



Agenda
Meeting of the Municipal Council
Wednesday, January 27, 2016

I. Executive Session – 4:30 p.m.

Resolution 2016-54 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Carter Sackman - Savoy Theater
2. Boston Way PILOT and Escrow Agreement
3. Asbury Partners, LLC/iStar - Waterfront Redevelopment Area/Redevelopment Agreement Negotiations and Amendments
4. Redevelopment Counsel Agreement
5. Financial Advisor Agreement

B. Litigation:

1. Famularo Disciplinary Proceeding
2. Cassandra Walker vs. City of Asbury Park (Worker's Compensation)

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, January 25, 2016.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

- A. Clerk to Call Meeting to Order/Roll Call.
- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag

D. **(Announcement by City Clerk):** As to compliance with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **STATE OF THE CITY ADDRESS**

F **Public Participation (Announcement by City Clerk):**

May I have a motion to open the public comment portion of the meeting with a 3-minute time limit for each speaker. Take Motion.

[The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.]

G. Acceptance of Minutes:

- January 5, 2016 – Organization Meeting
- January 11, 2016 – Workshop Session
- January 13, 2016 – Executive Session
- January 13, 2016 – Regular Session

H. Consent Agenda Resolutions.

[All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.]

- | | |
|---------|--|
| 2016-55 | Approving Special Events/Wedding Applications as Presented on January 25, 2016 |
| 2016-56 | Resolution Authorizing the Payment of Payroll in the Amount of \$891,308.47 |
| 2016-57 | Resolution Authorizing Severance Payment to Thomas Gilmour |
| 2016-58 | Resolution Authorizing Refund of Overpayment of Taxes |
| 2016-59 | Authorizing Appointment to the Code Enforcement/Quality of Life Committee |
| 2016-61 | Amending Resolution 2016-30 Authorizing Appointments to the “Wesley Lake Commission” |
| 2016-62 | Authorizing Appointment to the “Deal Lake Commission” |
| 2016-63 | Authorizing Approval to Advertise and Accept Proposals for the Various Activities |

- 2016-64 A Resolution Authorizing the City of Asbury Park to Advertise for Competitive Bids for Lease(s) of Space within the James J. Howard Transportation Center
- 2016-65 Rejecting Proposals for Turn-Key Parking Operations Related to All Regulated Parking within the City

I. Individual Resolutions

- 2016-50 A Resolution of the Mayor and Council of the City of Asbury Park, Approving a PILOT Agreement for Boston Way Village, LLC for the Asbury Park Housing Authority Boston Way Village Housing Development
- 2016-60 Declaring an Emergency so that the Provisions of Ordinance No. 2016-02 (Concerning Parking) May Take Effect Immediately
- 2016-66 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing a Development, Escrow and Funding Agreement with Boston Way Village, LLC Regarding the Proposed Development of the Former Boston Way Housing for the Asbury Park Housing Authority on Block 1702, Lot 1.
- 2016-67 Resolution Authorizing the Payment of Bills in the Amount of \$911,430.37
- 2016-68 Authorizing Execution of a Shared Services Agreement with the County of Monmouth for Dispatch Services (Police, Fire and Ems)
- 2016-69 Authorizing Agreement for Animal Control with the Associated Humane Societies, Inc.
- 2016-70 Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Mosquito Control Operations within the City of Asbury Park
- 2016-71 Authorizing and/or Ratifying Change Order #'s 1-4 to the Contract with Suburban Consulting Engineers, Inc. for Professional Design, Bidding and Construction Administration Services for the Springwood Park Project
- 2016-72 Resolution of the City of Asbury Park Making Application to the New Jersey Local Finance Board Pursuant to N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board and Pursuant to Local Finance Notice 2012-29 the Approval of a Down Payment Waiver Pursuant To N.J.S.A 40A:2-11(c) and N.J.S.A 40A:2-7(d) for Superstorm Sandy Reconstruction Improvements

J. Ordinances:

1. First Reading/Introduction:

- 2016-03 Amending and Supplementing Subsection 6-7.1, Entitled "Submission of Employee Information to Police Department" of Section 6-7, "Employees

of Licensed Premises; I.D. Card Required,” of Chapter VI, “Alcoholic Beverage Control,” of the “Code of the City of Asbury Park, New Jersey.”

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

2016-01 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, to Increase the Appropriation by \$550,000 and to Increase the Authorization of Bonds or Notes by \$550,000

2016-02 Revising Traffic and Parking Regulations for Residential and Employee Parking Permits, and Amending and Supplementing Ordinance No. 2015-55

[Open and Close Public Hearing on Each Ordinance, and Vote to Adopt.]

K. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, JANUARY 27, 2016
WORK SESSION AND REGULAR MEETING

Deputy City Clerk Melody Hartsgrove called the meeting to order at 6:30 p.m.

The following Council Members were present: Council Member Jesse Kendle, Council Member Yvonne Clayton, *Council Member Joe Woerner (arrived at 7:20 pm) Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, City Manager Michael Capabianco and Deputy City Clerk Melody Hartsgrove.

