Borough of Neptune City
Regular Meeting of the Governing Body
• Borough Hall • 106 W. Sylvania Avenue •
Monday, January 27, 2025 *at* 6:00 pm

1. CALL TO ORDER
Mayor McGreevey called the meeting to order at 6:00 pm

2. OPEN PUBLIC MEETINGS ACT STATEMENT
Mayor McGreevey noted the Borough's compliance with the Open Public Meetings Act.

3. ROLL CALL
PRESENT: Mayor Rachel McGreevy, Council President Glen Kocsis, Councilmember Kimberly Karalovich, Councilwoman Gail Oliver, Councilwoman Danielle Pappas, Councilmember Pamela Renee, Councilmember Brian Thomas
ALSO PRESENT: Administrator Al Jardine, Attorney McGuinn

4. FLAG SALUTE
Mayor McGreevy invited all to stand for the flag salute.

ITEMS TAKEN OUT OF ORDER FROM THE AGENDA
Motion to open for public comment by C/Renee; seconded by C/Thomas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

Mr. Joe Knowles, noted he is a walker and there is a blind spot from Memorial Drive to go South and another spot on Memorial Drive to Route 35 North. Mr. Knowles recommended making a rough pavement. Mr. Knowles also raised issues regarding snow removal. Mayor McGreevy noted the issues have been raised with the State DOT. Discussion continued on areas of concern.

5. CLOSED SESSION
A. Resolution 2025-28 – Auth. Closed Session
1) Attorney/Client Privilege – Affordable Housing

Mayor McGreevy read the resolution into the record by title.

RESOLUTION 2025-28
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT
FOR THE GOVERNING BODY OF THE BOROUGH OF NEPTUNE CITY

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., a municipality may exclude the public from a meeting of the Municipal Council where the Council intends to discuss certain matters for which privacy is needed in order to protect the public interest or certain enumerated private interests; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Neptune City to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically:

1) Attorney/Client Privilege – Affordable Housing

WHEREAS, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Neptune City do hereby authorize the above referenced executive session to be held closed to the public on January 27, 2025.

Motion to enter into Executive Session by C/Kocsis; seconded by C/Pappas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

Mayor McGreevy announced the Borough will be in closed session for approximately a half hour.

The Governing Body entered Closed Session at 6:09 pm

Motion to enter into Executive Session by C/Pappas; seconded by C/Thomas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

The Governing Body returned from Closed Session at 6:39 pm

6. RECEIPT OF MINUTES *(vv)*

A. Regular Meeting -1/13/2025

Motion to receive the minutes by C/Kocsis; seconded by C/Thomas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

7. RECEIPT OF COMMUNICATIONS *(vv)*

A. 5 Kids, LLC - Notice of Application before the Planning Board
B. NC 211, LLC – Notice of Application before the Land Use Board

Motion to receive the communications by C/Renee; seconded by C/Thomas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

8. PRESENTATIONS

A. January 27 Agenda Overview – Administrator Jardine

Administrator Jardine provided an overview of the agenda detailing the purpose of the ordinance being considered for adoption and provided detail of each of the consent agenda resolution items.

B. Department of Public Works Directors Report – Director Harker

Director Harker shared a reminder that when snow is expected vehicles, debris and garbage cans should be removed from the street. The Borough of Neptune City will host a paper shredding event in town, the date is to be determined in October. Director Harker thanked Neptune Township EMS Coordinator who presented stopped the bleed training for all DPW staff, soon trucks will be equipped with basic equipment.

C. Proclamation – In Honor of Holocaust Remembrance Day, 2025

Mayor McGreevy read the following proclamation into the record:

PROCLAMATION
In Honor of Holocaust Remembrance Day 2025

WHEREAS, 27 January has been designated by the United Nations as the annual International Day of Commemoration in Memory of the Victims of the Holocaust; and

WHEREAS, 2020 marked the seventy-fifth anniversary of the end of the Second World War, a war which brought untold sorrow to humankind, particularly in Europe, Asia, Africa, the Pacific and other parts of the world; and

WHEREAS, 2025 marks the 80th anniversary of the liberation of Auschwitz-Birkenau; and

WHEREAS, we honor the courage and dedication shown by the soldiers who liberated Nazi concentration and extermination camps, and those who fought against the Nazis, including in the resistance movements, as well as all those who resisted the Nazis, and who protected or sought to rescue those who were in danger; and

