

**Council Room Borough of Neptune City
March 25, 2019**

The Regular Council Meeting of the Mayor and Council was called to order by Mayor Brown at 7:00 p.m.

Deputy Borough Clerk Russell took roll call.

PRESENT: Councilmembers Zajack, Renee, Wardell, Kocsis, Lewis, Calhoun and Mayor Brown.

ABSENT:

Mayor Brown announced that the Notice Requirements of Chapter 231 P.L. 1975 have been satisfied by the publication of said notice in the Asbury Park Press, and the Coaster and by filing a copy with the Deputy Municipal Clerk.

Mayor Brown invited all to stand for the Flag Salute.

Mayor Brown stated we had Minutes from the February 7, 2019. Council President Renee wanted to make change and stated on agenda it was the February 11th meeting and on page 2 make change to say master plan. Motion by Councilman Calhoun to receive and file as amended, seconded by Councilman Zajack. Voice Vote was Unanimous. Councilwoman Lewis stated she is abstaining on the February 11th Council minutes as she was not at the meeting. February 25, 2019 Council Meeting Minutes. Motion by Councilman Zajack to receive and file, Seconded by Councilman Wardell. Voice Vote was unanimous.

Public Participation on Agenda items.

Mayor Stated this would be a proper time to amend agenda and take anything off.

Councilman Wardell ask to make a motion on 19-76 on a portion of the resolution dealing with the environmental committee. As the chairman of the environmental committee he would like to discuss in committee. Attorney Cannon offered that it can be tabled. Council President Renee seconded Motion. Voice vote was unanimous.

Councilman Zajack offered to table 19-77 Ordinance 1 to the April 8th Meeting seconded by Mr. Wardell. Council President Renee asked if it was legal to table. Attorney Cannon said it was as a sentence on proper publishing was missing and will go to old business Voice vote was unanimous.

Mrs. Tallman had a question on the 19-76 that she was being named chair of the Drug Alliance and that she would accept the position if all the volunteers were in compliance to the Drug alliance and that all the paper that have been submitted and documented for 2019 that was already in place continue. Want to proceed forward with the plans in place but would decline the position if everything was going to be dismissed.

Resident spoke on why copies of resolutions are not in packet. Mayor informed they are at the dais and if you have any questions can ask the chair.

Arlene Schriappa, asked if any questions about the 3rd Avenue project would be discussed?

Mayor stated that the agendas on the desk are just the agenda as we ran out of packet agendas.

Councilman Kocsis made a motion a motion to table the Discussion on the formation of the Green Team for Sustainable NJ, seconded my Councilman Wardell Voice Vote was unanimous.

Old Business

120 3rd Avenue planning Analysis was presented by Stuart Wiser, ARH Associates. No Action will be taken after the presentation

MEMORANDUM

TO: MR. BRYAN RUSSELL, RPPS, QPA ADMINISTRATOR, BOROUGH OF NEPTUNE CITY

FROM: STUART B. WISER, PP/AICP VICE PRESIDENT OF PLANNING & ENVIRONMENTAL SERVICES, ARH ASSOCIATES

DATE: March 16, 2019

RE: PLANNING ANALYSIS: BLOCK 75, LOT 17 (ARH Project #6611001)

A. Background

There exists in the Borough of Neptune City, Monmouth County, New Jersey ("Borough"), an approximately 6.4-acre lot generally bounded by 3rd Avenue to the south, Avondale Avenue and residential properties fronting Hawthorne Avenue to the west, residential properties fronting 5th Avenue to the north, and Union Avenue to the east ("Property").

Over the years the Property was developed into an approximately 65,000 s.f. building, an approximately 31,000 s.f. building, and on-site parking and loading for the two structures.

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The 65,000 s.f. building was originally developed as a Two Guys department store. Upon the closing of the store, the building was purportedly used for the warehousing and packaging of canine toys (manufactured at another location within the Borough), and then for office and warehousing related to TFH Publications. TFH occupied the building from 1997 to 2018, when it relocated to another site. The building has remained vacant and unutilized since.

3rd Avenue View

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The 31,000 s.f. building is the Neptune City Plaza shopping center that currently hosts a mix of retail and service uses as well as vacant commercial space.

Prior to its development, the Property was Borough-owned. As part of a land transfer from the Borough to a developer in July 1956, a deed restriction was instituted that, in pertinent part, restricted the use of the property against "residential purposes" and "warehouse purposes or for public storage of any kind". Only "business" uses were permitted. 1

Over the past year, the Borough has been approached by two companies seeking to use the 65,000 s.f. building; one as a "light manufacturing / fabrication facility" for specialty lighting systems and one as a public self-storage facility (e.g. "Cubesmart"). Based on the materials submitted to the Borough, the light manufacturing / fabrication use does not propose additional improvements to the property, while the storage use proposes improvements (discussed below).