Deputy Clerk Hartsgrove announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

Work Session

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, JANUARY 25th, 2016

MATTERS FROM CITY COUNCIL

Mayor Moor discussed looking into the possibility changing the schedule of the start time of the Wednesday Council Meetings specifically Executive session starting at 5:00 pm instead of 4:30 pm.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY -None

REGULAR MEETING

The City Clerk announced as in compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

PUBLIC PARTICIPATION

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to open the meeting to the public. All were in favor.

Deputy City Clerk Hartsgrove made the following announcement: “The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.”

The following members of the public spoke: Werner Baumgartner, Denise Richardson, Randy Thompson, Jerry Scarano, Conrad Niblett, Marissa Roja, and Rev.Parreott.

Motion made by Council Member Woerner and seconded by Council Member Kendle to close the public portion of the meeting. All were in favor.

ACCEPTANCE OF MINUTES:

- January 5, 2016 – Organization Meeting
- January 11, 2016 – Workshop Session
- January 13, 2016 – Executive Session
- January 13, 2016 – Regular Session

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

CONSENT AGENDA RESOLUTIONS

[All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.]

2016-55 Approving Special Events/Wedding Applications as Presented on January 25, 2016.

Resolution #2016-55

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on January 25, 2016, the following Special Events Applications were presented for approval by the Director of Recreation:

1. ARC Walk and 5k run
2. Love Run
3. Center a la Carte- city date

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-55, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-56 Resolution Authorizing the Payment of Payroll in the amount of \$891,308.47

Resolution #2016-56

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$891,308.47

WHEREAS, the January 15, 2016 payroll in the amount of \$891,308.47, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling \$891,308.47 is hereby authorized to be paid, and;

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute payment of said payroll.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-56, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

2016-567 Resolution Authorizing the Severance Payment to Thomas Gimour.

Resolution #2016-57

**RESOLUTION AUTHORIZING SEVERANCE PAYMENT TO
THOMAS GILMOUR**

WHEREAS, Thomas Gilmour has been separated from the City of Asbury Park effective October 31, 2015;

WHEREAS, in accordance with The American Federation of State, County and Municipal Employees (AFSME) union contract, at the time of layoff, Mr. Gilmore is entitled to two (2) weeks' severance pay at his regular rate of pay;

WHEREAS, Thomas Gilmour is entitled to severance pay in the amount of \$3,404.14;

WHEREAS, in accordance with N.J.A.C. 5:30-15.4, sufficient documentation has been provided to Chief Financial Officer, Richard Gartz for the above severance payment.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the payment of \$3,404.14 to Thomas Gilmour for two weeks' severance pay to be paid on January 29, 2016.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-58 Resolution Authorizing Refund of Overpayment of Taxes.

**Resolution # 2016-58
RESOLUTION AUTHORIZING REFUND
OF OVERPAYMENT OF TAXES**

BE IT RESOLVED, by the City Council of the City of Asbury Park that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2015 taxes in the amount of \$1,213.68 to Carl Richardson, for Block 902, Lot 26 commonly known as 30 Ridge Avenue.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-58, which was finally adopted by the City Council at a meeting held on the January 27, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

2016-59 Authorizing Appointment to the Code Enforcement/Quality of Life Committee

Resolution # 2016-59

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING AN ADDITIONAL APPOINTMENT TO THE CODE
ENFORCEMENT/QUALITY OF LIFE ADVISORY COMMITTEE**

WHEREAS, on January 5, 2016, the Mayor and Council adopted Resolution No. 2016-25, which authorized the establishment of a Code Enforcement/Quality of Life Advisory Committee (also referenced as the "Committee") in and for the City of Asbury Park and appointed certain individuals to serve on the Committee; and

WHEREAS, the Mayor and Council now wish to appoint an additional individual to serve on the Committee, in accordance with the provisions set forth in Resolution No. 2016-25.

NOW, THEREFORE, BE IT RESOLVED, that the following additional individual is hereby appointed to serve on the Code Enforcement/Quality of Life Advisory Committee:

Appointee

Term to Expire

Bonnie Barrett

December 31, 2016

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-59, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-61 Amending Resolution 2016-30 Authorizing Appointments to the “ Wesley Lake Commission”

Resolution # 2016-61

AMENDING RESOLUTION 2016-30 AUTHORIZING APPOINTMENTS TO THE “WESLEY LAKE COMMISSION”

WHEREAS, on January 5, 2016 the City Council adopted Resolution 2016-30 “Authorizing Appointments to the “Wesley Lake Commission”; and

WHEREAS, the Mayor and Council wishes to clarify the appointments made to this Commission.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Wesley Lake Commission one year terms:

1. That the following individuals are hereby appointed to serve on the Commission:

Joe Woerner – City Council Representative	Term Expire: 12/31/18
Jim Henry – City Manager or designee	Term Expire: 12/31/18
Gail Rosewater – Resident Member appointed by City Council	Term Expire: 12/31/18
Tee Lesinski – Resident Member appointed by City Council	Term Expire: 12/31/18
William McClave, Superintendent of Public Works	Term Expire: 12/31/18

2. That a certified copy of this Resolution shall be provided to each of the following:

- Michael N. Capabianco, City Manager;
- Frederick C. Raffetto, Esq., Municipal Attorney.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-61, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-62 Authorizing Appointment to the “Deal lake Commission”

Resolution # 2016-62

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING APPOINTMENTS TO THE
“DEAL LAKE COMMISSION”**

WHEREAS, pursuant to Section 2-46 of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” a Deal Lake Commission (the “Commission”) has been duly created in and for the City of Asbury Park (the “City”); and

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in the Section referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Deal Lake Commission one year terms:

1. That the following individuals are hereby appointed to serve on the Commission:

Sue Henderson, Regular Member
Mickey Carter, Alternate Member

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Michael N. Capabianco, City Manager
- b. Frederick C. Raffetto, Esq., Municipal Attorney
- c. Deal Lake Commission

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-62, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

2016-63 Authorizing Approval to Advertise and Accept Proposals for Various Activities.

