Borough of Neptune City
Regular Meeting of the Mayor and Council
Monday, May 12, 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 - None

6. RECEIPT OF MINUTES *(vv)*

A. Regular Meeting – 4/28/2025

7. RECEIPT OF COMMUNICATIONS *(vv)* - None

A. **NJ American Water** – re: Approval for Proposed Cost Recovery of Lead Service Line Replacement
B. **State of NJ** – re: NJDOT FY 2026 TTF Grant
C. **JCP&L** – re: Petition to Set a Rate Rider Lost Revenue Adjustment Mechanism
D. **Neptune City Police Department –** April 2025 Monthly Report
E. **Arlene Sciarappa –** Letter of Resignation from Grants Committee
F. **Manalapan -** Resolution in Support of Bills Supporting the Preservation of Historic Areas
G. **M S and B -** Borough of Belmar Notice of Updated Housing Element and Fair Share Plan
H. **Beekman Law Firm -** Notice of Neptune City Land Use Board Hearing for 45 Third Avenue (5-20-25)

8. PRESENTATIONS

A. **Proclamation** – Building Safety Month, May 2025
B. **May 12 Agenda Overview** – Administrator Jardine
C. **Department of Public Works Directors Report –** Director Harker

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. **Councilmember Corlies Chong** - Community Relations
F. **Councilmember Kimberly Karalovich -** Special Services

11. PUBLIC COMMENTS ON AGENDA ITEMS

12. UNFINISHED BUSINESS (rc) – None

13. NEW BUSINESS

A. Ordinance Introduction (rc)

1) **Ordinance 2025-05 -** An Ordinance of the Borough of Neptune City, Monmouth County, State of New Jersey to Exceed 2025 Budget CAP Appropriations Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14) ***(First Reading/Introduction)*** *Public Hearing: Tuesday, May 27, 2025*

2) **Ordinance 2025-06 –** An Ordinance Amending Chapter 102: "Property Maintenance" of the Borough's Revised General Ordinances to Designate the Substantial Presence of Mold in Rental Properties to be a Public Nuisance ***(First Reading/Introduction)*** *Public Hearing: Tuesday, May 27, 2025*

3) **Ordinance 2025-07 –** An Ordinance Augmenting Chapter 139: "Zoning" of the Borough's Revised General Ordinances to Create New Section 139-31 "Small Wireless Facilities" to Regulate Certain Cellular Wireless Facilities in the Borough's Rights-Of-Way ***(First Reading/Introduction)*** *Public Hearing: Tuesday, May 27, 2025*

4) **Ordinance 2025-08 –** An Ordinance Supplementing the Borough's Revised General Ordinances to Include New Chapter 105: "Responsible Contractor Certification" ***(First Reading/Introduction)*** *Public Hearing: Tuesday, May 27, 2025*

5) **Ordinance 2025-09 –** An Ordinance Supplementing the Borough's Revised General Ordinances to Include New Chapter 94: "Special Events" ***(First Reading/Introduction)*** *Public Hearing: Tuesday, May 27, 2025*

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 2025-68** - Auth. Payment of the Bills
2) **Resolution 2025-69** - Auth. United Fire Company No. 1 (Neptune City Fire Dept.) to Conduct Coin Tosses in 2025
3) **Resolution 2025-70** - Auth a Refund of Construction Permit Application Fee (Trinity Solar)
4) **Resolution 2025-71** - Participants Resolution LEAP Implementation Grant
5) **Resolution 2025-72 -** Support Submission of Application for New Jersey Department of Transportation – Transportation Alternatives Program
6) **Resolution 2025- 73** - Auth. A Person-To-Person Transfer of Plenary Retail Distribution License 1335-44-004-002
7) **Resolution 2025- 74** - Auth Refund of Property Tax Overpayment for Certain Properties

C. Budget Resolution (rc)

1) **Resolution 2025-75** - Approving Introduction of Municipal Budget for the Year 2025
Public Hearing at Special Meeting scheduled for June 9, 2025

14. PUBLIC PARTICIPATION

15. CLOSED SESSION (rc) – None

16. ADJOURN *(vv)*

The next Council Meeting is scheduled for 6:00 pm on <u>TUESDAY</u>, May 27, 2025

13. NEW BUSINESS

A. Ordinance Introduction (rc)

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ORDINANCE NO. 2025-05

BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH

AN ORDINANCE OF THE BOROUGH OF NEPTUNE CITY MONMOUTH COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2025 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Borough Council of the Borough of Neptune City in the County of Monmouth finds it advisable and necessary to increase its 2025 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to $75,417.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Neptune City, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2025 budget year, the final appropriations of the Borough of Neptune City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $75,417.70, and that the 2025 municipal budget for the Borough of Neptune City be approved and adopted in accordance with this ordinance; and,

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

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

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

If introduced by the Governing Body, the Public Hearing will be scheduled for Tuesday, May 27, 2025 at 6:00 pm (or as soon thereafter the matter is reached)

ORDINANCE NO. 2025-06

BOROUGH OF NEPTUNE CITY, COUNTY OF MONMOUTH

AN ORDINANCE AMENDING CHAPTER 102: "PROPERTY MAINTENANCE" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO DESIGNATE THE SUBSTANTIAL PRESENCE OF MOLD IN RENTAL PROPERTIES TO BE A PUBLIC NUISANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, that Chapter 102: "Property Maintenance" of the Revised General Ordinances of the Borough of Neptune City, is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 102-12. CONDITIONS CONSTITUTING A PUBLIC NUISANCE.

Conditions constituting a public nuisance include any of the following:

A. The physical condition or occupancy of any premises regarded as a public nuisance at common law;

B. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;

C. Any premises that has unsanitary sewerage or plumbing facilities;

D. Any premises designated as unsafe for human habitation;

E. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;

F. Any premises from which the plumbing, heating or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

G. Any premises that is unsanitary, or that is lettered with rubbish or garbage, or that has an uncontrolled growth of weeds; or

H. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

I. The visible or detectable presence of mold growing on interior surfaces or in ventilation ducts, in such amounts as to raise concerns for the health of the resident(s) of any rental property, as identified by the Borough's Code Official, or his or her designee.

