



Agenda  
Meeting of the Municipal Council  
Wednesday, January 9, 2019  
WORK SESSION 6:00 PM

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Clerk to Call Meeting to Order

Silent Prayer/Moment of Reflection.

Salute to the Flag

Announcement by the City Clerk

As to comply 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, 2019, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

Items for Review:

- A. City Manager's Report on Issues Raised at Prior Council Meeting(s)
- B. Special Event Applications
- C. Items to be presented:
  - 1. Undersized Lot Sale of 1322 Springwood Avenue (Block 903, Lot 1.01)
- D. Review of Agenda Items for January 9, 2019 Regular Meeting
- E. Matters from City Council
- F. Matters from City Manager
- G. Matters from City Attorney
- H. Regular Meeting begins at 7 p.m.



Agenda  
Meeting of the Municipal Council  
Wednesday, January 9, 2019  
REGULAR MEETING 7:00 PM

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**I. Executive Session - 4:00 p.m.**

2019-52 Resolution Authorizing a meeting which excludes the public

A. Contract Negotiations

1. Amendments to the Waterfront Redevelopment Agreement
2. Professional Service Contracts for 2019
3. Interfaith Neighbors - Parkview AP Redeveloper's Agreement

B. Potential Litigation

1. Robert McKeon v. City of Asbury Park

C. Litigation

1. NJiiF Worker's Compensation Claim

D. Attorney-Client Privilege

**II. Workshop Session - 6:00 p.m.**

**III. Regular Meeting - 7:00 p.m.**

B. Silent Prayer/Moment of Reflection

C. Salute to the Flag

D. Announcement - Open Public Meetings Act

As to comply 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, 2019, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. Public Participation

#### F. Minutes

- Executive Minutes of Dec 27, 2018 4:00 PM
- Municipal Council - Work Session - Dec 27, 2018 6:00 PM
- Municipal Council - Regular Meeting - Dec 27, 2018 7:00 PM
- Municipal Council - Organizational Meeting - Jan 1, 2019 11:00 AM

#### G. 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.

- 2019-53 Resolution Approving Special Event Applications
- 2019-54 Resolution Authorizing the Transfer of Real Estate Tax Credits from Previous Years to 2018-2019 Real Estate Tax Payments
- 2019-55 Authorize The Acceptance Of Grant Funding From The State Of New Jersey, Department Of Public Safety, Division Of Highway Traffic Safety, For The 2018 Year End Holiday Drive Sober Grant
- 2019-56 A Resolution Authorizing a Temporary Extension of Existing 2018 Street Performer Permits, and Establishing a Temporary Moratorium on the Issuance of New Street Performer Permits
- 2019-57 Resolution Rejecting Fair and Open Responses

#### H. Ordinances

##### 1. Introduction

- 2019-1 An Ordinance Amending and Supplementing Section 4-15, Entitled "Street Performers," of Chapter IV, "General Ordinances," of the "Code of the City of Asbury Park, New Jersey."

#### I. Adjournment

**RESOLUTION NO. 2019-52****RESOLUTION AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that this body will hold a meeting on January 9, 2019 at 7:00 PM in the Council Chambers located at 1 Municipal Plaza, Asbury Park, New Jersey, that will be limited only to consideration of an items or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed are as follows:

A. Contract Negotiations:

1. Amendments to the Waterfront Redevelopment Plan
2. Professional Service Contracts 2019
3. Interfaith Neighbors - Parkview AP Redeveloper's Agreement

B. Potential Litigation:

1. Robert McKeon v. City of Asbury Park

C. Litigation:

1. NJiiF Worker's Compensation Claim

D. Attorney Client Privilege

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with section 8 and 4a of the Open Public Meetings Act.

CINDY A. DYE  
CITY CLERK



Minutes  
Meeting of the Municipal Council  
Thursday, December 27, 2018  
WORK SESSION

Announcement by the City Clerk

| Attendee Name      | Title         | Status  | Arrived |
|--------------------|---------------|---------|---------|
| Eileen Chapman     | Councilmember | Present |         |
| Yvonne Clayton     | Councilmember | Present |         |
| Jesse Kendle       | Councilmember | Absent  |         |
| Amy Quinn          | Deputy Mayor  | Present |         |
| John Moor          | Mayor         | Present |         |
| Cindy Dye          | City Clerk    | Present |         |
| Michael Capabianco | City Manager  | Present |         |
| Frederick Raffetto | City Attorney | Present |         |

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco updated the Council regarding error of the water company. It was a water company error and they will address it.

There was a question regarding section 3 and the Renaissance Project. This is not a City project and has no control by the City. City officials sent the concerns to HUD. HUD has indicated that they have received no complaints. A video was sent to them for review

Special Event Applications

Leesha Floyd reviewed the special event applications on this evening's agenda.

Items to be presented by Trip Brooks of Regional Development Group LLC:

1. Proposed Development project at 215 First Ave.

Kevin Kennedy, Esquire was present on behalf of the application. Trip Brooks and his professionals provided a presentation of the proposed project at 215 First Avenue.

Review of Agenda Items for December 27, 2018 Regular Meeting

City Manager Capabianco reviewed this evening's agenda with the Mayor and City Council.

Matters from City Council

Council Member Chapman wished everyone a Happy New Year. She thanked all the volunteers who supported the many initiatives within the City.

Council Member Clayton stated that the City and the Quality of Life Committee is sponsoring a winter coat and food give-a-way on January 12. Donations are being accepted up to January 12.

Minutes Acceptance: Minutes of Dec 27, 2018 6:00 PM (Minutes)

She also thanked all who made the holidays better for the community. She wished everyone a Happy New year.

Mayor Moor wished everyone a Happy New Year. He stated that the City has been trying to get the City owned parking lot at fisherman's lot opened before Thanksgiving. He doesn't understand the delay and asked why the next step would be.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto had no matters.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

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Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Dec 27, 2018 6:00 PM (Minutes)



Minutes  
Meeting of the Municipal Council  
Thursday, December 27, 2018  
REGULAR MEETING

**Executive Session - 4:00 p.m.**

2018-432 Resolution Authorizing a meeting which excludes the public

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember                        |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

| Attendee Name      | Title         | Status  | Arrived |
|--------------------|---------------|---------|---------|
| Eileen Chapman     | Councilmember | Present |         |
| Yvonne Clayton     | Councilmember | Present |         |
| Jesse Kendle       | Councilmember | Absent  |         |
| Amy Quinn          | Deputy Mayor  | Present |         |
| John Moor          | Mayor         | Present |         |
| Cindy Dye          | City Clerk    | Present |         |
| Michael Capabianco | City Manager  | Present |         |
| Frederick Raffetto | City Attorney | Present |         |

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

**PUBLIC PARTICIPATION**

Motion made by Council Member Clayton and seconded by Council Member Chapman to open the meeting to the public.

The following members of the public spoke: Robert Weiner, Christian Hubert, Ernest Mignoli.

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to close the meeting to the public.

