES) | SERVICE: JUNE-JULY 2022 | 561.58 |
| 22-00782 | 01798 | EDMUNDS & ASSOCIATES, INC. | SOFTWARE/HARDWARE MAINT 2022 | 10,519.39 |
| 22-00784 | 23234 | JARDINE, ALBERT | REIMBURSEMENT-MEM DAY SUPPLIES | 280.40 |
| 22-00785 | 21204 | COLLINS, VELLA & CASELLO, LLC | MONTHLY RETAINER-JUNE 2022 | 350.00 |
| 22-00785 | 21204 | COLLINS, VELLA & CASELLO, LLC | MONTHLY RETAINER-APRIL 2022 | 0.00 |
| 22-00786 | 21204 | COLLINS, VELLA & CASELLO, LLC | PROF SERV: #11187 | 367.50 |
| 22-00786 | 21204 | COLLINS, VELLA & CASELLO, LLC | MONTHLY RETAINER-APRIL 2022 | 0.00 |
| 22-00788 | 20394 | DELISA DEMOLITION & DISPOSAL | SERVICE: JUNE TIPPING | 728.70 |
| 22-00788 | 20394 | DELISA DEMOLITION & DISPOSAL | SERVICE: JUNE TIPPING | 588.00 |
| 22-00788 | 20394 | DELISA DEMOLITION & DISPOSAL | SERVICE: JUNE RECYCLE | 1,170.38 |
| 22-00788 | 20394 | DELISA DEMOLITION & DISPOSAL | SERVICE: JUNE TIPPING | 7,665.06 |
| 22-00789 | 23288 | MONMOUTH COUNTY SPCA | SERVICE: JUNE 2022 & TNR | 1,375.00 |

Bill List Total for 7/25/2022: 92,659.95

**RESOLUTION 22-88
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE SUBMISSION OF NJDOT MUNICIPAL AID PROGRAM FY 2023 APPLICATION**

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2023; and

WHEREAS, the Borough of Neptune City is desirous of submitting an application under this program for the following purpose:

Improvements to McClelland Place, South Wall Street, Merritt Avenue and Ridge Avenue

- 1) McClelland Place 0.10 miles (Bradley Street to Rosewood Place)**
- 2) South Wall Street 0.13 miles (Rt 35 to West Wall Street)**
- 3) Merritt Avenue 0.12 miles (Rt 35 to West Wall Street)**
- 4) Ridge Avenue 0.14 miles (Rt 35 to Ridge Terrace)**

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Neptune City, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

FURTHER BE IT RESOLVED that the Borough Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Improvements to McClelland Place, So-00540 to the New Jersey Department of Transportation on behalf of the Borough of Neptune City; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Neptune City and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION 22-89
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESCINDING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE UNTIL SPECIAL RULING IS RECIEVED**

WHEREAS, on June 30, 2022, all New Jersey Alcoholic Beverage Control licenses (Plenary Retail Consumption, Plenary Retail Distribution, and Club) issued in the Borough of Neptune City will expire as per N.J.S.A.33-1 et al; and

WHEREAS, the KM Fitz, LLC had properly filed their applications for renewal with the Borough Clerk in a timely manner, and paid all the required fees; and

WHEREAS, the KM Fitz, LLC was approved for renewal of their 2022-2023 Consumption License, held in pocket on June 27, 2022 by Resolution 22-89; and

WHEREAS, it has been determined by the State Office of the Attorney General, Division of Alcoholic Beverage Control that a Special Ruling 12.39 is required for renewal of the license held by KM Fitz, LLC.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City do hereby rescind the approval for the applicant listed below for renewal of their ABC Licenses in the Borough of Neptune City for the period of July 1, 2022 through June 30, 2023, as follows:

| | | | |
|-----------------------------|---------------------|-----------------------|------------------------|
| CONSUMPTION (pocket) | KM Fitz, LLC | pocket license | 1335-33-005-014 |
|-----------------------------|---------------------|-----------------------|------------------------|

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Neptune City will reissue the license once the Special Ruling 12.39 is obtained.