~~I~~J. In addition to the conditions listed, where in the opinion of the Code Official or his designee, the installation, maintenance or use of equipment or facilities, by reason of type, installation or place of use, constitutes a fire or explosion hazard endangering the lives of persons and property said installation, maintenance or use shall constitute a nuisance.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

If introduced by the Governing Body, the Public Hearing will be scheduled for Tuesday, May 27, 2025 at 6:00 pm (or as soon thereafter the matter is reached)

ORDINANCE NO. 2025-07

BOROUGH OF NEPTUNE CITY
MONMOUTH COUNTY

AN ORDINANCE AUGMENTING CHAPTER 139: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO CREATE NEW SECTION 139-31 "SMALL WIRELESS FACILITIES" TO REGULATE CERTAIN CELLULAR WIRELESS FACILITIES IN THE BOROUGH'S RIGHTS-OF-WAY

WHEREAS, the Borough of Neptune City (the "Borough") is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities, including but not limited to, the installation of antennas, small cells and other communication devices and associated equipment (collectively the "Small Cells'); and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Communications Commission (the "FCC") has adopted an order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" WT Docket No. 17-79; WC Docket 17-84, which imposes a deadline for municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and

WHEREAS, the Federal Telecommunications Act preserves local governments' ability to manage the public Rights-of-Way on a competitively neutral and non-discriminatory basis under 47 U.S.C. 332 (c)(7)(A); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e., a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the FCC, in its recent order as interpreted by the court in City of Portland v. United States, 969 F.3d 1020 (9th Cir. 2020), provides that municipalities can impose aesthetic requirements on Small Cells where said requirement are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advance; and

WHEREAS, N.J. Admin. Code § 7:7-16.10 provides that new coastal development must be visually compatible with its surroundings including existing scenic resources, site design, and size, and must contain design elements which enhance public access to the waterfront; and

WHEREAS, the Borough has a specific obligation to its residents and visitors to protect its waterfronts, related vistas and the passive recreational opportunities it affords to both; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

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

SECTION 1. Chapter 139: "Zoning" of the Revised General Ordinances of the Borough of Neptune City is hereby supplemented with *new* Section 139-31: "Small Wireless Facilities" as follows:

CHAPTER 139: ZONING
§ 139-31 SMALL WIRELESS FACILITIES.

A. DEFINITIONS.

ADMINISTRATIVE REVIEW
Ministerial review of an application by the Designee and Borough Engineer, as preferred by the Borough, to determine whether the issuance of a permit is in conformity with the applicable provisions of this chapter.

ANTICIPATED MUNICIPAL EXPENSES
Means the cost of processing an application for a Right of-Way Permit including, but not limited to, all professional fees such as engineer and attorney costs to the Borough.

BOROUGH COUNCIL
Shall mean the Borough Council of the Borough of Neptune City.

CABINET
Shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.

ELECTRIC DISTRIBUTION SYSTEM
Shall mean the part of the electric system, after the transmission system that is dedicated to delivering electric energy to an end user.

EXISTING POLE
Shall mean a pole that is in lawful existence within the Municipal Right-of-Way.

GROUND LEVEL CABINETS
Shall mean a Cabinet that is not attached to an existing pole and is touching the ground.

MUNICIPAL RIGHT-OF-WAY (the "R.O.W." or 'Public "R.O.W.")
Shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Borough as an easement or in fee simple ownership. This term includes rights-of-way held by Monmouth County where the Borough's approval is required for the use of same pursuant to N.J.S.A, 27:16-6.

POLE
Pole means a legally constructed pole, such as a utility, lighting or similar pole made of wood, metal or other material as determined by the Borough, located or to be located within the Public Right-of-Way. A Pole does not include a Support Structure.

POLE MOUNTED ANTENNA
Shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.

POLE MOUNTED CABINET
Shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.

PROPOSED POLE
Shall mean a Pole that is proposed to be placed in the Municipal Right of-Way.

REPLACE OR REPLACEMENT
Shall mean, in connection with an existing Pole or Support Structure, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable regulations to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

RIGHT-OF-WAY AGREEMENT
Shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.

RIGHT-OF-WAY PERMIT
Shall mean an approval from the Borough setting forth the Utility's compliance with the requirements of this Chapter.

SMALL WIRELESS FACILITY
Shall mean a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of not more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

SMART POLE
Shall mean a Decorative Pole that conceals, disguises or camouflages one or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for at least three (3) occupants and allow space for Borough use for other services and/or equipment. Smart Poles shall neither have protruding latches, external hinges, nor external cabling. The pole must be made of an inherently rust-resistant material (i.e. aluminum alloys or stainless steel). The design of the smart pole is within the exclusive discretion of Borough.

SURROUNDING STREETSCAPE
Shall mean Existing Poles within the same right-of-way which are located within 500 feet of the Proposed Pole.

TOWER
Any structure in the public right-of-way built for the sole or primary purpose of supporting a wireless facility. A tower does not include a pole or support structure.

UTILITIES
Shall mean companies subject to regulation by the New Jersey Board of Public Utilities.

UTILITY SERVICE
Shall mean electric, telephone, or cable service.

WIRELESS FACILITY
Shall mean the equipment at a fixed location or locations in the Public R.O.W. that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility. Throughout this Ordinance, the terms "Communications Facility", "Wireless Facility" and "Small Wireless Facility" may be used interchangeably and shall be taken to refer to the same thing unless the context clearly indicates otherwise.

B. ACCESS TO PUBLIC RIGHT OF WAY.

Prior to obtaining a permit and installing in the Public R.O.W. any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, a Utility Person shall enter into a Right of Way Use Agreement with the expressly authorizing use of the Public Right of Way for the Communications Facility or Pole proposed to be installed.

(1) The term of the R.O.W. Use Agreement shall not exceed 15 (fifteen) years.

(2) The R.O.W. Use Agreement authorizes the Utility's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Small Wireless Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and providing the services expressly authorized in the agreement subject to Applicable Codes and applicable laws, this Chapter and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Utility any interest in any particular location within the Public R.O.W. No other right or authority is granted except as expressly set forth in the R.O.W. License Agreement. Nothing herein shall authorize the use of the Borough's Poles or Support Structures, in the Public R.O.W, without express approval from the Borough. All use of the Borough's Poles or Support Structures in the Public R.O.W. shall require a separate agreement and the payment of separate fees for such use.

(3) The Utility shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, and Support Structures in the Public R.O.W. in a safe condition, and in good order and repair.