WHEREAS, Holocaust distortion has become shockingly common on a global scale for governments, leading public figures, and others to minimize or misrepresent the impact of the Holocaust and downplay the crimes of the Nazi regime; and

WHEREAS, Holocaust distortion spreads easily on social media and is deeply insulting to the victims and

survivors of the Holocaust and threatens our democratic values; and
WHEREAS, access to Holocaust-related material helps societies deal openly and accurately with the past; and
WHEREAS, the courage and sacrifices of Holocaust victims and survivors drive our commitment to protect the facts and raise awareness of Holocaust distortion and helps people better recognize Holocaust distortion; and
WHEREAS, in honor of the historical record and to ensure that victims and survivors are not forgotten, we hereby reject and condemn without any reservation any denial of the Holocaust as a historical event, either in full or in part; and
WHEREAS, all change starts at the local level including standing against bias and discrimination by addressing and challenging it wherever we see it, including online, and by working to create inclusive and equitable environments in our community.
NOW THEREFORE BE IT RESOLVED that the Borough of Neptune City reaffirms its unwavering commitment to encouraging and promoting dignity and equality for all and will not tolerate antisemitism in any form.

9. MAYOR'S REPORT - Mayor Rachel McGreevy

Mayor McGreevy reported the Borough's annual report is available on Facebook and the website. Mayor McGreevy offered C/Kocsis a happy birthday. Borough Calendars are available at Borough Hall. On February 1 the NJ Mobile Motor Vehicle Commission will be in Neptune City, Mayor McGreevy thanked the Neptune City Police Department, Senator Gopal and the MVC for providing the service. Mayor McGreevy provided an update on the need for real id. Mayor McGreevy shared details of the groundbreaking held at 1100 5th and the importance of the project; construction is expected to start soon. Ship Wreck'd East Coast Cannabis is in the process of completing their tenant fit out and is looking to open in early April. The application for East Coast Ice was approved by the Land Use Board, the next steps are to apply for construction permits as part of Phase I, Phase II will include improvements to Laird Avenue Park and the building of townhomes. Mayor McGreevy noted it has been a disservice to residents to not have an updated park at Laird Avenue which is why the Council will be considering a resolution to apply to secure grant funding to at a minimum update the playground equipment sooner. Mayor McGreevy shared information about upgrades to other parks throughout the Borough, and that the transformation of Laird Avenue Park will meet the diverse needs of the community. Mayor McGreevy noted the Governing Body and residents will be very involved in the process. Mayor McGreevy shared that the Borough will be working to provide resources to immigrants in the community, including CASA Freehold and Legal Services of New Jersey hotline. Mayor McGreevy shared resources for First Responders including Safe Call Now and NJ Fire EMS .com. Mayor McGreevy shared a business round table is being launched, all businesses in Neptune City have been invited to the kick off on January 29 at 6pm in the Tiffany Room at Kelly's. Mayor McGreevy offered congratulations to Shore Good Eats and Treats for being the grand prize winner of the NJ Devils contest.

10. COUNCIL REPORTS

A. COUNCIL PRESIDENT GLEN KOCSIS - ADMINISTRATION OF JUSTICE

Council President Kocsis attended the neighborhood watch meeting, sharing details he learned including password security, awareness of fraudulent links and to never give a credit card number to an unknown seller. C/Kocsis shared safety tips from the Police Department including staying vigilant, report suspicious activity to the police immediately, lock and secure all doors, get to know your neighbors and look out for one and other and be cyber aware. If you ever need assistance or need to report suspicious activity do not hesitate to contact the police. C/Kocsis closed by welcoming new patrol officer Miles.

B. COUNCILWOMAN DANIELLE PAPPAS - EMERGENCY SERVICES

Councilwoman Pappas had no report.

C. COUNCILMEMBER BRIAN THOMAS, ADMINISTRATION AND FINANCE

Councilmember Thomas had no report.

D. COUNCILMEMBER PAMELA RENEE - BUILDINGS AND GROUNDS

Councilmember Renee shared the Green Team will meet next Monday at 5:30 in Council Chambers, and shared details from the prior meeting. C/Renee reached out to the Engineer regarding a grant applied for last year, but the Borough was denied. The Borough is applying for a grant to perform GIS mapping.

E. COUNCILWOMAN GAIL OLIVER - COMMUNITY RELATIONS
Councilwoman Oliver will host a Community Relations meeting at 5:45 on Monday, February 3.

Mayor McGreevy thanked C/Oliver for providing the Borough staff with lunch.

F. COUNCILMEMBER KIMBERLY KARALOVICH - SPECIAL SERVICES
Councilmember Karalovich reported there is a Veteran Committee meeting tomorrow, anyone with input regarding the Memorial Day parade should reach out to C/Karalovich. The Committee is also looking to start a program for flags for Veterans along a major street. The Grants Committee and Historical Committee will be meeting in February. The Board of Rec is hosting a Sweetheart Dance on February 7 for pre-k through 5th grade.

11. PUBLIC COMMENTS ON AGENDA ITEMS
The meeting was open to the public on agenda items. There were no comments from the public.

12. UNFINISHED BUSINESS
A. Bond Ordinance 2025-01 - Bond Ordinance Providing for Acquisition of Police Department Equipment, Appropriating $90,000 and Authorizing the Issuance for $85,500 Bonds or Notes of the Borough for Financing Part of the Cost Thereof

Mayor McGreevy read the ordinance into the record by title.

Motion to open the meeting to the public regarding Ordinance 2025-01 by C/Kocsis; seconded by C/Karalovich
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

The meeting is open to the public for comments on Ordinance 2025-01. There were no comments from the public.
The Governing Body was asked for comments, there were none.

Motion to close the meeting to the public by C/Thomas; seconded by C/Pappas
Voice Vote: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

Motion to adopt Ordinance 2025-01 by C/Kocsis; seconded by C/Thomas
Roll Call: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

BOND ORDINANCE 2025-01
BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH
BOND ORDINANCE PROVIDING FOR ACQUISITION OF POLICE DEPARMENT EQUIPMENT, APPROPRIATING $90,000 AND AUTHORIZING THE ISSUANCE OF $85,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF.

BE IT ORDAINED by the Borough Council of the Borough of Neptune City, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The capital improvement described in Section 3 of this Bond Ordinance is hereby authorized by the Borough of Neptune City, New Jersey. For the capital improvement described in Section 3, there is hereby appropriated the sum of $90,000, which includes $500 in costs as permitted by *N.J.S.A. 40A:2-20* and a $4,500 as the down payment for the said purpose as required by the Local Bond Law.

Section 2. In order to finance the cost of the Acquisition of Police Department Equipment not covered by the aforementioned grant, negotiable bonds are hereby authorized to be issued in the principal amount of $85,500 pursuant to the Local Bond Law. In anticipation of issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The Acquisition of Police Department Equipment is hereby authorized and the purpose for which the bonds are to be issued. The minimum period of usefulness is five years.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of *N.J.S.A. 40A:2-8(a)*. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate, and the maturity schedule of the notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the Borough of Neptune City is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith; and the resolutions promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Municipal Clerk and is available for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purchase described in Section 3 of this bond ordinance is not a current expense. It is an improvement that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the Office of the Clerk, and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The gross debt of the Borough of Neptune City is increased by the authorization of the bonds or notes provided in this bond ordinance by $199,500, and the obligations authorized herein will be within all debt limitations prescribed by law.

(c) An aggregate amount not exceeding $500 for items of expense listed in and permitted under *N.J.S.A. 40A:2-20* may be included in the costs of the purchase authorized in Section 3 hereof and is included in the foregoing estimate thereof.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of an interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and interest thereon without limitation on rate or amount.

Section 8. That in the event any moneys are received by the Borough from the United States of America, or from the State of New Jersey or any of its agencies, or from any other sources for the purchase provided for herein prior to the issuance of any of the bonds or notes authorized by this ordinance, the amount of such bonds or notes authorized herein shall be reduced by the amount so received prior to the issuance of any such bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction Date: January 13, 2025
Adoption Date: January 27, 2025

13. NEW BUSINESS

A. Ordinance Introduction (rc)

There is no ordinances for introduction.

B. Consent Resolutions (rc)

All matters listed hereunder are considered to be routine and will be enacted in one motion.
Any member of the Governing Body may request an item be removed for separate consideration.

1) **Resolution 2025-29** - Auth Payment of the Bills
2) **Resolution 2025-30** - Auth Application and Execution of NJ DCA Grant for Improvements to Laird Avenue Park
3) **Resolution 2025-31 -** Auth Appointment of Police Officer, Neptune City Police Department

4) **Resolution 2025-32** - Resolution of the Borough of Neptune City Committing to the Borough's Fourth Round Affordable Housing Obligation

Motion to approve items 1 -4 (Resolutions 2025-29 through 2025-32) as a group by C/Renee; seconded by C/Kocsis
Roll Call: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

RESOLUTION 2025-29
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 $44,616.39

Vendor Name	Description	Amount
ATLANTIC TACTICAL	EQUIPMENT: NCPD	$ 2,952.40
ATLANTIC TACTICAL	EQUIPMENT: NCPD	$ 2,961.00
ATLANTIC TACTICAL	EQUIPMENT: NCPD	$ 96.75
POSITIVE PROMOTIONS	FIRE PREVENTION SUPPLIES 202	$ 458.71
AR COMMUNICATIONS	ANTENNA KIT INSTALLATION-NCPD	$ 2,470.00
AMAZON CAPITAL SERVICES	SPLITTER	$ 9.99
AMAZON CAPITAL SERVICES	FLAGS	$ 55.99
AMAZON CAPITAL SERVICES	NAME PLATES	$ 17.78
AMAZON CAPITAL SERVICES	BATTERIES	$ 26.99
AMAZON CAPITAL SERVICES	NAME PLATES	$ 29.68
AMAZON CAPITAL SERVICES	BD OF REC GAME NIGHT GAMES	$ 113.45
MONMOUTH COUNTY SPCA	INV 2025645	$ 1,140.50
MONMOUTH COUNTY SPCA	INV 2025645	$ 47.00
KEPWEL SPRING WATER CO.	WATER SERVICE: DEC 2024	$ 20.00
KEPWEL SPRING WATER CO.	WATER SERVICE: DEC 2024	$ 20.00
KEPWEL SPRING WATER CO.	WATER SERVICE: DEC 2024	$ 20.00
KEPWEL SPRING WATER CO.	WATER SERVICE: DEC 2024	$ 127.50
MCGREEVY, RACHEL	CELL PHONE ALLOWANCE-2025	$ 100.00
JARDINE, ALBERT	CELL PHONE ALLOWANCE-2025	$ 100.00
CANO, HOOVER	CELL PHONE ALLOWANCE-2025	$ 100.00
VOLLBRECHT, MICHAEL	CELL PHONE ALLOWANCE-2025	$ 100.00
HELLWIG, KELLY	CELL PHONE ALLOWANCE-2025	$ 100.00
HARKER, DAN	CELL PHONE ALLOWANCE-2025	$ 100.00
LAUENSTEIN, ERIC	CELL PHONE ALLOWANCE-2025	$ 45.00
DELISA DEMOLITION & DISPOSAL	SERVICE: JANUARY 2025	$ 6,432.05
DELISA DEMOLITION & DISPOSAL	SERVICE: DECEMBER 24	$ 3,921.60
DELISA DEMOLITION & DISPOSAL	SERVICE: FEB 2025	$ 23,050.00
	01/27/2025 Bill List Total	**$ 44,616.39**

RESOLUTION 2025-30
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING APPLICATION AND EXECUTION OF NJ DCA GRANT FOR PLAYGROUND IMPROVEMENTS TO LAIRD AVENUE PARK

WHEREAS, the **Borough of Neptune City** desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately **$100,000** to carry out a project to **Playground Improvements to Laird Avenue Park – to construct a new playground at Laird Avenue Park**

BE IT THEREFORE RESOLVED,

1) That the **Borough of Neptune City** does hereby authorize the application for such a grant; and

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorized the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the **Borough of Neptune City** and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)	**(signature)**
Rachel McGreevy	Al Jardine
(type or print name)	**(type or print name)**
Mayor	Borough Administrator
(title)	**(title)**

CERTIFICATION:

I, Corinne DiCorcia Williams, the Borough Clerk of Borough of Neptune City hereby certify that at a meeting of the Board of Directors/Governing Body held on January 27, 2025 the above *RESOLUTION* was duly adopted.

AFFIX GOV'T ,
CORPORATE OR
NOTARY SEAL

Corinne DiCorcia Williams, RMC, Borough Clerk

RESOLUTION 2025-31
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE APPOINTMENT OF POLICE OFFICER, NEPTUNE CITY POLICE DEPARTMENT

WHEREAS, the Borough of Neptune City is in need of a Police Officer; and

WHEREAS, it is the recommendation of the Police Administration and the Mayor and Council to hire Ayden C. Miles as a Police Officer.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hire Ayden C. Miles as a Police Officer effective February 1, 2025 at the rate of pay as determined by agreement between the Borough of Neptune City and the Neptune City Police Officers' Association.