**RESOLUTION 22-90
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING RESOLUTION 22-44, SALARY RESOLUTION**

BE IT RESOLVED that the following salaries be amended effective retroactive to July 1, 2022

| | |
|-----------------------------|-------------|
| Construction Officer | \$25,000.00 |
| Sub Code Building Inspector | \$9,000.00 |

**RESOLUTION 22-91
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
EXTENDING GRACE PERIOD FOR PAYMENT OF 3RD QUARTER 2022 TAXES**

WHEREAS, the Tax Collector has informed the Mayor and Council of the Borough of Neptune City that the Monmouth County Board of Taxation was delayed in forwarding the necessary information for the preparation and mailing of final tax bills to the real estate taxpayers of the Borough of Neptune City for the year 2022; and

WHEREAS, the present statute requires the imposition of late charges if 3rd quarter 2022 taxes are not paid by the 10th of August; and

WHEREAS, it would be unfair and unreasonable to impose a penalty for a delinquent payment when the amount of the payment is unknown.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Borough of Neptune City is hereby ordered and directed, according to Public Law 1994, Chapter 72, signed July 14, 1994, that if tax bills are not delivered or mailed at least 25 (twenty-five) calendar days prior to the standard due date, then the delinquency date for 3rd quarter 2022 taxes shall be established as the twenty-fifth (25th) calendar day after the date the tax bill was mailed. The tax bills will contain the on which interest shall start accruing.

**RESOLUTION 22-92
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RECOGNITION OF OVERDOSE AWARENESS DAY**

WHEREAS, addiction is a chronic disease, characterized by compulsive or difficult to control drug use despite harmful consequences; and

WHEREAS, addiction is seen by both the Centers for Disease Control and the World Health Organization as a fast-growing epidemic that can all too easily lead to overdose and death; and

WHEREAS, in 2020, over 93,000 individuals died from drug overdoses in the United States; and

WHEREAS, New Jersey alone, 3,006 people died from drug overdoses in 2018; and

WHEREAS, as of April 30, 2022 Monmouth County alone has lost 47 persons due to overdose; and

WHEREAS, for every drug overdose that results in death, there are many more nonfatal overdoses, each taking an emotional and economic toll on the individual, their family, and the community at large; and

WHEREAS, addiction can fuel feelings of shame, guilt, embarrassment, depression, and hopelessness, causing individuals to resist seeking treatment and support; and

WHEREAS, Overdose Awareness Day is a global event held on August 31st of each year that aims to raise awareness of drug overdoses, reduce the stigma of a drug-related death, and to acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury as a result of a drug overdose; and

WHEREAS, to further the goals of Overdose Awareness Day, all flags throughout the State should be flown at half-staff for the day's duration; and

WHEREAS, Overdose Awareness Day in New Jersey sends a strong message to former or current substance users, namely, that they are valued, and that overdose death is preventable.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Neptune City and State of New Jersey:

1. August 31st of each year shall be designated as "Overdose Awareness Day" in the Borough of Neptune City to raise awareness of overdose and reduce the stigma of a drug-related death.
2. The Governor is respectfully requested to order flags be flown at half-staff and to issue a proclamation calling upon public Officials and the citizens of this State to observe "Overdose Awareness Day" with appropriate activities and programs each year.
3. This resolution shall take effect immediately.

**RESOLUTION 22-93
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING TEMPORARY WAIVER OF MARRIAGE AND CIVIL UNION LICENSE FEES**

WHEREAS, P.L. 2022, C. 23, signed by Governor Murphy waives license fees for marriages and Civil Unions from July 1, 2022 through June 30, 2023; and

WHEREAS, Municipal Licensing Officers collect a \$3.00 (Three Dollar) fee for issuing a Marriage or Civil Union License; and

WHEREAS, in addition to this fee, Municipal Licensing Officers are also required to collect a \$25.00 (Twenty-Five Dollar) fee for each license, to be forwarded to the Department of Human Services for the purpose of providing shelter-related services to victims of domestic violence.

NOW THEREFORE BE IT RESOLVED, both of these fees are now waived for a period from July 1, 2022 through June 30, 2023. During this period, a Municipal Licensing Officer shall not charge or collect a fee for issuing a marriage or Civil Union License from an applicant.

BE IT FURTHER RESOLVED, the State shall reimburse Municipalities for license fees suspended during this period.

**RESOLUTION 22-94
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING A REFUND OF A PARK USE APPLICATION FEE**

WHEREAS, it has been determined by the Borough Administrator that a scheduled park use application permit is entitled to a refund, and;

WHEREAS, it is the desire of the Governing Body to have these permit application fees returned to the respective applicant.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that a refund of \$100.00 is hereby authorized to Margaret Carpe; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator and Finance Officer.