(4) The Utility shall provide insurance and indemnification of the Borough as described in the R.O.W. Use Agreement. The insurance coverage limits must be at least as broad as follows:

(a) Insurance. The Utility shall at all times maintain a commercial general liability insurance policy with a single amount of at least One Million Dollars ($1,000,000.00) per occurrence and in the aggregate covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars ($5,000,000.00) per occurrence and in the aggregate. The Utility may use any combination of primary and excess insurance to meet the total limits required. Such coverage shall be primary, non- contributory and shall contain a waiver of subrogation. Evidence of same shall be provided prior to the commencement of any work of any kind by the Utility. Prior to the commencement of any work pursuant to this Ordinance the Utility shall file with the Borough a Certificate(s) of Insurance with any required endorsements evidencing the coverage provided by said liability and excess liability policies. The Borough shall notify Utility within fifteen (15) days after the receipt of any claim or demand to the Borough, either by suit or otherwise, made against the Borough on account of any of Utility or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Ordinance. Utility shall notify the Designee within fifteen (15) days of receipt of any claim or demand of Utility or its subcontractors, agents, employees, officer, servants, designees, guests, or invitees by any aggrieved party for any work or action made pursuant to this Ordinance. The Borough shall be named as an additional insured. Utility shall provide Borough with renewal insurance.

(b) Indemnification. Utility, its successors, assigns, contractors, sub-contractors, agents, servants, officers, professionals, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Borough, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all personal injury and property damage claims, demands, suits, actions at law or equity or otherwise, or related judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Utility's actions under this Ordinance and costs in connection therewith except to the extent that such claims, demands, suits, or actions are the result of the negligence or willful misconduct of the County, its successors, assigns, elected officials, officers, employees, servants, contractors, designees or invitees. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the Borough in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Utility's activities pursuant to the rights granted in this Ordinance. This indemnification shall also specifically include that the Borough

retains the right to choose its own defense counsel regarding any action at law or equity pursuant to this section.

C. RIGHT OF WAY PERMIT.

(1) *Pre-Application Meetings*. Prior to making a formal application and after entering into the R.O.W. Agreement pursuant to Section 398-41 with the Borough for use of the Municipal Right-of-Way, all utilities must meet with the Zoning Officer to review the scope of the Utility's proposal. Following said meeting, the Zoning Officer may require the Utility to present the plan to the Borough Planning Board.

(2) Prior to approval of any application, the Borough may in its discretion require the Utility to hold a public meeting or open house and provide notice of same by regular mail to all property owners identified by the Borough Engineer as requiring notice.

(3) No person may construct, maintain, or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities without first receiving a Permit to the extent required under this Chapter, and any subsequent permits or authorizations required by applicable Laws or the Borough.

(4) The Utility shall not locate or maintain its Communications Facilities, Small Wireless Facilities, Support Structure or Poles to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

(5) The permitting process set forth herein may be revised, supplemented, or otherwise amended or replaced by resolution or amendment to this Ordinance of Borough Council at any time regardless of a pending permit application.

(6) No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the Borough's Wireless Siting Plan formulated and regularly reexamined by the Borough Engineer.

D. LOCATION AND SITING.

(1) No Pole, Antenna or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.

(2) *Height*. No Pole shall be taller than thirty-five (35) feet or 110% of the height of Poles in the Surrounding Streetscape, whichever is higher. Total height includes any antenna or other attachment to the pole.

(3) *Distance from the curb line*. No pole shall be farther than eighteen (18) inches from the curb line.

(4) *Use of Existing Poles*.

(a) A Utility applying for a permit to use the Borough Right-of-Way to install facilities as defined within this Article must first provide to the Borough a complete list or inventory of existing poles within the Borough that the carrier will or may use to install such facilities.

(b) Such inventory shall be viewed and inspected by the Borough within 30 days of receipt and the carrier shall be notified as to whether the designated poles are satisfactory. If any poles are rejected, the Borough shall notify the carrier of the pole(s) rejected and reasons for such rejection.

(c) Once the final list of agreed upon poles is complete, the list shall be submitted to Borough Council for approval by Resolution.

(d) Such approval shall be valid for five years from the date of approval. During that period, the carrier may, at any time, make use of the pre-approved poles by filing an application for a permit with the Zoning Officer. The Zoning Officer shall issue a Permit with any other necessary permits to follow in due course.

(5) *Use of new or replacement poles*. Once a Utility concludes, with the Borough's consent, that an existing pole or poles cannot be utilized to install facilities under this Chapter, the Utility may propose use of a replacement or additional pole within the Right-of-Way.

(6) *Location, Safety and Aesthetics*. No new pole shall be erected in the Right-of-Way unless it:

(a) Is replacing an Existing Pole;

(b) Has been reviewed by the Borough's Planning Board;

(c) At the option of the Borough, is a Smart Pole, the design of which shall be subject to administrative review and approval by the Borough;

(d) Is located within the Municipal Right-of-Way;

(e) Is at least one thousand five hundred (1500) linear feet from any other Existing Pole or Proposed Pole, which is used to support a Small Wireless Facility;
(f) Does not inhibit any existing sight triangles;
(g) Allows adequate room for the public to pass and re-pass across the Right-of-Way;
(h) Is finished and/or painted so as to blend in compatibly with it's background and so as to minimize its visual impact on surrounding properties.

(7) Each Smart Pole must accommodate at least three (3) carriers per Small Wireless Facility deployment.

(8) Any claim by a Utility of technical incompatibility, inability to use existing structure, or inability to collocate need to be proven by the Utility, not disproved by Borough. Validity of said claims by the Utility is reserved within the sole discretion of Borough.

(9) The Borough may require that any new poles installed by the Utility be Smart Poles.

(10) Pole Mounted Cabinets are permitted on Existing Poles, provided that each Cabinet:
(a) Does not exceed sixteen (16) cubic feet; and
(b) Is finished and/or painted and otherwise camouflaged, in conformance with the best available stealth technology methods, to blend in compatibly with its background and to minimize its visual impact on surrounding properties; and
(c) Does not inhibit sight triangles; and
(d) Allows adequate room for the public to pass and repass across the municipal right-of-way.

(11) Pole Mounted Antennas are permitted on Existing Poles, provided that each Pole Mounted Antenna:
(a) Does not exceed three (3) cubic feet; and
(b) Is finished and/or painted and otherwise camouflaged, in conformance with the best available stealth technology methods, to blend in compatibly with its background and to minimize its visual impact on surrounding properties; and
(c) Does not inhibit sight triangles; and
(d) Allows adequate room for the public to pass and repass across the municipal right-of-way.

