



Borough of Neptune City  
Regular Meeting of the Mayor and Council

**Agenda**

**Monday, October 24, 2022**

6:00 pm

*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 10/04/2022

**Communications**

A. Monmouth County Commissioners - Resolution 2022-0697, Establishing a County Opioid Advisory Council for Disbursement of Settlement Funds

**Presentations**

Retail Cannabis Applications

Shipwreck'd LLC

Ivy Hall New Jersey LLC

**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 – Councilwoman Danielle Pappas

Special Services – Councilmember Pamela Renee

**Administrator's Report** - Administrator Jardine

**Public Comments** - Agenda Items Only

**Unfinished Business**

None

## New Business

### Consent Agenda

**Ordinance 2022-14** - Ordinance Authorizing the Vacation of the Unimproved Paper Street Designated as “Field Street” on the Official Tax Map of the Borough of Neptune City – *First Reading / Introduction* (Public Hearing 11/14/2022)

#### ORDINANCE NO. 2022-14

#### BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH

#### ORDINANCE AUTHORIZING THE VACATION OF THE UNIMPROVED PAPER STREET DESIGNATED AS “FIELD STREET” ON THE OFFICIAL TAX MAP OF THE BOROUGH OF NEPTUNE CITY

**WHEREAS**, the Borough of Neptune City (the “Borough”) has determined that the unimproved paper street designated as “Field Street”, as shown on the official tax map of the Borough, is not needed for any public purpose, and that the public interest would be best served by vacating and extinguishing all public right, title and interest in and to that portion of Field Street, so that the underlying lands may be combined with, and become and form part of, adjacent properties; and

**WHEREAS**, the area of Field Street to be vacated (the “Subject Area”) measures approximately 2,939 square feet, and is located adjacent to Block 18, Lot 1, which is a privately-owned lot commonly known as 96 Laird Avenue (“96 Laird Avenue”), and Block 8, Lot 6, which is public park owned by the Borough (the “Laird Avenue Park”); and

**WHEREAS**, the Subject Area, 96 Laird Avenue and the Laird Avenue Park are all located within a Non-Condemnation Area in Need of Redevelopment, as determined by the Borough Council of the Borough of Neptune City through Resolution No. 21-81 dated April 26, 2021 (the “Redevelopment Area”); and

**WHEREAS**, the Borough and Genesis Redevelopment, LLC (the “Redeveloper”) are party to a Redevelopment Agreement approved via Resolution 22-95 dated July 25, 2022 intended to facilitate the redevelopment of 96 Laird Avenue and another lot within the Redevelopment Area, and the rehabilitation of the Laird Avenue Park (the “Redevelopment Agreement”); and

**WHEREAS**, the Redevelopment Agreement provides that vacation of the Subject Area is conditioned upon the Redeveloper’s acquisition of title to 96 Laird Avenue and shall serve as consideration for the rehabilitation of Laird Avenue Park by the Redeveloper; and

**WHEREAS**, the Subject Area is shown on a survey prepared by Kevin E. Shelley, P.E. of Shore Pointe Engineering, dated October 10, 2022, a copy of which is attached hereto as Exhibit A and made a part hereof, and is more particularly described in a legal description prepared by John W. Lord, P.L.S., a copy of which is attached hereto as Exhibit B and made a part hereof; and

**WHEREAS**, it is the intention of the Borough that once the Redeveloper acquires title to 96 Laird Avenue, the Borough’s interest in the Subject Area will be vacated and the ownership of the underlying lands shall revert to the Redeveloper as the owner of 96 Laird Avenue by operation of law; and

**WHEREAS**, when not necessary for any public use, a public street, or part thereof, which has not been opened by the municipality, may be vacated by the governing body by Ordinance pursuant to N.J.S.A. 40:67-19, et seq.; and

**WHEREAS**, the Borough believes that the vacation of all public right, title and interest in and to in the Subject Area is in the best interests of the Borough as well as the adjacent property owners and is consistent with the policy underling the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