Resolution # 2016-63

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING APPROVAL TO ADVERTISE AND ACCEPT PROPOSALS FOR THE
VARIOUS ACTIVITIES**

WHEREAS, the City of Asbury Park authorizing the advertisement and accepting of proposals for the various activities; and

WHEREAS, this authorization does not execute a contract or agreement with any respondents;
and

WHEREAS, staff has requested this Resolution as various Request for Proposals may be issued during 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that the following Request for Proposals may be issued during 2016:

1. Fire and EMS Billing
2. Workforce Development Plan
3. Police Accreditation
4. Parking consultants such as planning or operational in nature
5. Grant Writing services
6. Licensed Site Remediation Professional (RFP)
7. Collection of recyclable materials

I, Cindy Dye, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-63, which was finally adopted by the City Council at a meeting held on the January 27, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-64 A Resolution Authorizing the City of Asbury Park to Advertise for Competitive Bids for Lease(s) of Space within the James J. Howard Transportation Center.

Resolution # 2016-64

A RESOLUTION AUTHORIZING THE CITY OF ASBURY PARK TO ADVERTISE FOR COMPETITIVE BIDS FOR LEASE(S) OF SPACE WITHIN THE JAMES J. HOWARD TRANSPORTATION CENTER.

WHEREAS, the Mayor and Council of the City of Asbury Park desire to solicit competitive bids through a publicly advertised bidding process for the renting of various spaces located within certain City-owned real property known as the “James J. Howard Transportation Center” located at 111 Main Street, which is also known and designated as Block 2408, Lot 1 on the Asbury Park City Tax Map (referenced as the “property”) to the highest

bidder(s), by sealed bids, in accordance with N.J.S.A. 40A:12-14(a);

WHEREAS, the portion(s) of the property which are intended to be offered for lease to private parties by the City are identified as Spaces “A” through “I” as shown on a “First Floor Plan” of the property which is annexed hereto as “Exhibit A”; and

WHEREAS, these specific areas are not needed by the City for any public use(s) or purpose(s) of the City; and,

WHEREAS, the City believes that a lease of any or all of these areas to private parties shall operate as a financial benefit to the City, and therefore is in the best interests of the residents of the City; and

WHEREAS, it is intended that the length of any lease(s) awarded through this process shall be for a fixed term of three (3) years each; and

WHEREAS, there shall be a minimum annual (rental) bid for the Spaces being offered for lease as follows:

Space “A” – Minimum bid of Twelve Thousand Dollars (\$12,000.00);

Space “B” – Minimum bid of Three Thousand Five Hundred Dollars (\$3,500.00);

Space “C” – Minimum bid of Four Thousand Three Hundred Dollars (\$4,300.00);

Space “D” – Minimum bid of Three Thousand Three Hundred Dollars (\$3,300.00);

Space “E” – Minimum bid of Two Thousand Hundred Dollars (\$2,000.00);

Space “F” – Minimum bid of Two Thousand Three Hundred Dollars (\$2,300.00);

Space “I” – Minimum bid of Three Thousand Dollars (\$3,000.00); and

WHEREAS, the above minimum bid prices represent the minimum annual rental prices for the first year of the lease term to be offered by any prospective bidders; the rent for the second and third years of the proposed lease term, per space, shall escalate by a minimum of three (3%) percent per year thereafter; and

WHEREAS, the City anticipates awarding one or more lease(s) for the above Spaces to the highest responsible bidder(s) for same, after the conclusion of the public bidding process referenced above; and

WHEREAS, the City reserves the right to reject any or all bids, at the City’s sole discretion, following the receipt and opening of the bids; and

WHEREAS, any bidder(s) who is/are awarded lease(s) for any of the Spaces referenced above shall be required to enter into a Lease Agreement with the City, which Agreement shall be in a form satisfactory to the City Manager and City Attorney; and

WHEREAS, the City wishes to authorize the appropriate City Officials to undertake all actions that are necessary in order to initiate the receipt of competitive bids for the aforesaid Spaces.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park, as follows:

1. That, in accordance with N.J.S.A. 40A:12-14(a), the City is hereby authorized to advertise for the receipt of bids for lease(s) of space at the property (within the areas identified as Spaces “A” through “I” as shown on the attached) to the highest bidder(s), through the submission of sealed bids, pursuant to the terms and conditions set forth herein.

2. That advertisement of the bidding process specified herein shall be published in a newspaper circulating in the City by two (2) insertions at least once per week during two (2) consecutive weeks; the last publication to be not earlier than seven (7) days prior to the date for receipt of bids.