(12) The Utility must provide a certification from a licensed structural engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.

(13) All wireless equipment associated with the Pole, including the wireless equipment associated with the antenna and any preexisting associated equipment shall not be more than sixteen (16) cubic feet in volume.

(14) The Utility shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.

(15) *Fewest Possible New Poles*. The Utility shall use existing Poles, when possible, for the placement of its Small Wireless Facilities and shall minimize the number of new proposed Poles in the right-of-way to the fewest possible to meet the coverage and capacity requirements.

E. RESTORATION REQUIREMENTS, REMOVAL, RELOCATION, AND ABANDONMENT.

(1) The Utility, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W. that is damaged or disturbed by the Utility's Communications Facilities, Poles, or work in or adjacent to the Public R.O.W.

(2) If the Utility fails to timely restore, repair, or replace the Public R.O.W. as required in this subsection, the Borough or its contractor may do so and the Utility shall pay the Borough's costs and expenses in completing the restoration, repair or replacement.

(3) Within 90 days following written notice from the Borough, the Utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles or Support Structures within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Chapter), whenever the Borough has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Utility shall be responsible to the Borough for any damages or penalties it may incur because of the Utility's failure to remove or relocate Communications Facilities, Poles or Support Structures as required in this subsection. If removal or relocation is requested by the Borough, the Borough will work in good faith to identify a suitable alternative site and such removal or relocation shall not require an additional permit.

(4) The Borough retains the right and privilege to cut or move any Communications Facility, Pole or, Support Structure located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Utility and give the Utility an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole or Support Structure. In all cases, the Borough shall notify the Utility after cutting or removing the Communications Facility, Pole, or Support Structure as promptly as reasonably possible. Emergency response shall be coordinated between the Borough and Utility to the extent practicable under the circumstances.

(5) A Utility shall notify the Borough of abandonment of any Communications Facility, Pole Support, or Structure at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Utility shall remove its Communications Facility, Pole, or Support Structure at the Utility's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole or Support Structure may be abandoned in place. The Utility shall remain solely responsible and liable for all of it Communications Facilities, Poles, and Support Structures until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, or Support Structures. The Utility shall remain liable for annual R.O.W. occupancy fee for balance of term.

(6) If the Utility fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles or Support Structures or remove any of its abandoned Communications Facilities, Poles or Support Structures as required in this subsection, the Borough or its contractor may do so and the Utility shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

F. FEES, CHARGES, AND APPLICATIONS.

(1) Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:

(a) For applications that do not include the installation of any new structures within a Public Right-of-Way, the application fee shall be $500 for up to five Communications Facilities with an additional $100 for each Communications Facility beyond five.

(b) For applications that include the installation of a new structure within a Public Right-of-Way, the application shall be $1,000 for up to five Communications Facilities with an additional $100 for each Communications Facility beyond five.

(c) In addition to the Right-of-Way Permit Fee, the Zoning Officer may, in his or her own discretion, require the posting of a two thousand five hundred-dollar ($2,500) Deposit towards Anticipated Municipal Expenses related to an application made pursuant to this Chapter. The Utility's Deposit towards Anticipated Municipal Expenses shall be placed in an escrow account.

(d) The Deposit shall be held in escrow to be billed against actual incurred costs. Any expenses above the escrow shall be invoiced to the Utility directly and shall be paid by the Utility prior to the issuance of any Permit.

(e) The Chief Financial Officer shall, upon request by the Utility after a final decision has been made by the Borough Commission regarding his or her pending Right-of-Way Permit application, refund any unused balance from the Utility's Deposit towards Anticipated Municipal Expenses.

(f) The Annual R.O.W. Occupancy Rate shall be $350 per year per Small Wireless Facility and shall be paid within thirty (30) days of the issuance of the applicable Permit and annually thereafter, with payment being due on the anniversary of the first payment date for the balance of the Term. However, under no circumstances shall the Rate be remitted later than ninety (90) days after the full execution of the applicable Right-of-Way Use Agreement between Borough and the Utility.

(g) *Other Fees*. The Utility shall be subject to any other generally applicable fees of the Borough or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Utility shall pay as required in the applicable Laws, as well as attachment fees for the use of the Borough owned Poles, Support Structures, ducts, conduits or other structures in the Public R.O.W., as set forth in attachment agreements authorizing such use.

(2) *Permit Required.* Unless expressly authorized in this Chapter or in writing by the Borough, no Person may construct, install, modify, expand, alter or maintain in the Public R.O.W. any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, including the installation or Collocation of Communications Facilities on existing Poles, Support Structures or other structures within the Public R.O.W. without first receiving a Permit. Notwithstanding the foregoing, in the event of an emergency, a Utility or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Utility shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

(3) All applications made under this section shall be expedited to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84.

(4) The Application shall be made by the Utility or its representative and shall contain the following:

(a) A description of the proposed work and the purposes and intent of the proposed Communications Facility, Pole, Support Structure or Small Wireless Facility (as applicable) sufficient to demonstrate compliance with this Article.

(b) If applicable, a copy of the authorization for use of the property from the Pole or Support Structure owner on or in which the Communications Facility will be placed or attached.

(c) Detailed construction drawings of the proposed Communications Facility, Pole, Support Structure or Small Wireless Facility (as applicable). Construction drawings shall include, at minimum, a clear delineation of the right-of-way, distance of the proposed Communications Facility, Pole or Support Structure from certain existing right-of-way features such as curb ramps for handicap accessibility pursuant to the Americans with Disabilities Act, sidewalk width and other details standard for these types of telecommunications installations in the public right-of-way.

(d) Prior to installation of Communications Facility, including but not limited to Collocation on a Pole or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole or Support Structure will structurally support the Communications Facility in accordance with Applicable Codes.

(e) For any new aboveground facilities, accurate visual depictions or representations.

(f) The Utility shall certify that they shall market the availability of approved facilities to all major wireless carriers in the marketplace. The Utility shall further certify that they will encourage, manage, and coordinate the location and placement of any interested carrier's equipment on the structure.

(g) The application and permitting processes set forth herein may be revised, supplemented, or otherwise amended or replaced by resolution of the Borough.

(5) Every application for a Proposed Pole made pursuant to this Chapter must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Right-of-Way. Any such application which does not include such a survey shall immediately be deemed incomplete.

