



Borough of Neptune City
Regular Meeting of the Mayor and Council
Monday, March 25, 2024 at 7:00 pm

1. CALL TO ORDER

2. OPEN PUBLIC MEETINGS ACT STATEMENT

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Asbury Park Press, The Coaster, and The Coast Star, and by posting on the Borough website, at the Municipal Building, and filing with the Borough Clerk.

3. ROLL CALL

4. FLAG SALUTE

5. CLOSED SESSION - None

6. RECEIPT OF MINUTES (vv)

- A. Regular Meeting and Closed Session Minutes – 3/11/2024

7. RECEIPT OF COMMUNICATIONS (vv)

- A. Monmouth County – Municipal Cross Acceptance Letter
B. The FirstTech Group – Notice of Land Use Board Public Hearing

8. PRESENTATIONS

9. **Presentation** - Genesis Redevelopment, LLC on the East Coast Ice Redevelopment Plan

10. MAYOR'S REPORT - Mayor Rachel McGreevy

11. COUNCIL REPORTS

- A. **Council President Danielle Pappas**, Administration of Justice
B. **Councilmember Scott Dellett**, Special Services
C. **Councilmember Dana Farley**, Community Relations
D. **Councilmember Glen Kocsis**, Administration and Finance
E. **Councilmember Pamela Renee**, Buildings and Grounds
F. **Councilmember Brian Thomas**, Emergency Services

12. PUBLIC COMMENTS ON AGENDA ITEMS

13. UNFINISHED BUSINESS

A. Ordinance Adoption (rc)

- 1) **Ordinance 2024-01** – Ordinance Amending Chapter 95 (Parks and Playgrounds) and Creating a New Section 129-43 (Regulating Motorized Bicycles) (*Public Hearing/Adoption*)
2) **Ordinance 2024-02** – Amending Chapter 139-30 “Stormwater Management” (*Public Hearing/Adoption*)

B. Tabled Resolutions (rc) - None

14. NEW BUSINESS

A. Ordinance Introduction (rc)

- 1) **Ordinance 2024-03** - An Ordinance of the Borough of Neptune City, Monmouth County, State of New Jersey to Exceed 2024 Budget CAP Appropriations Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
(First Reading/Introduction) Public Hearing: April 8, 2024
- 2) **Ordinance 2024-04** – Ordinance Authorizing Entry of a Real Estate Purchase and Sale Agreement with Genesis Redevelopment, LLC as the Designated Redeveloper of Block 13, Lot 1 (87 Rosewood Place) within the East Coast Ice Redevelopment Area *(First Reading/Introduction)* Public Hearing: April 8, 2024

B. Consent Resolutions (rc) - *All matters listed hereunder are considered to be routine and will be enacted in one motion.*

Any member of the Governing Body may request an item be removed for separate consideration.

- 1) **Resolution 2024-35** - Auth. Payment of the Bills
- 2) **Resolution 2024-36** - Auth. Shared Service Agreement with Bradley Beach for Summer Camp
- 3) **Resolution 2024-37** - Auth. United Fire Company No. 1 (Neptune City Fire Dept.) to Conduct Coin Tosses in 2024
- 4) **Resolution 2024-38** - Auth. Appointment of Public Works Laborer, Full Time (Kulcsar)
- 5) **Resolution 2024-39** - Auth. Appointment of Public Works Laborer, Part Time (Leyh)
- 6) **Resolution 2024-40** - Amend 2024-33 Providing for the Transfer of Funding Between 2023 Current Appropriations Pursuant to N.J.S.A. 40A:4-58

C. Resolution for Separate Consideration (rc)

- 1) **Resolution 2024-41** – Auth. Execution of a Redevelopment Agreement Regarding the Redevelopment of Certain Properties Identified as Block 18, Lot 1 and Block 13, Lot 1 within the East Coast Ice Redevelopment Area

D. Budget Resolution (rc)

- 1) **Resolution 2024-42**– Approving Introduction of Municipal Budget for the Year 2024 – *Public Hearing April 22, 2024*

15. PUBLIC PARTICIPATION

16. CLOSED SESSION – None

17. ADJOURN (vv)

The next Council Meeting is scheduled for 7:00 pm on Monday, April 8, 2024

13. UNFINISHED BUSINESS

A. Ordinance Adoption (rc)

- 1) Ordinance 2024-01** – Ordinance Amending Chapter 95 (Parks and Playgrounds) and Creating a New Section 129-43 (Regulating Motorized Bicycles) *(Public Hearing/Adoption)*
- 2) Ordinance 2024-02** – Amending Chapter 139-30 “Stormwater Management” *(Public Hearing/Adoption)*