3. That there shall be a minimum annual (rental) bid for the Spaces being offered for lease in the amounts referenced above.

4. That the leases of space shall be subject to such additional terms and conditions as are deemed necessary by the City Manager and City Attorney, which shall be specified in the advertisements referenced herein, and in the bid specifications and Lease Agreement(s).

5. That, upon the completion of all the bidding, the City may accept the highest bid(s) or reject any or all of the bids submitted in the sole discretion of the City, which shall be specified in the advertisements referenced herein.

6. That acceptance or rejection of the bid(s) shall be made not later than at the second regular meeting of the Mayor and Council following the completion of the bidding, and, if the Mayor and Council shall not so accept such highest bid(s), or reject all bid(s), said bid(s) shall be deemed to have been rejected.

7. That any such award may be adjourned at the time advertised for not more than one week without re-advertising.

8. That all relevant City officials are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.

9. That a certified copy of this Resolution shall be provided to each of the following:

- a. Michael Capabianco, City Manager
- b. Richard Gartz, Chief Financial Officer
- c. Erick Aguiar, Tax Assessor
- d. Frederick C. Raffetto, Esquire, City Attorney

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-64, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-65 Rejecting Proposals for Turn-Key Parking Operations related to All Regulated Parking within the City.

Resolution # 2016-65

REJECTING PROPOSALS FOR TURN-KEY PARKING OPERATIONS RELATED TO ALL REGULATED PARKING WITHIN THE CITY

WHEREAS, the City of Asbury Park previously advertised and received proposals (from interested vendors) for Turn-Key Parking Operations Related to All Regulated Parking within the City; and

WHEREAS, following receipt and review of the proposals, the City has determined that it wishes to substantially revise the specification for same; and

WHEREAS, the City therefore wishes to reject all of the proposals received as per the New Jersey Local Public Contracts Law N.J.S.A 40A:11-13.2(d).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that proposals from all vendors for Turn-Key Parking Operations Related to All Regulated Parking Within The City are hereby rejected as per N.J.S.A 40A:11-13.2(d).

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

Individual Resolutions

2016-50 A Resolution of the Mayor and Council of the City of Asbury Park, Approving a PILOT Agreement for Boston Way Village, LLC for the Asbury Park Housing Authority Boston Way Village Housing Development

Resolution #:2016-50

Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, APPROVING A PILOT AGREEMENT FOR BOSTON WAY VILLAGE, LLC FOR THE ASBURY PARK HOUSING AUTHORITY BOSTON WAY VILLAGE HOUSING DEVELOPMENT

WHEREAS, Boston Way Village, LLC (the “Sponsor”) proposes to construct a housing project known as Boston Way Village Housing Development that will provide 104 units of affordable family rental housing (the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (collectively referred to as the “HMFA Requirements”) within the City of Asbury Park (the “Municipality”) on a site described Block 702, Lot 1, as shown on the Official Assessment Map of the City of Asbury Park, Monmouth County, pursuant to a long-term lease with the Asbury Park Housing Authority; and

WHEREAS, the Project will contain 104 units affordable to families, with half of the units being available to tenants whose income does not exceed 47.5% of Monmouth County Median Income, the other half to tenants whose income does not exceed 57.5% of Monmouth County Median, and with one (1) unit being a non-income

producing unit to be occupied by a live-on-site superintendent; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements and by Resolution #2015-360 adopted on October 9, 2015 the governing body of the Municipality determined that there is a need for this housing project in the Municipality; and pursuant to the HMFA Requirements, the Mayor and Council of the City of Asbury Park hereby determines that there is a need for this rental housing project in the City of Asbury Park; and

WHEREAS, the Sponsor has presented to the Mayor and Council, a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as **SCHEDULE 1** to the Agreement for Payment in Lieu of Taxes which is attached hereto and made a part hereof as **EXHIBIT A**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park (the “Council”) that:

1. The Mayor and Council finds and determines that there is a need for this housing project in the Municipality and a need for the Agreement for Payment in Lieu of Taxes to facilitate the financing, construction and operation of this Project; and
2. The Mayor and Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
7. 3. The Mayor and Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as **EXHIBIT A**; and
4. The Council understands that the revenue projections set forth in **SCHEDULE 1** to the Agreement for Payment in Lieu of Taxes which is attached hereto and made a part hereof as **EXHIBIT A** are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality; and
5. The City Manager of the City of Asbury Park (the “City Manager”) is hereby authorized and directed, upon satisfaction of all the legal conditions precedent to the execution and delivery by the City of the Agreement for Payments in Lieu of Taxes, to execute the same substantially the form attached hereto as **EXHIBIT A** and with any changes, insertions and omissions thereto as the City Manager, after consultation with redevelopment counsel to the City, deem in their collective discretion to be necessary or desirable for the execution thereof and to take any actions reasonably necessary to effectuate this Resolution and the Agreement for Payments in Lieu of Taxes; and
6. This Resolution shall take effect immediately.