**MINUTES**

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember                        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                              |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

1. Executive Minutes of Dec 12, 2018 4:00 PM
2. Municipal Council - Work Session - Dec 12, 2018 6:00 PM **Accepted**
3. Municipal Council - Regular Meeting - Dec 12, 2018 7:00 PM **Accepted**

### **CONSENT AGENDA RESOLUTIONS**

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember                        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                              |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kandle                                         |

2018-433 Resolution Approving Special Event Applications

2018-434 Resolution to Refund Overpaid Taxes 1103-44 115 Atkins Ave

2018-435 Authorize Submission of a Grant Application to the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, Under the 2018 Year End Holiday Drive Sober Grant

### **INDIVIDUAL RESOLUTIONS**

2018-427 Authorizing Change Order #2 to the Contract to for the Springwood Ave Sanitary Sewer Project

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember                        |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kandle                                         |

2018-436 Resolution Approving Payment of Bills

|                  |                                           |
|------------------|-------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [3 TO 1]</b>                   |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember             |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                   |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn |
| <b>NAYS:</b>     | John Moor                                 |
| <b>ABSENT:</b>   | Jesse Kandle                              |

2018-437 Resolution Approving Change Order #7 for Fourth Avenue Improvements

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember                        |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kandle                                         |

2018-438 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2018 Budget

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Yvonne Clayton, Councilmember  
**SECONDER:** Amy Quinn, Deputy Mayor  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-439 Authorizing the Extension for Solid Waste Collection Services through December 31, 2020

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Quinn, Deputy Mayor  
**SECONDER:** Eileen Chapman, Councilmember  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-440 Authorizing BR Welding Inc. to Supply Parts for the Rebuilding of the RBC's at the Waste Water Treatment Plant

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Quinn, Deputy Mayor  
**SECONDER:** Yvonne Clayton, Councilmember  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-441 Resolution Authorizing the Purchase of Concrete from Suffolk Redi-Mix for Various Sidewalks and Aprons

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Eileen Chapman, Councilmember  
**SECONDER:** Yvonne Clayton, Councilmember  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-442 Resolution Authorizing Purchase of a Police Trailer

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Quinn, Deputy Mayor  
**SECONDER:** Eileen Chapman, Councilmember  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-443 Resolution Authorizing the Purchase of Various Physical Barriers and Trailers for the Police Department

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Amy Quinn, Deputy Mayor  
**SECONDER:** Eileen Chapman, Councilmember  
**AYES:** Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor  
**ABSENT:** Jesse Kendle

2018-444 A Resolution Authorizing Settlement of a Contested In Rem Foreclosure Matter Involving the Property Located at 26 Avenue A (Block 806, Lot 25), and Authorizing City Officials to Take Appropriate Actions to Effectuate the Settlement

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor                              |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

## **ORDINANCES**

### **Second Reading/Public Hearing**

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

Motion made by Council Member Clayton and seconded by Council Member Chapman to open the Ordinance to the public.

No one from the public spoke.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the Ordinance to the public.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember                        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                              |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

2018-39 An Ordinance Amending and Supplementing Various Articles and Sections of Code of The City of Asbury Park

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to open the Ordinance to the public.

No one from the public spoke.

Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to close the Ordinance to the public.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember                        |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

2018-54 Ordinance of the City of Asbury Park Amending and Supplementing Chapter VII of the Code of the City of Asbury Park Regarding Traffic and Parking Regulations

Motion made by Council Member Chapman and seconded by Council Member Clayton to open the Ordinance to the public.

The following members of the public spoke: Ernest Mignoli.

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to close the Ordinance to the public.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor                              |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

2018-55 An Ordinance Establishing the Salaries of Employees of the Asbury Park Public Library

|                |                  |
|----------------|------------------|
| <b>RESULT:</b> | <b>WITHDRAWN</b> |
|----------------|------------------|

2018-56 Vacating an Unnamed Alleyway (Measuring Fifteen Feet Wide) Located East of Dunlewy Street in Block 1801, as Shown on Sheet 18 of the Official Tax Map of The City Of Asbury Park

Motion made by Council Member Clayton and seconded by Deputy Mayor Quinn to open the Ordinance to the public.

No one from the public spoke.

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to close the Ordinance to the public.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor                              |
| <b>SECONDER:</b> | John Moor, Mayor                                     |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

2018-57 Bond Ordinance Providing for the Acquisition of and the Payment of the Purchase Price of Real Property and Construction of a Fire House, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"); Appropriating \$3,500,000 Therefor and Authorizing the Issuance Of \$3,500,000 Bonds or Notes of the City to Finance the Costs Thereof

Motion made by Deputy Mayor Quinn and seconded by Mayor Moor to open the Ordinance to the public.

The following members of the public spoke: Ernest Mignoli.

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to close the Ordinance to the public.

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember                        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                              |
| <b>AYES:</b>     | Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Jesse Kendle                                         |

## **ADJOURNMENT**

The meeting was adjourned at 7:35 PM

Respectfully submitted by:

Minutes Acceptance: Minutes of Dec 27, 2018 7:00 PM (Minutes)

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Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Dec 27, 2018 7:00 PM (Minutes)



Minutes  
Meeting of the Municipal Council  
Tuesday, January 1, 2019  
ORGANIZATIONAL MEETING

### Call to Order

| Attendee Name      | Title         | Status  | Arrived |
|--------------------|---------------|---------|---------|
| Eileen Chapman     | Councilmember | Present |         |
| Yvonne Clayton     | Councilmember | Present |         |
| Jesse Kendle       | Councilmember | Present |         |
| Amy Quinn          | Deputy Mayor  | Present |         |
| John Moor          | Mayor         | Present |         |
| Cindy Dye          | City Clerk    | Present |         |
| Michael Capabianco | City Manager  | Present |         |
| Frederick Raffetto | City Attorney | Present |         |

City Clerk Cindy Dye called the meeting to order at 11:00 AM.

**Invocation by Reverend David J. Parreott, Jr.**

**Salute the Flag**

**Announcement by City Clerk**

1. As to comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Reorganization Meeting Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on December 13, 2018, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

**Swearing in of Newly Elected Officials by Municipal Clerk Cindy A. Dye**

**SWEARING IN OF MAYOR JOHN B. MOOR**

City Clerk Cindy Dye issued the oath of office to Mayor John Moor.

**SWEARING IN OF COUNCIL MEMBER JESSE KENDLE**

City Clerk Cindy Dye issued the oath of office to Council Member Jesse Kendle.

Minutes Acceptance: Minutes of Jan 1, 2019 11:00 AM (Minutes)

## Nomination of Deputy Mayor

City Clerk Dye asked for nominations for Deputy Mayor.

Council Member Chapman nominated Amy Quinn. Council Member Clayton seconded the nomination. All were in favor

Are there any other nominations. Hearing no other nominations, nominations are closed.

## **SWEARING IN OF DEPUTY MAYOR BY MUNICIPAL CLERK CINDY A. DYE**

City Clerk Cindy Dye issued the oath of office to Deputy Mayor Amy Quinn.

## Resolutions

### **CONSENT AGENDA**

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

- 2019-1 Appointment of Deputy Mayor
- 2019-2 Resolution Establishing Meeting Dates for 2019
- 2019-3 Resolution Designating the Official Newspapers for the City of Asbury Park for the Year 2019
- 2019-4 Resolution Appointing a Deputy City Clerk for the City of Asbury Park
- 2019-5 Resolution of Reappointment of Erick Aguiar to the Position of Tax Assessor and Establishment of Tenure
- 2019-6 Resolution of Reappointment of JoAnn Boos to the Position of Chief Financial Officer
- 2019-7 Resolution of Reappointment of Tyrone A. Young to the Position of Tax Collector
- 2019-8 Appointment of Recycling Coordinator
- 2019-9 Appointment of ADA Compliance Officer and Coordinator
- 2019-10 Designation of Public Agency Compliance Officer
- 2019-11 Appointing a Fund Commissioner and Alternate to the New Jersey Intergovernmental Insurance Fund

Minutes Acceptance: Minutes of Jan 1, 2019 11:00 AM (Minutes)

- 2019-12 Resolution of the Mayor and Council of the City of Asbury Park Fixing the Rate of Interest to be Charged on Delinquent Taxes, Assessments and Sewer Accounts for 2019
- 2019-13 Resolution to Credit Sewer Account for Deduct Meter
- 2019-14 Resolution to Cancel Taxes on City Owned Properties
- 2019-15 Resolution Providing for Fees for Tax Sale Certificate Redemption Calculations
- 2019-16 Resolution Establishing a Service Charge for Returned Checks or Written Instruments
- 2019-17 Resolution Authorizing Issuance of Certificate of Redemption of Tax Sale Certificates Due to the Inability to Locate the Original Tax Sale Certificates
- 2019-18 Resolution Authorizing Premium to Escheat to Municipality After Five Years
- 2019-19 A Resolution Authorizing the Tax Assessor to Act as Agent for the City of Asbury Park for the Purpose of Filing and Settling Tax Appeals on Behalf of the Taxing District for the Tax Year 2019
- 2019-20 Resolution Authorizing City Manager to sign NJDEP Treatment Works Applications
- 2019-21 Authorizing the City Clerk to Execute all of the City of Asbury Park Fire Department Member's Enrollment into NJ State Firemen's Association for the 2019 Calendar Year
- 2019-22 Authorizing the City Clerk to Execute all Bingo and Raffle Games of Chance Applications that Meet all Provisions Pursuant to Statute for the 2019 Calendar Year

