



**Borough of Neptune City**  
**Regular Meeting of the Mayor and Council**  
**Agenda**  
**Monday, December 11, 2023 at 7:00 pm**

*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.*

**1. CALL TO ORDER**

Roll Call  
Open Public Meetings Act Statement  
Flag Salute

**2. CLOSED SESSION – None**

**3. RECEIPT OF MINUTES *(vv)***

**A. Regular Meeting and Closed Session Minutes 11/27/2023**

**4. RECEIPT OF COMMUNICATIONS *(vv)***

- A. Sidley** – Notice of Hearing on Appeal or Application, Neptune City Land Use Board
- B. NJLM** - Invitation to Attend an Orientation for Municipal Officials Newly Elected, Re-elected or Experienced
- C. NJLM** – Budgeting for the Elected Official
- D. Sidley** – Notice of Hearing on Appeal or Application, Neptune City Land Use Board
- E. Neptune City Police Department** – Monthly Activity Report, October 2023

**5. PRESENTATIONS**

**6. MAYOR'S REPORT - Mayor Wardell**

**7. COUNCIL REPORTS**

**ADMINISTRATION & FINANCE** - Council President Brian Thomas  
**SPECIAL SERVICES** - Councilmember Scott Dellett  
**ADMINISTRATION & JUSTICE** - Councilmember Dana Farley  
**LAW & ORDINANCE** - Councilmember Glen Kocsis  
**PUBLIC WORKS** - Councilwoman Danielle Pappas  
**HUMAN SERVICES** - Councilmember Pamela Renee

**8. ADMINISTRATOR'S REPORT - Administrator Jardine**

**9. PUBLIC COMMENTS ON AGENDA ITEMS - *There will be a four minute per person limit on all public comments.***

**10. UNFINISHED BUSINESS**

**A. ORDINANCE ADOPTION - *(rc)***

- 1) Ordinance 2023-15** - Amending Chapter 39 of the Borough Code, Section 5 Entitled License Fees – *Public Hearing/Adoption*
- 2) Ordinance 2023-16** - Amending Chapter 24 of the Borough Code, Article IV Special Duty Assignments, Section 22 Cancelled Assignments – *Public Hearing/Adoption*

- 3) **Ordinance 2023-17 - Amending Chapter 97 of the Borough Code, Article V Curfew, Section 12 Curfew for Minors**  
– *Public Hearing/Adoption*
- 4) **Ordinance 2023-18 – Amending Chapter 102 of the Borough Code, to Add Article XII Regulating Privately-Owned Salt Storage – Public Hearing/Adoption**

**B. RESOLUTIONS - (rc)**

- 1) **Resolution 2023-85** - 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 (**Tabled from 8/28/2023; to be considered 12/11/23**)

**11. NEW BUSINESS**

**A. ORDINANCE INTRODUCTION - (rc)**

- 1) **Ordinance 2023-19** – Amending Chapter 62, Fees of the Borough Code, Articles I, II and IV (*First Reading/Introduction*) Public Hearing 12/26/2023
- 2) **Ordinance 2023-20** – Amending Chapter 6 of the Borough Code Entitled “Municipal Administrator”, Subsection 2 “Term of Office” and Subsection 3 “Appointment” (*First Reading/Introduction*) Public Hearing 12/26/2023
- 3) **Ordinance 2023-21** - Amending Article V, Chapter 18 of the Borough Code Entitled “Director of Public Works”, Subsection 24 “Appointment” and Subsection 25 “Term of Office” (*First Reading/Introduction*) Public Hearing 12/26/2023
- 4) **Ordinance 2023-22** - Amending Chapter 64 of the Borough Code Entitled “Fire Prevention” (*First Reading/Introduction*) Public Hearing 12/26/2023
- 5) **Ordinance 2023-23** - Amending Chapter 79 of the Borough Code “Licensed Occupations”, Section 4 “License Fees” (*First Reading/Introduction*) Public Hearing 12/26/2023
- 6) **Ordinance 2023-24** - Auth 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 (*First Reading/Introduction*) Public Hearing 12/26/2023

**B. CONSENT AGENDA RESOLUTIONS - (rc)**

*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.*

- 1) **Resolution 2023-124** - Auth. Payment of the Bills
- 2) **Resolution 2023-125** - Auth. The Refund of an Application Fee
- 3) **Resolution 2023-126** - Auth. The Refund of an Application Fee
- 4) **Resolution 2023-127** - Auth. A Refund of a Construction Permit Application Fee
- 5) **Resolution 2023-128** - Auth. Appointment of Crossing Guard
- 6) **Resolution 2023-129** - Auth. the Acceptance and Execution of an Agreement for a Mako Breathing Air Compressor for Use by the Fire Department.

12. **PUBLIC PARTICIPATION** - *There will be a four minute per person limit on all public comments.*

13. **CLOSED SESSION** – None

14. **ADJOURN**

**The Final Council Meeting for 2023 will be held  
at 7:00 pm on TUESDAY, December 26, 2023 at Borough Hall**

**UNFINISHED BUSINESS**

**A. ORDINANCE ADOPTION** *(rc)*

- 1) **Ordinance 2023-15 - Amending Chapter 39 of the Borough Code, Section 5 Entitled License Fees – Public Hearing/Adoption**
- 2) **Ordinance 2023-16 - Amending Chapter 24 of the Borough Code, Article IV Special Duty Assignments, Section 22 Cancelled Assignments – Public Hearing/Adoption**
- 3) **Ordinance 2023-17 - Amending Chapter 97 of the Borough Code, Article V Curfew, Section 12 Curfew for Minors - – Public Hearing/Adoption**
- 4) **Ordinance 2023-18 – Amending Chapter 102 of the Borough Code, to Add Article XII Regulating Privately-Owned Salt Storage – Public Hearing/Adoption**

**ORDINANCE 2023-15  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING CHAPTER 39 OF THE BOROUGH CODE, SECTION 5 ENTITLED LICENSE FEES**

**WHEREAS**, the Administrator and Borough Clerk have recommended fee increases to the fees for alcoholic beverage plenary retail consumption licenses and plenary retail distribution licenses; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to increase the fees.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 39, § 39-5 License fees 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

§ 39-5 License fees.