I, CINDY DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of this Resolution which was finally adopted by the City

Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

2016-60 Declaring an Emergency so that the Provisions of Ordinance No. 2016-02
(Concerning Parking) May Take Effect Immediately

Resolution # 2016-60

**City of Asbury Park
County of Monmouth
State of New Jersey**

**DECLARING AN EMERGENCY SO THAT THE PROVISIONS OF
ORDINANCE NO. 2016-02 (CONCERNING PARKING)
MAY TAKE EFFECT IMMEDIATELY**

WHEREAS, on January 13, 2016, the Asbury Park Mayor and Council introduced Ordinance No. 2016-02, which effectuates certain revisions to the parking regulations within the City of Asbury Park (the “City”); and

WHEREAS, the title of Ordinance No. 2016-02 is as follows: “An Ordinance Revising Traffic and Parking Regulations for Residential and Employee Parking Permits, and Amending and Supplementing Ordinance No. 2015-55”; and

WHEREAS, it is anticipated that Ordinance No. 2016-02 shall be finally adopted by the Mayor and Council on January 27, 2016; and

WHEREAS, the Mayor and Council believe that it is imperative for Ordinance No. 2016-02 to become effective immediately following its adoption, rather than twenty (20) days after its final passage, as specified in N.J.S.A. 40:69A-181(b), so that the Ordinance may be implemented as soon as possible in order to ensure that the new City-wide parking policies may take effect immediately and uniformly; and

WHEREAS, the Mayor and Council therefore wish to declare an emergency pursuant to N.J.S.A. 40:69A-181(b), so that the provisions of Ordinance No. 2016-02 may become effective, and the provisions therein may be implemented, immediately following its adoption.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds (2/3) of the Council affirmatively concurring) as follows:

1. That an emergency is hereby declared so that the provisions of Ordinance No. 2016-02 shall take effect immediately following its adoption, rather than twenty (20) days after its final passage, per N.J.S.A. 40:69A-181(b).

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Parking Advisory Committee;
- b. Anthony Salerno, Deputy Police Chief;
- c. Michael Capabianco, City Manager;
- d. Robert Bianchini, Superintendent of Public Works; and
- e. Frederick C. Raffetto, Esq., City Attorney.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-60, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-66 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing a Development, Escrow and Funding Agreement with Boston Way Village, LLC Regarding the Proposed Development of the Former Boston Way Housing for the Asbury Park Housing Authority on Block 1702, Lot 1.

Resolution #2016-66

Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING A DEVELOPMENT, ESCROW AND FUNDING AGREEMENT WITH BOSTON WAY VILLAGE, LLC REGARDING THE PROPOSED DEVELOPMENT OF THE FORMER BOSTON WAY HOUSING FOR THE ASBURY PARK HOUSING AUTHORITY ON BLOCK 702, LOT 1.

WHEREAS, in order to effectuate a low and moderate income housing project, and in accordance with the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), specifically *N.J.S.A. 40A:12A-16*, the City may (i) receive and accept funds or other financial assistance, (ii) cooperate with a private entity to construct, rehabilitate or operate publically assisted housing, (iii) provide technical assistance and support to private developers interested in constructing low and moderate income housing, and (iv) enter into all contracts and agreements necessary or incidental to the performance of the duties authorized by the Redevelopment Law; and

WHEREAS, the Developer will be designing, construction and operating 104 family affordable housing units for the Asbury Park Housing Authority where the now vacant Boston Way housing exists, located on the official tax maps of the City as Block 702, Lot 1 (the “**Project**”); and

WHEREAS, the Project will be subject to a non-binding review by the Planning Board pursuant to N.J.S.A. 40:55D-31 (the “**Section 31 Review**”); and

WHEREAS, the Agreement attached hereto as **EXHIBIT A**, requires additional consultation requirements with the City regarding the layout, design and aesthetics of the Project and to provide a mechanism for the payment of Planning Board fees, and its professionals’ review costs, and other fees and costs relating to the Section 31 Review; and

WHEREAS, the Mayor and City Council wish to approve and authorize the execution of the Development, Escrow and Funding Agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park as follows:

1. The Development, Escrow and Funding Agreement attached hereto as **EXHIBIT A** is approved subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel and authorizes the Mayor, City Clerk and other necessary City Officials to execute, deliver and accept the Agreement and all other necessary documents and undertake all actions reasonably necessary to effectuate the Agreement and this Resolution.

2. This Resolution shall take effect immediately.

I, Cindy Dye, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-66, which was finally adopted by the City Council at a meeting held on the January 27, 2016.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-67 Resolution Authorizing the Payment of Bills in the Amount of
\$911,430.37

Resolution #2016-67

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$911,430.37**

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$911,430.37 to be paid and:

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

TOTAL VOUCHERS

\$911,430.37

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION

NO. 2016-67, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2015.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

2016-68 Authorizing Execution of a Shared Services Agreement with the County of Monmouth for Dispatch Services (Police, Fire and Ems)

Resolution # 2016-68

AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR DISPATCH SERVICES (POLICE, FIRE AND EMS)

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the City of Asbury Park and the County of Monmouth through the Monmouth County Sheriff’s Office, Communications Division (collective known as “Parties”) have determined that it would be in the best interests of the residents of the City of Asbury Park for the Parties that the Monmouth County Sheriff’s Office, Communication Division serve as the Public Safety Answer Point (PSAP) for the City of Asbury Park; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, the Parties have negotiated a Shared Services Agreement (the “Agreement”), which sets forth the terms and conditions associated with this undertaking, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Mayor and City Council wish to authorize the City to enter into this Agreement, or one which is substantially similar thereto and which meets with the approval of the Municipal Attorney, and to authorize the Mayor and City Clerk to execute same on behalf of the City.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park, as follows:

1. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the Municipal Attorney, on behalf of the City.
2. That a certified copy of this Resolution and a copy of the attached Agreement shall be provided to each of the following:
 - a. County of Monmouth
 - b. Michael Capabianco, City Manager
 - c. Anthony Salerno, Deputy Police Chief
 - d. Kevin Keddy, Fire Chief
 - e. Frederick C. Raffetto, Esq., Municipal Attorney
 - f. Ricky Gartz, Chief Financial Officer

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-68, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-69 Authorizing Agreement for Animal Control with the Associated Humane Societies, Inc.

Resolution # 2016-69

AUTHORIZING EXECUTION OF CONTRACT FOR ANIMAL CONTROL SERVICES WITH ASSOCIATED HUMANE SOCIETIES, INC.

WHEREAS, the City of Asbury Park desires to retain the services of Animal Control; and

WHEREAS, Associated Humane Societies, Inc. employs personnel who qualifies as professionals in this field able to provide the services requested by the City of Asbury Park.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Asbury Park that the attached Contract be entered into with Associated Humane Societies, Inc. effective for the calendar year 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Cindy A. Dye, City Clerk
2. Michael Capabianco, City Manager
3. Ricky Gartz, Chief Financial Officer
4. Anthony Salerno, Acting Chief of Police
5. Associated Humane Societies, Inc.
- 8.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-69, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn		X	
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-70 Resolution Authorizing the County of Monmouth Mosquito Control Division to Conduct Mosquito Control Operations within the City of Asbury Park

Resolution # 2016-70

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE CITY OF ASBURY PARK

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designed "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the City of Asbury Park is designed as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed areal dispensing operations.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understand that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-70, which was not adopted by the City Council at a meeting held on the day of January, 2016.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	x		
Deputy Mayor Amy Quinn	x		
Council Member Yvonne Clayton		x	
Council Member Jesse Kendle		x	
Council Member Joe Woerner		x	

✓Indicates vote

2016-71 Authorizing and/or Ratifying Change Order #'s 1-4 to the Contract with Suburban Consulting Engineers, Inc. for Professional Design, Bidding and Construction Administration Services for the Springwood Park Project.

Resolution # 2016-71

**AUTHORIZING AND/OR RATIFYING CHANGE ORDER #'S 1-4
TO THE CONTRACT WITH SUBURBAN CONSULTING ENGINEERS, INC.
FOR PROFESSIONAL DESIGN, BIDDING AND CONSTRUCTION
ADMINISTRATION SERVICES FOR THE
SPRINGWOOD PARK PROJECT.**

WHEREAS, on June 4, 2014, the Mayor and City Council of the City of Asbury Park (the "City") authorized the award of a professional services contract (the "Contract") to Suburban Consulting Engineers, Inc. (the "Contractor") for professional design, bidding and construction administration services related to the Springwood Park project (the "project"), pursuant to the "fair and open" process described in N.J.S.A. 19:44A-20.4, et seq., and as required under the Memorandum of Understanding (the "M.O.U.") between the City and the State of New Jersey, Division of Local Government Services, regarding the transitional aid funding received by the City; and

WHEREAS, following the award of said contract, it became apparent that additional unanticipated services were required of the Contractor relating to the project; and

WHEREAS, the additional required services are memorialized in written Change Order #'s 1-4, copies of which are attached hereto and made a part hereof; and

WHEREAS, the additional costs associated with each of the aforesaid Change Orders is as follows:

Change Order No. 1 - \$4,900.00;

Change Order No. 2 - \$17,515.00;
Change Order No. 3 - \$7,615.00; and
Change Order No. 4 - \$15,215.00; and

WHEREAS, the City now wishes to authorize and/or ratify the above-referenced Change Orders.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the Mayor and/or City Manager are hereby authorized to execute, and the City Clerk to attest, the attached Change Order #'s 1-4 to the contract with Suburban Consulting Engineers, Inc. concerning the Springwood Park project.
2. That the execution of the said Change Orders shall be contingent upon the Chief Financial Officer certifying to the availability of funding for the said Change Orders.
3. That the execution of the said Change Orders shall further be contingent upon the approval of the Change Orders by the Director of the Division of Local Government Services, in accordance with the requirements of the M.O.U.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Suburban Consulting Engineers, Inc.;
 - b. Michael Capabianco, City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Tracy Lizardi, Treasurer;
 - e. George D. Haeuber, Fiscal Monitor;
 - f. Director of the N.J. Division of Local Government Services; and
 - g. Frederick C. Raffetto, Esq., Municipal Attorney.