### **INDIVIDUAL RESOLUTIONS**

- 2019-23 Resolution Providing for 2019 Temporary Budget Appropriations

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

- 2019-24 Resolution Adopting a Cash Management Plan for the City of Asbury Park

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember         |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

- 2019-25 Resolution of the Mayor and Council of the City of Asbury Park Designating the Depositories wherein all Public Monies and Other Funds of the Municipality Shall Be Kept

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-26 Resolution Adopting a Debt Management and Capital Policy

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-27 Appointing Frederick C. Raffetto, Esq., to Serve as Municipal Attorney for the City, and Authorizing the Execution of an Agreement for Professional Legal Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-28 Appointing Cleary Giacobbe Alfieri Jacobs, LLC, to Serve as Conflict Municipal Attorney for the City, and Authorizing the Execution of an Agreement for Professional Legal Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember         |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-29 Appointing Archer & Greiner, P.C., to Serve as Bond Counsel for the City, and Authorizing the Execution of an Agreement for Professional Legal Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-30 Appointing Law Offices of Steven S. Glickman, LLC to Serve as Labor Counsel for the City, and Authorizing the Execution of an Agreement for Professional Legal Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-31 Appointing Harry Haushalter, Esquire, to Serve as Special Tax Counsel for the City, and Authorizing the Execution of an Agreement for Professional Legal Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-32 Appointing Wiss & Company, LLP to Serve as Auditor for the City, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Yvonne Clayton        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-33 Appointing Acacia Financial Group, Inc. To Serve as Financial Advisors for the City, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-34 Authorizing the Execution of an Agreement for Professional Appraisal Services to BRB Valuations Pamela J. Brodowski, MAI, ASA, CTA

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember         |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-35 Appointing GJEM Insurance Agency, to Serve as an Insurance Brokerage/Consultant/Risk Manager, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-36 A Resolution Awarding Professional Services Contract for Grant Writing Services

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-37 Appointing Members to the Planning Board (Class III and IV)

The following members are being appointed: Anthony Perillo as a Class IV member with a term expiring 12/31/2022 and Jim Henry as an Alternate 1 member with a term expiring 12/31/2020.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor               |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-38 Appointing Members to the Zoning Board of Adjustment

The following members are being appointed: Brittany Ashman as a regular member with a term expiring on December 31, 2022, Jennifer Souder as a regular member with a term expiring on December 31, 2022, Melanie Chongolola-Nestor as a regular member with an unexpired term December 31, 2021 and Christopher Gonzales as an Alternate 1 member with a term expiring on December 31, 2020.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor               |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-39 Authorizing Appointments to the “Asbury Park TV Committee”

The following members are being appointed: Deputy Mayor Amy Quinn with a term expiring 12/31/2021, Ginny Otly with a term expiring 12/31/2021, Drew Chiminec with a term expiring 12/31/2021 and Muata Greene with a term expiring 12/31/2021.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor               |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-40 Authorizing Appointments to the “Environmental/Shade Tree Commission”

The following members are being appointed: Ellen Gaynor with an unexpired term of 12/31/19, Amy Quinn with a term of 12/31/2023 and Russell Lewis with a term of 12/31/2023.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-41 Authorizing Appointments to the Public Art Commission

The following members are being appointed: Deputy Mayor Amy Quinn with a term of 12/31/21, Michele Alonso with a term of 12/31/21, Marilyn Schlossback with a term of 12/31/21, Jenn Hampton with a term of 12/31/20 and Angie Sugrim as an Alternate 1 member 12/31/19.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor               |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-42 Authorizing Appointments to the “Deal Lake Commission”

The following members are being appointed: Jeannie Toher as Regular Member with a term expiring 12/31/2019 and William Hodges, Alternate 1 Member with a term expiring 12/31/2019.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor               |
| <b>SECONDER:</b> | Eileen Chapman, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### 2019-43 Resolution Authorizing Appointments to the “Sunset Lake Commission”

The following members are being appointed: Council Member Eileen Chapman with a term expiring 12/31/2020 and Christopher Avallone, Commission Member with a term expiring 12/31/2020.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember         |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-44 Resolution Establishing a “Parking Advisory Committee” in and for the City of Asbury Park

The following members are being appointed with terms expiring 12/31/2019: Mayor John Moor, Michael Manzella, Gene Dello, Barbara Krzak, Maggie Quinton, William West, Bret Morgan and Jordan Modell.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-45 Appointment to the Recreation Advisory Committee

The following members are being appointed all with a term expiring 12/31/2019: Council Member Jesse Kendle, Council Member Eileen Chapman, Leesha Floyd, Esther Piekarski, Toran Jordan, Angeline Brown, Angela Anderson, Douglas Eagles and Jessie Ricks.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Amy Quinn, Deputy Mayor               |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-46 Establishing a “Code Enforcement/Quality of Life Committee” in and for the City of Asbury Park and Authorizing Appointments Thereto

The following members are being appointed all with a term expiring 12/31/2019: Council Member Yvonne Clayton, Council Member Eileen Chapman, Elli Kaymakcian, Norman Robertson, Trudy Syphax, Karen Kircher, Greg Hopson, Melanie Chongolola-Nestor and Patricia Zanellato.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember           |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-47 Appointment to the Business Advisory Committee

The following members have been appointed all with a term expiring 12/31/2019: Deputy Mayor Amy Quinn, Michael Capabianco, City Manager, Jenn Hampton, Bianca Freda, Kathy Kelly, Marilyn Schlossback, Russell Lewis, Reggie Flimlin, Jackie Sharpe, Larry Dembrun, Phyllis Maffucci, Isaac Jones, Adam Nelson and Sylvia Cioffi.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-48 Resolution Establishing a “Budget Committee” in and for the City of Asbury Park

The following members are being appointed all with a term expiring 12/31/2019: City Manager or his designee, Council Member Eileen Chapman, Barbara Krzak and Donna Vieiro .

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Yvonne Clayton, Councilmember         |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember           |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-49 Establishing a “Community Development Block Grant Committee” in and for the City of Asbury Park and Authorizing Appointments Thereto

The following members are being appointed all with a term expiring 12/31/2019: Mayor John Moor, Deputy Mayor Amy Quinn, Cassandra Dickerson, Leesha Floyd, Janice Molloy and Susan Mayard.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-50 Resolution Establishing a “Mayor's Wellness Committee” in and for the City of Asbury Park

The following members are being appointed all with a term expiring 12/31/2019: Mayor John Moor, Council Member Jesse Kendle, Michael Manzella, Mgr. Rep., Lisa Lee, Wendi Glassman, Allison Cerco, Vishal Sood, Lena Siddiqi, Douglas Eagles and Pam Montemurno.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

2019-51 Resolution Approving Appointments to the City of Asbury Park Green Team

The following members are being appointed all with a term expiring 12/31/2019: City Manager or designee, Chairperson, Director of Planning and Redevelopment or designee, Chairperson of the Environmental Shade Tree Commission or designee, Chairperson of the Asbury Park Business Committee or designee, Councilwoman Eileen Chapman or designee, Derek Minno Bloom, Joyce Grant, Roy Helfrick, Russell Lewis and Kayvon Paul.

|                  |                                       |
|------------------|---------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>            |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember         |
| <b>SECONDER:</b> | Yvonne Clayton, Councilmember         |
| <b>AYES:</b>     | Chapman, Clayton, Kendle, Quinn, Moor |

### **Announcement by Mayor Moor of Mayor’s Appointment to the Library Board Committee**

Mayor Moor is appointing the following members to the Library Board Committee all with terms expiring 12/31/2023: Angela Ahbez-Anderson, Diane Shelton and Anita Weiner.