**ORDINANCE NO. 2024-01
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH**

ORDINANCE AMENDING CHAPTER 95 (PARKS AND PLAYGROUNDS) AND CREATING A NEW SECTION 129-43 (REGULATING MOTORIZED BICYCLES) IN THE BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Neptune City, through adoption of Chapter 129 codifies the rules and regulations related to the operation of motorized vehicles in the Borough; and

WHEREAS, the Administrator and Chief of Police recommend certain amendments and additions to the Chapter 129 to regulate the operation of motorized bicycles in the Borough; and

WHEREAS, it is further necessary to amend Chapter 95 to prohibit the use of motorized bicycles in the Borough’s parks and playgrounds; and

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapters 95 and 129 be amended as follows:

Deletions are noted by ~~strike-throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

Section 1:

§ 95-4 Prohibited uses.

- F. Miscellaneous acts and conduct forbidden on or within a park or playground area. No person shall:
 - (1) Sleep in any motor vehicle.
 - (2) Throw a stone or other missile.
 - (3) Play any game of chance or have possession of any instrument or device for gambling.
 - (4) Sell, expose for sale or give away goods, wares or circulars, or post or display any sign, placard or advertising device.
 - (5) Play, engage in or take part in any game or competitive sport for money or other valuable thing without an authorized permit issued by the Borough Council.
 - (6) Unless authorized by law, discharge or have possession of any firearm.
 - (7) Consume or possess alcoholic beverages, except by a permit of the Borough Council.
 - (8) Make any fire at a park or playground, except at such places as may be designated by the Playground Committee and only under such conditions and restrictions as may be prescribed by said Committee.
 - (9) Cut, break, deface, defile or misuse any building, playground equipment, fence, tree, bush, plant or turf or other thing belonging to a park or playground, or any part thereof.
 - (10) Destroy, remove or carry away or have possession of any building, playground equipment, fence, tree, bush, plant, turf or other thing belonging to a park or playground or any part thereof.
 - (11) Cut into, destroy or remove any of the curbing, roadways, sidewalks or paths within a park or playground without written permission from the Borough Council.
 - (12) Operate a skateboard or ride a bicycle on the Boardwalk at Memorial Park.
 - (13) Operate a motorized bicycle, including a LSMB as defined in § 129-43.**

Section 2:

Article XII

§ 129-43 Motorized Bicycles**A. Prohibited Vehicles**

- 1. Any motorized bicycle with an electric motor greater than 750 watts is not to be considered a "low-speed" motorized bicycle ("LSMB") and shall be effectively prohibited from operation in the Borough of Neptune City, unless such vehicle is specifically authorized by the New Jersey Motor Vehicle Code, and is properly registered and insured, and operated by a licensed operator.**

B. Motorized Bicycle Rules and Regulations

- 1. Rights and duties of persons on low-speed motorized bicycle: Every person riding a LSMB upon a roadway shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.**
- 2. Helmet: Persons are not permitted to operate a LSMB unless they wear a protective helmet.**
- 3. Passengers: It shall be prohibited for a person operating a LSMB to allow another person to ride as a passenger, unless the person is carried in a proper bike seat, trailer or other accessory that complies with current regulations and contains adequate provision for retaining the passenger in place and for protecting the passenger. The Passenger shall also be required to wear a properly fitted and fastened helmet pursuant to N.J.S.A. 39:4-10.1.**
- 4. Lights and reflectors: When in use during nighttime, every LSMB shall be equip with:**
 - 1. A front headlamp emitting a white light visible from a distance of at least five hundred (500) feet to the front;**
 - 2. A rear lamp emitting a red light visible from a distance of at least five hundred (500) feet to the rear;**
 - 3. In addition to the red lamp, a red reflector shall be mounted on the rear;**
- 5. Audible Signal: A LSMB must be equip with a bell or other audible device that can be heard at least one hundred (100) feet away. However, the LSMB shall not be equipped with a siren or whistle.**
- 6. Hitching on Vehicle Prohibited: No person operating a LSMB shall attach themselves to any streetcar or vehicle. Nor shall the operator of the LSMB knowingly permit any passenger to do the same.**
- 7. Feet and Hands on Pedals and Handlebars: All operators of a LSMB shall keep their feet on the pedal and both hands on the handlebars at all times. It shall be prohibited to practice or perform any trick or fancy driving.**
- 8. Operating Regulations: Every person operating a LSMB on a roadway shall ride as near to the right-side as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. An operator of a LSMB may move left under any of the following conditions:**
 - 1. To make a left turn from a left turn lane or pocket;**
 - 2. To avoid debris, drains, or other hazardous conditions on the right;**
 - 3. To pass a slower moving vehicle;**
 - 4. To occupy any available lane when traveling at the same speed as other traffic;**
- 9. Prohibited Locations: No person over the age of fourteen (14) shall ride a LSMB upon a sidewalk within the Borough of Neptune City, nor in any location where it is prohibited by sign.**
- 10. Carrying Items: No person operating a LSMB shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.**
- 11. Parking: No person shall park a LSMB upon a street except where an appropriate rack or spots are provided. All LSMB, when parked on sidewalks, shall be parked only in such manner as not to obstruct or impede the normal movement of pedestrian or other traffic or access to adjacent buildings.**
- 12. Speed: No person shall operate a LSMB at speeds faster than are reasonable or proper, which in no case shall be in excess of legal speed limits, unless participating in an officially sponsored or sanctioned rally or road race. In no event shall speed of operation exceed 20 miles per hour.**
- 13. Reckless or careless riding: No person shall ride a LSMB in a reckless or careless manner which endangers or is likely to endanger the safety or welfare of other persons or property.**

