



Borough of Neptune City
Regular Meeting of the Mayor and Council
Meeting Minutes
Monday, December 12, 2022
7:00 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

The meeting was called to order at 7:00 pm

Borough Clerk DiCorcia Williams took roll call:

PRESENT: Mayor Andrew Wardell, Council President Brian Thomas,

Councilmembers Scott Dellett, Dana Farley, Glen Kocsis, Pamela Renee, Councilwoman Danielle Pappas

ALSO IN ATTENDANCE: Administrator Jardine and Attorney Howlett

Open Public Meetings Act Statement

Mayor Wardell announced that the Notice Requirements of Chapter 231 P.L. 1975 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.

Flag Salute

Mayor Wardell led the flag salute.

Minutes

Regular Meeting 11/28/2022

Motion to receive and file the regular minutes of 11/28/2022 by C/Renee; seconded by C/Pappas

Voice Vote - AYE: C/Dellett, C/Farley, C/Kocsis, C/Pappas, C/Renee, C/Thomas

Communications

None

Presentations

None

Board of Education Report

None

Mayor's Report - Mayor Wardell

Mayor Wardell reported on the Holiday Tree Lighting, which was again a nicely attended event. He thank you to Tom Adcock for bringing the Hot Chocolate from the community Center as well as PA system, the Girl Scouts for serving the public, Coral Harbor for donating desserts, the Neptune City Education Association for giving out hats and gloves, the WWES cheerleaders for providing Christmas Cheer, and the Neptune City FA, FD, and PD for adding safety measures. Mayor Wardell reported on the Holiday Party which was well attended and thank you to all that made that possible. He thanked his wife Julia Wardell, Katie Thomas, Sharon Dellet, Maddie Dellet, Celeste Clark, Santa and his elves, and all the members of Council. Mayor Wardell also reported on the Police Department Toy Drive, the New Bethel Church vendor's expo and the Made in Monmouth event at Brookdale Community College. The December 27th Council Meeting will be on Tuesday, not Monday and will begin at 6pm and will be held at the Elementary School for Police promotion and hiring ceremonies that will be held at the beginning of the meeting. Regular business will proceed afterwards. Ordinance 2022-15 is set to be withdrawn this evening. The plan is to allow more time to address resident's concerns. The Governing Body

have agreed to pause any action at this time until after the new year before reintroducing a new amended ordinance. The Council encourages all residents to share their concerns with the governing body. We have also created an email CAC@neptunecitynj.com to give people another opportunity to share their concerns. However, due to new legal matters presented to the town we cannot make any public or private comments while the matter is being dealt with by our legal counsel. Lastly, we want everyone to have the opportunity to address the governing body and therefore will be limiting speaking time to 4 minutes. This is a Borough Council meeting, not a Town Hall meeting, but everything shared recorded via the Clerk or Facebook live and taken into consideration.

Council Reports

Administration & Finance – Council President Brian Thomas

C/Thomas spoke about inaccurate information being shared regarding purchases; therefore, the Council will hold workshop sessions prior to the budgeting process whereby the Department heads will attend the sessions to share with the public why purchases are being requested. C/Thomas also shared information on the Snow Angels Program whereby socks, gloves, jackets, and hats for children are being collected.

Human Services – Councilmember Scott Dellett

C/Dellett shared a reminder that the Woodrow Wilson School boosters are holding a fundraiser at Applebee's this Sunday from 10-12. Further information is available on the Borough and School Facebook page. Mayor Wardell requested anyone interested look into volunteering for the First Aid Squad.

Administration & Justice – Councilmember Dana Farley

C/Farley shared on behalf of Chief Quagliato and the Department a Merry Christmas and Happy New Year and implored all to not drink and drive.

Law & Ordinance – Councilmember Glen Kocsis

C/Kocsis wished all a Merry Christmas and Happy Holiday.