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

1. Pursuant to N.J.S.A. 40:67-19, et seq., and contingent upon the Borough acquiring title to 96 Laird Avenue, the Borough hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to that unimproved paper street known as Field Street which is located immediately adjacent to Block 18, Lot 1 and Block 8, Lot 6, and is an area that measures approximately 2,939 square feet, as more particularly shown on **Exhibit A** attached hereto, and as more particularly described in **Exhibit B** attached hereto.
2. It is the intention of the Borough that once the Subject Area has been vacated, then ownership of the underlying lands shall revert to the Redeveloper by operation of law conditioned upon its prior acquisition of title to 96 Laird Avenue.
3. The provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company (as defined in N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair, and replace any existing facilities in, adjacent to, over or under the said vacated area.
4. Following the introduction of this Ordinance, the Borough Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance, the Borough Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by the Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).
5. Following the adoption of this Ordinance, the Borough Clerk shall within sixty (60) days of the effective date thereof, file a copy of this Ordinance along with the attached exhibits, certified by the Clerk, under the Seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Monmouth County Clerk for recordation in the County's Book of Vacations, pursuant to N.J.S.A. 40:67-21.
6. Once the Subject Area has been vacated following the Redeveloper's acquisition of title to 96 Laird Avenue, then the Borough's interests in and to the said area shall be extinguished.
7. The Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of this Ordinance.
8. The Mayor and/or the Borough Administrator are hereby authorized and directed to execute any documents necessary to effectuate this Ordinance.
9. All costs and expenses associated with this Ordinance shall be the responsibility of the current contract purchaser of Block 8, Lot 6, and sufficient funding shall be posted by said property owner prior to the adoption of this Ordinance to cover all Borough's expenses associated with this Ordinance.
10. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.
11. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
12. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

## 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 2022-121** - Authorize Payment of the Bills

**Resolution 2022-122** - Authorize Temporary Curfew for October 30<sup>th</sup> – 31<sup>st</sup> (8:00 pm)

**Resolution 2022-123** - Authorize Electronic Tax Sale for Neptune City

**Resolution 2022-124** - Authorize Tax Sale Notice Fee in Lieu of Advertisement

**Resolution 2022-125** - Supporting the Establishment and Operation of a Facility for Class 5 Cannabis Retailer Operations On Premises Occupied by Shipwreck'd LLC Located at 23 West Sylvania Avenue (B 29 L 1.01)

**Resolution 2022-126** - Supporting the Establishment and Operation of a Facility for Class 5 Cannabis Retailer Operations On Premises Occupied by Ivy Hall New Jersey LLC Located at 35 West Sylvania Avenue (B 28 L 9)

**RESOLUTION 2022-121**  
**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 \$ 37,717.77

Vendor Name	Description	Amount
WESCOTT, BRUCE	MP RENTAL DEPOSIT RETURN	\$ 100.00
LIFESAVERS, INC.	5yr AED BATTERY PACKS	\$ 268.00
ELMER, SUSAN E.	COMMUNITY CENTER RENTAL	\$ 150.00
CHIEF 360	DIGITAL SIGNAGE	\$ 759.00
HURYK, MEGHAN	MEM.PAVILION 10/8/2022	\$ 100.00
STALKER RADAR	REMOTE CONTROL W/SCREW LATCH	\$ 148.00
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 7.74
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 120.23
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 54.05
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 13.99
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 112.22
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 128.97
GENUINE PARTS COMPANY	SEPTEMBER PARTS PURCHASES	\$ 107.82
SEA BREEZE FORD, INC.	SEPTEMBER PARTS PURCHASES	\$ 247.98
SEA BREEZE FORD, INC.	SEPTEMBER PARTS PURCHASES	\$ 142.12
SEA BREEZE FORD, INC.	SEPTEMBER PARTS PURCHASES	\$ 97.06
SEA BREEZE FORD, INC.	SEPTEMBER PARTS PURCHASES	\$ 395.26
BRADLEY CAR CARE	SEPTEMBER TIRE AND MISC. SERVI	\$ 454.92
BRADLEY CAR CARE	SEPTEMBER TIRE AND MISC. SERVI	\$ 25.00
BRADLEY CAR CARE	SEPTEMBER TIRE AND MISC. SERVI	\$ 25.00
BILLS WORK CLOTHING	CLOTHING ALLOWANCE	\$ 230.00
STAPLES CREDIT PLAN	OFFICE SUPPLIES	\$ 21.20
STAPLES CREDIT PLAN	OFFICE SUPPLIES	\$ 6.97
STAPLES CREDIT PLAN	OFFICE SUPPLIES	\$ 70.66
AMAZON CAPITAL SERVICES	DVD'S FOR COMM CENTER MOVIES	\$ 30.58
CUMMINS IRRIGATION	SPRINKLER REPAIR	\$ 135.00
STAPLES CREDIT PLAN	OFFICE SUPPLIES-NC LIBRARY	\$ 3.79
STAPLES CREDIT PLAN	OFFICE SUPPLIES-NC LIBRARY	\$ 126.22
BRENNAN, LINDSAY	MEM PARK RENTAL: 10-15-2022	\$ 100.00
KEMPTON FLAG	FLAGS-BOROUGH HALL	\$ 939.20
CUMMINS IRRIGATION	sprinkler maint contract	\$ 1,000.00
SEABOARD WELDING SUPPLY	REFILL OXYGEN: SEPT 2022	\$ 18.50
BROWN & BROWN BENEFIT ADVISORS	CONSULTING FEE:NOVEMBER 2022	\$ 1,250.00
BROWN & BROWN BENEFIT ADVISORS	CONSULTING FEE: APRIL 2022	\$ -
ELLCOTT NETWORK CONSULTANTS	4TH QTR 2022	\$ 5,473.86
JARDINE, ALBERT	CELL PHONE ALLOWANCE-OCT 2022	\$ 100.00
HELLWIG, KELLY	CELL PHONE ALLOWANCE-OCT 2022	\$ 100.00
REYNOLDS, ROBERT SR.	CELL PHONE ALLOWANCE-OCT 2022	\$ 50.00
LAUENSTEIN, ERIC	CELL PHONE ALLOWANCE-OCT 2022	\$ 35.00