- C. Enforcement. The Neptune City Police Department is hereby authorized to promulgate, with the approval of the Council, such further rules and regulations concerning registration, operation, equipment and safety of LSMB as deemed necessary from time to time.**

D. Business regulations.

- 1. All persons and businesses who own, rent, hire or lease LSMB in the Borough of Neptune City for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, or for the delivery of items in commerce destined for the Borough of Neptune City:**
 - a. **Shall keep each LSMB in a safe operating condition, and shall advise the persons using said LSMB of the regulations for use in the Borough of Neptune City;**
 - b. **Shall post a copy of this chapter in a conspicuous place where said bicycles are kept, rented, hired or leased, if such location is within the Borough of Neptune City; and**
 - c. **Shall ensure that any employee, agent, or contractor, while utilizing LSMB for hire by, for or on behalf of such person or business, shall wear a reflective vest, and have affixed a tag, license, decal or marking affixed to LSMB clearly identifying such LSMB as being operated for hire by, for or on behalf of such person or business.**
- 2. For the purposes of this section, to "hire" includes persons or businesses whose employees or agents utilize LSMB to deliver their messages, parcels, food and/or other merchandise or good during the time such LSMB are being used for such purpose, whether or not such LSMB are owned, leased or rented by the person or business.**
- 3. A person's or businesses' failure to comply with this section shall be considered a violation of this section.**
- 4. Any violation of this section by an operator of a LSMB while in the hire of a person or business shall be considered a separate violation of this section by such person or business.**

E. Registration requirement:

- 1. All persons and businesses who own, rent, hire or lease LSMB in Borough of Neptune City for the delivery of items in commerce, such as messages, parcels, food and/or other merchandise or goods, shall maintain proper registration tags and licenses for each LSMB issued by the Neptune City Police Department.**
- 2. All persons and businesses who rent, hire or lease LSMB in the Borough of Neptune City for the delivery of items in commerce destined for the Borough of Neptune City, but that are not located within the Borough, shall comply with any municipal registration requirements applicable to LSMB that may be in force in the location where such business or person's business is based.**
- 3. A person's or businesses' failure to comply with this section shall be considered a violation of this section.**
- 4. Any violation of this section by an operator of a LSMB while in the hire of a person or business, shall be considered a separate violation of this section by such person or business.**

- F. Penalties for violations. Each person violating any provisions of this section shall, upon first conviction, be liable to a penalty of \$50, and upon a second conviction shall be liable to a penalty of \$100. No court appearance shall be required for a first or second alleged offense, but will be required for a third or subsequent alleged offense. Any third or subsequent conviction shall be liable to a penalty of at least \$100 and up to ninety (90) days community service on such terms and in such form as the court shall deem appropriate, or any combination thereof**

ORDINANCE 2024-02
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
AMENDING CHAPTER 139-30 STORMWATER MANAGEMENT

WHEREAS, Chapter 139-30 of the Code of the Borough of Neptune City, which is currently entitled “Stormwater management” establishes certain stormwater requirements and controls; and

WHEREAS, the New Jersey Department of Environmental Protection (the “DEP”) has mandated that municipalities must revise their stormwater control ordinance to comply with the recently amended Stormwater Management rules at N.J.A.C. 7:8 by July 2024; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Neptune City hereby amends Chapter 139-30 to comply with the DEP mandate by replacing the current ordinance Sections 139-30.1 through 139-30.13 with the following:

§ 139-30 Stormwater Control

139-30.1 Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 139-30.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