Public Works – Councilwoman Danielle Pappas

C/Pappas reported the last day for leaf pick up is December 15. Public Works is ready and waiting for snow to arrive. There was a DPW Committee meeting to discuss the essential needs of the department; there will be more information forth coming. C/Pappas commended and highlighted the great work that Superintendent Reynolds has done over the past year running the amazing department.

Special Services – Councilmember Pamela Renee

C/Renee wished all a Happy Holidays, noting it was nice to see so many in attendance. C/Renee reported the Rabies Clinic will be March 16 and further commented on the nice festivities. C/ Renee further reminded everyone to clear their sidewalks of snow.

C/Thomas shared the deadline to sign up for Rec basketball is Thursday, December 15. C/Pappas shared that drivers are also needed for the First Aid Squad, requesting people please consider volunteering.

Administrator's Report - Administrator Jardine

Administrator Jardine thanked all who made the Tree Lighting, Toys for Tots and Christmas events a success. He noted that the calendar is in the final stages of preparation and will be available soon.

A resident asked about donation boxes. C/Thomas shared information on stores in town that will have locations; more information will be available for residents soon.

Public Comments - Agenda Items Only

Please be advised, there will be a 4-minute limit per speaker

Ms. Arlene Sciarappa, Tucker Drive, noted that several residents are in attendance to discuss the amendments to the Cannabis ordinance. Ms. Sciarappa shared she had a petition with over 300 signatures of residents. She further shared residents have concerns, most dealing with locations. Ms. Sciarappa presented the Mayor with the petition.

Mr. Gene O'Connell, Steiner Avenue, shared he had sent a letter to the Mayor laying out his concerns over a cannabis business being within 200 feet of a residential property. Mr. O'Connell laid out further concerns regarding locations, minimum lot size and parking spaces. Mr. O'Connell spoke against Ordinance 2022-04, 2022-15 and the resolutions supporting the business. Mr. O'Connell spoke about residents not being notified.

Mr. Kelvin Larkin, Jr., was recently made aware of the cannabis ordinance, explaining he was never notified of the ordinance in question. Mr. Larkin shared his objections based on increased traffic, increased accidents, road safety concerns, the lack of parking spaces, overflow of parking on residential streets, the potential for loitering and public smoking, and the burden on law enforcement as well as the negative impact on property and home values. Mr. Larkin expressed his hope that Council would listen and further asked how cannabis facility would benefit the Borough.

Ms. Diedre Phillips, Boston Road, shared her astonishment to not receive any notice regarding the Cannabis ordinances. Ms. Phillips also shared statistics on cannabis users and driving, and crime statistics. Ms. Phillips questioned the security measures, and expressed her opposition. Ms. Phillips also shared she read that the most successful places are within a walkable commercial area.

Mr. Isaac Loveland, Boston Avenue, shared he is for cannabis and that he voted for it, but that it seems that things were not really thought out because of traffic concerns. He questioned how the resolutions of support were given, sharing concerns over traffic.

Ms. Melita Roda, Steiner Avenue, shared information, and statistics regarding projected income breaking it down to how many customers that would equate to, noting the amount of traffic and the hours of operation. Ms. Roda noted the amount of transactions would bring so many cars, so many people, and could endanger children.

Ms. Christina Roberts, Oak Terrace, shared concerns regarding the quality of life due to the amount of traffic. Ms. Roberts shared this is uncharted territory that needs to be researched.

Mr. Ken Zilinszky, Belle Place, shared his support to the opposition of Ordinance 21-04, and resolutions 2022-125 and 2022-126. Mr. Zilinsky shared the information he gleaned from reviewing the Master Plan, noting there should be 200 feet between the business of residents, four season buffer zones, lighting restrictions, and addressing parking. Mr. Zilinsky shared cannabis facilities have trip generations that exceed that of furniture stores or pizzeria. Mr. Zilinsky noted the use should be conditional, not accepted and that the business should have to go for a variance.

Mr. Leo Giveny, Steiner Avenue, shared opposition to the ordinance expressing concerns of people leaving bars to buy cannabis and driving while intoxicated.