- A. Plenary retail consumption license. The annual license fee for a plenary retail consumption license shall be the sum of ~~\$1,400~~ **2,500.00**.
- B. Plenary retail distribution license. The annual license fee for a plenary retail distribution license shall be the sum of ~~\$720~~ **1,400.00**.

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

This Ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE 2023-16  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING CHAPTER 24 OF THE BOROUGH CODE, ARTICLE IV SPECIAL DUTY ASSIGNMENTS, SECTION 22 CANCELLED ASSIGNMENTS**

**WHEREAS**, the Chief of Police and Borough Administrator have recommended a correction to the Borough Code to bring the Code inline with current Borough requirements for the cancellation of Officers requested for Special Duty Assignments; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to make such amendments.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 25, Article IV, §24-22 "Cancelled Assignments" 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

§ 24-22 Cancelled assignments.

In the event cancellation is necessary (due to weather, etc.) with less than ~~three~~ **four** hours advance notice, the contractor shall pay the Borough a sum equal to ~~three~~ **four** hours per scheduled number of officers multiplied by the rate set forth for such officers in the agreement for special duty assignment.

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extend of such conflict or inconsistency.
- B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

This Ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE 2023-17**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH**

**AMENDING CHAPTER 97 OF THE BOROUGH CODE, ARTICLE V CURFEW, SECTION 12 CURFEW FOR MINORS**

**WHEREAS**, the Chief of Police and Borough Administrator have recommended to amend the Borough Code for safety and to protect the best interest of the residents; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to make such amendments.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 97, Article V, §97-12 "Curfew for Minors" 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

§ 97-12 Curfew for minors.

It shall be unlawful for any persons 17 or less years of age to be or remain in or upon the streets within the period ending at 6:00 a.m. and beginning:

- A. At 9:30 p.m., for minors 13 years of age and under; and
- B. At 11:00 p.m. for minors 14 or more years of age.

**1) Except on October 30 and October 31 each year, for which the curfew will be established for any minors under the age of 17 beginning at 8:00 pm and ending at 6:00 am prevailing time**

- C. In addition, it shall be unlawful for any parent or guardian to allow or permit any minor to be in or upon any public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places, within the confines of the Borough at any hour in which said minor's school is in session, unless such minor has been officially excused (excluding suspension and expulsion) from attendance at such school by school authorities.
- D. Similarly, it shall be unlawful for any owner, operator or employee of an establishment to knowingly allow or permit any minor to remain in or upon such establishment at any time during the hours in which such minor's school is in session unless such child has been officially excused (excluding suspension and expulsion from attendance at such school by school authorities.)

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

This Ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE 2023-18**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH**

**AMENDING CHAPTER 102 OF THE BOROUGH CODE, TO ADD ARTICLE XII REGULATING PRIVATELY-OWNED SALT STORAGE**

**WHEREAS**, one of new requirements of the NJDEP Stormwater Discharge Master General Permit Renewal is for all Tier A municipalities to adopt and enforce a NJDEP approved Privately-Owned Salt Storage ordinance;

**WHEREAS**, the Governing Body of the Borough of Neptune City is desirous of renewing NJDEP Stormwater Discharge Master General Permit for Tier A Municipalities, and of following NJDEP guidelines and regulations.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, that Chapter 102 of the Borough Code be Amended to Add Article XII Regulating Privately Owned Salt Storage as follows:

**§102-75 Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Neptune City Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§102-76 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 Chapter clearly demonstrates a different meaning. When consistent 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.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
  - A fabric frame structure is a permanent structure if it meets the following specifications:
    - 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
    - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
    - 3. The structure shall be erected on an impermeable slab;
    - 4. The structure cannot be open sided; and
    - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

**§102-77 Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;

- b. The cover shall extend to the base of the pile(s);
- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
  - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
- 5. Containers must be sealed when not in use; and
- 6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The Borough of Neptune City requires that all such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**§102-78 Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**§102-79 Enforcement:**

This ordinance shall be enforced by Code Enforcement, the Department of Public Works, the Police Department and/or other Municipal Officials of Neptune City Borough during the course of ordinary enforcement duties.

**§102-80 Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to the penalties set forth in Chapter 1, Article III of this Code.

**BE IT FUTHER RESOLVED**

- A. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and 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;
- B. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.



**B. RESOLUTIONS**

- 1) **Resolution 2023-85** - 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 (**tabled from 8/28/2023; to be considered 12/11/2023**)

**RESOLUTION 2023-85****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**, 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 to 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.