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor		X	
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

2016-72 Resolution of the City of Asbury Park Making Application to the New Jersey Local Finance Board Pursuant to N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board and Pursuant to Local Finance Notice 2012-29 the Approval of a Down Payment Waiver Pursuant To N.J.S.A 40A:2-11(c) and N.J.S.A 40A:2-7(d) for Superstorm Sandy Reconstruction Improvements

Resolution # 2016-72

RESOLUTION OF THE CITY OF ASBURY PARK MAKING APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:3-1 ET SEQ. AND PREVIOUS APPROVALS BY SAID BOARD AND PURSUANT TO LOCAL FINANCE NOTICE 2012-29 THE APPROVAL OF A DOWN PAYMENT WAIVER

**PURSUANT TO N.J.S.A 40A:2-11(c) AND N.J.S.A 40A:2-7(d) FOR
SUPERSTORM SANDY RECONSTRUCTION IMPROVEMENTS**

WHEREAS, the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") desires to (i) adopt an amending bond ordinance (the "Ordinance") that amends prior Bond Ordinance Number 3036 and authorizes the reconstruction of a footbridge at Sunset Lake that was damaged by Superstorm Sandy (the "Project") and providing for the issuance of one or more series of general improvement bonds of the City in the additional amount of \$550,000 (making the total authorization of bond and notes \$1,000,000) (the "Bonds") and notes in anticipation thereof, and (ii) pursuant to Local Finance Notice 2012-29, seek the approval of a waiver of the down payment requirement, pursuant to N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:2-7(d), with respect to the Project and the Ordinance; and

WHEREAS, in connection with various previous applications by the City to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (including specifically its applications in connection with certain bonds and refunding bonds issued under the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq. (the "MQBA")), the Local Finance Board has heretofore conditioned its approvals upon the undertaking by the City that, for the duration of such bond issues, all future capital authorizations shall require approval from the Local Finance Board; and

WHEREAS, the City believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) such purpose is in compliance with the requirements of the MQBA;
- (c) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;
- (d) the amounts to be expended for such purpose or improvements are not unreasonable or exorbitant and are consistent with the requirements of the MQBA; and
- (e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City Council desires to make application to the Local Finance Board for (i) its approval of the adoption of the Ordinance and the capital authorizations contained therein, and (ii) its approval of the issuance of, and of the proposed maturity schedule for such Bonds, to be issued in the form of "qualified bonds" under the MQBA; and

WHEREAS, the City believes that the maturity schedules contained in the Application to the Local Finance Board are in the best interests of the City.

WHEREAS, the City also believes such Project is necessary to meet an expenditure which is the result of a flood or other disaster and pursuant to Local Finance Notice 2012-29, the approval of a waiver of the down payment requirement, pursuant to N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:2-7(d), with respect to the Project and the Ordinance is necessary.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Application to the Local Finance Board is hereby approved, and the City's Bond Counsel, Chief Financial Officer, City Manager and Financial Advisor, along with other representatives of the City, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the City in matters pertaining thereto.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

Section 4. This Resolution shall take effect immediately upon its adoption.

I, Cindy Dye, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-63, which was finally adopted by the City Council at a meeting held on the January 27, 2016.

CERTIFIED BY ME THIS 28th DAY OF FEBRUARY 2016.

CINDY A. DYE
CITY CLERK

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton			X
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

J. Ordinances:

1. First Reading/Introduction:

2016-03 Amending and Supplementing Subsection 6-7.1, Entitled "Submission of Licensed Premises; I.D. Card Required," of Chapter VI, "Alcoholic Beverage Control," of the "Code of the City of Asbury Park, New Jersey."

The City Clerk read by title Ordinance 2016-03.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		x	X		
Council Member Jesse Kendle	x		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Public hearing is scheduled for February 10, 2016

2. Second Reading/Public Hearing:

2016-01 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, to Increase the Appropriation by \$550,000 and to Increase the Authorization of Bonds or Notes by \$550,000

**CITY OF ASBURY PARK
ORDINANCE NUMBER 2016-01**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 3036 (WHICH PROVIDES FOR THE
RECONSTRUCTION OF A FOOTBRIDGE AT SUNSET LAKE)
HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE
CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE
OF NEW JERSEY, ON JANUARY 16, 2013, TO INCREASE THE
APPROPRIATION BY \$550,000 AND TO INCREASE THE
AUTHORIZATION OF BONDS OR NOTES BY \$550,000**

**BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK,
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all members
thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The bond ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), heretofore finally adopted by the City Council thereof on January 16, 2013, numbered 3036 and entitled, "Bond Ordinance Providing For Reconstruction Of Footbridge At Sunset Lake In And By The City of Asbury Park, In The County of Monmouth, New Jersey, Appropriating \$450,000 And Authorizing The Issuance Of \$450,000 Bonds Or Notes To Finance Part Of The Cost Thereof" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. For the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$550,000. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c), as this bond ordinance authorizes obligations

solely for a purpose described in N.J.S.A. 40A:2-7(d) as more fully described in Section 6(b) herein.

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, additional negotiable bonds or notes of the City in the amount of \$550,000 are hereby authorized to be issued by the City in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), such that the total authorization of negotiable bonds or notes to be issued by the City for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000.

SECTION 4. The Capital Budget of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$550,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 6. (a) For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$100,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$165,000, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

(b) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or

betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvement and services. The Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading. Pursuant to Local Finance Notice 2012-29, the City on November 29, 2012 adopted a special emergency resolution to provide immediate funds for the extraordinary expense of the City caused by Hurricane Sandy. The City is now making provision for such appropriation deemed capital in nature through this bond ordinance.