Ms. Diane Baker, expressed concerns over traffic and her opposition to Ordinance 21-04. Ms. Giveny expressed the idea of requiring locations to be 200 feet from residential properties.

Mr. Christopher DeFeo, Riverview Avenue, and on behalf of the trust of Ann, shared concerns about the boat yard and traffic.

Mr. Kit Kinnick, Boston Road, shared his belief that the Council is trying to act in the best interest of the residents. He shared concerns over traffic and the lack of other facilities in the area that would drive people to Neptune City. Mr. Kinnick spoke about the decline in quality of life and the impact on the residents.

Ms. Madalynn Malloy, Oak Terrace, shared her concerns over traffic and the increased opportunity for accidents.

Mr. Peter Shrine, Green Avenue, detailed concerns over increased traffic coming down side streets. Mr. Shrine also expressed concerns for the potential of accidents, he advocated for locations with ample parking and access.

Mr. George Christie, Lincoln, spoke highly of the two. He spoke in opposition of cannabis distribution, noting there was a meeting where many spoke against the locations. Mr. Christie noted it was bothersome to him that after the fact the residents are being asked their opinion, noting the committee has to make changes.

Ms. Kathleen Modahill, Myron Avenue, asked if the town has considered lawsuits if people are injured, the cost of increased police presence and the use of Memorial Park for cannabis usage.

Ms. Rachel McGreevy, Steiner Avenue and Windsor Court, recognized that residents can't handpick merchants at the end of their streets; further noting the residents want what is in the best interest of the town and want to have balance of what can bring tax revenue, goods and services and quality of life.

Mr. Kyle Sheets, Boston Road, concurred with what has been said, noting Neptune City is the best kept secret, but that he doesn't want a cannabis dispensary in his neighborhood.

Ms. Bridget Loveland, Boston Road, expressed concerns over the amount of traffic that would be detrimental to the childhoods of children in the neighborhood.

Unfinished Business

Ordinance Adoption

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 – *Public Hearing/Adoption Tabled until Tuesday, December 27, 2022*

Motion to table Ordinance 2022-14 by C/Kocsis; seconded by C/Thomas

Voice Vote - AYE: C/Dellett, C/Farley, C/Kocsis, C/Pappas, C/Renee, C/Thomas

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.

Ordinance 2022-15 - Amending Chapter 139 of the Borough Code Entitled 'Class 5 Cannabis Retailer', Section 53-B Entitled 'Limitation on Location' – *To Be Withdrawn*

Motion to withdraw Ordinance 2022-15 by C/Pappas; seconded by C/Kocsis

Voice Vote - AYE: C/Dellett, C/Farley, C/Kocsis, C/Pappas, C/Renee, C/Thomas

ORDINANCE 2022-15

BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH

AMENDING CHAPTER 139, SECTION 53 OF THE BOROUGH CODE ENTITLED 'CLASS 5 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 and the HC 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

Chapter 139, "Zoning", Article IV, Zone Regulations, §Section 139-40 HC 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:

(1-3 no changes)

(4) Class 5 Licensed Retailer without a Cannabis Consumption Area²

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**

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**

² **Hours of operation for Class 5 Retailer License shall be limited to 9 A.M. to 10 P.M. in the C Commercial Zone**

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 and HC Highway 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, anti-discrimination 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:

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

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.

New Business

Ordinance Introduction - None

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 2022-138 - Authorize Payment of the Bills

Resolution 2022-139 - Requesting Change in Title, Text or Amount of Appropriation

Resolution 2022-140 - Authorize Budget Transfer

Resolution 2022-141- Adopting Volunteer List for LOSAP for the Neptune City First Aid Squad, 2021

Motion to approve Resolutions 2022-138 through 2022-141 as a group by C/Dellett; seconded by C/Farley