**10. NEW BUSINESS****A. ORDINANCE INTRODUCTION** *(rc)*

- 1) Ordinance 2023-19** – Amending Chapter 62, Fees of the Borough Code, Articles I, II and IV *(First Reading/Introduction)* Public Hearing 12/26/2023
- 2) Ordinance 2023-20** – Amending Chapter 6 of the Borough Code Entitled “Municipal Administrator”, Subsection 2 “Term of Office” and Subsection 3 “Appointment” *(First Reading/Introduction)* Public Hearing 12/26/2023
- 3) Ordinance 2023-21** - Amending Article V, Chapter 18 of the Borough Code Entitled “Director of Public Works”, Subsection 24 “Appointment” and Subsection 25 “Term of Office” *(First Reading/Introduction)* Public Hearing 12/26/2023
- 4) Ordinance 2023-22** - Amending Chapter 64 of the Borough Code Entitled “Fire Prevention” *(First Reading/Introduction)* Public Hearing 12/26/2023
- 5) Ordinance 2023-23** - Amending Chapter 79 of the Borough Code “Licensed Occupations”, Section 4 “License Fees” *(First Reading/Introduction)* Public Hearing 12/26/2023
- 6) Ordinance 2023-24** - Auth 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 *(First Reading/Introduction)* Public Hearing 12/26/2023

**ORDINANCE 2023-19  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING CHAPTER 62, FEES OF THE BOROUGH CODE, ARTICLES I, II AND IV**

**WHEREAS**, the Administrator, Recreation Director and Zoning Officer have recommended fee increases to various rental uses and application fees to allow for maintenance, upkeep and processing without an additional burden to all taxpayers; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to ensure that its recreational programs are financially sound and facilities are properly cared for and maintained;

**WHEREAS**, the Borough Council believes it is further in the best interest of its residents to ensure that application by one resident does not cause an undue burden upon other residents.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 62 of the Borough Code 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

Article I - Records and Reports; Fingerprinting; Municipal Equipment

§ 62-2 Schedule of fees.

The following schedule of fees shall be charged from and after the effective date of this chapter:

(14) Zoning permit: fee of ~~\$20~~ **50 for single or two-family residential uses, and \$100 for all other property uses** paid to the Borough of Neptune City. **There shall be a resubmittal fee of \$25.00 per resubmission of a zoning permit.**

(19) Use of municipal trucks, when available shall be as follows:

A deposit shall be given to the Borough Clerk in the amount of ~~\$250~~ **300** of which ~~\$50~~ **100** shall be a nonrefundable fee and \$200 shall be applied to payment of the Reclamation Center tipping fees assessed; the homeowner shall receive a refund of any part of said \$200 not required to satisfy said tipping fees and shall be obligated to pay any tipping fees in excess of said \$200. Any excess fee not paid within 10 days shall be added to the homeowner's current tax bill and become a lien on the homeowner's property and shall be collectible as in the case of municipal taxes, charges and liens.

(20) Purchase of 30-gallon containers for recycling by residents: ~~\$6~~ **10** per container; **purchase of 50-gallon containers for recycling by residents \$15.**

(22) Returned checks and other written instruments returned to the Borough of Neptune City for insufficient funds: a service charge of ~~\$25~~ **20** each to be added to any account owed to the municipality.

§ 62-3 Waiver of fees.

A. In the case of federal, state and local governments, no fees shall be charged.

**(1) In the case of Local Public School Districts local municipal fees may be waived at the discretion of the Borough Mayor and Council, and/or Department Director in conjunction with the Mayor or Borough Administrator**

B. In the case of nonprofit, charitable or religious organizations, the Borough Mayor and Council, **Borough Administrator or Department Director in conjunction with the Mayor or Borough Administrator** may ~~by resolution~~ waive any fees.

VOLUNTEER

(4) Benefits. Every certified member in good standing of the Volunteer Fire Company or First Aid Squad shall be entitled to the following benefits from the borough:

Exemption from the payment of any Borough of Neptune City fees for Certificate of Inspection fees, **local** construction fees and application fees for the Planning Board or the Board of Adjustment up to a maximum of \$300 per year, provided the fee or charge is for the personal and nonprofit use of such member in good standing. Where fees include monies payable to the state and/or county, only the municipal portion of these fees may be waived.

Article II - Neptune City Community Center and Recreational Facilities

§ 62-4 Registration and Rental Fees.

C. ~~A Neptune City based organization having members that are residents of Neptune City and which has been designated as a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code shall be exempt from having to pay a rental fee for the use of the Neptune City Community Center. There shall be a maximum of 12 exemptions per year per nonprofit organization.~~

**Applications shall be accompanied by a separate refundable deposit payment made as follows:**

- (1) \$250 for use of Community Center Multipurpose Room or gym individually per application**
- (2) \$400 for use of Full Community Center per application**
- (3) \$150 for use of Memorial Park Pavilion Area Only, and Pavilion and Bocce Courts per application**
- (4) \$25.00 for use of Memorial Park Gazebo Area per application**
- (5) \$100.00 for use of all areas of Adams Field per application**

- D. A rental fee of ~~\$60~~ **75** per hour for residents and ~~\$100~~ **125** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the multipurpose room of the Neptune City Community Center when the Center is open.
- E. A rental fee of ~~\$60~~ **75** per hour for residents and ~~\$100~~ **125** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the gym of the Neptune City Community Center when the Center is open.
- F. A rental fee of ~~\$100~~ **150** per hour for residents and ~~\$150~~ **200** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the multipurpose room of the Neptune City Community Center when the Center is closed.
- G. A rental fee of ~~\$80~~ **100** per hour for residents and ~~\$120~~ **150** per hour for nonresidents shall be paid to the Borough of Neptune City for the use of the gym of the Neptune City Community Center when the Center is closed.
- H. A rental fee of ~~\$180~~ **250** per hour for residents and ~~\$250~~ **350** an hour for nonresidents shall be paid to the Borough of Neptune City for the use of all of the above rooms of the Neptune City Community Center when the Center is closed.
- J. ~~A 25% discount shall apply for all rentals by an individual after that same individual has paid for six rentals, in accordance with this article, within a calendar year.~~