- i. Non-residential major developments and redevelopment projects; and
- ii. Aspects of residential major developments and redevelopment projects that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Neptune City.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

139-30.2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words

used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

139-30.3 Design and Performance Standards for Stormwater Management

Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

139-30.4 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 139-30.3 above, or alternative designs in accordance with Section 139-30.3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 139-30.4.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in 139-30.4.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

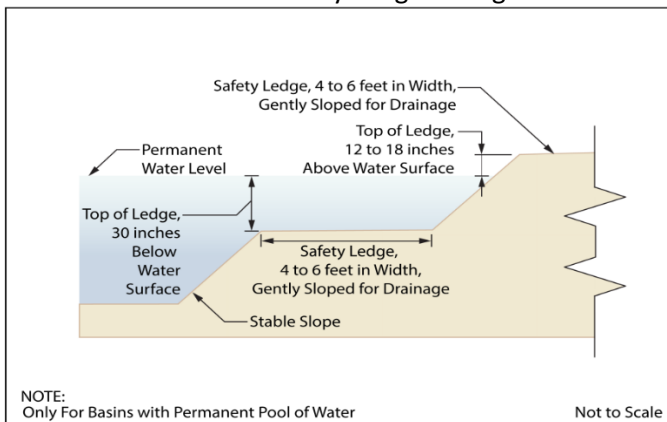
- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.
- Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
 - v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

139-30.5 Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



139-30.6 Requirements for a Site Development Stormwater Plan:

- A. Submission of Site Development Stormwater Plan
 - 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 139-30.6.C below as part of the submission of the application for approval.
 - 2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
 - 3. The applicant shall submit eight (8) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 139-30.6.C of this ordinance
- B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.
- C. Submission of Site Development Stormwater Plan

The following information shall be required:

 - 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section 139-30.3 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 139-30.3 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 139-30.7.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 139-30.6.C.1 through 139-30.6.C.6 of this ordinance when it can be demonstrated that the

information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

139-30.7 Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 139-30.1.C of this ordinance shall comply with the requirements of Section 139-30.7.B and 139-30.7.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
 2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

139-30.8 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties as specified in Article III of Chapter 1, General Provisions of the Code of the Borough of Neptune City entitled "Violations and Penalties".

139-30.9 Severability:

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

139-30.10 Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

14. NEW BUSINESS

A. Ordinance Introduction (rc)

1) Ordinance 2024-03 - An Ordinance of the Borough of Neptune City, Monmouth County, State of New Jersey to Exceed 2024 Budget CAP Appropriations Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14) (First Reading/Introduction) Public Hearing: April 8, 2024

2) Ordinance 2024-04 – Ordinance Authorizing Entry of a Real Estate Purchase and Sale Agreement with Genesis Redevelopment, LLC as the Designated Redeveloper of Block 13, Lot 1 (87 Rosewood Place) within the East Coast Ice Redevelopment Area (First Reading/Introduction) Public Hearing: April 8, 2024

**ORDINANCE 2024-03
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH**

**AN ORDINANCE OF THE BOROUGH OF NEPTUNE CITY MONMOUTH COUNTY, STATE OF NEW JERSEY,
TO EXCEED THE 2024 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Neptune City in the County of Monmouth finds it advisable and necessary to increase its 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$71,556.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Neptune City, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2024 budget year, the final appropriations of the Borough of Neptune City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$71,556.73, and that the 2024 municipal budget for the Borough of Neptune City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

DATE INTRODUCED: March 25, 2024

PUBLIC HEARING: April 8, 2024

106 W. Sylvania Avenue, Neptune City, New Jersey 07753

Visit us at www.neptunecitynj.com and on Facebook at [Borough of Neptune City](#)

ORDINANCE 2024-04
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
ORDINANCE AUTHORIZING ENTRY OF A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH GENESIS REDEVELOPMENT, LLC AS THE DESIGNATED REDEVELOPER OF BLOCK 13, LOT 1 (87 ROSEWOOD PLACE) WITHIN THE EAST COAST ICE HOUSE REDEVELOPMENT AREA

WHEREAS, the Borough of Neptune City (the "**Borough**") is the owner of certain parcels of land located within the East Coast Ice House Redevelopment Plan ("**Redevelopment Plan**") Area, which includes Block 13, Lot 1 (87 Rosewood Place) on the Borough's official tax map (the "**Borough Property**"); and

WHEREAS, the Borough has designated Genesis Redevelopment, LLC (the "**Redeveloper**") as the designated redeveloper of the Borough Property and is entering a Redevelopment Agreement (the "**Redevelopment Agreement**") for the redevelopment of the Borough Property into a commercial use permitted under the Redevelopment Plan (the "**Project**"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(g) the Borough is authorized to "convey property or improvements to any other party . . . without public bidding and at such prices and upon such terms as it deems reasonable, provided that the . . . conveyance is made in conjunction with a redevelopment plan . . ."; and

WHEREAS, in accordance with the Redevelopment Agreement and the Redevelopment Plan (as defined in the Redevelopment Agreement), the Borough has determined that the proposed Real Estate Purchase and Sale Agreement is essential to the development of the Project.

