



Revised: 10.28.15

Agenda
Meeting of the Municipal Council
Wednesday, October 28, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-362 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. Director of Communications Position
2. Director of Public Works
3. Code Enforcement Department

B. Contract Negotiations:

1. Lake Group SP, LLC – Overlook Park (Block 3105, Lot 1) Proposed Property Transfer
2. Carter Sackman - Savoy Theater
3. Carter Sackman – Parking Garage
4. Shared Services Agreement with the County of Monmouth for Dispatch Services (Police, Fire and EMS)
5. Interfaith Neighbors The Turf Club Residential Project
6. Interfaith Partner Contract of Sale - 1276 Washington Avenue
7. Asbury Partner/iStar Financial – Bradley Cove

C. Potential Litigation:

1. Director of Commerce

C. Litigation:

1. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, October 26, 2015.
- C. Matters from City Council
- D. Matters from City Manager
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

- A. Clerk to Call Meeting to Order/Roll Call.
- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag
- D. **(Announcement by City Clerk):** As to compliance with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.
- E. **Proclamation Recognizing Pastor Lyddale J. Akins and Triumphant Life Church**
- F. **Public Participation (Announcement by City Clerk):**

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

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

- G. Acceptance of Minutes:
 - October 7, 2015 – Workshop Session
 - October 8, 2015 – Executive Session
 - October 8, 2015 – Regular Session

- H. Consent Agenda Resolutions.

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

- | | |
|----------|---|
| 2015-363 | Approving Special Events/Wedding Applications as Presented on October 26, 2015 |
| 2015-364 | Resolution Authorizing the Payment of Payroll in the Amount of \$862,784.58 |
| 2015-365 | Ratifying Approving Catering Permit for House of Independents for an Event on October 24 and 25, 2015 |
| 2015-366 | Approving Petition to Extend Licensed Premises for Bond Street Bar and Grill for an Event on November 7, 2015 |

- 2015-367 Resolution Authorizing Participation in Section 1033 Program for Procurement of Federal Surplus Property from the Department of Defense and Delegating Authority for Local Administration of Participation in the Program
- 2015-368 Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of the Project Known as the Turf Club will Address an Existing Housing Need in the City of Asbury Park for Home Financing (Block 803, Lots 1-14)
- 2015-369 Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of Affordable Housing at 147 Borden Avenue (Block 1101, Lot 30) will Address an Existing Housing Need in the City of Asbury Park for Home Financing
- 2015-370 Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of Affordable Housing at 922 Mattison Avenue (Block 607, Lot 4) will Address an Existing Housing Need in the City of Asbury Park for Home Financing
- 2015-371 Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of Affordable Housing at 1274 Washington Avenue (Block 1403, Lot 1) will Address an Existing Housing Need in the City of Asbury Park for Home Financing

I. Individual Resolutions

- 2015-372 Resolution Authorizing the Appointment of a Municipal Manager and Authorizing the Execution of an Employment Agreement Relating Thereto
- 2015-373 Resolution Approving the Memorandum of Understanding with the State of New Jersey
- 2015-374 Resolution Authorizing the Payment of Bills in the Amount of \$916,955.62
- 2015-375 Resolution Authorizing the Purchase Twenty Eight (28) Optiplex 9030 All In One Computers for the Police Department
- 2015-376 Resolution Authorizing Finance to Negotiate with Vendors for Vehicle Maintenance Repairs
- 2015-377 Resolution Establishing a Schedule of Fees Relating to Recreational Programs Offered by and through the City of Asbury Park
- 2015-378 Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendment to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to Take Certain Actions Pursuant to N.J.S.A. 40A:12A-7(e)
- 2015-379 Resolution of the Mayor and City Council of the City of Asbury Park Approving the Submittal of a Subdivision to the Planning Board for City Owned Land
- 2015-380 Resolution Authorizing the Agreement of Charter of the Wesley Lake Commission
- 2015-381 Resolution Amending Resolution 2015-323 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial

Participation in the Project, