Borough of Neptune City
Regular Meeting of the Mayor and Council
Monday, January 27, 2025 at 6:00 pm

1. CALL TO ORDER

2. OPEN PUBLIC MEETINGS ACT STATEMENT

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

3. ROLL CALL

4. FLAG SALUTE

5. CLOSED SESSION

A. Resolution 2025-28 – Auth. Closed Session

1) Attorney/Client Privilege – Affordable Housing

6. RECEIPT OF MINUTES *(vv)*

A. Regular Meeting -1/13/2025

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

8. PRESENTATIONS

A. January 27 Agenda Overview – Administrator Jardine

B. Department of Public Works Directors Report – Director Harker

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

9. MAYOR'S REPORT - Mayor Rachel McGreevy

10. COUNCIL REPORTS

A. Council President Glen Kocsis - Administration of Justice

B. Councilwoman Danielle Pappas - Emergency Services

C. Councilmember Brian Thomas - Administration and Finance

D. Councilmember Pamela Renee - Buildings and Grounds

E. Councilwoman Gail Oliver - Community Relations

F. Councilmember Kimberly Karalovich - Special Services

11. PUBLIC COMMENTS ON AGENDA ITEMS

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 (*Public Hearing / Adoption)*

13. NEW BUSINESS

A. Ordinance Introduction (rc) - None

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

14. PUBLIC PARTICIPATION

15. CLOSED SESSION – None

16. ADJOURN *(vv)*

The next Council Meeting is scheduled for 6:00 pm on Monday, February 10, 2025

5. CLOSED SESSION

A. Resolution 2025-28 – Auth. Closed Session

1) Attorney/Client Privilege – Affordable Housing

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.

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 (*Public Hearing / Adoption)*

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
Public Hearing Date: January 27, 2025

13. NEW BUSINESS

A. Ordinance Introduction (rc) - None

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

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; and

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.