Roll Call - AYE: C/Dellett, C/Farley, C/Kocsis, C/Pappas, C/Renee, C/Thomas

RESOLUTION 2022-138

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 \$142,381.62

Vendor Name	Description	Amount
BILLS WORK CLOTHING	CLOTHING-A. BLECKI	\$ 395.49
BILLS WORK CLOTHING	clothing allowance S.Reynolds	\$ 470.97
BILLS WORK CLOTHING	CLOTHING ALLOW-J. SCHOEPHLIN	\$ 474.98
JCP&L	SERVICE: NOV 2022 COMM CNTR	\$ 414.13
MAZZA RECYCLING SERVICES, LTD.	TRUCK RENTAL TIPPING FEE	\$ 225.38
MAZZA RECYCLING SERVICES, LTD.	TRUCK RENTAL TIPPING FEE	\$ 210.72
NEPTUNE CITY FIRST AID	2022 CONTRIBUTION	\$ 8,800.00
NJ NATURAL GAS CO	SERVICE-NOVEMBER 2022	\$ 1,497.04
SEABOARD WELDING SUPPLY	REFILL OXYGEN: NOVEMBER 2022	\$ 18.50
TIMMERMAN EQUIPMENT	EQUIPMENT-DPW	\$ 2,672.96
TOWNSHIP OF NEPTUNE	SORBITOL 25 BAGS-DEC 2022	\$ 222.50
TOWNSHIP OF NEPTUNE	SHARED EMS SERV: NOVEMBER 2022	\$ 11,857.25
CRAFTMASTER PRINTING, INC.	TICKETS FOR HOLIDAY PARTY	\$ 24.00
NJ GRAVEL & SAND COMPANY	MULCH-PLAYGROUND	\$ 480.00
NJ GRAVEL & SAND COMPANY	MULCH-PLAYGROUND	\$ 480.00
ALLIED FIRE & SAFETY EQUIP CO.	FIRE EXTINGUISHER REPLACEMENT	\$ 1,289.40
THE NEW COASTER, LLC.	PUBLISH RESOLUTIONS	\$ 13.95
THE NEW COASTER, LLC.	PUBLISH RESOLUTIONS	\$ 70.99
HOME DEPOT CREDIT SERVICES	batterys	\$ 127.96
REYNOLDS,ROBERT JR.	REIMBURSEMENT-NJSLOM LODGING	\$ 136.00
NJ DIV ALCOHOLIC BEV CONTROL	MAINT-PREP LIQ LICENSE 22-23	\$ 24.00
SCHINDLER ELEVATOR CORP.	SERVICE: DECEMBER 2022	\$ 281.90
STATE OF NJ/DEPT OF LABOR	U/E QTR END: 9-30-2020	\$ 4,554.00
QUAGLIATO, MATTHEW	FBINAA-QUAGLIATO	\$ 50.00