QUAGLIATO, MATTHEW	CELL PHONE ALLOWANCE-OCT 2022	\$ 100.00
CANO, HOOVER	CELL PHONE ALLOWANCE-OCT 2022	\$ 100.00
OLIWA & COMPANY, CPA's	AUDIT 2021	\$ 8,500.00
OLIWA & COMPANY, CPA's	AUDIT 2021	\$ 8,500.00
NJ DEPT OF COMMUNITY AFFAIRS	3RD QTR DCA FEES 2022	\$ 551.00
READY REFRESH, BY NESTLE	SERVICE: OCTOBER 2022	\$ 416.15
AVAKIAN, LEON S INC.	NC 21-08 #19577 21 ROAD PROG	\$ 85.00
AVAKIAN, LEON S INC.	NC 20-08 #19571 2020 ROAD PROG	\$ 1,275.00
AVAKIAN, LEON S INC.	NCPB #19572 GENESIS-96 LAIRD	\$ 1,260.00
AVAKIAN, LEON S INC.	NC 22-01 #19573	\$ 935.00
AVAKIAN, LEON S INC.	NCPB 22-04 #19574 KELLYS ACRES	\$ 765.00
AVAKIAN, LEON S INC.	NC 22-03 #19575 CDBG PHASE 4	\$ 255.00
NJ AMERICAN WATER COMPANY	SERVICE: OCTOBER 2022	\$ 619.29
CABLEVISION-MUNICIPAL	SERVICE: OCTOBER-NOVEMBER 2022	\$ 192.32
CABLEVISION-MUNICIPAL	SERVICE: OCTOBER-NOVEMBER 2022	\$ 50.96
CABLEVISION-MUNICIPAL	SERVICE: OCTOBER-NOVEMBER 2022	\$ 185.60
JCP&L	SERVICE: AUG-SEPT 2022 SEWERS	\$ 779.11
<b>Bill List Total for October 24, 2022</b>		<b>\$ 37,717.77</b>

**RESOLUTION 2022-122  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
TEMPORARY CURFEW FOR OCTOBER 30<sup>th</sup> – 31<sup>st</sup>**

**WHEREAS**, in the interest of safety and well-being in the Borough of Neptune City, it is desired of the Mayor and Council to establish a temporary curfew.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Neptune City hereby adopt a curfew to be enforced by the Neptune City Police Department, between the hours of 8:00pm to 6:00 am prevailing time for the dates starting October 30<sup>th</sup> through October 31<sup>st</sup> for those under the age of 17; and

**BE IT FURTHER RESOLVED**, that this curfew restricts and prohibits the wearing of masks by any person during the times and dates set forth above.

**RESOLUTION 2022-123  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AUTHORIZING ELECTRONIC TAX SALE FOR THE BOROUGH OF NEPTUNE CITY**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

**WHEREAS**, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

**WHEREAS**, the Borough of Neptune City wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Neptune City, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Tax Collector, Chief Financial Officer, and Auditor.

**RESOLUTION 2022-124  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AUTHORIZING TAX SALE NOTICE FEE IN LIEU OF ADVERTISING**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Neptune City wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**THEREFORE BE IT RESOLVED**, by the Council of the Borough of Neptune City that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2022 electronic tax sale.