While both the manufacturing / fabrication proposal and the self-storage proposal appear to require 'd-1' (Use) Variance and 'c' (bulk) Variance relief ~ as well as Site Plan approval, the deed restriction appears to be fatal to both proposals².

At issue for the Governing Body is whether or not to lift the deed restriction in order to permit either of the uses proposed.

B. Planning Analysis

1. Deed Restriction

a. The deed restriction was instituted via Indenture dated July 23, 1956. After presenting the metes and bounds of the Property, the Indenture specifies that the lands as described "are hereby conveyed subject to the following restrictions:

1 It would appear that the prior warehousing use was contrary to the deed restriction as well.

Note that the copy of the Indenture provided to this office does not appear to be the entire document. It is therefore not possible to determine if any additional restrictions were instituted.

2 While the Indenture for the deed restriction could be interpreted to permit light manufacturing / fabrication, the president of the manufacturing company is requesting a Zone change in the form of an Overlay District.

Union Avenue View

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They shall not be used for residential purposes, nor shall any building, buildings or other structure or structures be erected or constructed thereon designed to be used for residential purposes.

The said lands and premises and all buildings and structures erected and constructed thereon shall be used and occupied for business purposes only.

The party of the second part (i.e., the purchaser), its successors and assigns, shall provide 4 square feet of parking space or area for each square foot of ground floor area of buildings, and this ratio shall be maintained as additional buildings are from time to time erected and constructed.

The said lands and premises are sold subject to the provisions of the Zoning Regulations of the Borough of Neptune City.

The said lands and premises shall not be used or occupied as or for warehouse purposes or for public storage of any kind.

The party of the second part, its successors and assigns, shall erect and constructed upon said lands and premises or some part thereof a building or buildings, structure or structures of semi-fireproof construction, to be used for business purposes, which shall cost not less than \$100,000.00, within 18 months after the delivery of the deed for said lands and premises.³

b. The language of the Indenture prohibits any use other than "business", but does not specify the types of "business" desired. While somewhat of an all-encompassing term ~ rental apartments are businesses ~ §139-4 (Definitions) of the Borough's Zoning Ordinance equates "business" with "commercial" use.

Webster⁴ defines "Business", in pertinent part, as:

a usually commercial or mercantile activity engaged in as a means of livelihood

a commercial or sometimes an industrial enterprise

dealings or transactions especially of an economic nature

Based on this analysis, it would appear that the Indenture contemplated mercantile or retail uses on the Property.

³ The copy of the Indenture provided for this Analysis consisted of a first and second page. No signature (i.e. last) page was included. It is therefore not possible to know if the entirety of the restrictions are captured in the document reviewed.

⁴ <https://www.merriam-webster.com/dictionary/business>

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2. Current Zoning

The Property is located in the Borough's Commercial (C) Zoning District, which is governed by §139-41. Permitted Principal and Conditional Uses in the C Zone are:

a. Permitted Principal Uses⁵

(1) Retail stores and shops such as grocery stores, delicatessens, liquor stores, hardware stores, dry good stores, meat and poultry stores, flower shops, luncheonette, haberdashery and apparel shops and shoe stores, stationery stores, book stores;

(2) Personal service establishments such as barber shops, beauty shops, dry cleaning shops, tailor shops, self-service laundries, appliance repair shops;

- (3) Business and professional offices and banks;
- (4) Restaurants;
- (5) Theatre, indoor assembly halls, bowling alleys and similar public recreational activities;
- (6) Municipal buildings, facilities and service essential to the operation of and solely intended for the needs of the Borough of Neptune City...;
- (7) Warehousing, provided (1) that the property is adjacent to Memorial Drive...; and
- (8) Public parks and playgrounds.

b. Permitted Accessory Uses (omitted for brevity).

c. Permitted Conditional Uses (subject to issuance of Conditional Use Permit)⁶

(1) Private and public nonprofit educational facilities as regulated by the New Jersey Department of Education;

(2) Churches and other Places of Worship.

(3) Hospitals and nursing homes.

d. Supplemental Regulations⁷

(1) Nothing shall be stored or displayed outdoors for any purpose except in compliance with ⁵ Cross-referenced in §139-41 with Permitted Principal Uses in the Residential Limited Commercial (RLC) Zone (§139-38), which itself cross-references Permitted Principal Uses in the R-1 Single Family Residential Zone (§139-33).

⁶ Cross-referenced in §139-41 with Permitted Conditional Uses in the Residential Limited Commercial (RLC) Zone (§139-38), which itself cross-references Permitted Conditional Uses in the R-1 Single Family Residential Zone (§139-33).