STANDARD INSURANCE COMPANY	PREMIUM: NOVEMBER 2022	\$ 315.81
ALL HANDS FIRE EQUIPMENT	CLOTHING ALLOWANCE DAN HARKER	\$ 338.75
J.R. HENDERSON LABS, INC.	WATER TESTING	\$ 630.00
SEMCOR EQUIPMENT	concrete drill	\$ 255.00
INSTITUTE FOR FORENSIC	NEW HIRE -(2)	\$ 1,050.00
CABLEVISION-MUNICIPAL	SERVICE: NOV-DEC 2022	\$ 192.32
CABLEVISION-MUNICIPAL	SERVICE: NOV-DEC 2022	\$ 50.96
CABLEVISION-MUNICIPAL	SERVICE: NOV-DEC 2022	\$ 185.60
CANO, HOOVER	FBINNA-CANO	\$ 50.00
ALLEGRA MARKETING-ATTN: NICK	CONSTRUCTION JACKETS-PERMIT	\$ 225.00
HARKER, DAN	boots, heating protection	\$ 239.00
VERIZON WIRELESS (CELL PHONES)	SERVICE: OCT-NOV 2022 NCPD	\$ 1,121.48
VERIZON WIRELESS (CELL PHONES)	SERVICE: OCT-NOV 2022	\$ 330.21
SHRED-IT USA,LLC	SERVICE: OCT-NOVEMBER 2022	\$ 389.94
CAMPBELL FOUNDRY COMPANY	sewer manholes	\$ 1,200.00
LIFESAVERS, INC.	ADULT AND PED PADS	\$ 165.82
ENTENMANN-ROVIN CO.	BADGES	\$ 948.50
DELISA DEMOLITION & DISPOSAL	SERVICE: NOV 2022	\$ 5,984.31
DELISA DEMOLITION & DISPOSAL	SERVICE: NOV 2022	\$ 22,166.66
DRAEGER INC	CALIBRATION	\$ 179.00
EMERGENCY SERVICES MARKETING	SUBSCRIPTION 2022-2023	\$ 1,015.00
SAFE ID CARD SYSTEMS INC.	ID CARDS FIRE INSPECTOR	\$ 25.00
SAFE ID CARD SYSTEMS INC.	ID FOR RETIRED NEAVES	\$ 15.00
SAFE ID CARD SYSTEMS INC.	ID CARDS C. EMMONS	\$ 25.00
KOC SIS, GLEN	REIMBURSEMENT-NJSLOM LODGING	\$ 97.40
KOC SIS, GLEN	REIMBURSEMENT-NJSLOM LODGING	\$ 9.38
OPEN SYSTEMS INTEGRATORS, INC	eletronic lock repair FD door	\$ 443.91
VERIZON (FIOS LINE)	SERVICE: NOV-DEC 2022	\$ 249.66
NJ AMERICAN WATER	HYDRANTS: OCT-NOV 2022	\$ 4,888.70
NJ STATE ASSOC CHIEF OF POLICE	ACCREDITATION SEAL	\$ 26.60
NJ STATE ASSOC CHIEF OF POLICE	PRES/ADMIN PROMOTIONAL EXAMS	\$ 2,000.00
NJ STATE ASSOC CHIEF OF POLICE	PRES/ADMIN PROMOTIONAL EXAMS	\$ 2,000.00
RUTGERS STATE UNIVERSITY	recycling class	\$ 285.00
G.P. JAGER, INC.	GRINDER REPLACEMENT	\$ 17,425.95
QUADIENT FINANCE USA, INC.	POSTAGE: NOVEMBER 2022	\$ 455.45
MONMOUTH TELECOM	SERVICE: NOV-DECEMBER 2022	\$ 1,273.56
Borough of Bay Head	CFO Shared Service	\$ 17,845.00
KDI	COPIER CONTRACT:4TH QTR 2022	\$ 431.82
SOLAR ILLUMINATIONS	lights for boardwalk mem pk	\$ 567.98
J. SWANTON FUEL OIL COMPANY	DELIVERY:#72657	\$ 1,732.69
J. SWANTON FUEL OIL COMPANY	DELIVERY:#72657 #72366	\$ 1,019.74
FARRELL, EILEEN	BALLROOM DANCE INSTRUCTOR	\$ 150.00
MONMOUTH COUNTY SPCA	SERVICE: OCTOBER 20222 +TNR	\$ 1,412.50
MONMOUTH COUNTY POLICE ACADEMY	DETECTIVE SKILLS 10/3-7 127	\$ 25.00
VERSALIFT EAST, LLC	bucket truck inspection	\$ 999.18
ORECK	Repair Vaccum	\$ 19.99
HUBENY, ADAM	REPAIR CELL PHONE SCREEN	\$ 42.64
JUNGLE LASERS, LLC	SAFETY MODULES-NCFD-NCF PREV	\$ 2,100.00