**RESOLUTION 2022-125  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
SUPPORTING THE ESTABLISHMENT AND OPERATION OF A FACILITY FOR CLASS 5 CANNABIS RETAILER OPERATIONS ON PREMISES OCCUPIED BY SHIPWRECK'D LLC LOCATED AT 23 WEST SYLVANIA AVENUE (BLOCK 29, LOT 1.01)**

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMM Act"), which established the personal-use cannabis program in the State of New Jersey; and

**WHEREAS**, the Borough of Neptune City supports the safe and appropriate siting of cannabis businesses where such facilities are permitted pursuant to Neptune City Ordinance No. 21-04, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

**WHEREAS**, Neptune City Ordinance No. 21-04 permits the operation of two Class 5 Cannabis Retailer licensees within the Borough of Neptune City, and there are no Class 5 Cannabis Retailer licensees currently operating within the Borough of Neptune City; and

**WHEREAS**, certain property exists within the Borough of Neptune City that is suitable to be developed with facilities for the construction and operation of a Class 5 Cannabis Retailer facility, as well as any other related or ancillary use (to the extent permitted by state law); and



**WHEREAS**, the Mayor and Council of the Borough of Neptune City hereby join the CREAMM Act's initiative, and support and endorse Shipwreck'd LLC's application for state licensure by the State of New Jersey Cannabis Regulatory Commission ("CRC") to operate a facility for Class 5 Cannabis Retailer operations on premises located at 23 West Sylvania Avenue within the Borough of Neptune City.

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

1. The Borough finds that it is important to provide for and protect the health and welfare of the citizens of the Borough of Neptune City, County of Monmouth, and the State of New Jersey, consistent with the CREAMM Act, N.J.S.A. § 24:6I-31 et seq.
2. As such, the Borough of Neptune City hereby supports the initiative taken by Shipwreck'd LLC to operate a facility for Class 5 Cannabis Retailer operations (to the extent permitted by state law) within the Borough's boundaries, particularly at 23 West Sylvania Avenue, subject to, and in accordance with, all applicable ordinances.
3. The Borough of Neptune City has authorized the operation of two Class 5 Cannabis Retailer licensees within the Borough, and therefore, because there are no Class 5 Cannabis Retailer licensees currently operating within the Borough of Neptune City, the issuance of a Class 5 license to Shipwreck'd LLC will not exceed the limit imposed by the Borough on the number of licensed Class 5 Cannabis Retailers.

**RESOLUTION 2022-126**

**BOROUGH OF NEPTUNE CITY**

**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**SUPPORTING THE ESTABLISHMENT AND OPERATION OF A FACILITY FOR CLASS 5 CANNABIS RETAILER OPERATIONS ON PREMISES OCCUPIED BY IVY HALL NEW JERSEY LLC LOCATED AT 35 WEST SYLVANIA AVENUE (BLOCK 28, LOT 9)**

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMM Act"), which established the personal-use cannabis program in the State of New Jersey; and

**WHEREAS**, the Borough of Neptune City supports the safe and appropriate siting of cannabis businesses where such facilities are permitted pursuant to Neptune City Ordinance No. 21-04, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

**WHEREAS**, Neptune City Ordinance No. 21-04 permits the operation of two Class 5 Cannabis Retailer licensees within the Borough of Neptune City, and there are no Class 5 Cannabis Retailer licensees currently operating within the Borough of Neptune City; and

**WHEREAS**, certain property exists within the Borough of Neptune City that is suitable to be developed with facilities for the construction and operation of a Class 5 Cannabis Retailer facility, as well as any other related or ancillary use (to the extent permitted by state law); and

**WHEREAS**, the Mayor and Council of the Borough of Neptune City hereby join the CREAMM Act's initiative, and support and endorse Ivy Hall New Jersey LLC's application for state licensure by the State of New Jersey Cannabis Regulatory Commission ("CRC") to operate a facility for Class 5 Cannabis Retailer operations on premises located at 35 West Sylvania Avenue within the Borough of Neptune City.

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

1. The Borough finds that it is important to provide for and protect the health and welfare of the citizens of the Borough of Neptune City, County of Monmouth, and the State of New Jersey, consistent with the CREAMM Act, N.J.S.A. § 24:6I-31 et seq.

2. As such, the Borough of Neptune City hereby supports the initiative taken by Ivy Hall New Jersey LLC to operate a facility for Class 5 Cannabis Retailer operations (to the extent permitted by state law) within the Borough's boundaries, particularly at 35 West Sylvania Avenue, subject to, and in accordance with, all applicable ordinances.
3. The Borough of Neptune City has authorized the operation of two Class 5 Cannabis Retailer licensees within the Borough, and therefore, because there are no Class 5 Cannabis Retailer licensees currently operating within the Borough of Neptune City, the issuance of a Class 5 license to Ivy Hall New Jersey LLC will not exceed the limit imposed by the Borough on the number of licensed Class 5 Cannabis Retailers.

## **Public Participation**

## **Adjourn**

**The next Regular Council Meeting will be held  
Monday, November 14, 2022 at 7:00 pm**