⁷ Cross-referenced in §139-41 with the Supplemental Regulations in the Highway Commercial (HC) Zone (§139-40), which itself cross-references Permitted Conditional Uses in the Residential Commercial (RC) Zone (§139-39).

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the following provisions: (a) New or used automobiles, or new or used boats, trailers, campers, or other types of drawn or propelled vehicles or displayed for sale or awaiting delivery are permitted. All display and storage are to be conducted on the same lot as the principal use. Said vehicles shall be stored on paved parking areas constructed in accordance with the standards established by the Site Plan Review Ordinance.

(b) All garbage or trash awaiting collection shall be stored in a rear yard area in a completely enclosed container.

(c) Products and materials necessary to and supplemental to a permitted principal use and which are customarily stored out-of-doors may be stored out-of-doors in a side or rear yard area, provided that:

i. The area used for such outdoors storage shall be paved in accordance with standards established by the Site Plan Review Ordinance.

ii. All outdoor storage shall be screened from view from any public street.

iii. All materials stored out-of-doors shall be arranged and maintained in an orderly and safe manner and no outdoor storage shall be permitted within 10' of any street line or within 5' of any side or rear lot line.

iv. Persons establishing uses in the zone are required to give particular attention to esthetic consideration particularly in conjunction with structural design and the use of landscaping to soften building lines and provide visual breaks and parking areas and as may be required and approved by the Planning Board or other appropriate authority pursuant to the Borough Site Plan Review Ordinance and Law.

(2) The provisions of (1) hereinabove⁸ are directly contradicted by the Supplemental Regulations of §139-40,9 which state "there shall be no outdoors storage or display except that garbage and trash awaiting collection shall be stored only in rear yard areas in completely enclosed containers as required by local ordinance and the Site Plan Review Ordinance".

(3) Residential uses are specifically "excluded" from the C Zone.

e. Applying a liberal interpretation of the uses permitted by Ordinance on the Property to be prohibited by the deed restriction:

- Theatres, indoor assembly halls, bowling alleys and similar public recreational activities;
- Municipal buildings, facilities and services;
- Warehousing;
- Public parks and playgrounds;

8 Cross-referenced Supplemental Regulations for the RC Zone (§139-39)

9 Supplemental Regulations for the HC Zone.

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- Educational facilities;
- Churches and other Places of Worship; and
- Hospitals and nursing homes.

f. Area, Yard and Building Requirements.

Uses permitted under RLC Zone regulations shall comply with the requirements of the RLC Zone. Uses permitted under R-1 Zone regulations shall comply with the requirements of the R-1 Zone.

Restaurants shall comply with the standards and requirements for this use as set forth in the RC Zone.

REGULATION C ZONE

RC ZONE (Restaurants)

RLC ZONE R-1 ZONE

Minimum Lot Area 1 ac 10,000 s.f. 7,500 s.f.

Regulations limited to Single Family Dwellings, which are prohibited in the C Zone.

Minimum Frontage 100' 75' Minimum Lot Width 50' Minimum Lot Depth 57' Minimum Setbacks Front 25' 25' – 40'10 Rear 30' 15'

Side

10' / side

5' each

25' aggregate Maximum Lot Coverage 75% 70% Maximum Height 35' 30' Minimum Usable Floor Area of Principal Building 1,600 s.f.

While a conformance review of the existing structures and any changes thereto attendant to the proposed uses is beyond the scope of this Analysis, the current structures are longestablished and likely pre-date current zoning. As such, any non-conformities are pre-existing and therefore eligible to be grandfathered. A Certificate of Nonconformity under N.J.S.A. 40:55d-68 is recommended to formalize such grandfather status.

3. Master Plan

a. The Borough's 2005 Master Plan Reexamination recommends an updated Land Use Plan Element, with "specific attention" given to "the potential to create a 'Main Street' area at the intersection of Route 35 and Third Avenue". Under Recommendations Concerning Redevelopment, the 2005 Reexamination recommends that the Borough "investigate the possibility of delineating certain

10 The same as established by the structure adjacent to the subject lot which is set back furthest but in no case more than 40' or less than 25'.

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properties along Route 35 and Third Avenue for the purpose of creating a mixed use central business district that would essentially function as the Borough's 'Main Street'". b. The Borough's 2017 Master Plan Reexamination recommends that the Borough implement the zoning and use changes recommended in the 2005 Reexamination that had yet to be adopted. Pertinent to this Analysis, the 2005 Reexamination states:

The properties east and west of the intersection of Route 35 and Third Avenue [for] mixed-use development to encourage the development of a Main Street district at this location. This area is appropriate for retail and office uses, as well as upper story residences.