**Applications must include an event description, the anticipated number of participants, and a certificate of insurance naming the Borough of Neptune City as an additional insured, the purpose of use must be approved by the appropriate Department in conjunction with (as needed or required) the Borough Administrator, Code Department and Police Department. If the indicated anticipated number of participants, is deemed to exceed the staffing capabilities additional payment will be required as will be determined by the type of staffing needed (including, but not limited to, Community Center Staff, Fire Prevention, Code Enforcement, Administrative, and Police).**

- (1) Applicants must agree that they shall assume responsibility for the orderly and careful use of the facility for which they are seeking approval.**
- (2) Applicants must agree to indemnify and hold the Borough harmless from any and all claims, injuries and/or damages arising out of the permitted use of the facility and must furnish evidence of adequate liability insurance coverage of a minimum of \$1,000,000 per person, incident and for property damage with such Certificate of Insurance clearly naming the Borough of Neptune City as additionally insured for the period of time which the permit is being issued.**
- (3) Applicants agree they will not sublet or assign any permitted facility. Only the individuals or organizations making reservations for the fields or facilities may use them for the stated time on their permit. Any unauthorized subletting or assignment will result in the immediate forfeiture of the individual or organization's permit.**
- (4) The Borough shall not discriminate in making any of its facilities available on the basis of race, color, national origin, religion, sex, sexual orientation, age, physical limitation, or any other protected class under applicable law**
- (5) The issuance of a facility use permit to a user group shall not constitute or imply in any way an endorsement by the Borough of the user group's aims, policies, or activities, and a user group hereby agrees to not imply such Borough's endorsement in any of its advertisements or announcements.**
- (6) The Borough Administrator, Governing Body, Recreation Director and any other personnel deemed appropriate shall deny any permit application if they determine that the applicant fails to satisfy any of the applicable requirements or if a user group has not paid permit fees in a timely fashion. The Borough further maintains the Borough Mayor and Council, Borough Administrator or Department Director in conjunction with the Mayor or Borough Administrator may waive any fees as deemed in the best interest of the Borough and its residents.**

## L. Rentals of recreational facilities.

## (1) Memorial Park:

- (a) Borough residents shall pay a rental fee of ~~\$100~~ **75 an hour for up to five hours** for use of **a designated portion/section of** Memorial Park with a \$100 refundable deposit.

- (b) Nonresidents of the Borough shall pay a rental fee of ~~\$200~~ **150 an hour for up to five hours** for use of a **designated portion/section of** Memorial Park with a \$100 refundable deposit.
- (c) Borough residents shall pay a rental fee of \$200 per day (7:00am – sunset) for use of the Bocce Courts**
- (d) Nonresidents shall pay a rental fee of \$350 per day (7:00am – sunset) for use of the Bocce Courts**
- (i). During all rentals, the bathrooms located at the Memorial Park Pavilion are open to the public.**
- (2) Memorial Park kayak racks:
- (a) Borough residents shall pay an ~~annual~~ rental fee of \$100 to rent a space on the kayak rack. Registration shall open to Borough residents ~~immediately upon passage of this ordinance and thereafter shall open on March 1~~ **February 1** of each year, **with payment being required by March 1, to avoid forfeiting the space.**
- (b) Nonresidents of the Borough shall pay an annual rental fee of \$150 to rent a space on the kayak rack. Registration ~~shall open to nonresidents of the Borough 45 calendar days following the passage of this ordinance and thereafter shall open on April 15 of each year~~ **to the waitlist (in order received) on April 15 of each year.**
- (c) All kayaks and/or paddleboards stored in the Borough's storage rack must be removed no later than November 15 each year, and may be returned to the Borough's storage rack only upon renewal of a successor Agreement and receipt of full payment by the Borough prior to March 1 of the next year. Removal may be waived at the discretion of the Department of Public Works.**
- (d) Any kayak and/or paddleboard that is not removed from the Borough's storage rack by November 15, may be removed by the Borough and placed in storage. Renters may be subject to nonrenewal of their kayak rack space the next year. Per the annual agreement, the Borough of Neptune City, their Regents, officers, agents, and employees are indemnified and held harmless from any liability, loss, or damage that may be suffered or occur as a result renting a space at the Memorial Park kayak rack.**
- (3) Memorial Park gazebo:
- (a) Rental of gazebo will include a refundable deposit of \$25 and a ~~\$25~~ **50** permit fee for a two-hour rental shall be paid to the Borough of Neptune City.
- (4) Adams Field:
- (a) A rental fee of \$50 per game, per field, shall be paid to the Borough of Neptune City.
- i. A rental fee of \$25 per practice, per field, shall be paid to the Borough of Neptune City.**
- (b) A rental fee of ~~\$150~~ **200** shall be paid to the Borough of Neptune City to rent a ball field for one day.
- (5) No fee shall be charged for use of any recreation facility or equipment for programs run **or sponsored** by the Borough of Neptune City or the Neptune City Recreation Committee. The Borough maintains discretion regarding fees collected for use of Borough facilities as the