(6) *Material Changes*. Unless otherwise agreed to in writing by the Borough, any material changes to an Application, as determined by the Borough in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Chapter, unless otherwise provided by application Laws.

(7) *Duration*. Any Permit for construction issued under this Chapter shall be valid for a period of 365 days after issuance, provided that the period may be extended for up to an additional 180 days upon written request for the Utility (made prior to the end of the initial 365-day period) if the failure to complete construction is because of circumstances beyond the reasonable control of the Utility.

(8) *Batch Permit*. A Utility may simultaneously submit no more than five (5) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Utility files a consolidated application, the Utility shall pay the application fee calculated as though each Communications Facility were a separate Application.

(9) *Ordinary Maintenance and Repair*. A Permit shall not be required for Ordinary Maintenance and Repair. The Utility or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair. Notwithstanding the foregoing, the Borough reserves the right to inspect the Utility's Small Wireless Facilities at any time to determine if the existing configuration matches the configuration contained in the most recently issued Permit, and the applicable Right-of-Way Use Agreement. The Utility shall bear costs for said inspections.

(10) If it is determined that an existing Small Wireless Facility is found to be larger than the dimensions specified in the most recently issued applicable Permit, then the Utility shall be in violation of this Chapter. The Utility shall receive notice from the Borough and, upon receipt of such notice, be required to restore the site within ten (10) days to the configuration of the most recently approved Permit or retroactively apply for Administrative Approval for the unapproved modifications.

G. THIRD PARTY REVIEW, PREEXISTING SITES AND MUNICIPAL AGREEMENTS.

(1) Telecommunications carriers use various methodologies and analysis tools, including geographically based software, to determine the specific technical parameters of facilities, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances, there may be a need for expert review by a third party of the technical data submitted by the Utility. The Borough may require such a technical review to be paid for by the Utility for a telecommunications facility.

(2) The selection of the third-party expert may be by mutual agreement between the Utility and the Borough or at the discretion of the Borough, with a provision for the Utility and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the facilities and not a subjective review of the site selection.

(3) Based on the results of the third-party review, the Borough may require changes to the application for the facility that comply with the recommendation of the expert.

(4) Any Communications Facilities in the Public Rights-of-Way existing at the time of the adoption of this Article, whether a Right-of-Way Use Agreement exists or is in force and effect regarding same, shall be required to comply with the provisions of this Article.

(5) Any Right-of-Way Use Agreements entered between the Borough and any Utility regarding Communications Facilities in the Public Rights-of-Way shall be required to conform to the provisions and standards of this Article. To the extent the provisions of any existing such agreement conflict with this Article, said provisions, at the discretion of the Borough, shall be replaced and superseded by the applicable terms of this Article.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Neptune City are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

If introduced by the Governing Body, the Public Hearing will be scheduled for Tuesday, May 27, 2025 at 6:00 pm (or as soon thereafter the matter is reached)

ORDINANCE NO. 2025-08

BOROUGH OF NEPTUNE CITY
MONMOUTH COUNTY

AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES TO INCLUDE NEW CHAPTER 105: "RESPONSIBLE CONTRACTOR CERTIFICATION"

WHEREAS, pursuant to N.J.S.A. 40A:11-25, municipalities may establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of the contracting unit, and may adopt a standard form of statement or questionnaire for bidders showing the bidder's financial ability and experience in performing public sector work; and

WHEREAS, the Borough of Neptune City (the "Borough") has proprietary and governmental interests in requiring contractors performing work on public construction projects to maintain high standards, high qualifications and high levels of safety for workers and the general public; and

WHEREAS, the Borough hereby adopts this Ordinance to establish new Chapter 105: "Responsible Contractor Certification" of the Borough Code to serve the best interests of the Borough of Neptune City and its residents.

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

SECTION 1. The Revised General Ordinances of the Borough of Neptune City are hereby supplemented to include *new* Chapter 105: "Responsible Contractor Certification" as follows:

CHAPTER 105: "RESPONSIBLE CONTRACTOR CERTIFICATION"

§ 105-1 PURPOSE

The purpose of this chapter is to ensure that all work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a safe, timely, reliable and cost-effective manner. The Borough shall require compliance with the provisions of this chapter by business entities seeking to provide services to the Borough as specified herein. The requirements of this chapter are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this chapter conflict with any law, public policy or contracting documents of the Borough, this act shall prevail to the extent permitted by law.

§ 105-2 RESPONSIBLE CONTRACTOR REQUIREMENTS

H. All contractors or subcontractors that perform work valued at over $55,000 on any public facility or public works project, including construction, alteration, renovation, repair, service or maintenance work shall meet the requirements of this chapter. The requirements of this chapter are intended to supplement, not replace, existing contractor qualifications and performance standards or criteria currently required by law, public policy or contracting documents.

I. All firms engaged in contracts covered by this chapter shall be qualified, responsible contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organization, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, integrity and business ethics.

§ 105-3 CONTRACTOR RESPONSIBILITY CERTIFICATIONS

A. As a condition of performing work on a public works contract subject to this chapter, a contractor seeking award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for a contract.

B. The Contractor Responsibility Certification shall be completed on a form provided by the Borough and shall reference the project for which a bid is being submitted by name and contract or project number.

C. In the Contractor Responsibility Certification, the contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:
   1. The firm and its employees have all valid, effective licenses, registrations or certificates required by federal, state, county, or local law, including, but not limited to, licenses, registrations or certificates required to: (a) do business in the designated locale; and (b) perform the contract work it seeks to perform. These shall include, but not limited to, licenses, registrations or certificates for any type of construction or maintenance trade work, or specialty work which the firm proposes to self-perform.
   2. The firm meets the bonding requirements for the contract, as required by applicable law or contract specifications and any insurance requirements, as required by applicable law or contract specifications, including general liability insurance, workers compensation insurance and unemployment insurance.
   3. The firm has not been debarred or suspended by any federal, state or local government agency or authority in the past 3 years.
   4. The firm has not defaulted on any project in the past 3 years.
   5. The firm has not had any type of business, contracting or trade license, registration, or other certification revoked or suspended in the past 3 years.
   6. The firm and its owners have not been convicted of any crime relating to the contracting business in the past 10 years.
   7. The firm has not within the past 3 years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws or other similar laws, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of $1,000 or more.
   8. The firm will pay all craft employees that it employs on the project the current wage rates and fringe benefits as required under applicable federal, state or local wage laws.
   9. The firm will employ craft employees in all classifications and individual trades required to successfully perform the work related to this project.
   10. The firm participates in a Class A Apprenticeship Program for each separate trade or classification in which it employs craft employees and shall continue to participate in such programs for the duration of the project.
       a. To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a Class A Apprenticeship Program for each trade or classification listed.
   11. The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to perform the referenced contract, or will obtain same through the use of qualified, responsible subcontractors.
   12. The firm will maintain all qualifications, resources and capabilities referenced in this certification throughout the duration of the project.
   13. The firm shall notify the Borough within 7 days of any material changes to all matters attested to in this certification.
   14. The firm understands that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

D. Execution of the Contractor Responsibility Certification required by this chapter shall not establish a presumption of contractor responsibility and the Borough may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including technical qualifications, financial capacity or other resources and performance capabilities. The Borough may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.