Local policymakers refer to this concept as a "Town Center". Such recommendation has yet to be instituted.

c. While a detailed evaluation of the impacts of and requirements for a Town Center in this section of the Borough is beyond the scope of this Analysis, a lifting of the deed restriction would appear to be required to effectuate the mixed-use Town Center concept as proposed by the 2005 and 2017 Master Plan Reexaminations.

C. Proposal Analysis

1. Light Manufacturing / Fabrication Proposal

Details provided for this proposal is limited to a 1 page letter of interest from Specialty Lighting Industries, Inc.,¹¹ who is interested in relocating their company from Ocean Township to the Property.

The information sheet attached to the letter states that Specialty Lighting Industries is “a leading manufacturer of high-end architectural lighting solutions...”. They are a “one-stop-shop’ that provides a full line of standard and custom” lighting. The company was founded in 1993 and is owner-operated. They have “40+ employees” who work 2 full-time shifts.

Other than using the currently-vacant building, no information has been provided as to visitors expected to the Property, economic benefits to the local businesses or impact to the surrounding residential neighborhood has been provided.

2. Storage Proposal

Details provided for this proposal is limited to a discussion with the Mayor and Borough Administrator, a review of the plans provided by Wentworth Properties (the proposed purchaser / developer) and a review of a YouTube video of the February 11, 2019 Neptune City Council Meeting where representatives of Wentworth and others promoting the project (collectively “Wentworth”) presented details of the project.

According to Wentworth and their representatives:

¹¹ dated February 15, 2019

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- The building “is not a retail site”. “Retail is dying”, and subdividing the 65,000 s.f. Building into smaller retail units is “cost prohibitive”. • A real estate representative of the current property owner spent 6 - 7 months marketing the site to national retailers and junior & full sized anchors with no success.

- Neptune City is underserved by self-storage. The proposal is to install 600+ storage units of varying size (range from 5’x5’ to 10’x30’) in the existing building in order to create a climatecontrolled, high-bay, drive-up self-storage facility.

- Based on other facilities owned by Wentworth, 40% of storage renters are small businesses using the facilities for off-site storage and 60% of renters are households using the facility for personal storage. Additionally, some boat storage may be expected.

- While there will be no change in building size, additional buildings to the west of the existing buildings are proposed. It is not clear from the video if this is to be the “outside” storage

discussed at the meeting or if “yard” storage is proposed. Buffers from the buildings to the adjacent uses are to range from 30’ to 50’.

- There will be a small retail component for sale of boxes, locks, and other items related to storage but there will be no truck or trailer rental. A retail Shipping Office is possible.
- 2-3 employees are anticipated to be on-site at any time. Hours of operation are 8:00 a.m. to 6:00 p.m. The facility will be staffed between 9:00 a.m. to 6:00 p.m.
- The facility would expect 17 trips per day.
- There will be no on-site residential unit for facility management. Security will be addressed via a camera system. Trespassers will not be permitted in the storage units.
- The following building and site improvements are proposed:
 - o Facade improvements will soften the appearance of the building. While details had not been finalized, the discussion did include matching the facades of the adjacent (Roccesano) shopping center.
 - o Again, while details had not been finalized, the discussion did include matching the lighting and landscaping of the adjacent (Roccesano) shopping center.
 - o Some existing impervious coverage will be removed and replaced with basins, other stormwater management facilities and landscaping. The remaining paved area will be milled and overlaid. This will result in a loss of parking stalls.
 - o The existing fence is to remain but a general clean-up of the remaining area will be undertaken.
- The existing retail in the 31,000 s.f. building is to remain.

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D. Opinion

The purpose of this assignment is to evaluate the uses proposed for Block 75, Lot 17 given the Property’s current zoning and the vision contained in the Borough’s Master Plan, and to provide a Planning Opinion as to whether or not it would be in the best interests of the Borough to lift the 1956 deed restriction placed on the land as a condition of transfer from the Borough to a private developer.

This Opinion is based on our understanding of the two proposals and the deed restriction as detailed herein.

1. Availability of Self Storage

Wentworth asserted that Neptune City is “underserved” by self-storage facilities. It is not clear how they arrived at this assumption and we have no factual basis to challenge this claim. However, we do note that a number of self-storage facilities exist between (approximately) West Deal, West Belmar, Hamilton and the Ocean.

2. Local Economic Impact

a. Proposed Light Manufacturing / Fabrication Facility

This facility is anticipated to have "40+ employees". While no information as to the number of daily visitors expected at the facility has been provided, it is likely that such a specialized operation would not be a large traffic generator.

Assuming 3 visitors per day brings the total daily population of the facility to 43.