#### Article III - Hazardous Materials Collection and Disposal

##### § 62-5 Fees relative to hazardous materials collection and disposal.

- (30) Police vehicle: ~~\$20 per hour~~ **100 per day per car**

#### Article IV - Property Maintenance

##### § 62-6 Certificate of inspection; certificate of occupancy; certificate of reoccupancy.

- A. Certificate of inspection - Fees for inspection and reinspection. The owner of the property to be sold or leased shall be charged a fee of ~~\$50~~ **60** for the initial inspection and the issuance of the aforesaid certificate for each separate ~~structure~~, residential or nonresidential **unit**, inspected for the aforesaid purpose. There shall be a fee of ~~\$25~~ **35** for each separate ~~structure~~, residential or nonresidential **unit**, for which a reinspection may be required. The aforesaid fees shall be paid to the borough prior to the aforesaid inspection or reinspection. In addition, any person to whom a certificate of inspection has been issued may request an updated certificate of inspection upon payment of a fee of \$20.
- (1) The owner applicant is responsible for submitting a completed Landlord registration form which shall include Meghan's Law Certification and a Copy of Proof of Limited Liability Insurance and payment for lead inspection for structures older than 1978**
- B. Fees for certificates of occupancy. The fee for a certificate of occupancy ~~pursuant to Section 102-23~~ shall be \$40 **60**.
- C. Fees for certificates of continued occupancy. The fee for a certificate of continued ~~occupancy pursuant to Section 102-24~~ shall be \$10 **20**.

#### Chapter 95 Parks and Playgrounds

##### § 95-6 Permits required for groups.

~~A. A permit issued by the Borough Clerk will be necessary for any group or organization of 10 or more in number desiring to use the park facilities for picnic purposes and/or for any playground. Such permit shall be displayed upon the request of any police officer. No alcoholic beverages shall be sold, given away or consumed by members of such group or organization while using any park area, except as may be authorized in the permit by the Borough Clerk and, where necessary, approval has been granted by the State Alcoholic Beverage Commission and the Borough Police Department. There shall be a charge of \$100 for the use of the park or playground facilities for up to a maximum of five hours. There will be a deposit of \$100 for nonresidents for each day of use required at the time application for the permit is filed by the organization or group and this sum shall be refunded upon inspection of the premises by the Department of Public Works after the event and finding that the premises have been left clean of trash and debris. Any such application shall be filed with the Borough Clerk no later than 48 hours before the day requested by such groups. Such permit authorizing a person or organization to use any of the parks and/or playgrounds may be granted, upon application to the Borough Clerk or the Clerk's designee by written approval. All conditions of the permit approval may be adhered to, and any violation of the terms and conditions, rules and regulations or falsifications shall constitute grounds for its revocation by the Borough Clerk or the Clerk's designee.~~

**See Chapter 62, Article II - Neptune City Community Center and Recreational Facilities of the Borough Code for permit fees and requirements**

**BE IT FURTHER ORDAINED,** that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

This Ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE 2023-20**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH**

**AMENDING CHAPTER 6 OF THE BOROUGH CODE ENTITLED "MUNICIPAL ADMINISTRATOR," SUBSECTION 2 "TERM OF OFFICE" AND SUBSECTION 3 "APPOINTMENT"**

**WHEREAS**, in accordance with N.J.S.A. 40A:9-136 *et seq.*, the Mayor and Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, wish to modify the appointment of and term of office of the Municipal Administrator.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 6, §§ 6-2 and 6-3 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

§ 6-2 Term of office.

~~The term of office shall be for one year with the advice and consent of the Borough Council.~~ **The Municipal Administrator shall hold office at the pleasure of the Council. The Municipal Administrator may be removed at any time by two-thirds vote of the Council. The resolution of removal shall become effective three (3) months after its adoption by the Council. The Council may provide, however, that the resolution shall have immediate effect, provided that the Municipal Administrator shall be paid his/her salary for the three (3) months following the date of the resolution.**

§ 6-3 Appointment.

~~The Municipal Administrator shall be appointed by the Mayor and with the advice and consent of Borough Council, at the annual reorganization meeting of the governing body. The initial appointment to this position shall be made upon the effective date of this chapter.~~

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
  - B. If any provisions of this Chapter are held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- This Ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE 2023-21  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING ARTICLE V, CHAPTER 18 OF THE BOROUGH CODE ENTITLED "DIRECTOR OF PUBLIC WORKS," SUBSECTION 24 "APPOINTMENT" AND SUBSECTION 25 "TERM OF OFFICE"**

**WHEREAS**, the Mayor and Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, wish to modify the appointment of and term of office of the Director of Public Works.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Article V, Chapter 18, §§ 18-24 and 18-25 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

§ 6-2 Appointment.

The Director of Public Works shall be appointed by the Mayor with the advice and consent of the Borough Council, ~~at the annual reorganization meeting of the Governing Body. The initial appointment to this position shall be made upon the effective date of this Article.~~

§ 6-3 Term of office.

The ~~term of office of the~~ Director of Public Works shall **serve at the pleasure of the Borough Council**, ~~be for a period of one year from the date of said appointment by the Mayor with said advice and consent of the Borough Council unless he~~ has obtained tenure as provided in Section 18-28 hereof.

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
  - B. If any provisions of this Chapter are held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- This Ordinance shall take effect upon its passage and publication as required by law.



**ORDINANCE 2023-22  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING CHAPTER 64 OF THE BOROUGH CODE ENTITLED "FIRE PREVENTION"**

**WHEREAS**, the Fire Prevention Office and Administrator of the Borough of Neptune City, County of Monmouth, State of New Jersey, have determined amendments are needed for Chapter 64 of the Borough Code, Entitled "Fire Prevention"; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, wish to make such amendments as advised.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that Chapter 64 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

§ 64-2 Agency designation.

