Borough of Neptune City
Regular Meeting of the Mayor and Council
Agenda
Monday, November 27, 2023
7:00 pm

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

1. CALL TO ORDER
Roll Call
Open Public Meetings Act Statement
Flag Salute

2. CLOSED SESSION – None

3. RECEIPT OF MINUTES
Regular Meeting Minutes 11/13/2023

4. RECEIPT OF COMMUNICATIONS

5. PRESENTATIONS

6. MAYOR'S REPORT - Mayor Wardell

7. COUNCIL REPORTS
ADMINISTRATION & FINANCE – Council President Brian Thomas
SPECIAL SERVICES – Councilmember Scott Dellett
ADMINISTRATION & JUSTICE – Councilmember Dana Farley
LAW & ORDINANCE – Councilmember Glen Kocsis
PUBLIC WORKS – Councilwoman Danielle Pappas
HUMAN SERVICES – Councilmember Pamela Renee

8. ADMINISTRATOR'S REPORT - Administrator Jardine

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

10. UNFINISHED BUSINESS
A. ORDINANCE ADOPTION - None

B. RESOLUTIONS – *(rc)*
1) Resolution 2023-85 - Auth Amendments to East Coast Ice Redevelopment Plan Agreement (B 18, L 1 & B 13, L 1)
(Tabled from 8/28/2023; Remaining Tabled)

11. NEW BUSINESS
A. ORDINANCE INTRODUCTION – *(rc)*
1) Ordinance 2023-15 – Amending Chapter 39 of the Borough Code, Section 5 Entitled License Fees - *First Reading /Introduction* (Public Hearing 11/27/23)

2) **Ordinance 2023-16 – Amending Chapter 24 of the Borough Code, Article IV Special Duty Assignments, Section 22 Cancelled Assignments** - *First Reading /Introduction* (Public Hearing 11/27/23)

3) **Ordinance 2023-17 – Amending Chapter 97 of the Borough Code, Article V Curfew, Section 12 Curfew for Minors** - *First Reading /Introduction* (Public Hearing 11/27/23)

4) **Ordinance 2023-18** – **Amending Chapter 102 of the Borough Code, to Add Article XII Regulating Privately-Owned Salt Storage** - *First Reading /Introduction* (Public Hearing 11/27/23)

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

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

1) **Resolution 2023-120 -** Auth. Payment of the Bills
2) **Resolution 2023-121** – Auth a Refund of an Application Fee
3) **Resolution 2023-122** – Auth Extension of Shared Service Agreement with Neptune Township for EMS Services

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

13. **CLOSED SESSION** - None

14. **ADJOURN**

The next Council Meeting will be held Monday, December 11, 2023 at 7:00 pm at Borough Hall

UNFINISHED BUSINESS

ORDINANCE ADOPTION – None

RESOLUTIONS – *(rc)*

Resolution 2023-85 - Auth Amendments to East Coast Ice Redevelopment Plan Agreement (B 18, L 1 & B 13, L 1)
(Tabled from 8/28/2023; Remaining Tabled)

RESOLUTION 2023-85

BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AUTHORIZE AMENDMENTS TO EAST COAST ICE REDEVELOPMENT PLAN AGREEMENT
(B 18, L 1 & B 13, L 1)

INFORMATION IS AWAITED

Resolution currently tabled as of 8/28/2023

NEW BUSINESS

ORDINANCE INTRODUCTION – *(rc)*

1) **Ordinance 2023-15 – Amending Chapter 39 of the Borough Code, Section 5 Entitled License Fees** - *First Reading / Introduction* (Public Hearing 11/27/23)
2) **Ordinance 2023-16 – Amending Chapter 24 of the Borough Code, Article IV Special Duty Assignments, Section 22 Cancelled Assignments** - *First Reading /Introduction* (Public Hearing 11/27/23)
3) **Ordinance 2023-17 – Amending Chapter 97 of the Borough Code, Article V Curfew, Section 12 Curfew for Minors** - *First Reading /Introduction* (Public Hearing 11/27/23)
4) **Ordinance 2023-18 – Amending Chapter 102 of the Borough Code, to Add Article XII Regulating Privately-Owned Salt Storage** - *First Reading /Introduction* (Public Hearing 11/27/23)

ORDINANCE 2023-15
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
AMENDING CHAPTER 39 OF THE BOROUGH CODE, SECTION 5 ENTITLED LICENSE FEES

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

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

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

Deletions are noted by ~~strike throughs~~
Additions are indicated in **bold underline**
Language that remains unchanged is not highlighted in any way

§ 39-5 License fees.