JUNGLE LASERS, LLC	NCFD SOFTWARE	\$ 1,500.00
JUNGLE LASERS, LLC	CONSTRUCTION MODULE	\$ 5,000.00
WARDELL, ANDREW	REIMBURSEMENT-NJSLOM LODGING	\$ 391.38
S&S ASSOCIATES, LLC	SERVICE: OCTOBER 2022	\$ 900.00
S&S ASSOCIATES, LLC	SERVICE: OCTOBER 2022	\$ 900.00
S&S ASSOCIATES, LLC	SERVICE: NOV-DEC 2022	\$ 900.00
AMAZON CAPITAL SERVICES	COMMUNITY CENTER EQUIPMENT	\$ 558.47
ARCHER & GREINER	PROF SERV: # 4268625-4267810	\$ 400.00
ARCHER & GREINER	PROF SERV: # 4268625-4267810	\$ 3,925.00
MAXTON, ROBERT	COMMUNITY CENTER RENTAL	\$ 150.00
PETS SUPPLY PLUS	SUPPLIES-NCPD (LUKE)	\$ 29.80
THOMAS, BRIAN	REIMBURSEMENT-NJSLOM LODGING	\$ 334.34
Bill List Total for 12/12/2022		\$ 142,381.62

RESOLUTION 2022-139**BOROUGH OF NEPTUNE CITY****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****REQUESTING CHANGE IN TITLE, TEXT OR AMOUNT OF APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-85**

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body or any county or municipality, make such correction of the title, text, or amount of appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough Council of the Borough of Neptune City, Monmouth County, New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the 2022 budget:

That the appropriation provided for in the approved budget entitled:

Operations Included in CAPS:

Borough Clerk Salaries be reduced by \$31,500

and an appropriation in the like amount of \$31,500 be added to the budget entitled:

Operations Included in CAPS:

Borough Clerk – Shared Services

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Neptune City due to resignation of the Borough Clerk and a Shared Services Agreement to provide said service approved with the Borough of Farmingdale.

The Borough Clerk of the Borough of Neptune City, Monmouth County, New Jersey is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION 2022-140**BOROUGH OF NEPTUNE CITY****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****AUTHORIZE BUDGET TRANSFER**

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriations transfers during the last two months of the fiscal year, when it has been determined that it is necessary to expend for any purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Neptune City that the following transfers be made in the 2022 Municipal Budget:

	Budget Account	Amount
TRANSFERS FROM (INSIDE CAPS):		
	Clerk - Other Expenses	\$ 5,100.00

	Buildings and Grounds - Other Expenses		
	Community Center - Other Expenses		4,000.00
	Planning Board - Salaries		
	Code Enforcement - Salaries		
	Construction Official - Other Expenses		
	Group Insurance for Employees		
	Recreation - Other Expenses		
	Gasoline and Diesel		
TOTAL TRANSFERS FROM (INSIDE CAPS)		\$	9,100.00
TRANSFERS TO (INSIDE CAPS):			
	Clerk - Salaries and Wages	\$	5,100.00
	Telephone - Other Expenses		4,000.00
	Buildings and Grounds - Other Expenses		-
	Fire Hydrants		
	Municipal Court - Salaries and Wages		
	Municipal Court - Other Expenses		
	Recreation - Salaries and Wages		
	Water		
TOTAL TRANSFERS TO (INSIDE CAPS)		\$	9,100.00

RESOLUTION 2022-141**BOROUGH OF NEPTUNE CITY****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****ADOPTING 2021 VOLUNTEER LIST FOR NEPTUNE CITY FIRST AID SQUAD ENROLLMENT IN LOSAP**

WHEREAS, the Governing Body of the Borough of Neptune City passed Ordinance 2003-08 on August 25, 2003 which was later approved by the electorate of Neptune City on November 4, 2003 thus creating Chapter 17 of the Borough Code which implements the Length of Service Awards Program (LOSAP) within the Borough of Neptune City; and

WHEREAS, LOSAP was created in accordance with in accordance with N.J.S.A. 40A:14-183, Chapter 388 of the Laws of 1997, to reward members of the Neptune City United Fire Company No. 1 and First Aid Squad for their loyal, diligent and devoted service to the residents of the Borough of Neptune City; and