### **Announcement by Mayor Moor of Mayor's Appointment to the Position of Office of Emergency Management ("OEM") Director**

The Mayor is appointing Garrett M. Giberson to the position of Office of Emergency Management Director.

### **Announcement of Mayor of Mayor's Appointment to the Planning Board**

#### **1. Class I Member (Mayor or Mayor's Designee - 1 Year Term)**

The Mayor will be appointing John Moor as the Class I member to the Planning Board with a term expiring 12/31/2019.

#### **2. Class II Member (Non-Government Body Municipal Official - 1 Year Term)**

The Mayor will be appointing Michael Manzella as the Class II Member of the Planning Board with a term expiring 12/31/2019.

### **Comments from Council Members**

Council Member Chapman wished everyone a Happy New Year and thanked everyone for their support in this past year.

Council Member Clayton wished everyone a Happy New Year. She reminded everyone of the coast and food give-a-way on January 12 at the train station between 9 a.m. to 12 noon.

Deputy Mayor Quinn thanked the community and volunteers for their support and hand work throughout the year.

Council Member Kendle stated that the Council had worked together throughout the year for the betterment of the community. He thanked his family and Pastor Harrington for their support.

### **Comments from Mayor**

Mayor Moor thanked everyone for coming. He recognized Senator Gopal for attending earlier in the meeting. He thanked all the elected officials for their help and support in the past year. He also thanked his family for all their support throughout the years.

### **Public Participation**

Motion made by Council Member Chapman and seconded by Deputy Mayor Quinn to open the meeting to the public.

The following members of the public spoke: Linda Johnson.

Motion made by Council Member Chapman and seconded by Deputy Mayor Quinn to close the meeting to the public.

## Closing Prayer by Pastor David Harrington of Good Hope Baptist Church

### Adjournment

Respectfully submitted by:

---

Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Jan 1, 2019 11:00 AM (Minutes)



## RESOLUTION NO. 2019-53

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

### RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

**WHEREAS**, at work session meeting of the Mayor and Council held on January 9, 2019 the following Special Events Applications were presented for approval by the Director of Recreation:

1. 27<sup>th</sup> annual Asbury Park Fishing Club Flea Market
2. Baseball Registration
3. Rally to Support Women March

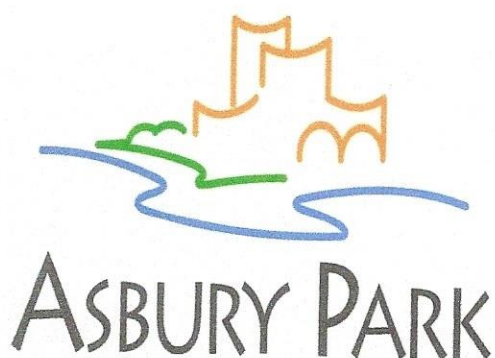
**WHEREAS**, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department 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. 2019-53 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

CERTIFIED BY ME THIS 10th DAY OF January, 2019.

CINDY A. DYE  
CITY CLERK



# SPECIAL EVENTS PERMIT APPLICATION

Date Received: \_\_\_\_\_ APP. # \_\_\_\_\_

*Please complete the following information as required by city Ordinance No 2016-55 "General Licensing: 4-10.4." All applications are to be received by the Asbury Park Office of Special Events (1 Municipal Plaza Asbury Park, NJ 07712) no less than 45 Days prior to the event for which permit is being requested. **All application fees are non refundable and must be submitted with this application.** Contact Leesha Floyd at 732.502.5759 or [Leesha.floyd@cityofasburypark.com](mailto:Leesha.floyd@cityofasburypark.com) for additional information. Fax number is 732.775.1483*

NAME OF EVENT: Baseball Registration

DATE(S): 1/5/19, 1/12/19, 1/19/19 & 1/26/19

HOURS OF EVENT: From 12noon To: 2:00pm Rain Date: \_\_\_\_\_

EXACT LOCATION YOU ARE REQUESTING TO STAGE YOUR EVENT:

Municipal Building Lobby

Name of Applicant/Organization: Asbury Park Little League

Address: PO Box 702, Asbury Park, NJ 07712

Contact: Danny McKee

Phone: 732 768 6860

Fax: 732 502 0455

Email: APLittleLeague03@aol.com

Non-Profit? Yes ☒ No ☐ Tax Exempt ID Number: 22-3353056

*If yes, please provide non-profit certificate*

DESCRIBE IN DETAIL TYPE OF EVENT YOU WILL BE STAGING: Baseball registration for A.P. children ages 5 – 15. Adults will be at the event to supervise at all times. If you have a table and a few chairs that we can use, we would greatly appreciate it. Thank you.

*On a separate sheet of paper, please provide a detailed description (footprint) of the proposed event and a sketch that shows the area or route to be used along with any proposed structures, tents, fences, barricades, signs, banners restroom facilities and electrical equipment. **NOTE: sketch should identify the dimensions of exhibit booths, structures, etc.***

OVER

Attachment: APLL Special Event app [Revision 1] (2019-53 : Special Event Applications)

City of Asbury Park Special Events Application

Page Two

WILL APPLICANT REQUIRE A LIQUOR SOCIAL EVENT OR CATERING PERMIT

Yes \_\_\_\_\_ No X If yes, please explain \_\_\_\_\_NUMBER OF PEOPLE ANTICIPATED TO ATTEND: 10 – 15 over the two hour period.ADMISSION CHARGE? YES \_\_\_\_\_ NO X IF YES, HOW MUCH \_\_\_\_\_VENDOR CHARGE? YES \_\_\_\_\_ NO X IF YES, HOW MUCH \_\_\_\_\_WILL YOU REQUIRE A STREET CLOSING? YES \_\_\_\_\_ NO X Please Give Details: \_\_\_\_\_PROVIDE COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY, TRAFFIC CONTROL, CLEAN UP, SEPARATION OF RECYCLABLE MATERIAL AND DISPOAL OF TRASH AND DEBRIS: N/ADESCRIBE ALL CITY RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT: NoneNOTE: There will be charges for all city services provided. Refer to the attached fee schedule.

\*All vendors using tents and/or various cooking devices are required to obtain a vendor's permit from the Asbury Park Bureau of Fire Prevention.

\*Asbury Park requires liability insurance. The amount of liability coverage depends upon the size and nature of the event planned. The minimum liability coverage is one million dollars. The City of Asbury Park must be named on the insurance policy as an "additional insured." All insurance policies are to be provided to the Special Events Office not less than 10 days prior to the date of the event.

\*All estimated fees and/or costs the City of Asbury Park may incur as a result of the City issuing a special event's permit to stage this event must be paid in advance by certified or cashier's check, not less than 10 business days in advance of the event date.

\*If the event insurance policy and all fees are not submitted to the City 10 days prior to the event, the City reserves the right to cancel the event.