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:

SECTION 1. The above recitals are incorporated by reference as if fully set forth herein.

SECTION 2. The Borough Council hereby accepts and approves the Real Estate Purchase and Sale Agreement for the conveyance of Block 13, Lot 1 to Genesis Redevelopment, LLC as the designated redeveloper of the Property One Dollar (\$1.00), plus all costs associated with the environmental remediation of the Borough Property, and other good and valuable consideration as shall be provided by the Buyer in accordance herewith, subject to the terms of the Redevelopment Agreement.

SECTION 3. The Borough Council hereby authorizes and directs the Mayor or Borough Administrator to execute the Real Estate Purchase and Sale Agreement upon adoption of this Ordinance.

SECTION 4. The Borough Council hereby authorizes and directs the Borough Administrator, Chief Financial Officer, and other Borough employees and agents to take any necessary and appropriate actions to effectuate the implementation of this Ordinance and the Real Estate Purchase and Sale Agreement.

SECTION 5. All ordinances or resolutions of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 7. This Ordinance shall take effect upon final passage, approval and publication in accordance with law.

DATE INTRODUCED: March 25, 2024
PUBLIC HEARING: April 8, 2024

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

- 1) **Resolution 2024-35** - Auth. Payment of the Bills
- 2) **Resolution 2024-36** - Auth. Shared Service Agreement with Bradley Beach for Summer Camp
- 3) **Resolution 2024-37** - Auth. United Fire Company No. 1 (Neptune City Fire Dept.) to Conduct Coin Tosses in 2024
- 4) **Resolution 2024-38** - Auth. Appointment of Public Works Laborer, Full Time (Kulcsar)
- 5) **Resolution 2024-39** - Auth. Appointment of Public Works Laborer, Part Time (Leyh)
- 6) **Resolution 2024-40** - Amend 2024-33 Providing for the Transfer of Funding Between 2023 Current Appropriations Pursuant to N.J.S.A. 40A:4-58

RESOLUTION 2024-35
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 \$89,278.07

Vendor Name	Description	Amount
CLIFFSIDE BODY CORP	undercoat truck body	\$ 1,200.00
FOLEY, INC.	LOADER LIFT CYLINDER REPAIR	\$ 1,179.00
MOTOROLA SOLUTIONS, INC.	MICROPHONES-NCFD	\$ 2,376.00
ALL HANDS FIRE EQUIPMENT	Structural Gloves	\$ 2,999.80
ABB INSTRUMENTATION DIV.	Annual Testing	\$ 954.00
BSN SPORTS	Replacement Equipment	\$ 477.94
HOME DEPOT CREDIT SERVICES	CEILING TILES	\$ 22.91
HOME DEPOT CREDIT SERVICES	CAULK	\$ 22.91
MONMOUTH WIRE & COMPUTER INC	Electronic recycling	\$ 150.00
OPEN SYSTEMS INTEGRATOR, INC	door lock repair FD	\$ 456.00
NJ STATE ASSOC CHIEF OF POLICE	PRE EMPLOYMENT BACKGROUND INV	\$ 299.00
NJ STATE ASSOC CHIEF OF POLICE	PRE EMPLOYMENT BACKGROUND INV	\$ 299.00
NJ STATE ASSOC CHIEF OF POLICE	PRE EMPLOYMENT BACKGROUND INV	\$ 299.00
NJ STATE ASSOC CHIEF OF POLICE	PRE EMPLOYMENT BACKGROUND INV	\$ 299.00
WINNER FORD OF CHERRY HILL	ANTENNA FOR CHIEF'S VEHICLE	\$ 90.12
STAPLES ADVANTAGE	SUPPLIES: ADMIN	\$ 870.69
NJ AMERICAN WATER COMPANY	SERVICE: JAN-FEB 2024	\$ 484.50
SAFE ID CARD SYSTEMS INC.	ID CARD CHAPLAIN FARLEY	\$ 15.00
HIGHWAY EQUIPMENT CO, NJ	SWIVEL PIN FOR KUBOTA TRACTOR	\$ 43.10
HIGHWAY EQUIPMENT CO, NJ	ESTIMATED SHIPPING	\$ 30.00
READY REFRESH, BY NESTLE	SERVICE: FEBRUARY 2024	\$ 298.10
QUADIENT FINANCE USA, INC.	POSTAGE: FEBRUARY 2024	\$ 1,004.96
NJ DEPT HEALTH & SENIOR SERV	DOG LIC FEES: FEBRUARY 2024	\$ 55.20
SCHINDLER ELEVATOR CORP.	MONTHLY PREV MAINT: MARCH 2024	\$ 309.76
SERVICE TIRE TRUCK CENTERS	2 FRONT TIRES 2006 IMPALA 3551	\$ 279.08
SECURALL MONITORING CORP.	SERVICE: MARCH-JUNE 2024	\$ 102.00
THE NEW COASTER, LLC.	PUBLICATION LEGAL NOTICES	\$ 121.60
S&S ASSOCIATES, LLC	CLEANING NCPD: MARCH 2024	\$ 900.00
FIRE SYSTEMS OF NJ, LLC	Back Flow Testing	\$ 405.00
COWLEY'S TERMITE & PEST	SERVICE: JANUARY 2024	\$ 66.00
COWLEY'S TERMITE & PEST	SERVICE: FEBRUARY 2024 CC	\$ 61.95
COWLEY'S TERMITE & PEST	SERVICE: FEBRUARY 2024 CC	\$ 61.95