**RESOLUTION 22-95
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
DESIGNATING GENESIS REDEVELOPMENT, LLC AS REDEVELOPER OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 18,
LOT 1 AND BLOCK 13, LOT 1 WITHIN THE EAST COAST ICE REDEVELOPMENT AREA AND AUTHORIZING EXECUTION
OF REDEVELOPMENT AGREEMENT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("**LRHL**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private redeveloper; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the governing body of the Borough of Neptune City (the "**Borough**") serves as an instrumentality and agency of the Borough pursuant to the LRHL for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the Borough ("**Redevelopment Entity**"); and

WHEREAS, N.J.S.A. 40A:12A-8 authorizes the Borough, acting as the Redevelopment Entity, to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area in need of redevelopment; and

WHEREAS, on September 28, 2020, pursuant to Resolutions No. 20-140 and 20-141, the governing body directed the Land Use Board to conduct a preliminary investigation to determine whether an area including Block 18, Lot 1 (96 Laird Avenue) and Block 13, Lot 1 (87 Rosewood Place) ("**Project Site**" or "**Properties**") is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, on March 9, 2021, the Land Use Board held a properly noticed public hearing at which Jennifer Beahm, PP, AICP of Leon S. Avakian Inc. presented the findings of a preliminary investigation report (the "**Investigation Report**") resulting in a determination to recommend that the Project Site be designated as an area in need of redevelopment; and

WHEREAS, on April 13, 2021, the Land Use Board accepted and adopted the recommendations and proposed findings of the Investigation Report and recommended that the Project Site be declared a Non-Condemnation Area in Need of Redevelopment (the "**Redevelopment Area**"); and

WHEREAS, on April 26, 2021, pursuant to Resolution No. 21-81, the governing body determined that the Project Site is an area in need of redevelopment; and

WHEREAS, on August 23, 2021, pursuant to Resolution No. 21-126, the governing body authorized the execution of an Interim Cost Agreement between the Borough and the Redeveloper to remain in operation pending successful negotiation of a Redevelopment Agreement; and

WHEREAS, on April 25, 2022, pursuant to Ordinance No. 2022-06, the governing body adopted the East Coast Ice Redevelopment Plan (the "**Redevelopment Plan**"); and

WHEREAS, consistent with the Redevelopment Plan, the Redeveloper intends to redevelop the Project Site into seven townhouse units with parking on Block 18, Lot 1, develop an allowable commercial use on Block 13, Lot 1, and rehabilitate the Laird Avenue Park (the "**Project**"); and

WHEREAS, the Borough recognizes the credentials, experience and financial capability of the Redeveloper to design and construct the Project; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-9, it is the intention of the parties to enter into a Redevelopment Agreement, which shall further define and memorialize the respective obligations of the parties with regard to proceeding with the redevelopment of the Property in the manner prescribed.

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The terms and conditions contained in the Redevelopment Agreement by and between the Borough of Neptune City and Redeveloper are hereby accepted and approved.
3. The Mayor or Borough Administrator are hereby authorized and directed to execute the Redevelopment Agreement, substantially in the form attached hereto and made part hereof, immediately upon adoption of this Resolution by the governing body.
4. Upon the adoption of this Resolution and the Redeveloper's execution of the Redevelopment Agreement, the Redeveloper shall be deemed the Redeveloper of Block 18, Lot 1 and Block 13, Lot 1 for all purposes under the LRHL.
5. All prior resolutions, or parts thereof, that are inconsistent with this Resolution are repealed to the extent of such inconsistency.
6. This Resolution shall become effective immediately pursuant to law.

Visit us at www.neptunecitynj.com and on Facebook at [Borough of Neptune City](https://www.facebook.com/BoroughofNeptuneCity)

**RESOLUTION 22-96
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
APPROVAL OF VOLUNTEER APPLICATIONS FOR THE NEPTUNE CITY FIRE DEPARTMENT**

WHEREAS, the Neptune City Fire Department is always in need of volunteers; and

WHEREAS, the following people have made application to become a members of the Neptune City Fire Department:

Christopher Bonin (Firefighter)
Eduardo DeJesus (Fire Police); and

WHEREAS, the applicants have been recommended for membership by the Neptune City Fire Department.

NOW THEREFORE BE IT RESOLVED, that Christopher Bonin be approved as a Firefighter member of the Neptune City Fire Department; and

BE IT FURTHER RESOLVED, that Eduardo DeJesus be approved as a Fire Police member of the Neptune City Fire Department.