The facility is to be operated by 2 shifts. No information has been provided as to the hours per shift. Assuming the 1st shift is (approximately) 8:00 a.m. to 5:00 p.m. and the 2nd shift is (approximately) 5:00 p.m. to 2:00 a.m. means that the economic impact of the 2nd shift is discounted since workers will be leaving the facility when the local stores are closed.

b. Proposed Self-Storage Facility

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This facility is anticipated to have up to 3 employees at a given time and 17 daily visitor trips. Assuming 3 people per car brings the total daily population of the facility to 54. However, the economic impact of these 54 people is discounted since the visitors to the facility are either moving items into or out of storage and will therefore have limited opportunity or desire to shop locally.

While the discounts attributable to each proposal are not calculable, this office estimates the local economic impacts of the proposals to be relatively equivalent.

3. Neighborhood Impact

a. Proposed Light Manufacturing / Fabrication Facility

The Borough's Zoning Ordinance contains Performance Standards regulating noise, glare, vibration, heat, electronic radiation, odors, toxins, explosive / flammable materials, smoke / airborne particles, waste discharge, screening of unsightly objects / conditions and like and similar issues. No information has been provided as to the impacts that this facility might have on the adjacent residential neighborhood.

Again, assuming the 2nd shift is (approximately) 5:00 p.m. to 2:00 a.m., any impacts (if at all) that may be generated from this facility will be experienced during normal sleeping hours.

b. Proposed Self Storage Facility

Given its limited intensity, it is not likely that the facility will have an impact on the adjacent residential neighborhood.

Wentworth's reply to the question about trespassers being able to use the storage units for shelter as they do in the units in Neptune Township contradicted their statement that the

proposal would have no impact on municipal services. Relying on Borough Police to address trespassing will impact municipal services.

Assuming that trespassing does not become a significant issue, this office estimates that the Storage facility will have less of a neighborhood impact than the Manufacturing / Fabrication facility.

4. Property Tax Impact

No tax information was provided for either proposal.

Property taxes in New Jersey are based on a formula of Assessed Land Value + Assessed Improvement Value x the Tax Rate. Land Value is based on market conditions and Improvement Value is determined by the cost of the buildings and its fixtures and finishes.

While the Land Value should not change under either proposal, the Improvement Value for a refitted Manufacturing / Fabrication facility is likely more than the Improvement Value for the existing building that is outfitted with 600+ non-permanent storage units.

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We request that the Borough's Tax Assessor opine on this issue.

E. Recommendations

At issue for Council is whether or not to lift the deed restriction to permit either of the proposals detailed herein. Related to this issue is whether or not to accept either proposal or pursue the Town Center concept as described in the Master Plan.

Based on our analysis, it appears that the deed restriction must be lifted for either proposal, OR for the Town Center. Within this context, we offer the following for consideration:

1. The Borough has before it a choice between 2 (presumably) solid reuse proposals with near-term completion and the Town Center concept, which will likely require years of planning and the dedication of resources to accomplish. Based on the information received to date, neither reuse proposal is ideal. The Town Center on the other hand, has a much larger long-term benefit to the community and is the direction adopted by the Master Plan.

2. We concur with the Wentworth representative in their comments that the Property "is not a retail site" and that "retail is dying". We also believe it plausible that subdividing the 65,000 s.f. Building into smaller retail units is "cost prohibitive". However, Wentworth's analysis does not reflect the development potential that could be realized under a (re)development plan for the Property in conjunction with other undeveloped / underdeveloped / underutilized parcels in the area. By creating a larger (re)development footprint, a crucial mass of commercial and residential uses could be sufficient to establish the Town Center.

3. Should the Borough elect to accept either reuse proposal, it is recommended that the lifting of the deed restriction be conditioned upon the developer submitting an Improvement Plan, satisfactory to the Governing Body,¹² for the entire lot. Such conditions could include, but need not be limited to:

- The developer obtaining Major Site Plan Approval for the Project.

- Replacing the existing fence and providing an appropriate landscaped buffer along the adjacent residential uses.
- Replacing existing sidewalks with decorative treatments and adding appropriate site lighting and streetscaping.
- Undertaking facade improvements to soften the appearance of the building (matching the adjacent (Rocesano) shopping center is encouraged.
- Improving the parking lot by repaving and adding decorative lighting, perimeter landscaping and landscape islands and peninsulas.
- Improving the existing stormwater management system.

12 While such improvements are typically the purview of a Land Use Board as part of a Site Plan review, such a Board is legally subject to the variance, design waiver, design exception process under the Municipal Land Use Law. As such, protections that the Governing Body may desire may not be enforceable at the Board level. Such protections would be enforceable as a condition of lifting the deed restriction

Questions by Governing Body:

Mayor stated the Council is responsible for lifting the Deed Restriction and land Use would discuss the developments on property but reminded everyone that this property is privately owned.

Attorney Cannon states the process of the regulatory authority of Council.