Daniel R. McKee  
Signature of Applicant1/3/19  
DateDANIEL R. MCKEE FOR A.P. LITTLE LEAGUE  
Print Name of Applicant

For Special Events Office Use only: \_\_\_\_\_

Total Fees Calculated to be paid by Applicant \$ \_\_\_\_\_ Total Fees Collected \$ \_\_\_\_\_



# SPECIAL EVENTS PERMIT APPLICATION

Date Received: \_\_\_\_\_ APP: # \_\_\_\_\_

Please complete the following information as required by city Ordinance No 2016-55 "General Licensing: 4-10.4." All applications are to be received by the Asbury Park Office of Special Events (1 Municipal Plaza Asbury Park, NJ 07712) no less than 45 Days prior to the event for which permit is being requested. **All application fees are non refundable and must be submitted with this application.** Contact Leesha Floyd at 732.502.5759 or [Leesha.floyd@cityofasburypark.com](mailto:Leesha.floyd@cityofasburypark.com) for additional information. Fax number is 732.775.1483

NAME OF EVENT: 27th Annual Asbury Park Fishing Club Fishing Flea Market

DATE(S): March 9, 2019 (1pm-3pm for setup) AND Event: March 10, 2019

HOURS OF EVENT: From 6am To: 3pm

EXACT LOCATION YOU ARE REQUESTING TO STAGE YOUR EVENT:

Convention Hall

Name of Applicant/Organization: Asbury Park Fishing Club

Address: 1405 Pine Court, Asbury Park, NJ 07712

Contact: Joseph Pallotto Phone: 732 988 0121

Fax: \_\_\_\_\_ Email: mcraddock@verizon.net

Non-Profit? Yes x No    Tax Exempt ID Number: 22-2459408

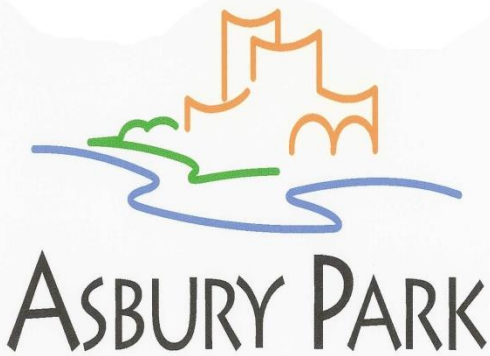
*If yes, please provide non-profit certificate*

DESCRIBE IN DETAIL TYPE OF EVENT YOU WILL BE STAGING: \_\_\_\_\_

sale of new and used fishing equipment

*On a separate sheet of paper, please provide a detailed description (footprint) of the proposed event and a sketch that shows the area or route to be used along with any proposed structures, tents, fences, barricades, signs, banners restroom facilities and electrical equipment. **NOTE: sketch should identify the dimensions of exhibit booths, structures, etc.***

OVER



# SPECIAL EVENTS PERMIT APPLICATION

Date Received: \_\_\_\_\_ APP. # \_\_\_\_\_

Please complete the following information as required by city Ordinance No 2016-55 "General Licensing: 4-10.4." All applications are to be received by the Asbury Park Office of Special Events (1 Municipal Plaza Asbury Park, NJ 07712) no less than 45 Days prior to the event for which permit is being requested. **All application fees are non refundable and must be submitted with this application.** Contact Leesha Floyd at 732.502.5759 or [Leesha.floyd@cityofasburypark.com](mailto:Leesha.floyd@cityofasburypark.com) for additional information. Fax number is 732.775.1483

NAME OF EVENT: **RALLY to SUPPORT WOMEN'S MARCH on January 19<sup>th</sup>, 2019**

DATE(S): **January 19<sup>th</sup>, 2019** Rain Date: **N/A**

HOURS OF EVENT: From **Noon** To **2 pm**

**EXACT LOCATION YOU ARE REQUESTING TO STAGE YOUR EVENT:**

**The Boardwalk at 5<sup>th</sup> Avenue, Asbury Park**

Name of Applicant/Organization: **Somerset County Federation of Democratic Women; Somerset County Democratic Committee**

Address: **C/O 42 North Middaugh Street, Somerville, NJ 08876**

Contact: **Margaret Weinberger** Phone: **(908) 526-0478 Home; (908) 646-5273 Cell**

Fax: **N/A** Email: **scfodw@yahoo.com**

Non-Profit? Yes ☐ No ☐ Tax Exempt ID Number: \_\_\_\_\_

*If yes, please provide non-profit certificate*

DESCRIBE IN DETAIL TYPE OF EVENT YOU WILL BE STAGING: **We would like to have a rally to support the 3<sup>rd</sup> annual Women's March taking place around the globe on this day. We plan to invite a few government officials as speakers. We are not counting on them showing up at this point. We do not see the rally taking more than 1-2 hours.**

*On a separate sheet of paper, please provide a detailed description (footprint) of the proposed event and a sketch that shows the area or route to be used along with any proposed structures, tents, fences, barricades, signs, banners restroom facilities and electrical equipment. **NOTE: sketch should identify the dimensions of exhibit booths, structures, etc.***

OVER

Attachment: rally to support women (2019-53 : Special Event Applications)

City of Asbury Park Special Events Application

Page Two

WILL APPLICANT REQUIRE A LIQUOR SOCIAL EVENT OR CATERING PERMIT

Yes \_\_\_\_\_ No X If yes, please explain \_\_\_\_\_NUMBER OF PEOPLE ANTICIPATED TO ATTEND: 50ADMISSION CHARGE? YES \_\_\_\_\_ NO X IF YES, HOW MUCH \_\_\_\_\_VENDOR CHARGE? YES \_\_\_\_\_ NO X IF YES, HOW MUCH \_\_\_\_\_WILL YOU REQUIRE A STREET CLOSING? YES \_\_\_\_\_ NO X Please Give Details: \_\_\_\_\_

PROVIDE COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY, TRAFFIC CONTROL, CLEAN UP, SEPARATION OF RECYCLABLE MATERIAL AND DISPOAL OF TRASH AND DEBRIS: This is a peaceful group of people who are interested in showing support for the democratic process of gathering in public with signs to express their support of women in government. We will ask people in our email invitation to please respect the town, leave with what they bring, use the public trash receptacles on the boardwalk, and take home anything they can to dispose of in order ot not be burden on your public works department. We will be sure to announce this in our email and on the day of the event.

DESCRIBE ALL CITY RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT: Since we are a very peaceful group of mostly women, and will probably not be a large crowd, we would not need anything besides the daily police protection normally provided. As I have said, we will encourage everyone to pack out what they bring and not leave their trash on the boardwalk.

NOTE: There will be charges for all city services provided. Refer to the attached fee schedule.

\*All vendors using tents and/or various cooking devices are required to obtain a vendor's permit from the Asbury Park Bureau of Fire Prevention.

\*Asbury Park requires liability insurance. The amount of liability coverage depends upon the size and nature of the event planned. The minimum liability coverage is one million dollars. The City of Asbury Park must be named on the insurance policy as an "additional insured." All insurance policies are to be provided to the Special Events Office not less than 10 days prior to the date of the event.

\*All estimated fees and/or costs the City of Asbury Park may incur as a result of the City issuing a special event's permit to stage this event must be paid in advance by certified or cashier's check, not less than 10 business days in advance of the event date.

\*If the event insurance policy and all fees are not submitted to the City 10 days prior to the event, the City reserves the right to cancel the event.

\_\_\_\_\_  
Signature of ApplicantJanuary 6, 2019

Date

MARGARET WEINBERGER

Print Name of Applicant

Attachment: rally to support women (2019-53 : Special Event Applications)

**For Special Events Office Use only:**

**Total Fees Calculated to be paid by Applicant \$ \_\_\_\_\_ Total Fees Collected \$ \_\_\_\_\_**

**ASBURY PARK SPECIAL EVENT FEE SCHEDULE- Revised December 28, 2016**

Fees associated with Special Event Applications as stated in Special Events resolution # 2016-55:

**Application Fee: (non refundable)**

\$50.00 for non-profits

\$250.00 for all other organizations or groups

\$1,000 for events over 2,000

\$5,000 for events over 15,000

**Maintenance Personnel and Equipment fees:**

|                                         |                             |
|-----------------------------------------|-----------------------------|
| Putting up barricades- 1 man, 1 hour    | \$50.00                     |
| Picking up barricades- 1 man, 1 hour    | \$50.00                     |
| Putting up banner- 2 men, 1 hour        | \$100.00                    |
| Taking down banner- 2 men, 1 hour       | \$100.00                    |
| Use of pickup truck, per hour           | \$40.00*                    |
| Use of dump truck                       | \$85.00*                    |
| Use of sweeper, per hour                | \$75.00*                    |
| 75Use of front end loader, per hour     | \$80.00*                    |
| Use of dozer, per hour                  | \$100.00*                   |
| Use of portable float (stage) and steps | \$250.00                    |
| Use of litter scooter, per hour         | \$30.00*                    |
| Use of garbage truck, per hour          | \$90.00*(plus tipping fees) |
| Use of bucket, per hour                 | \$75.00*                    |
| Ambulance                               | \$250.00*                   |
| Dumping fee                             | \$80.00 per ton             |
| Fire Engine or Rescue Truck             | \$500.00 per day*           |
| Rack Body Flatbed Truck                 | \$55.00 per hour            |
| Mason Dump Truck                        | \$55.00 per hour            |

Items shown with an asterisk require an additional charge for the operator of the vehicle or equipment, which shall be at the rate of \$50.00 per hour. The above fees include delivery and pick-up during regular working hours (7am-2pm). All charges shall be hourly (except for the use of the portable float/stage and steps) and shall have a minimum charge of one hour. For any increments into the following hours, a one hour charge shall be incurred.