E. If the submitting firm has ever operated under another name or controls, is controlled by another company or business entity or in the past 5 years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach a separate statement to its Contractor Responsibility Certification that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

§ 105-4 DISQUALIFICATION OF CONTRACTORS

Contractors seeking the award of a public works contract wherein a Contractor Responsibility Certificate is required will be disqualified for the following reasons:

A. Having been debarred by any federal, state or local government agency or authority in the past 3 years.

B. Having defaulted on any project in the past 3 years.

C. Having had any type of business, contracting or trade license, registration or other certification suspended or revoked in the past 3 years.

D. Having been cited for a willful violation of federal or state safety laws in the past 3 years.

E. Having been convicted of any crime relating to the contracting of business by a final decision of a court or government agency in the past 10 years.

F. Having been found in violation of any law applicable to its contracting business, including but not limited to licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws or others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of $1,000 or more in the past 3 years.

§ 105-5 CONTINUING REVIEW

A. If the Borough determines that a Contractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the Borough for a period of 3 years and shall be subject to any other penalties and sanctions, including contract termination, available to the Borough under law. A contract terminated under these circumstances shall further entitle the Borough to withhold payment of any monies due to the firm as damages.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Neptune City are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

If introduced by the Governing Body, the Public Hearing will be scheduled for Tuesday, May 27, 2025 at 6:00 pm (or as soon thereafter the matter is reached)

ORDINANCE NO. 2025-09

BOROUGH OF NEPTUNE CITY
MONMOUTH COUNTY

AN ORDINANCE SUPPLEMENTING THE BOROUGH'S REVISED GENERAL ORDINANCES TO INCLUDE NEW CHAPTER 94: "SPECIAL EVENTS"

WHEREAS, the Borough of Neptune City (the "Borough") has determined that it is in the best interests of the community to require anyone intending to hold any of the types of the special events hereinafter described, to obtain a Permit for any such event; and

WHEREAS, the Borough hereby adopts this Ordinance to establish new Chapter 94: "Special Events" of the Borough Code to ensure the protection of the interests of those in the community upon whom special events shall impact and those attending these special events.

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

SECTION 1. The Revised General Ordinances of the Borough of Neptune City are hereby supplemented to include *new* Chapter 94: "Special Events" as follows:

CHAPTER 94: "SPECIAL EVENTS"

§ 94-1 Permit Required for Special Events

A. A person, business, organization or entity desiring to hold any concert, race, walkathon, sporting event, flea market, plunge, show, fair, carnival, festival, celebration, or any other type of event generating a parking or traffic situation that may interfere with the movement of normal traffic and/or emergency vehicles, taking place in or upon any street, park, beach, or other public place, or private property in the Borough must first apply for and obtain a permit from Borough in accordance with the requirements of § 94-2 of this chapter. Any such event, which is likely to require the expenditure of Borough resources in the form of Department of Public Safety and/or Department of Public Works salaries, wages, or other expenses, shall constitute a special event. To obtain a permit for a special event, the applicant shall also satisfy the requirements of § 94-3 and § 94-4 of this chapter.

B. In order to further define a "special event," the following shall be inclusive: closing of a public street; the blocking or restriction of public property; the sale of merchandise, food or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; or placement of temporary "no parking" signs on a public right-of-way.

§ 94-2 Application for Permit

A. A person, business, organization, or entity seeking issuance of a permit hereunder shall file the application with the Borough on a form to be provided by the Borough for that purpose, on which form the applicant shall furnish the following information:
   1. The name, address, and telephone number of the applicant.
   2. The name, address, and telephone number of the person, persons, corporation, or association sponsoring the activity.
   3. A detailed description of the proposed event and a sketch that would show the area or route to be used, along with the proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a "footprint."
   4. The date(s) and hours for which the permit is desired.

5. The location of the event for which the permit is desired, and complete details as to how the applicant intents to provide security and traffic control.
6. The number of contestants, participants, spectators, and/or other persons that are reasonably anticipated to attend the event.
7. A detailed description of the Borough resources or services that will be required to be provided in connection with the event.
8. A detailed list of vendors using various cooking devices shall be submitted to the Fire Marshall ten (10) days prior to the event.
9. Should alcohol be served at the event, applicant must submit a copy of all required licenses and/or permits obtained from the NJ Division of Alcoholic Beverage Control, and a complete detailed drawing as to the location and how the applicant will secure the area.
10. Any other information which the Borough shall find necessary to a fair determination as to whether a permit should be issued thereunder.

B. Upon verification that the application is complete, the application shall be referred to the Borough department heads for preliminary review in accordance with § 94-4 of this chapter.

§ 94-3 Fees/Deposits

A. Application Fee (Nonrefundable). All applicants for special events permits shall be required to pay a nonrefundable application fee of $25.00. The application fee shall be due and payable at the time that an application is submitted. All or part of the required fees may be waived by the Mayor and Council.

B. Deposit. In addition to the nonrefundable application fees specified above, all applicants may be required to pay a $2,500.00 per day refundable deposit thirty (30) days prior to the event to cover any unforeseen expenses which may be incurred by the Borough related to the event (including but not limited to any costs associated with the use of Borough staff members and/or equipment, etc., which may be necessitated). In the event that this refundable deposit is requested and not paid thirty (30) days prior to the event, the Borough reserves the right to cancel the event.