SEABOARD WELDING SUPPLY	BOTTLE REFILLS	\$ 18.50
AVAKIAN,LEON S INC.	NCPB-23-04 GRIFFITHS #22981	\$ 1,102.50
JARDINE, ALBERT	CELL PHONE ALLOWANCE 2024	\$ 100.00
CANO, HOOVER	CELL PHONE ALLOWANCE 2024	\$ 100.00
VOLLBRECHT, MICHAEL	CELL PHONE ALLOWANCE 2024	\$ 100.00
HELLWIG, KELLY	CELL PHONE ALLOWANCE 2024	\$ 100.00
HARKER, DAN	CELL PHONE ALLOWANCE 2024	\$ 100.00
REYNOLDS,ROBERT SR.	CELL PHONE ALLOWANCE 2024	\$ 50.00
LAUENSTEIN, ERIC	CELL PHONE ALLOWANCE 2024	\$ 35.00
MCGREEVY, RACHEL	CELL PHONE ALLOWANCE: 2024	\$ 100.00
TOWNSHIP OF NEPTUNE	EMS AGREEMENT: FEBRUARY 2024	\$ 7,292.00
HFA CPA & ADVISORS	PROF SERV: 2023 YR END	\$ 8,500.00
HFA CPA & ADVISORS	PROF SERV: 2023 YR END	\$ 4,000.00
JUNGLE LASERS, LLC	CONSTRUCTION MODULE	\$ 5,000.00
BOWMAN, JAY	DJ: ALL STAR BASKETBALL 3-7-24	\$ 350.00
FARRELL, EILEEN	BALLROOM DANCE	\$ 600.00
JCP&L	SERVICE: JANUARY 2024	\$ 2,588.71
JCP&L	SERVICE: JANUARY 2024	\$ 3,331.50
SCHINDLER ELEVATOR CORP.	MONTHLY PREV MAINTENANCE	\$ 296.90
JCP&L	SERVICE: MARCH 2024 SEWERS	\$ 1,204.06
DOLLY SCREEN PRINT & EMBROID	REC ALL STAR BASKETBALL SHIRTS	\$ 271.05
J. SWANTON FUEL OIL COMPANY	DELIVERY: 3-11-2024 #52460	\$ 629.93
CLEARY GIACOBBE ALFIERI JACOBS	TAX APPEAL	\$ 799.00
CLEARY GIACOBBE ALFIERI JACOBS	TAX APPEAL	\$ 136.00
AVAKIAN,LEON S INC.	NCPB: 2020 6TH AVE #25964	\$ 1,170.00
AVAKIAN,LEON S INC.	NCPB: 33 FIFTH CRUZ #25961	\$ 450.00
AVAKIAN,LEON S INC.	NCPB: 94 HILLSIDE BRAUN #25963	\$ 360.00
AVAKIAN,LEON S INC.	TTF-MERRITT/S.WALL/MCCLELLAND	\$ 270.00
AVAKIAN,LEON S INC.	STORMWATER PERMIT/SPP #25960	\$ 390.00
AVAKIAN,LEON S INC.	MCOS ADAMS FIELD #25954	\$ 1,495.00
DE LAGE LANDEN FINANCIAL SERV.	COPIER LEASE: DECEMBER 2023	\$ 659.72
CABLEVISION-MUNICIPAL	SERVICE: MARCH-APRIL 2024	\$ 192.21
DELISA DEMOLITION & DISPOSAL	SERVICE: FEBRUARY 2024	\$ 3,899.75
DELISA DEMOLITION & DISPOSAL	SERVICE: MARCH 2024	\$ 6,772.16
WOODS, DR. EMILY	RABIES CLINIC: 3-15-2024	\$ 200.00
UNITED FIRE CO #1	CLEANING SERVICES: 3-30-24	\$ 150.00
ALLIED OIL	DELIVERY: 3-12-2024 #460175	\$ 9,741.13
COLLINS, VELLA & CASELLO, LLC	PROF SERV: FEBRUARY 2024	\$ 350.00
SHRED-IT USA,LLC	SERVICE: FEBRUAR 2024	\$ 171.38
VOLLBRECHT, MICHAEL	REIMBURSEMENT: 24 SEMESTER	\$ 1,500.00
REALTY DATA SYSTEMS, LLC	ANNUAL INSPECTIONS 2024	\$ 8,468.00
	03/25/2024 Bill List Total:	\$ 89,278.07