Councilwoman Lewis asked How Common is it to lift a deed restriction and last time done in Neptune City? Stuart has not ever seen one like this before.

Council President Renee asked about the town center which is mentioned in the master plan does it need a redevelopment plan? Stuart said does not need an agreement but would need zoning changes. A more active way to do it is to declare an area of rehabilitation and write a redevelopment plan.

Councilman Calhoun asked who oversees the Redevelopment action? Stuart States both the Governing body and Land Use Board

Councilman Wardell asked who makes the final decision in a redevelopment plan. Stuart stated the council.

Councilwoman Lewis asked if the deed is lifted does the master plan need to be revisited and changed. Stuart says no if stays with in plan that is in pace.

Councilwoman Lewis asked who owns the master Plan and Stuart Stated it is a creature of the land Use Board

Mayor stated a town center is ideal but would someone come into town and invest in that vision? Is it feasible?

Councilwoman Renee asked about grants that if the Borough made a vision and showed to groups like sustainable NJ would it be helpful. Stuart states possibly in constructing but not the planning but grants are getting few to none.

Questions on presentation is concluded.

NEW BUSINESS

Resolution 2019-69 PAYMENT OF 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 \$760,518.83

Motion for adoption was made by Mrs. Lewis, seconded by Mr. Calhoun. There was no discussion and the resolution was approved unanimously by roll call.

Resolution 2019-70. RESOLUTION SUPPORTING PARTICIPATION IN THE SUSTAINABLE NEW JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, and social objectives are balanced and mutually supportive; and

WHEREAS, The Borough of Neptune City strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Neptune City here by acknowledges that the residents of Neptune City desire a stable sustainable future for themselves and future generations; and

WHEREAS, the Borough of Neptune City wishes to support a model of government which benefits our residents now and far in to the future by exploring and adopting sustainable, economically sound local government practices; and

NOW THEREFORE BE IT RESOLVED, by endorsing a sustainable path the Borough of Neptune City is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

BE IT FURTHER RESOLVED, by the Mayor and Borough Council of Neptune City that we do hereby authorize Bryan A. Russell, Borough Administrator to serve as Neptune City's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf Neptune City.

Motion for adoption was made by Mr. Kocsis, seconded by Mr. Zajack. There was no discussion from Council Members The resolution was approved unanimously by roll call.

Resolution 2019-71 SUPPORTING THE DESIGNATION OF MARCH 2019, AS NATIONAL COLORECTAL CANCER AWARENESS MONTH.

Whereas colorectal cancer is the second leading cause of cancer death among men and women combined in the United States;

Whereas this year, more than 130,000 individuals in the United States will be diagnosed with colorectal cancer and approximately 50,000 more will die from it;

Whereas colorectal cancer is one of the most highly preventable forms of cancer because screening tests can find polyps that can be removed before becoming cancerous;

Whereas screening tests can detect colorectal cancer early, when treatment works best;

Whereas the Centers for Disease Control and Prevention estimates that if every individual aged 50 or older had regular screening tests, as many as 60 percent of deaths from colorectal cancer could be prevented;

Whereas the 5-year survival rate for patients with localized colorectal cancer is 90 percent, but only 39 percent of all diagnoses occur at this stage;

Whereas colorectal cancer screenings can effectively reduce colorectal cancer incidence and mortality, yet, 1 in 3 adults between the ages of 50 and 75 are not up to date with recommended colorectal cancer screening;

Whereas public awareness and education campaigns on colorectal cancer prevention, screening, and symptoms are held during the month of March each year; and

Whereas educational efforts can help provide information to the public of methods of prevention and screening, as well as about symptoms for early detection: Now, therefore, be it

That the Mayor and Council of the Borough of Neptune City—

(1) Supports the goals and ideals of National Colorectal Cancer Awareness Month; and

(2) Encourages the people of the Borough of Neptune City to observe the month with appropriate awareness and educational activities.

Motion for adoption was made by Ms. Renee, seconded by Mr. Wardell. There was no discussion and the resolution was approved unanimously by roll call.

Resolution 2019-72. Resolution Supporting the *2019 UDrive. UText. UPay. Distracted Driving Crackdown* April 1 - 21, 2019

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and

Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in 2015 alone distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in nearly 750,000 crashes between 2011-2015; and

Whereas, the State of New Jersey will participate in the nationwide Distracted Driving 2019 Crackdown from April 1 - 21, 2019 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is UDrive. UText. UPay; and

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways;

Therefore Be it Resolved, that The Borough of Neptune City declares its support for the Distracted Driving 2019 Crackdown both locally and nationally from April 1 - 21, 2019 and pledges to increase awareness of the dangers of distracted driving.

Motion for adoption was made by Ms. Renee, seconded by Mr. Kocsis. There was no discussion and the resolution was approved unanimously by roll call.