§ 94-4 Review of Application; Decision by Borough Council

The department heads shall review the applications and shall present to the Mayor and Council their recommendations at their regularly scheduled meeting. In the event that any member of the governing body voices concern that the event to be held requires additional investigation, he or she may direct that the application be referred back for additional information. The Mayor and Council shall make the final determination, by resolution, adopted by majority vote, whether to issue a permit for a special event, and shall set forth in the resolution such conditions and restrictions as may be necessary to insure that the standards set forth in § 94-5 are satisfied. After final revision/approval of the drawing by all parties, no changes may be made. Should other changes be requested after approval changes, such changes must be submitted within thirty (30) days of the proposed event and will incur an additional fee of $250.00.

§ 94-5 Standards for Permit Issuance

The standards for the issuance of a permit pursuant to this chapter shall include the following findings:

1. That the proposed event will not interfere with or detract from the general public enjoyment of the public park, public area, street, or roadway to be utilized.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
3. That the proposed activity and use anticipated will not be likely to incite violence, crime, or disorderly conduct.
4. That the facilities desired have not been reserved for any other use at the date and hour requested in the application.

§ 94-6 Smoking of Cannabis Prohibited

The consumption of cannabis items is prohibited and shall not be permitted at any special event within the Borough.

§ 94-7 Enforcement

The Police Department of the Borough or its designee has the authority to eject from the area in which the special event is taking place any person acting in violation of this chapter or any chapter of the Revised General Ordinances of the Borough of Neptune City

§ 94-8 Personnel and Equipment Fees

The Borough is authorized to charge for any additional and/or unanticipated fees for expenses which are deemed or become necessary prior, during, or after the special event as a direct result of the event, from any unforeseen circumstances or otherwise.

Maintenance Personnel and Equipment Fees	
Putting up barricades: 2 workers, 1 hour	$50.00
Picking up barricades: 2 workers, 1 hour	$50.00
Putting up banner: 2 workers, 1 hour	$100.00
Taking down banner: 2 workers, 1 hour	$100.00
Use of pickup truck, per hour	$25.00*
Use of dump truck	$70.00*
Use of sweeper, per hour	$75.00*
Use of front-end loader, per hour	$85.00*
Dumping fee	$120.00 per ton
Use of bucket, per hour	$30.00*
Beach cleaner	$15.00*
Maintenance Personnel and Equipment Fees	
Janitor	$20.00 per worker hour
Ambulance	$250.00*
Fire engine or rescue truck	$500.00 per day*
Police	**

*Items shown with an asterisk require an additional charge for the operator of the vehicle or equipment, which shall be at the rate of $50 per worker-hour. The above fees include delivery and pickup during regular working hours (7:00 a.m. through 2:00 p.m.). All charges shall be hourly and shall have a minimum charge of one hour. For any increments into the following hours, a one-hour charge shall be incurred.

****Police**

Refer to Section 24-21 or most recent resolution authorizing fees for off duty employment.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Neptune City are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

If introduced by the Governing Body, the Public Hearing will be scheduled for Tuesday, May 27, 2025 at 6:00 pm (or as soon thereafter the matter is reached)

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 2025-68** - Auth. Payment of the Bills
2) **Resolution 2025-69** - Auth. United Fire Company No. 1 (Neptune City Fire Dept.) to Conduct Coin Tosses in 2025
3) **Resolution 2025-70** - Auth a Refund of Construction Permit Application Fee (Trinity Solar)
4) **Resolution 2025-71** - Participants Resolution LEAP Implementation Grant
5) **Resolution 2025-72 -** Support Submission of Application for New Jersey Department of Transportation – Transportation Alternatives Program
6) **Resolution 2025- 73** - Auth. A Person-To-Person Transfer of Plenary Retail Distribution License 1335-44-004-002
7) **Resolution 2025- 74** - Auth Refund of Property Tax Overpayment for Certain Properties

RESOLUTION 2025-68
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 $ 109,281.30

Vendor Name	Description	Amount
Frank's Truck Center, Inc.	2025 GMC Sierra 3500HD	$ 64,936.00
GLENDALE PARADE STORE	1903 SPRINGFIELD BLACK	$ 555.90
WELLINSKY, MORGAN	PARK RENTAL DEP. 4/27/25	$ 100.00
GENSEMER, ELIZABETH	PARK RENTAL GENSEMER 4/19/25	$ 100.00
HOME DEPOT CREDIT SERVICES	electrical supplies	$ 41.94
YORK GUARD SHACK	GUARD SHACK-NC RECYCLE CENTER	$ 100.00
YORK GUARD SHACK	GUARD SHACK-NC RECYCLE CENTER	$ 7,185.55
YORK GUARD SHACK	GUARD SHACK-NC RECYCLE CENTER	$ 78.00
YORK GUARD SHACK	GUARD SHACK-NC RECYCLE CENTER	$ 3,815.45
YORK GUARD SHACK	GUARD SHACK-NC RECYCLE CENTER	$ 71.00
ORIENTAL TRADING COMPANY, INC.	SUPPLIES: BD OF REC-LIBRARY	$ 54.28
ORIENTAL TRADING COMPANY, INC.	SUPPLIES: BD OF REC-LIBRARY	$ 11.04
ORIENTAL TRADING COMPANY, INC.	SUPPLIES: BD OF REC-LIBRARY	$ 111.92
STANDARD INSURANCE COMPANY	PREMIUM: APRIL 2025	$ 315.81
AVAKIAN,LEON S INC.	NCPB: 96 LAIRD #31060	$ 3,607.50
AVAKIAN,LEON S INC.	NCPB: FLEXCRAFT #31059	$ 1,080.00
AVAKIAN,LEON S INC.	NCPB: THIRD GARDEN #31056	$ 462.50
COWLEY'S TERMITE & PEST	SERVICE: 4-24-2025	$ 66.91
COWLEY'S TERMITE & PEST	SERVICE: 4-24-2025	$ 66.91
Archer & Greiner, P.C.	SPECIAL COUNSEL: MARCH 2025	$ 845.00
Archer & Greiner, P.C.	SPECIAL COUNSEL: MARCH 2025	$ 845.00
AVAKIAN,LEON S INC.	MCOS ADAMS FIELD: #31071	$ 5,262.50
AVAKIAN,LEON S INC.	RT 35/3RD DRAINGE #31070	$ 370.00
AVAKIAN,LEON S INC.	2022 TTF ROAD #31069	$ 1,295.00
AVAKIAN,LEON S INC.	MERRITT/SWALL/MCLELLAND #31067	$ 612.50
AVAKIAN,LEON S INC.	1100 FIFTH AVE #31065	$ 2,515.00
AVAKIAN,LEON S INC.	GENERAL ENGINEERING: #31064	$ 1,480.00
AVAKIAN,LEON S INC.	STORMWATER PERMIT #31062	$ 540.00
EDWARDS, MATTHEW	MEDICAL CONSULT/LUKE	$ 122.39
THE NEW COASTER, LLC.	PUBLICATION: 4-17-2025 #10321	$ 7.13
THE NEW COASTER, LLC.	PUBLICATIONS: 4-24-25 10367 70	$ 7.75