SECTION 7. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 8. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to payor reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 9. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its

undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 11. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public. All were in favor.

The following members of the public spoke on this ordinance: Werner Baumgartner and Jerry Scarano.

There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to Table Ordinance 2016-01 on recommendation of Bond Counsel until February 10, 2016.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		x	X		
Council Member Jesse Kendle	x		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-02 Revising Traffic and Parking Regulations for Residential and Employee Parking Permits, and Amending and Supplementing Ordinance No. 2015-55

ORDINANCE NO. 2016-02

REVISING TRAFFIC AND PARKING REGULATIONS FOR RESIDENTIAL AND EMPLOYEE PARKING PERMITS, AND AMENDING AND SUPPLEMENTING ORDINANCE NO. 2015-55.

WHEREAS, the City of Asbury Park (the “City”) has previously established certain traffic regulations concerning metered parking within the City, as set forth in Ordinance No. 2982 (adopted on May 18, 2011), Ordinance No. 2015-11 (adopted on May 13, 2015), Ordinance No. 2015-25 (adopted on May 27, 2015), Resolution No. 2015-217 (adopted on May 27, 2015), and Ordinance No. 2015-55 (adopted on January 13, 2016); and

WHEREAS, the previous regulations as referenced above shall be collectively referenced herein as the “prior traffic regulations”; and

WHEREAS, the Mayor and Council have determined that a minor clarification to the prior traffic regulations is necessary regarding the fee schedule referenced for residential and employee parking permits.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Ordinance No. 2015-55, as adopted on January 13, 2016, is hereby amended and supplemented in certain limited respects so that Section Four thereof shall now read as follows:

Section Four. **Fee Schedule for Residential and Employee Permits.** The following fee schedule for residential and employee permits is hereby approved and adopted for use within the various Zones of the City (which Zones have been previously designated and which are shown on a Map which is attached hereto as Schedule "B"):

- a. Fee for Residential Parking Permits:
 - 1. Zones 1, 2, 3: \$90/year (Permit #1); \$120/year (Permit #2); \$150/year (Permit #3)*; and \$180/year (Permit #4).
 - 2. Zone 4 – Bangs Avenue Parking Garage - \$75/month.
 - 3. Zone 4 - \$90/year (Permit #1); \$120/year (Permit #2).
 - 4. Additional regulations concerning residential and employee permits are set forth in Section Five below.
- b. Fee for Employee Parking Permits:
 - 1. 5-day card: \$120/year, or \$10/month; and
 - 2. 7-day card: \$180/year, or \$15/month.

BE IT FURTHER ORDAINED, that Chapter VII, entitled "Traffic," of the "Code of the City of Asbury Park, New Jersey," is hereby amended and supplemented in order to incorporate the revised language set forth above.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect immediately rather than twenty (20) days after its final passage, so that the Ordinance may be implemented as soon as possible in order to ensure that the new City-wide parking policies shall take effect immediately and uniformly.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2016-02 which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 18th DAY OF FEBRUARY 2016.

CINDY A. DYE

CITY CLERK

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

City Attorney Frederick Raffetto informed the Members of the City Council of two small minor language changes to the Ordinance, they would have no bearing on the cost of the permits, a motion was made by Council Member Woerner and seconded by Council Member Clayton to revise Ordinance 2016-02, and all were in favor.

Motion made by Council Member Woerner and seconded by Council Member Clayton to open the meeting to the public on Ordinance 2016-02 as revised, all were in favor.

The following members of the public spoke on this ordinance: Werner Baumgartner and Jerry Scarano, John Fredrickson, Michelle Maguire.

Mayor Moor replied to comment from the public.

There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2016-02

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		x	X		

Deputy Mayor Amy Quinn	x		X		
Mayor John Moor			X		

A motion was made to adjourn the meeting made by Deputy Mayor Quinn and seconded by Council Member Woerner. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Melody Hartsgrove, Deputy City Clerk

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the City of Asbury Park, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Richard J. Gartz, the Chief Financial Officer as of January 13, 2016, that such Supplemental Debt Statement was filed in my office on January 13, 2016 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs prior to January 27, 2016.

CINDY A. DYE,
Clerk of the City of Asbury Park

3. That a certified copy of this Resolution and a copy of the attached Agreement shall be provided to each of the following:

- a. County of Monmouth
- b. Michael Capabianco, City Manager
- c. Anthony Salerno, Deputy Police Chief
- d. Kevin Keddy, Fire Chief
- e. Frederick C. Raffetto, Esq., Municipal Attorney
- f. Ricky Gartz, Chief Financial Officer

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2016-68, which was finally adopted by the City Council at a meeting held on the 27th day of January, 2016.

CERTIFIED BY ME THIS 28TH DAY OF JANUARY, 2016.

CINDY A. DYE, City Clerk

Record of Council Vote on Final Passage			
COUNCIL PERSON	AYE	NAY	N.V
Mayor John Moor	X		
Deputy Mayor Amy Quinn	X		
Council Member Yvonne Clayton	X		
Council Member Jesse Kendle	X		
Council Member Joe Woerner	X		

✓Indicates vote

N.V- Not Voting Abstain