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

B. Plenary retail distribution license. The annual license fee for a plenary retail distribution license shall be the sum of $~~720~~ **1,400.00**.

BE IT FURTHER ORDAINED, that

A. All other Ordinances or provisions of the Code of the Borough of Neptune City or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extend of such conflict or inconsistency.

B. If any provisions of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

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

DATE INTRODUCED: November 27, 2023
PUBLIC HEARING: December 11, 2023

ORDINANCE 2023-16
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
AMENDING CHAPTER 24 OF THE BOROUGH CODE, ARTICLE IV SPECIAL DUTY ASSIGNMENTS, SECTION 22 CANCELLED ASSIGNMENTS

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

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

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

Deletions are noted by ~~strike throughs~~

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

§ 24-22 Cancelled assignments.

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

BE IT FURTHER ORDAINED, that

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

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

DATE INTRODUCED: November 27, 2023
PUBLIC HEARING: December 11, 2023

ORDINANCE 2023-17
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
AMENDING CHAPTER 97 OF THE BOROUGH CODE, ARTICLE V CURFEW, SECTION 12 CURFEW FOR MINORS

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

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

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

Deletions are noted by ~~strike throughs~~
Additions are indicated in **bold underline**
Language that remains unchanged is not highlighted in any way

§ 97-12 Curfew for minors.

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

A. At 9:30 p.m., for minors 13 years of age and under; and
B. At 11:00 p.m. for minors 14 or more years of age.
   1) Except on October 30 and October 31 each year, for which the curfew will be established for any minors under the age of 17 beginning at 8:00 pm and ending at 6:00 pm prevailing time
C. In addition, it shall be unlawful for any parent or guardian to allow or permit any minor to be in or upon any public streets, highways, roads, public places and/or public buildings, places of amusement and/or entertainment, public transportation facility, public vehicles used for transportation, vacant lots or other public places, within the confines of the Borough at any hour in which said minor's school is in session, unless such minor has been officially excused (excluding suspension and expulsion) from attendance at such school by school authorities.
D. Similarly, it shall be unlawful for any owner, operator or employee of an establishment to knowingly allow or permit any minor to remain in or upon such establishment at any time during the hours in which such minor's school is in session unless such child has been officially excused (excluding suspension and expulsion from attendance at such school by school authorities.)

BE IT FURTHER ORDAINED, that

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

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

DATE INTRODUCED: November 27, 2023
PUBLIC HEARING: December 11, 2023

ORDINANCE 2023-18
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH
AMENDING CHAPTER 102 OF THE BOROUGH CODE, TO ADD ARTICLE XII REGULATING PRIVATELY-OWNED SALT STORAGE

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

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

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

§102-75 Purpose:

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

§102-76 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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

§102-77 Deicing Material Storage Requirements:

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

b. The cover shall extend to the base of the pile(s);
c. The cover shall be free from holes or tears;
d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. The Borough of Neptune City requires that all such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§102-78 Exemptions:

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

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

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

§102-79 Enforcement:

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

§102-80 Violations and Penalties:

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

BE IT FUTHER RESOLVED

A. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance;

B. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

DATE INTRODUCED: November 27, 2023
PUBLIC HEARING: December 11, 2023

CONSENT AGENDA RESOLUTIONS – *(rc)*

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

Resolution 2023-120 - Auth. Payment of the Bills

Resolution 2023-121 – Auth a Refund of an Application Fee

Resolution 2023-122 – Auth Extension of Shared Service Agreement with Neptune Township for EMS Services

RESOLUTION 2023-120
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 $ 151,912.31