The local enforcing agency shall be the Bureau of Fire Prevention of the ~~United Fire Co. #1 Neptune City~~ **Borough of Neptune City.**

§ 64-5 Organization.

The local enforcing agency established by Section 64-2 ~~shall be a part of the United Fire Co. #1 and shall be under the direct supervision and control of the~~ **Borough Administrator and State** Fire Marshal, who will report directly to the **Council** Fire Commissioner, the Borough Administrator, **and any required Local, County, or State Agencies** and the ~~United Fire Co. #1 Fire Prevention Advisory Committee, under the jurisdiction of the Mayor and Council.~~

§ 64-6 Appointments; terms of office; removal.

- A. The local enforcing agency shall be under the supervision of the Fire Marshal who shall be appointed by the Mayor and confirmed by Resolution of the Council of the Borough of Neptune City. ~~The United Fire Co. #1 Fire Prevention Advisory Committee shall provide to the Mayor and Council the names of applicants for the position of Fire Marshal and the United Fire Co. #1 Neptune City Fire Prevention Advisory Committee shall agree upon the applicants.~~
- D. The Fire Marshal, Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and Council of the Borough of Neptune City for inefficiency, misconduct or other good cause. Each employee to be so removed shall be afforded an opportunity to be heard by the Mayor and Council ~~and the United Fire Co. #1 Fire Prevention Advisory Committee.~~

§ 64-8 Additional required inspections and fees.

In addition to the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required (for non-life hazards). **Initial application fees shall be \$75.00**

A. Annual inspections of all Commercial buildings:

Square Footage	Fee
Up to 2,500	\$ 50
2,501-5,000	\$ 75
5,001-7,500	\$100
7,501-10,000	\$125
10,001-15,000	\$150
15,001-20,000	\$175

Measurements shall be the exterior of the building and shall include the total square footage of all occupied areas of all floors.

Building Common Areas           \$75 per building

B. Multiple Family Dwellings:

Units	Fee
1-10 units	\$ 75
11-29 units	\$100
over 30 units	\$150

**C. Fire Prevention Fees are due by the first of January; if not paid within ninety (90) days a late fee equal to the amount of the original fee owed will be charged.**

**ORDINANCE 2023-23  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH**

**AMENDING CHAPTER 79 "LICENSED OCCUPATIONS" OF THE BOROUGH CODE, SECTION 4 "LICENSE FEES"**

**WHEREAS**, the Administrator and Code Enforcement Officer have recommended amendments to the Sign Regulations as enumerated in the Borough Code; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to approve these amendments.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Neptune City, County of Monmouth, State of New Jersey that it hereby amends Chapter 139-50 "Sign Regulations" as follows:

Deletions are noted by ~~strike throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

§ 79-4 License Fees

**B. Mercantile Fees are due by the first of January; if not paid within ninety (90) days a late fee of \$50.00 will be charged.**

**ORDINANCE 2023-24  
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 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.

**B. CONSENT AGENDA RESOLUTIONS**

*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.*

- 1) **Resolution 2023-124** - Auth. Payment of the Bills
- 2) **Resolution 2023-125** - Auth. The Refund of an Application Fee
- 3) **Resolution 2023-126** - Auth. The Refund of an Application Fee
- 4) **Resolution 2023-127** - Auth. A Refund of a Construction Permit Application Fee
- 5) **Resolution 2023-128** - Auth. Appointment of Crossing Guard
- 6) **Resolution 2023-129** - Auth. the Acceptance and Execution of an Agreement for a Mako Breathing Air Compressor for Use by the Fire Department.