SCHINDLER ELEVATOR CORP.	MONTHLY PREV: MAY 2025	$ 321.88
DYNAMIC TESTING SERVICE	RANDOM TESTING: APRIL 2025	$ 190.00
C.A. POWER EQUIPMENT, INC.	EXMARK MOWER BELTS	$ 324.80
NJ E-Z PASS CUST. SERV CENTER	2025 FUNDS	$ 250.00
GANNETT NY/NJ LOCALIQ	PUBLICATION: 4-24-2025	$ 8.36
CINTAS	cleaning supplies	$ 498.66
AVAKIAN,LEON S INC.	2024 ROAD PROGRAM #31066	$ 2,307.50
J. SWANTON FUEL OIL COMPANY	SERVICE: MARCH-APRIL 2025	$ 61.43
J. SWANTON FUEL OIL COMPANY	SERVICE: MARCH-APRIL 2025	$ 450.49
J. SWANTON FUEL OIL COMPANY	SERVICE: MARCH-APRIL 2025	$ 701.66
QUADIENT FINANCE USA, INC.	SERVICE: APRIL 2025	$ 502.14
QUADIENT FINANCE USA, INC.	SERVICE: APRIL 2025	$ 502.14
DELISA DEMOLITION & DISPOSAL	SERVICE: APRIL 2025	$ 6,499.26
	05/12/2025 Bill List Total:	**$ 109,281.30**

RESOLUTION 2025-69
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING UNITED FIRE COMPANY NO. 1 TO CONDUCT COIN TOSSES IN 2025

WHEREAS, the United Fire Company No. 1, Neptune City has requested permission to conduct coin tosses at several times throughout the year 2025 pursuant to Chapter 53 of the Borough Code; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Neptune City do hereby approve the request of United Fire Company No. 1, Neptune City to hold Coin Tosses at the intersection of Brighton Avenue and West Sylvania Avenue on the following dates in 2025:

Thursday, May 22 and Friday, May 23 (4:00 pm – 7:00 pm);
Saturday, May 24 (8:00 am – 11:00 am);
Friday, June 20 (4:00 pm – 7:00 pm);
Saturday, June 21 (8:00 am – 11:00 am);
Thursday, July 3 (4:00 pm – 7:00 pm);
Saturday, July 5 (8:00 am – 11:00 am);
Thursday, August 28 and Friday, August 29 (4:00 pm – 7:00 pm);
Saturday, August 30 (8:00 am – 11:00 am); and

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

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

RESOLUTION 2025-70
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING A REFUND OF CONSTRUCTION PERMIT APPLICATION FEE

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Neptune City, County of Monmouth, State of New Jersey, that a refund of $527.00 is hereby authorized to Trinity Solar for cancelled permit 2-025.

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

RESOLUTION 2025-71
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
PARTICIPANT'S RESOLUTION LEAP IMPLEMENTATION GRANT

WHEREAS, the State of New Jersey has appropriated $6 million for Shared Services and Implementation, Challenge, and County Coordinator Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Borough of Lake Como, the Borough of Neptune City and the Borough of Spring Lake propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to offer Code Enforcement Services which will benefit the residents of all three participating local units; and

WHEREAS, the Borough of Lake Como has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Neptune City, that the Borough of Neptune City does hereby join with the Borough of Lake Como and the Borough of Spring Lake in applying for a LEAP Implementation Grant in the amount of $57,713.10 to support implementation of this shared service.

RESOLUTION 2025-72
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
SUPPORT SUBMISSION OF APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, The Borough of Neptune City is applying for funding to conduct the installation of stormwater manufactured treatment devices that discharge into Shark River within the Borough of Neptune City; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of reducing pollution caused by local highways and roadways into Shark River and the Atlantic Ocean; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by Borough of Neptune City.

NOW, THEREFORE BE IT RESOLVED, by the Council of Neptune City that it hereby supports the submission of a grant application for the Transportation Alternatives Set-Aside Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Manager and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

RESOLUTION 2025-73
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE
1335-44-004-002

WHEREAS, an application has been filed for a Person-to-Person transfer of a Plenary Retail Consumption License Number 1335-44-004-002 heretofore issued to Jay & Reddy, Inc., 76 Highway 35, Neptune City, New Jersey 07753; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the Neptune City Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet the ABC Standards; and

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Neptune City does hereby approve, effective April 29, 2025, the transfer of the aforesaid Plenary Retail Distribution License to WinesNLiquors Foleys, LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to WinesNLiquors Foleys, LLC effective May 15, 2025”.

RESOLUTION 2025-74
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZE REFUND OF PROPERTY TAX OVERPAYMENT FOR CERTAIN PROPERTIES

WHEREAS, it has been determined by the Tax Collector that the taxpayers indicated below are entitled to tax overpayment refunds; and

WHEREAS, it is the desire of the Governing Body to have these overpayments returned to the respective taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Neptune City, County of Monmouth, State of New Jersey, that:

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown to the tax payers listed below subject to the funds.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

Block: **53** Lot: **1** in the amount of **$5,901.62** to **Coastal Commercial, LLC**

C. Budget Resolution (rc)

1) Resolution 2025-75 - Approving Introduction of Municipal Budget for the Year 2025
Public Hearing at Special Meeting scheduled for June 9, 2025

RESOLUTION 2025-75
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
APPROVING INTRODUCTION OF MUNICIPAL BUDGET FOR THE YEAR 2025

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2025; and

BE IT FURTHER RESOLVED that said budget be published in The Coaster in the issue of May 22, 2025. The Governing Body of the Borough of Neptune City does hereby approve the following as the budget for the year 2025.

NOTICE IS HEREBY given that the Budget and Tax Resolution was approved by the Council Members of the Borough of Neptune City, County of Monmouth, State of New Jersey on May 12, 2025.

A hearing on the Budget and Tax Resolution will be held at Borough Hall on June 9, 2025 at 6:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2025 may be presented by taxpayers or other interested persons.