Resolution 2019-73. 2018 BUDGET APPROPRIATION TRANSFER #3

WHEREAS, 40A: 4-58 provides that a Municipality may transfer budget appropriations during the last two months of the fiscal year and the first three months of the subsequent year, and

WHEREAS, in order to meet the fiscal obligations of the Borough, the following attached transfers are necessary:

TRANSFERS FROM

Account Name	Amount
Current Fund	
Finance- Other Expenses	\$ 3,400.00
	3,400.00

TRANSFERS TO

Current Fund	
Engineering- Other Expenses	\$ 3,400.00
	3,400.00

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City approve the attached list of budget transfers.

Motion for adoption was made by Mrs. Lewis, seconded by Mr. Kocsis. There was no discussion and the resolution was approved unanimously by roll call

Resolution 2019-74 RESOLUTION TO ADOPT 2019 TEMPORARY EMERGENCY APPROPRIATIONS #2

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$18,300 for the Current Fund and \$ \$25,000 for the Sewer Utility Operating Fund.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Neptune City, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2019 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

UDrive UText UPay \$ 5,500

Sewer Utility Fund:

Other Expenses \$25,000

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of the Division of Local Government Services and one certified copy with the Chief Financial Officer.

Motion for adoption was made by Mrs. Lewis, seconded by Mr. Calhoun. There was no discussion and the resolution was approved unanimously by roll call

Resolution 2019-75 CREATION OF NEPTUNE CITY SPECIAL EVENTS COMMITTEE

WHEREAS, it is the recommendation of the Human Services Committee to establish a Special Events Committee, and

WHEREAS, the formation of a Special Events Committee would be in place to plan, create, and organize and implement any and all Borough Community events year-round, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby create the formation of the Neptune City Special Events Committee

Motion for adoption was made by Mr. Calhoun, seconded by Mr. Kocsis. Councilman. Wardell had a question is there any events in mind or any town wide events. Councilman Calhoun no events in mind but look to add more events to Borough. Councilman Calhoun stated over the next 2 weeks he will get a list out to everyone. Mayor Brown Stated that there is a celebration of events line item and this sounds like we are duplicating Celebration of events and movies in the park are in the Board of Recreation. And the reso has no committee members or evens listed yet. Councilman Calhoun offered to table the resolution. Attorney Cannon suggest to change the resolution to Support the formation of the special events committee. Councilman Calhoun rescinds his motion and makes a motion to amend, seconded by Councilwoman Lewis and remove creation. Roll call was unanimous.

SUPPORT OF NEPTUNE CITY SPECIAL EVENTS COMMITTEE

WHEREAS, it is the recommendation of the Human Services Committee to establish a Special Events Committee, and

WHEREAS, the formation of a Special Events Committee would be in place to plan, create, and organize and implement any and all Borough Community events year-round, and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby support the formation of the Neptune City Special Events Committee.

Resolution 2019-76 CONFIRMING APPOINTMENTS TO VOLUNTEER POSITIONS

WHEREAS, Certain Volunteer positions are required to be appointed by Borough Ordinance or State Statute, and

NOW THEREFORE BE IT RESOLVED, the following appointments of volunteers to positions for the Borough of Neptune City for one-year term or until 12/31/19, unless otherwise, are hereby confirmed.

2019 Drug Alliance (1-year appointment)

- Chairperson Tamara Tallman
- Member Bryan Russell
- Member Robert Brown
- Member Officer Nick Morgan
- Member Tom Adcock
- Member Pamela Renee
- Member Lisa Emmons
- Member Tracy Brand
- Member Lonyka VanHuff
- Member Pam Goldberg
- Member Ed Zakerowski
- Member Chantal Lentz
- Member Pam Montemurno
- Member Michele McGuigan
- Member Richard Oppegaard
- Member Meghan Huryk

Fire Police (5 Year Appointment)

- Member Dennis Cottrell
- Member Ed Rogers

Motion for adoption was made by Ms. Renee, seconded by Mrs. Lewis. Councilman Wardell just wanted to clarify this resolution is with amendments and Council President Renee stated that she offers with Mrs. Tallmans conditions. The Resolution was approved unanimously by roll call.

Board of Education Liaison

The President of the BOE stated Middle School was having a indoor field day
The US Army was coming to lead in some exercises and in the afternoon competitions and games.

3 4 5th grades are doing a mural in the school and then the whole school will be painting.
1st softball game is up soon.

PUBLIC PARTICIPATION-

Jean Cooper and Nicolette S. 8th Grade Students at Woodrow Wilson School is showing their recent fundraiser of a T-shirt Ad book and was looking for support for the t-shirts.