**RESOLUTION 2023-124**  
**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 \$441,565.61

Vendor Name	Description	Amount
JOSEPH, BELANCIA	COMM CNTR RENTAL DEP: 11-18-23	\$ 150.00
J.R. HENDERSON LABS, INC.	water testing	\$ 630.00
COOPER ELECTRIC SUPPLY CO.	GENERATOR REPAIR	\$ 1,514.82
PERRY, LATOYA	COMM CNTR RENTAL: 12-2-2023	\$ 150.00
BIG FROG CUST TSHIRT MON CNTY	CLOTHING ALLOWANCE: W. EDWARDS	\$ 575.00
SERVICE TIRE TRUCK CENTERS	rims for front end loader	\$ 6,807.00
GEAR WASH	Turnout gear repair	\$ 406.10
ACTION UNIFORM CO.	KIM UNIFORM	\$ 196.00
MONMOUTH COUNTY POLICE ACADEMY	BATON, HANDCUFFING 7/17-21	\$ 50.00
LORCO PETROLEUM SERVICES	WASTE MOTOR OIL RECYCLING	\$ 150.00
WITMER PUBLIC SAFETY GROUP	OEM SUPPLIES	\$ 1,584.96
WITMER PUBLIC SAFETY GROUP	OEM SUPPLIES	\$ 288.00
GRAINGER, W.W.INC.	FURNITURE-NCPD	\$ 2,631.00
GRAINGER, W.W.INC.	FURNITURE-NCPD	\$ 1,999.30
GRAINGER, W.W.INC.	FURNITURE-NCPD	\$ 275.76
SMITH, KANIKA	TRUCK RENTAL: 11-17-2023	\$ 39.24
JOHN GUIRE SUPPLY, LLC	hedge trimmer, chain saw blade	\$ 800.92
TIMMERMAN EQUIPMENT	SWEEPER BROOM	\$ 1,822.20
TIMMERMAN EQUIPMENT	LEAF MACHINE HOSE	\$ 1,347.78
TIMMERMAN EQUIPMENT	LEAF MACHINE IMPELLER	\$ 1,598.01
TIMMERMAN EQUIPMENT	LEAF MACHINE LINER	\$ 550.80
STAPLES ADVANTAGE	OFFICE SUPPLIES-CALENDARS	\$ 78.27
DEMCO	SUPPLIES: NC LIBRARY	\$ 64.26
MON COUNTY BOARD OF TAXATION	2023 MOD-IV RECORDS ACCESS FEE	\$ 619.01
NJ STATE LEAGUE MUNICIPALITIES	MEMBERSHIP DUES: 2024	\$ 600.00
TRUGREEN COMMERCIAL	SERVICE: NOVEMBER 2023	\$ 653.00
TRUGREEN COMMERCIAL	SERVICE: NOVEMBER 2023	\$ 653.00
TRUGREEN COMMERCIAL	SERVICE: NOVEMBER 2023	\$ 236.00
TRUGREEN COMMERCIAL	SERVICE: NOVEMBER 2023	\$ 236.00
QUAGLIATO, MATTHEW	ATLANTIC CITY CONFERENCE	\$ 230.23
WYMAN, RONALD	REIMBURSEMENT: D.WYMAN	\$ 494.70
SHRED-IT USA, LLC	SERVICE: NOVEMBER 2023	\$ 177.81
J. SWANTON FUEL OIL COMPANY	DELIV: 11-25-2023 #44004	\$ 1,321.94
NRTCTA	WORKSHOP REG: A. JARDINE	\$ 40.00
CINTAS	NETWORK SERVICE: DPW	\$ 210.70
CINTAS	NETWORK SERVICE: DPW	\$ 200.00
THE NEW COASTER, LLC.	LEGAL AD: ORD: 23-11-13 RFP	\$ 201.81
THE NEW COASTER, LLC.	LEGAL AD: ORD: 23-11-13 RFP	\$ 18.29
JERSEY SHORE FLORIST	VETERAN'S DAY WREATH-2023	\$ 250.00
URNER BARRY PUBLICATIONS, INC	BUSINESS CARDS	\$ 131.32
TNSA	4TH QTR BILLING: 2023	\$ 149,597.50

FIREFIGHTER ONE, LLC	ANNUAL FLOW TESTING: 2023	\$ 1,080.00
FAIL SAFE TESTING	FIRE HOSE TESTING 2023 #065564	\$ 1,105.23
VERIZON WIRELESS (CELL PHONES)	SERVICE: NOVEMBER 2023	\$ 249.66
KDI	COPIER CONTRACT: 4TH QTR 2023	\$ 477.56
MONMOUTH TELECOM	SERVICE: NOVEMBER 2023	\$ 1,288.76
BUSINESS INFORMATION SYSTEMS	LIBERTY RECORDING SYSTEM 23-24	\$ 1,145.00
TROCCHIO, LOUIS	MEDICAL REIMBURS: DEC 2023	\$ 164.90
SCHINDLER ELEVATOR CORP.	MONTHLY PREV MAINT: DEC 2023	\$ 296.90
NJ AMERICAN WATER	HYDRANTS: NOVEMBER 2023	\$ 4,888.70
S&S ASSOCIATES, LLC	SERVICE: DECEMBER 2023	\$ 900.00
MAZZA RECYCLING SERVICES, LTD.	SERVICE: 11-20-2023	\$ 160.76
QUADIENT LEASING USA, INC.	LEASE: SEPT-DECEMBER 2023	\$ 228.87
TOWNSHIP OF NEPTUNE	EMS AGREEMENT: NOVEMBER 2023	\$ 14,749.23
CRAFTMASTER PRINTING, INC.	TICKETS: HOLIDAY PARTY 2023	\$ 29.00
NJ AMERICAN WATER COMPANY	SERVICE: OCTOBER-NOVEMBER 2023	\$ 619.93
S.MONMOUTH FIRE CHIEFS ASSOC.	TRAINING: NCFD	\$ 200.00
CLEARY GIACOBBE ALFIERI JACOBS	PROF SERV: OCTOBER 2023	\$ 2,458.50
ARCHER & GREINER	PROF SERV: OCTOBER-NOV 2023	\$ 550.00
ARCHER & GREINER	PROF SERV: OCTOBER-NOV 2023	\$ 1,900.00
AVAKIAN,LEON S INC.	NC 23-01 GENERAL ENGINEERING	\$ 1,312.50
STANDARD INSURANCE COMPANY	PREMIUM: OCTOBER 2023	\$ 315.81
STANDARD INSURANCE COMPANY	PREMIUM: NOVEMBER 2023	\$ 315.81
BOROUGH OF FARMINGDALE	SHARED SERVICE-MUNICIPAL CLERK	\$ 60,653.55
J. SWANTON FUEL OIL COMPANY	DELIV: 12-4-2023 TICKET#44664	\$ 719.78
QUAGLIATO, MATTHEW	FBINA 4TH QTR	\$ 70.00
UNITED FIRE CO #1	2023 TRAVEL ALLOWANCE	\$ 1,500.00
JUNGLE LASERS, LLC	NCFD SOFTWARE	\$ 1,500.00
SEABOARD WELDING SUPPLY	REFILL OXYGEN: NOVEMBER 2023	\$ 18.50
AVAKIAN,LEON S INC.	NCPB 23-07 2100 CORLIES AVE	\$ 260.00
AVAKIAN,LEON S INC.	NCPB 2204 KELLYS ACRES, INC.	\$ 175.00
AVAKIAN,LEON S INC.	NCPB 23-04 227 W. SYLVANIA	\$ 175.00
AVAKIAN,LEON S INC.	NC 22-03 2023 CDBG PHASE 4	\$ 1,712.50
AVAKIAN,LEON S INC.	NC 22-08 2022 TTF ROAD PROGRAM	\$ 1,030.00
AVAKIAN,LEON S INC.	NCPB 23012 RUDD 115 LOCUST	\$ 437.50
AVAKIAN,LEON S INC.	NCPB 23-11 SIDLEY 59 AVONDALE	\$ 437.50
CANO, HOOVER	FBINA 4TH QTR	\$ 70.00
VOLLBRECHT, MICHAEL	FBINA 4TH QTR	\$ 70.00
MONMOUTH COUNTY POLICE ACADEMY	COURSE: NOVEMBER 17, 2023	\$ 150.00
HARKER, DAN	REIMBURS: WASTEWATER BOOKS	\$ 230.00
DELISA DEMOLITION & DISPOSAL	SERVICE: NOVEMBER 2023	\$ 474.10
DELISA DEMOLITION & DISPOSAL	SERVICE: NOVEMBER 2023	\$ 627.00
DELISA DEMOLITION & DISPOSAL	SERVICE: DECEMBER 2023	\$ 22,191.66
DELISA DEMOLITION & DISPOSAL	SERVICE: DECEMBER 2023	\$ 6,638.67
TOWNSHIP OF NEPTUNE	INTERLOCAL DISPOSAL OF BRUSH	\$ 23,070.00
STATE OF NJ TREASURER	AIR QUALITY PERMIT #231914200	\$ 190.00
STATE OF NJ TREASURER	AIR QUALITY PERMIT #231914200	\$ 190.00
Lighthouse Dispensary	REFUND APPLICATION FEE	\$ 10,000.00
The Cannabis Shoppe, LLC	REFUND APPLICATION FEE	\$ 10,000.00
Pilot Electric	Overbrook Pump Station Repairs	\$ 84,957.00
<b>12/11/2023 Bill List Total:</b>		<b>\$ 441,565.61</b>