RESOLUTION 2024-36
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE A SHARED SERVICE AGREEMENT WITH BRADLEY BEACH FOR SUMMER CAMP

WHEREAS, the Borough of Bradley Beach and the Borough of Neptune City desire a Shared Service Agreement for Recreation Programs; and

WHEREAS, the Borough of Neptune City is desirous of entering into this agreement commencing March 15, 2024; and

WHEREAS, the agreement may be extended to include other Recreation Services and programs; and

WHEREAS, N.J.S.A. 40A:65-11 et seq. permits entering into a Shared Service Agreement.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby enter into a Shared Service Agreement with the Borough of Bradley Beach under the provisions of the agreement as on file in the office of the Municipal Clerk, and

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Municipal Administrator and Mayor to sign the agreement on behalf of the Borough.

RESOLUTION 2024-37
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING UNITED FIRE COMPANY NO. 1 TO CONDUCT COIN TOSSES IN 2024

WHEREAS, the United Fire Company No. 1, Neptune City has requested permission to conduct coin tosses at several times throughout the year 2024 pursuant to Chapter 53 of the Borough Code; and

WHEREAS, the Mayor and Council of the Borough of Neptune City have reviewed the submitted request.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Neptune City do hereby approve the request of United Fire Company No. 1, Neptune City to hold Coin Tosses at the intersection of Brighton Avenue and West Sylvania Avenue on the following dates in 2024:

Saturday, May 18 (8:00 am – 11:00 am);
Thursday, May 23 and Friday, May 24 (4:00 pm – 7:00 pm);
Saturday, May 25 (8:00 am – 11:00 am);
Friday June 14 (4:00 pm – 7:00 pm);
Saturday, June 15 (8:00 am – 11:00 am);
Friday, July 5 (4:00 pm – 7:00 pm);
Saturday, July 6 (8:00 am – 11:00 am);
Thursday, August 29 and Friday, August 30 (4:00 pm – 7:00 pm);
Saturday, August 31 (8:00 am – 11:00 am); and

BE IT FURTHER RESOLVED, that the Coin Tosses will be held off road and as per the rules and regulations of the New Jersey Department of Transportation, and any rain dates will be held within two (2) weeks of original date; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Neptune City Police Department and the Monmouth County Board of Commissioners for review and approval.

**RESOLUTION 2024-38
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE APPOINTMENT OF PUBLIC WORKS LABORER**

WHEREAS, there are Laborer positions open within the Department of Public Works; and

WHEREAS, it is the recommendation of the Borough Administrator, Director of Public Works and Superintendent of Public Works to appoint Chris Kulcsar as a Full Time Public Works Laborer.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Neptune City that Chris Kulcsar is hereby appointed as Public Works Laborer for the Borough of Neptune City effective April 15, 2024; and

BE IT FURTHER RESOLVED that Chris Kulcsar will be compensated at a salary of \$35,000.00 per year as set by the Union Contract.

**RESOLUTION 2024-39
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE APPOINTMENT OF PUBLIC WORKS LABORER**

WHEREAS, there are Laborer positions open within the Department of Public Works; and

WHEREAS, it is the recommendation of the Borough Administrator, Director of Public Works and Superintendent of Public Works to appoint Hunter Leyh as a Part Time Public Works Laborer.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Neptune City that Hunter Leyh is hereby appointed as Part Time Public Works Laborer for the Borough of Neptune City effective April 15, 2024; and

BE IT FURTHER RESOLVED that Hunter Leyh will be compensated at a salary of \$20.00 per year per the salary ordinance.