**Public Parks:**

|               |                                                                                         |
|---------------|-----------------------------------------------------------------------------------------|
| Sunset        | \$600.00 per day                                                                        |
| Bradley       | \$1500.00 per day from one week prior to Memorial Day through two weeks after Labor Day |
| Bradley       | \$750.00 per day any other time (off season)                                            |
| Atlantic      | \$1500.00 per day from one week prior to Memorial Day through two weeks after Labor Day |
| Atlantic Park | \$750.00 per day any other time (off season)                                            |
| Library       | \$600.00 per day                                                                        |
| Kennedy       | \$100.00 per day                                                                        |
| Merchants     | \$100.00 per day                                                                        |
| Springwood    | \$100.00 per day                                                                        |

**Boardwalk fee:** daily fee of \$250.00 per day per block

**Beaches:** daily fee of \$700.00 for use of the City's beaches in conjunction with any special event within the City. All participants on the beach will also be required to purchase a daily beach badge.

**Transportation Center:** \$100.00 per day plus any maintenance fees

**Council Chambers:** \$100.00 per day plus any maintenance fees

**Large Beach or Park Event:** any event that is projected for 500 participants or more will be subject to a different fee structure to cover added city expenses. The daily beach/park fee will vary according to the type of event: Beach Fee: \$2,500.00 Park Fee: \$2,500.00

In addition, a deposit will be required in the amount of \$5,000 to cover any expenses incurred by the city that are not covered by special event fees

For any event with 2501 or more participants, user fees and deposits will be set by the Asbury Park Special Events Committee and approved by the Asbury Park City Council. A separate contract approved by the City Council will govern the operation and fees of said event.

#### **Street Blocking or Closing:**

**Non-Metered Streets:** \$250.00 daily fee per block for any non-metered street blocking or closing.

**Metered Streets:** The daily charge per block for street blocking or closing will be calculated by: taking the number of metered parking spaces in that block x the current hourly rate in that block (for the specific date of closure) x the daily number of hours the meters are in operation = the daily rate for that block. Either the daily block rate or a minimum of \$250.00, whichever is greater, will be paid by the applicant.

**Off Duty Police Officers:** 8:00am-12:00am \$75.00 per hour per officer/ 12:00am- 8:00am \$85.00 per hour per officer

**EMT/Fire:** 8:00am-12:00am \$75.00 per hour/12:00am-8:00am \$85.00 per hour(Fire Inspector/Fire Official regular overtime receive rate)

**Lifeguards:** \$65.00 per hour

**Utility fees:** Any and all fees for actual water and electric consumption shall be billed by the Director of Public Maintenance after the conclusion of the event.

**Electrician:** \$60.00 per hour

**Sunset Sign Advertising:** the weekly rate to create and post a message for 7 Days is \$250. The rate for a single day special message (birthdays, anniversaries, etc) is \$50

**Returned Checks:** \$25.00 fee in addition to the reimbursement of the original check amount.

All required fees must be paid in full at least 10 days prior to the event. All checks should be made payable to City of Asbury Park and mailed to 1 Municipal Plaza Asbury Park, NJ 07712 Attn: Leesha Floyd, Special Events Department

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



# RESOLUTION NO. 2019-54

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

## **RESOLUTION AUTHORIZING THE TRANSFER OF REAL ESTATE TAX CREDITS FROM PREVIOUS YEARS TO 2018-2019 REAL ESTATE TAX PAYMENTS**

**WHEREAS**, the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey is in receipt of a request by the Tax Collector for a Resolution authorizing the transfer of certain real property tax credits as listed below, from 2018 to 2019 real estate tax payments due on the same premises; and

| <b>Block</b>                                                                        | <b>Lot</b> | <b>Address</b>            | <b>From</b> | <b>To</b> | <b>Amount</b> |
|-------------------------------------------------------------------------------------|------------|---------------------------|-------------|-----------|---------------|
| 1802                                                                                | 12         | 1323 Second Ave           | 18Q4        | 19Q1      | \$832.64      |
| This overpayment result from County Board Judgment Appeal #04-1800118AA             |            |                           |             |           |               |
| 3101                                                                                | 5.21 C0021 | 511 Cookman Ave, PU21     | 14Q4        | 18Q4      | \$24.33       |
| This overpayment will be applied to Lot 5.303 to same assessed owner, Sanjay Sikand |            |                           |             |           |               |
| 4202                                                                                | 5.03 C1511 | 1501 Ocean Ave, Unit 1511 | 13Q4        | 19Q1      | \$211.16      |

**WHEREAS**, all of the aforementioned tax credits shall be transferred from previous years to 2018-2019 real property taxes due for the same block and lot; and

**WHEREAS**, after due deliberation and consultation with the Tax Collector, the City Council has determined that it is appropriate to transfer said credits from the subject tax accounts, as listed above; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that the credits for real property taxes as listed above shall be transferred to and applied to real property taxes for the identical premises as listed for the year 2018 and 2019; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Tax Collector of the City of Asbury Park for their records.

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. 2019-54 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

CERTIFIED BY ME THIS 10th DAY OF January, 2019.

CINDY A. DYE  
CITY CLERK



## RESOLUTION NO. 2019-55

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

### **AUTHORIZE THE ACCEPTANCE OF GRANT FUNDING FROM THE STATE OF NEW JERSEY, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, FOR THE 2018 YEAR END HOLIDAY DRIVE SOBER GRANT**

**WHEREAS**, the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, has awarded the City of Asbury Park Police Department funding for the 2018 Year End Holiday Drive Sober Grant; and

**WHEREAS**, the City of Asbury Park Police Department desires to accept the aforementioned grant funding in the amount of \$5,500.00; and

**WHEREAS**, the State has determined that the application is complete and in conformance with the scope and intent of the grant program and has notified the applicant of the amount of the funding awarded; and

**WHEREAS**, the applicant has used city funding in accordance with such rules, regulations and applicable statutes, and has entered into an agreement with the State for the above-named project. The awarded funding would be reimbursement to the City of Asbury Park.

**THEREFORE, BE IT RESOLVED**, by the City Council of the City of Asbury Park that, the Mayor, the Chief Financial Officer and the Chief of Police, be and is hereby authorized to accept the aforementioned funding from the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for the 2018 Year End Holiday Drive Sober Grant; and

**BE IT FURTHER RESOLVED** that the Mayor, Clerk and Chief of Police are hereby authorized to accept the grant funding and to provide submittals and documentation as required by the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the City Manager, Chief Financial Officer, and the Chief of Police of the City of Asbury Park.

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. 2019-55 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

CERTIFIED BY ME THIS 10th DAY OF January, 2019.