WHEREAS, pursuant to Resolution 04-171 the Governing Body adopted a Length of Service Award Program plan provided by Lincoln National Life Insurance Company and Lincoln Financial Group; and

WHEREAS, the LOSAP Program requires the Neptune City Fire Department and Neptune City First Aid Squad to submit a list of volunteers who are eligible under LOSAP, noting the points assessed for each Volunteer per Borough Code Chapter 17-5 and/or 17-6; and

WHEREAS, the Neptune City First Aid Squad has prepared and submitted such a volunteer list for review by the Governing Body, and for the submission to the LOSAP program agent for implementation.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that the submitted volunteer list for the Neptune City First Aid Squad is hereby accepted with the grateful thanks of the Governing Body and Borough residents for the dedicated efforts of the Borough Volunteers; and

BE IT FURTHER RESOLVED that the list of volunteers be forwarded to Lincoln National Life Insurance Company and Lincoln Financial Group for implementation of LOSAP for the members who qualify from the Neptune City First Aid Squad as follows:

Joe Adams

Deb Latshaw

Jim Sestito

Kenny Sparague

Public Participation

Please be advised, there will be a 4-minute limit per speaker

Mr. Gene O'Connell, Steiner Avenue, spoke about the archaic notice requirements. Mr. O'Connell stated the question before Council should be if there should be cannabis retailers near residential zones. Mr. O'Connell noted that someone needs to step and say a mistake has been made.

Mr. Ken Zilinsky, Belle Place, asked if zoning permits have been applied for. Mayor Wardell noted site plans must be submitted. Mr. Zilinsky shared further comments about traffic and egress. Attorney Howlett requested Mr. Zilinsky submit his comments to the CAC email.

Ms. Kelly Strazadas, Overbrook Place, spoke in favor of cannabis, but spoke against traffic problems and further expressed concerns about a facility being allowed near the other end of Sylvania Avenue. Ms. Strazadas shared concerns with zoning and her desire to have held a townhall.

Mr. Patrick McMillian, Oak Terrace, spoke about the burden on the police force and the extra expense on the department. Mr. McMillian spoke about current issues with people smoking marijuana in public.

Ms. Arlene Sciarappa, Tucker Drive, questioned if the original ordinance 21-04 could be withdrawn or if it stands. Ms. Sciarappa asked about truckloads of sand that were dumped at Memorial Beach in the past week. The issue will be reviewed.

Mr. Jay O'Connell, Belle Place, reported the statistics coming out are mindboggling. Mr. O'Connell spoke about traffic, the value of homes, marijuana's impact on teens, parking on the streets, loitering and the danger to residents.

Ms. Julie Kelly, Oak Terrace, shared concerns about locations that allow for enough parking and the impact of current businesses. She spoke about possible solutions that may create more issues and questioned if people would be able to smoke in public. Ms. Kelly shared further concerns.

Mr. Bill Sciarappa, Tucker Drive, reminded Council that they should perform a traffic control study, commending speakers on presenting statistics and information to Council this evening. Mr. Sciarappa requested Council not approve cannabis use in that area.

Mr. Zilinsky corrected comments he made regarding trip usage, which would increase based on the floor area of the building.

Mr. Ted Wardell, Tucker Drive, shared he has seen excellent government with the Governing Body listening to the residents, noting it is how Government should work. Mr. Wardell also noted that Neptune City is a jewel.

Mayor Wardell noted heard many valid points and noted that all acted with decorum.

Ms. Melita Roda requested Council reference the ordinance numbers when speaking because it is confusing. Mayor Wardell noted he never spoke to the Coaster on this topic and knew it would cause confusion.

Adjourn – 8:42 pm

Motion to Adjourn meeting by C/Pappas; seconded by C/Kocsis

Voice Vote - AYE: C/Dellett, C/Farley, C/Kocsis, C/Pappas, C/Renee, C/Thomas


By: C. DiCorcia Williams RMC,
Borough Clerk