**RESOLUTION 2024-40
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING RESOLUTION 2024-33 PROVIDING FOR THE TRANSFER OF FUNDING BETWEEN 2023 CURRENT
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, NJSA 40A:4-58 provides for transfers during the last two months of the fiscal year and the first three months of the succeeding year; and

WHEREAS, it has been determined that certain existing 2023 appropriations are not sufficient to meet the needs for the various departments.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Neptune City that there be transferred from the following 2023 current appropriations the sums as set forth after each appropriation respectively:

CURRENT FUND:

From:

Administration - Other Expenses	\$	1,950.00
Municipal Clerk - Other Expenses		9,200.00
Employee Group Insurance		8,500.00
Police - Salaries		10,500.00
Volunteer Ambulance - Other Expenses		8,000.00
Streets and Roads - Salaries		53,850.00
Traffic Lights		2,400.00
Solid Waste - Other Expenses		10,000.00
Vehicle Maintenance - Other Expenses		6,000.00
Building and Grounds - Other Expenses		10,000.00
Community Center - Other Expenses		10,000.00
Library - Salaries		7,000.00
Celebration of Public Events - Other Expenses		850.00
Telephone		9,000.00
	\$	147,250.00

To:

Legal Services - Other Expenses	\$	9,200.00
Engineering - Other Expenses		2,400.00
Police - Other Expenses		10,500.00
Fire Department - Other Expenses		1,950.00
Electricity		850.00
Natural Gas		3,650.00
Fire Hydrants		4,850.00
Neptune Township EMS		9,850.00
Condo Services Act		104,000.00
	\$	147,250.00

C. Resolution for Separate Consideration (rc)

1) Resolution 2024-41 – Auth. Execution of a Redevelopment Agreement Regarding the Redevelopment of Certain Properties Identified as Block 18, Lot 1 and Block 13, Lot 1 within the East Coast Ice Redevelopment Area

**RESOLUTION 2024-41
BOROUGH OF NEPTUNE CITY**

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT REGARDING THE REDEVELOPMENT OF CERTAIN PROPERTIES IDENTIFIED AS BLOCK 18, LOT 1 AND BLOCK 13, LOT 1 WITHIN THE EAST COAST ICE REDEVELOPMENT AREA

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

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

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

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

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

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

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

WHEREAS, Redeveloper is the contract purchaser of Block 18, Lot 1 (96 Laird Avenue) and wishes to purchase Block 13, Lot 1 (87 Rosewood Place) from the Borough for the Project (as defined below); and

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

WHEREAS, on April 25, 2022, pursuant to Ordinance No. 2022-06, the governing body adopted the East Coast Ice Redevelopment Plan (the “**Redevelopment Plan**”), which Redevelopment Plan was further amended on August 28, 2023 pursuant Ordinance 2023-09; and

WHEREAS, consistent with the Redevelopment Plan, Genesis Redevelopment, LLC (the “**Redeveloper**”) intends to redevelop the Project Site into seven townhouse units with parking on Block 18, Lot 1, develop a self-storage facility on Block 13, Lot 1, and rehabilitate the Laird Avenue Park (the “**Project**”); and

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

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

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The terms and conditions contained in the Redevelopment Agreement by and between the Borough of Neptune City and Redeveloper are hereby accepted and approved.

3. The Mayor or Borough Administrator are hereby authorized and directed to execute the Redevelopment Agreement, substantially in the form attached hereto and made part hereof, immediately upon adoption of this Resolution by the governing body.
4. Upon the adoption of this Resolution and the Redeveloper's execution of the Redevelopment Agreement, the Redeveloper shall be deemed the designated Redeveloper of Block 18, Lot 1 and Block 13, Lot 1 for all purposes under the LRHL.
5. All prior resolutions, or parts thereof, that are inconsistent with this Resolution are repealed to the extent of such inconsistency.
6. This Resolution shall become effective immediately pursuant to law.

D. Budget Resolution (rc)

1) Resolution 2024-42– Approving Introduction of Municipal Budget for the Year 2024 – *Public Hearing April 22, 2024*

**RESOLUTION 2024-42
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
APPROVING INTRODUCTION OF MUNICIPAL BUDGET FOR THE YEAR 2024**

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2024; and

BE IT FURTHER RESOLVED that said budget be published in The Coaster in the issue of April 4, 2024. The Governing Body of the Borough of Neptune City does hereby approve the following as the budget for the year 2024.

NOTICE IS HEREBY given that the Budget and Tax Resolution was approved by the Council Members of the Borough of Neptune City, County of Monmouth, March 25, 2024.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on April 22, 2024 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.