RESOLUTION 2025-32
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION OF THE BOROUGH OF NEPTUNE CITY COMMITTING TO THE BOROUGH'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, on March 20, 2024, Governor Philip D. Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) (hereinafter the "Amended FHA"); and

WHEREAS, the Amended FHA established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the "Fourth Round"); and

WHEREAS, the Amended FHA abolished the Council on Affordable Housing, also known as COAH, and delegated its responsibilities to the New Jersey Department of Community Affairs (hereinafter "DCA"), the New Jersey Housing and Mortgage Finance Agency, and the Affordable Housing Dispute Resolution Program (hereinafter "DRP"), created by the same law; and

WHEREAS, the Amended FHA required the DCA to calculate non-binding estimates of present and prospective need for low-and-moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities, including the Borough of Neptune City (hereinafter the "Borough"), based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough's Fourth Round (2025-2035) obligations as follows: a Present Need ("Rehabilitation") Obligation of 12 and a Prospective Need ("New Construction") Obligation of 32; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of the Fourth Round affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing ("COAH") unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions." (N.J.S.A. 52:27D-31(m); and

WHEREAS, COAH regulations authorize vacant land adjustments, durational adjustments and other adjustments; an

WHEREAS, COAH regulations authorize municipalities to secure an adjustment to their rehabilitation obligation through a windshield survey; and

WHEREAS, the Borough intends to accept the DCA calculations of the Borough's Present Need Obligation of 12 units and Prospective Need Obligation of 32 units as reported by the DCA in its October 18, 2024 Report subject to any vacant land, windshield survey and/or any other additional authorized adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough also reserves the right to adjust its position in the event of any rulings in the Montvale Litigation (MER-L-1778-24) or any other such litigation or legislative action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth Round Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, the Amended FHA obligates municipalities to adopt a binding resolution as to its Fourth Round affordable housing obligations by no later than January 31, 2025 or lose immunity from builder's remedy litigation; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Administrative Office of the Court issued Directive #14-24, dated December 13, 2024 and pursuant to that Directive, a municipality seeking a certification of compliance with the Amended FHA is required to file al legal action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution, or by February 3, 2025, whichever is sooner, in order to retain immunity from builder's remedy litigation; and

WHEREAS, in light of the above, the Mayor and Council of the Borough believe that it is in the best interest of the Borough to declare its commitment its Fourth Round affordable housing obligation in accordance with the Amended FHA in order to retain immunity from builder's remedy litigation; and

WHEREAS, the Borough seeks a certification of compliance with the FHA and, therefore, authorizes the filing of a declaratory judgment action pursuant to the Directive #14-24 within 48 hours after the adoption of this resolution to seek compliance with the Amended FHA.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Mayor and Council of the Borough of Neptune City as follows:

1. The foregoing recitals are hereby incorporated into the operative clauses of this resolution.

2. For the reasons set forth in this resolution, the Borough of Neptune City hereby commits to the DCA Fourth Round Present Need (Rehabilitation") Obligation of 12 units and the DCA Fourth Round Prospective Need ("New Construction") Obligation of 32 units described in this resolution, subject to all reservations of rights, including but not limited to:
   A. The right to adjust the number of units based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, and all other applicable adjustments permitted in accordance with COAH; and
   B. The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations reported by the DCA on October 18, 2024; and
   C. The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or any other litigation; and
   D. The right to adjust its fair share obligations in the event of a third party challenge to the fair share obligations and the Borough's response thereto.
3. The Borough hereby directs its professionals to file a declaratory judgment complaint in Monmouth County within 48 hours after adoption of this resolution.
4. The Borough authorizes its professionals to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the DRP or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.

14. PUBLIC PARTICIPATION

The meeting is open to the public. There were no comments from the public in attendance.
There were no comments form the Governing Body.

15. CLOSED SESSION (vv) **–** None

16. ADJOURN – 7:11 pm

Motion to adjourn the meeting by C/Pappas; seconded by C/Thoams
Voice Vote - AYE: C/Kocsis, C/Karalovich, C/Oliver, C/Pappas, C/Renee, C/Thomas

By: C. DiCorcia Williams RMC,
Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJSA 47:3-15 *et seq* and approved by the SRC. Approval 02/10/2025