Vendor Name	Description	Amount
FURBISH, DAVID	MEMORIAL/PAVILION PARK RENTAL	$ 100.00
ELLICOTT NETWORK CONSULTANTS	DPW computer	$ 760.00
AMAZON CAPITAL SERVICES	PHONE HOLDER-DPW	$ 152.48
AMAZON CAPITAL SERVICES	REMOTE GREASE KIT	$ 59.06
STAPLES ADVANTAGE	LABEL PRINTER: NCPD	$ 161.59
STAPLES ADVANTAGE	LABEL PRINTER: NCPD	$ 699.98
FARRELL, EILEEN	BALLROOM DANCE INST.	$ 525.00
ATS ENVIRONMENTAL SERVICES	Fuel system upgrades	$ 4,856.05
ZEP SALES & SERVICE	DPW SUPPLIES: CLEANING-FLUIDS	$ 807.53
ZEP SALES & SERVICE	DPW SUPPLIES: CLEANING-FLUIDS	$ 186.61
SAFETY GLASSES USA, INC.	SAFETY GLASSES-DPW	$ 41.47
QUAGLIATO, MATTHEW	CELL PHONE ALLOWANCE-NOV 2023	$ 100.00
CANO, HOOVER	CELL PHONE ALLOWANCE-NOV 2023	$ 100.00
VOLLBRECHT, MICHAEL	CELL PHONE ALLOWANCE-NOV 2023	$ 100.00
JARDINE, ALBERT	CELL PHONE ALLOWANCE-NOV 2023	$ 100.00
HELLWIG, KELLY	CELL PHONE ALLOWANCE-NOV 2023	$ 100.00
REYNOLDS,ROBERT SR.	CELL PHONE ALLOWANCE-NOV 2023	$ 50.00
LAUENSTEIN, ERIC	CELL PHONE ALLOWANCE-NOV 2023	$ 35.00
JCP&L	SERVICE: NOV-DEC 2023 SEWERS	$ 1,002.51
CENTRAL JERSEY REG ASSOCIATION	REGISTRAR'S CLASS 2023	$ 80.00
ARCHER & GREINER	PROF SERV: WALSIFER REDEVEL	$ 2,700.00
COWLEY'S TERMITE & PEST	SERVICE: NOVEMBER 2023	$ 61.95
COLLINS, VELLA & CASELLO, LLC	MONTHLY RETAINER:SEPT-OCT 2023	$ 700.00
COLLINS, VELLA & CASELLO, LLC	MONTHLY RETAINER:SEPT-OCT 2023	$ 175.00
NEAVES, WILLIAM	MEDICAL REIMBURSEMENT	$ 494.70
CLEARY GIACOBBE ALFIERI JACOBS	TAX APPEAL: 116/5	$ 66.00
MONMOUTH COUNTY SPCA	SERVICE: OCTOBER 2023	$ 1,412.50
COTTRELL JR., RICHARD	MEDICAL REIMBURSEMENT	$ 494.70
REYNOLDS,ROBERT JR.	CONFERENCE REIMBURSEMENT	$ 202.96
S&S ASSOCIATES, LLC	SERVICE: NOVEMBER 2023	$ 900.00
DELISA DEMOLITION & DISPOSAL	SERVICE: SEPT 2023	$ 3,995.46
DELISA DEMOLITION & DISPOSAL	SERVICE: NOVEMBER 2023	$ 6,053.46
PRC MANAGEMENT COMPANY INC	TRASH SERVICES	$ 114,638.30
IVY HALL	REFUND APPLICATION FEE	$ 10,000.00
	11/27/2023 Bill List Total	**$ 151,912.31**

RESOLUTION 2023-121
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING A REFUND OF AN APPLICATION FEE

WHEREAS, as a request has been made by the applicant; 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 $10,000.00 is hereby authorized to Ivy Hall.

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

RESOLUTION 2023-122
BOROUGH OF NEPTUNE CITY
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING EXTENSION OF SHARED SERVICE AGREEMENT WITH NEPTUNE TOWNSHIP FOR EMS SERVICES

WHEREAS, the Borough of Neptune City and the Township of Neptune desire entered into a Shared Service Agreement for the provision of Emergency Medical Services commencing January 1, 2021 for a one-year term which permitted extensions for a period of five years; and

WHEREAS, both Municipalities are desirous of authorizing an extension of this agreement for a period of one year commencing January 1, 2024 and ending December 31, 2024; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. permits entering into a Shared Services Agreement; and

WHEREAS, the fee for the provision of Emergency Medical Services to the Borough of Neptune City shall be $7,292.00 per month.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Neptune City hereby enter into a Shared Service Agreement with the Township of Neptune as per the provisions of the agreement on file in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Municipal Clerk and the Mayor to sign the agreement on behalf of the Borough.