**RESOLUTION 2023-125**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**AUTHORIZING THE REFUND OF AN APPLICATION FEE**

**WHEREAS**, it is the desire of the Governing Body to have an application fee returned to a respective applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that a refund of \$10,000.00 is hereby authorized to Lighthouse Dispensary.

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

**RESOLUTION 2023-126**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**AUTHORIZING THE REFUND OF AN APPLICATION FEE**

**WHEREAS**, it is the desire of the Governing Body to have an application fee returned to a respective applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that a refund of \$10,000.00 is hereby authorized to The Cannabis Shoppe.

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



**RESOLUTION 2023-127**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**AUTHORIZING A REFUND OF CONSTRUCTION PERMIT APPLICATION FEE**

**WHEREAS**, it has been determined by the Borough Administrator that a cancelled application for a construction permit to install solar is entitled to a refund; and

**WHEREAS**, it is the desire of the Governing Body to have this application fee returned to the respective applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that a refund of \$328.00 is hereby authorized to Trinity Solar for cancelled permit 23-055.

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

**RESOLUTION 2023-128  
BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**AUTHORIZE APPOINTMENT OF CROSSING GUARD, NEPTUNE CITY POLICE DEPARTMENT**

**WHEREAS**, the Borough of Neptune City is in need of a Crossing Guard; and

**WHEREAS**, it is the recommendation of the Police Administration and the Mayor and Council to hire Terry M. Anderson as a Crossing Guard.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Neptune City hereby hire Terry M. Anderson as a Crossing Guard effective December 5, 2023 at the rate of pay as determined by the Neptune City Salary Ordinance.

**RESOLUTION 2023-129**  
**BOROUGH OF NEPTUNE CITY**  
**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN AGREEMENT FOR**  
**A MAKO BREATHING AIR COMPRESS FOR USE BY THE FIRE DEPARTMENT**

**WHEREAS**, the Borough of Neptune City is in need of a breathing air compressor for use by the Fire Department; and

**WHEREAS**, the Board of Fire Commissioners of Fire District No. 1, Township of Wall, County of Monmouth, State of New Jersey are no longer in need of a 1986 Mako Breathing Air Compressor for Department use; and

**WHEREAS**, the Wall Township Fire District No. 1 is permitted to donate this item to Borough of Neptune City Fire Department in accordance with N.J.S.A. 40A:11-36 (2).

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Neptune City that the Borough hereby accepts the donation of one (1) 1986 Mako Breathing Air Compressor declared to be surplus from the Board of Fire Commissioners of Fire District No. 1, Township of Wall for use by the Neptune City Fire Department; and

**BE IT FURTHER RESOLVED** that the Borough of Neptune City is aware and understands that the 1986 Mako Breathing Air Compressor shall be donated in its "as is" condition, without any warranties by the Wall Township Fire District No. 1 and the Borough shall hold the Fire District harmless for any claims arising from the item after the transfer of ownership; and

**BE IT FURTHER RESOLVED** that the donation 1986 Mako Breathing Air Compressor to the Borough of Neptune City Fire Department shall be subject to the execution of the Hold Harmless Agreement on file in the Office of the Borough Clerk which memorializes the terms of the transfer; and

**BE IT FURTHER RESOLVED** that the Mayor of Neptune City, the Chief of the Fire Department, the Borough Clerk and/or Borough Administrator are hereby authorized to execute any and all documents necessary to effectuate the full intent and purpose of this resolution.

11. **PUBLIC PARTICIPATION** - *There will be a four minute per person limit on all public comments.*

12. **CLOSED SESSION** - None

13. **ADJOURN**