CINDY A. DYE  
CITY CLERK



## RESOLUTION NO. 2019-56

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

### **A RESOLUTION AUTHORIZING A TEMPORARY EXTENSION OF EXISTING 2018 STREET PERFORMER PERMITS, AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW STREET PERFORMER PERMITS**

**WHEREAS**, the City of Asbury Park (the “City”) has previously issued a number of street performer permits for the year 2018, pursuant to §4-15 of the “Code of the City of Asbury Park” (also referenced as the “City Code”); and

**WHEREAS**, the City is currently undertaking amendments to the requirements set forth in §4-15 of the City Code; and

**WHEREAS**, it is anticipated that the revisions to the City Code shall be adopted during the month of January, 2019, with the revisions to become effective in February, 2019; and

**WHEREAS**, in the meantime, the City wishes to authorize a temporary extension of existing 2018 street performer permits until such time as the revisions to §4-15 of the City Code have become effective, and to also place a moratorium on the issuance of any new street performer permits during this period.

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

1. That the City hereby authorizes a temporary extension of existing valid 2018 street performer permits until such time as the revisions to §4-15 of the City Code have become effective, or through February 28, 2019, whichever occurs earlier. The City shall commence issuance of new 2019 street performer permits as of that time.
2. That, during this intervening time period, there shall be a moratorium on the issuance of any new street performer permits for 2019.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - (a) Michael Capabianco, City Manager; and
  - (b) 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. 2019-56 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

CERTIFIED BY ME THIS 10th DAY OF January, 2019.

CINDY A. DYE  
CITY CLERK



## RESOLUTION NO. 2019-57

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

### RESOLUTION REJECTING FAIR AND OPEN RESPONSES

**WHEREAS**, the City of Asbury Park is rejecting the following Fair and Open Responses received December 27, 2019 as per the New Jersey Local Public Contracts Law N.J.S.A 40A:11-13.29(d). Rejection of bids - the contracting unit wants to substantially revise the specifications for the goods or services.

**WHEREAS**, the following professional services responses are rejected:

1. City Engineer
2. Special Projects Engineer
3. Affordable Housing Attorney

**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 for professional services for City Engineer, Special Projects Engineer and Redevelopment Counsel are rejected as per N.J.S.A 40A:11-13.29(d). Rejection of bids - the contracting unit wants to substantially revise the specifications for the goods or services

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. 2019-57 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

CERTIFIED BY ME THIS 9th DAY OF January, 2019.

CINDY A. DYE  
CITY CLERK



**Asbury Park, New Jersey  
ORDINANCE NO. 2019-1**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-15, ENTITLED  
“STREET PERFORMERS,” OF CHAPTER IV, “GENERAL ORDINANCES,” OF THE  
“CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter IV, “General Licenses,” Section 4-15 thereof, entitled “Street Performers,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following respects (deletions are shown with ~~strikeout~~; additions are shown with underline):

**CHAPTER IV**

**4-15 STREET PERFORMERS.**

**4-15.1 Definition.**

As used in this section:

*Street performer* shall mean any clown, mime, musician, magician, or any other individual engaged in an artistic expressive activity in a public area for the purpose of entertaining the general public.

**4-15.2 Permit Required; Fees; Background Check; Term; Appeal.**

a. Permit Required. No street performer shall conduct his or her performance in the public areas of the City of Asbury Park, including the boardwalk, without first obtaining a permit from the City Clerk. Such permits shall be issued annually, on a first-come-first-served basis, upon submission of an application in the form prescribed by the City Clerk, presentation of a valid form of identification and ~~payment of a permit fee of fifty (\$50.00) dollars~~ compliance with the provisions of below regarding payment of the required annual application fee and submission to a criminal history background check which produces satisfactory results. ~~Such permits shall be valid only during the year in which they are issued.~~

b. Application Fee. The application must be accompanied by a nonrefundable application fee of twenty-five dollars (\$25.00) to cover the cost of and processing of the application.

c. Background Check; Disqualifying History. Every applicant for a permit pursuant to this Section shall be fingerprinted by Sagem Morpho, Inc. To provide for a timely and efficient criminal history background review, the City of Asbury Park will be utilizing the state-police-coordinated, non-criminal-justice fingerprinting process known as “Live Scan.” The State of New Jersey has contracted with a vendor, Sagem Morpho, Inc., to perform this service. The

company has established permanent sites throughout the state as well as several mobile units available to meet its contractual agreement. Sagem Morpho, Inc. charges a fee for the fingerprinting for which the applicant will be responsible. There will be an additional fee of twenty dollars (\$20.00) payable to the City of Asbury Park, for the processing of the fingerprint documentation required by Sagem Morpho, Inc. The Chief of Police or his designee shall conduct a criminal history background check upon any such applicant to determine whether the applicant has been convicted, whether by trier of fact or a plea of guilty, under the laws of the State of New Jersey of an offense involving dishonesty or of a crime of the third degree or above, pursuant to New Jersey law, or under the laws of another state of the United States of an offense or a crime which, if committed in the State of New Jersey, would be such an offense or crime. No permit shall be issued to any applicant found to have a criminal history of conviction of such offenses or crimes.

d. Fees. All fees referenced above shall be non-negotiable and non-refundable.

e. Term. All permits issued pursuant to this Section shall be valid only during the year in which they are issued.

f. Appeals of Permit Disqualification or Permit Revocation/Suspension.

1. Any applicant who feels aggrieved as a result of the denial of a street performer permit due to the results of the criminal history background check, as referenced above, or whose street performer permit has been suspended or revoked, or who has been the subject of any other adverse action taken by the City or its representatives, may file an appeal to the City Manager or the City Manager's assigned designee in accordance with the provisions set forth below.

2. The appeal must be taken, in writing, within ten (10) days from the date of the notice of the denial, suspension, revocation, decision, ruling or action. A letter stating the desire to appeal shall suffice.

3. Upon the filing of an appeal, the City Manager or his/her designee shall hold a hearing on the appeal as soon as practicable, providing reasonable advance notice of the time and date of the hearing to the appellant. At the hearing, the appellant shall be permitted to provide information and/or testimony in support of his/her position.

4. If the appeal regards disqualification due to the results of the criminal history background check, the City Manager or his/her designee shall be permitted to consider whether the applicant has affirmatively demonstrated clear and convincing evidence of his or her rehabilitation. In determining whether an applicant has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (a) the nature and seriousness of the offense(s);
- (b) the circumstances under which the offense(s) occurred;
- (c) the date(s) of the offense(s);
- (d) the age of the person when the offense(s) was/were committed;
- (e) whether the offense(s) represented an isolated or repeated incident;
- (f) any evidence of rehabilitation; and

(g) any other factors which are relevant in the discretion of the City Manager or his/her designee.

5. As part of the hearing, the City Manager or his/her designee may request guidance from any relevant City staff or legal consultant(s) to make an informed decision on the appeal.

6. In all cases of appeal, the determination of the City Manager or his/her designee shall be guided by the best interests of the health, safety and welfare of the public.

7. At the conclusion of the hearing, the City Manager or his/her designee may affirm, modify or reverse the action of the City, and shall advise the appellant in writing of the decision within seven (7) days of the conclusion of the hearing.