Ms. Renee announced that the Neptune City POA is having a Steak Bake June 14, 2019

MS Talhman Neptune City family Foundation is having a bocce tournament May 4 all proceeds go to Neptune City Schools

Louise Gazer Smock Street Does Peter Costanza have a limit on how many cars on Lot. He is way over the limit she feels and they are using the property as a dealership. Also Questioned what if anything is going to the 7-11 strip mall? Wanted to report the vinyl fence in back of 7-11 was broken and dirty and many lude acts have been happening behind the old paint shed.

Ilene Douglas member of Coast Guard Aux. 16-08 Safe Boating class on April 6 and 23. Not in favor of storage facility or the Lighting Manufacturing. Deed restriction should be lifted for better looking houses in the area.

Ken Fioretti-Speaking on behalf of the owners of 120 3rd ave. lacking in the discussion is the property owners and the burden they are carrying with not being able to rent out the vacant properties. The improvements by the potential buyer will really make the area better then what could happen if the owner's default.

Roy Perez Daple Relator for 120 3rd Ave. he thinks the report was very good but wanted to let the Governing Body know that Wentworth properties is still interested in the property.

Council President Renee asked if they were looking at any other buyers and answer was no.

Christine Oppegaard Myron Ave. NC Fire Dept. Ladies Aux. Stake Bake April 6 6pm. Also, on Good Friday Clam Chowder sale pre orders needed. Speaks in opposition of the storage facility. Nylabone smell has been worse in the evenings smell is getting in to the house. Process of Developing a Homeowners Assoc. asking to use the community center at no cost. Mayor said would not be a problem.

Ilene Douglas Nylabone smell is horrible and making her dizzy and walks dog night chemical smell is horrible.

Councilman Kocsis Announced that Borough park bathrooms will be opening April 1st and Leaf Pick up is also April 1st.

Arlene Schrappa Spoke on the Odors at TFH and 3rd Avenue site needs more decisions for what should be there. Wanted to ask ordinance 139—51(d) and if Attorney Cannon can review and see if TFH is violating law.

Mayor stated no violations have happened and in compliance.

Councilman Wardell spoke as resident and member of Monmouth County Board of Health, BOH cannot be here all the time and when they get here smell has gone.

Attorney Cannon interjects in meeting that residents need to speak one at a time or will ask the Police Chief to remove residents.

Mora Fitzsimmons- owns 2 business in town and would like to know where TFH stands on new filtration system. We need a timeline. Mayor stated we did meet with them and they responded they are working to add filtration.

Attorney Cannon gave an opinion of the Governing Bodies responsibility and the rights of a private citizen.

Mayor Asked Police Chief to remove a resident form the chambers.

Christine Oppegaard asked Attorney Cannon regarding Ordinance 139-51(d) when she went to the Municipal Court and they stated that was no longer valid. Then how do we go about going to Court. Attorney Cannon stated that you can go to court under Common Law.

Ms. Oppegard has stated that every inspector who has come to her house if there is a meter and they have all said no there is no meter. So, she is requesting from Councilman Wardell to get eh meter readings. Councilman Wardell stated he would look into getting the meter reading but the reading reports the toxicity not the odor.

Mr. Connors Please be very careful of storage units as squatters do rent them and stay in them in the daytime and go to shelters in the evening.

Stacey Higgins What is TFH production capacity and what is going into the sewer system. Also do they have to report what chemicals they are using to the fire dept.? mayor and Attorney Cannon said yes, they do its apart of the fire code.

Brian Thomas, he commented on RAGE (Residents Against Giant Electric) that they are still around and that he recommends someone contacting their group. Also happens in Freehold with the Nestle Factory.

Arlene Schrappa Commented that the Board of Health is the Authority to say if the odor is excessive. Are there experts out there? Attorney Cannon said yes.

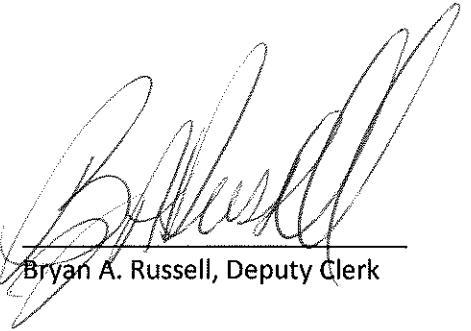
Patty Scott Asking about a Sign at Steiner and W. Sylvania also pot holes at the Corner of West Sylvania and Union.

Joe, Steiner and 35 Light station was swaying.

Motion to adjourn by Councilwoman Lewis, seconded by Councilman Zajack Voice Vote AYE: Councilmembers Kocsis, Renee, Wardell, Zajack, Lewis, Calhoun

ADJOURN 9.23pm

Robert J. Brown, Mayor



Bryan A. Russell, Deputy Clerk