#### **4-15.3 Performance Regulations.**

This section regulates the manner in which street performers may perform in the public areas of the City of Asbury Park, including the boardwalk.

a. A street performer shall conduct his or her performance in a place and manner so as to not restrict the flow of vehicular or pedestrian traffic. If performing upon the boardwalk, a performer shall be located on the eastern side of the boardwalk and shall not be located within twenty-five (25) feet of any entrance or exit to the beach or boardwalk, or within twenty-five (25) feet of any business or public building.

b. Where two (2) or more street performers are present in a common area, they shall be spaced no less than fifty (50) feet apart, unless engaged in a joint performance. If a performer is located within fifty (50) feet of another performer, or cannot conduct a performance in a location without blocking the passage of the public, the street performer shall leave the location upon notification by a Police Officer or other City official. The performer may then move his or her performance to another location in conformance with this section.

c. Street performers shall not remain in the same location for more than three (3) hours. At the conclusion of a three (3) hour period, and at the request of any law enforcement officer of the City of Asbury Park, street performers shall move to a new location that is a minimum distance of one hundred (100) feet from the immediately prior location.

d. Street performers may conduct performances between the hours of 9:00 a.m. and 10:00 p.m.

e. Street performances are prohibited on the boardwalk during the July 4th weekend due to the extremely high volume of pedestrian traffic and other activities historically encountered at the beachfront at such times.

f. Notwithstanding the provisions of paragraph c. above, the City Council may by a majority vote designate other times or dates during which performances may be restricted or prohibited in order to protect the public interest.

g. No street performer may sell any merchandise without first obtaining a mercantile license for same pursuant to Section 4-1 of the City Code or, if the proposed sales are intended to

take place within the "boardwalk vending area" (Section 4-14, as defined in Ordinance No. 2979, adopted on May 18, 2011, or as defined in any successor Ordinance adopted thereafter), obtaining a permit to engage in such boardwalk/beachfront vending activities in accordance with the requirements set forth in Section 4-14, or in accordance with the requirements set forth in any successor ordinance adopted thereafter.

h. No street performer shall include any activity which is inimical to the health, safety and welfare of the general public. Examples include but are not limited to activities involving fire, flammable liquids, knives or swords, or language or conduct that is likely to incite violence or a riot.

i. All street performers shall be required to have their permit on display in public view at the site of the street performance at all times.

j. No street performer shall utilize amplifiers for music or other sounds without first receiving appropriate approval(s) from the City's Special Events Committee.

#### **4-15.4 Enforcement.**

The provisions set forth in this section may be enforced by the City Manager or his designee, the City Clerk or any member of the City's Police Department.

#### **4-15.5 Violations and Penalties.**

a. Any person violating or failing to comply with any other provision of this section shall, upon conviction thereof, be liable to the penalties stated in Chapter I, Section 1-5 of the City Code. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

b. The City Council and/or the City Manager shall have the authority to suspend or revoke a street performer permit upon a finding of violation of any rule or ordinance or other law, or upon good cause shown, in furtherance of the best interests of the health, safety and welfare of the public.

c. The violation of any provision of this section shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**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 this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

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. 2019-1 which was finally adopted by the City Council at a meeting held on the 9th day of January, 2019

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CINDY A. DYE  
CITY CLERK



Minutes  
Meeting of the Municipal Council  
Wednesday, January 9, 2019  
WORK SESSION

Announcement by the City Clerk

| Attendee Name      | Title         | Status  | Arrived |
|--------------------|---------------|---------|---------|
| Eileen Chapman     | Councilmember | Present |         |
| Yvonne Clayton     | Councilmember | Absent  |         |
| Jesse Kendle       | Councilmember | Present |         |
| Amy Quinn          | Deputy Mayor  | Present |         |
| John Moor          | Mayor         | Present |         |
| Cindy Dye          | City Clerk    | Present |         |
| Michael Capabianco | City Manager  | Present |         |
| Frederick Raffetto | City Attorney | Present |         |

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco stated that at the last meeting we received a complaint from a Neptune resident regarding trees on Washington Avenue. The trees were removed per the Planning Board and/or Public Works due to the health of the trees.

Special Event Applications

Director of Recreation Leesha Floyd reviewed the special event applications with the City Council.

Items to be presented:

1. Undersized Lot Sale of 1322 Springwood Avenue (Block 903, Lot 1.01)

City Manager Capabianco reviewed the proposal for the undersized lot at 1322 Springwood Avenue.

Review of Agenda Items for January 9, 2019 Regular Meeting

City Manager Capabianco reviewed this evening's agenda with the City Council.

Matters from City Council

Council Member Chapman stated that on January 26 the Sunset Lake Commission will be holding a meeting and the City Engineer will be in attendance. The master plan will be discussed and are looking for ideas for the Sunset Lake and Sunset Park. Public participation is welcomed. On January 26, Interfaith Neighbors will be hosting Asbury Got Talent auditions at Kula Cafe.

Council Member Kendle stated that on January 12 from 9 a.m. to 12 p.m. the City will be hosting a coat and food giveaway at the Transportation Center.

Deputy Amy Quinn stated that the City's walking and biking plan feedback is due on January 11. There will be a public session regarding the Northend boardwalk project on January 15 from 7-9 p.m. at the Thurgood Marshall Gym.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto had no matters.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

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Cindy A. Dye, RMC, City Clerk



Minutes  
Meeting of the Municipal Council  
Wednesday, January 9, 2019  
REGULAR MEETING

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**Executive Session - 4:00 p.m.**

2019-52 Resolution Authorizing a meeting which excludes the public

|                  |                                                    |
|------------------|----------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                         |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember                      |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Jesse Kendle, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Yvonne Clayton                                     |

| Attendee Name      | Title         | Status  | Arrived |
|--------------------|---------------|---------|---------|
| Eileen Chapman     | Councilmember | Present |         |
| Yvonne Clayton     | Councilmember | Absent  |         |
| Jesse Kendle       | Councilmember | Present |         |
| Amy Quinn          | Deputy Mayor  | Present |         |
| John Moor          | Mayor         | Present |         |
| Cindy Dye          | City Clerk    | Present |         |
| Michael Capabianco | City Manager  | Present |         |
| Frederick Raffetto | City Attorney | Present |         |

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

**PUBLIC PARTICIPATION**

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

The following members of the public spoke: Linda Phillips, Carrie Butch, (name not understood), Joyce Grant, Pam Lamberton, Beth (last name not understood), Felicia Simmons, Ernest Mignoli, Catherine Murphy, Madeline Monico, Terry Edlestein, Somi Basum, Michael Cushner.

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

**MINUTES**

|                  |                                                    |
|------------------|----------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                         |
| <b>MOVER:</b>    | Jesse Kendle, Councilmember                        |
| <b>SECONDER:</b> | Amy Quinn, Deputy Mayor                            |
| <b>AYES:</b>     | Eileen Chapman, Jesse Kendle, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Yvonne Clayton                                     |

1. Executive Minutes of Dec 27, 2018 4:00 PM
2. Municipal Council - Work Session - Dec 27, 2018 6:00 PM
3. Municipal Council - Regular Meeting - Dec 27, 2018 7:00 PM
4. Municipal Council - Organizational Meeting - Jan 1, 2019 11:00 AM

### **CONSENT AGENDA RESOLUTIONS**

|                  |                                                    |
|------------------|----------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                         |
| <b>MOVER:</b>    | Eileen Chapman, Councilmember                      |
| <b>SECONDER:</b> | Jesse Kendle, Councilmember                        |
| <b>AYES:</b>     | Eileen Chapman, Jesse Kendle, Amy Quinn, John Moor |
| <b>ABSENT:</b>   | Yvonne Clayton                                     |

- 2019-53 Resolution Approving Special Event Applications
- 2019-54 Resolution Authorizing the Transfer of Real Estate Tax Credits from Previous Years to 2018-2019 Real Estate Tax Payments
- 2019-55 Authorize The Acceptance Of Grant Funding From The State Of New Jersey, Department Of Public Safety, Division Of Highway Traffic Safety, For The 2018 Year End Holiday Drive Sober Grant
- 2019-56 A Resolution Authorizing a Temporary Extension of Existing 2018 Street Performer Permits, and Establishing a Temporary Moratorium on the Issuance of New Street Performer Permtis
- 2019-57 Resolution Rejecting Fair and Open Responses

### **ORDINANCES**

#### **Introduction**

- 2019-1 An Ordinance Amending and Supplementing Section 4-15, Entitled “Street Performers,” of Chapter IV, “General Ordinances,” of the “Code of the City of Asbury Park, New Jersey.”

**RESULT:**           **INTRODUCED [UNANIMOUS]**

**Next: 1/23/2019 7:00 PM**

**MOVER:**           Amy Quinn, Deputy Mayor

**SECONDER:**       Jesse Kendle, Councilmember

**AYES:**            Eileen Chapman, Jesse Kendle, Amy Quinn, John Moor

**ABSENT:**          Yvonne Clayton

### **ADJOURNMENT**

The meeting was adjourned at 7:55 PM

Respectfully submitted by:

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Cindy A. Dye, RMC, City Clerk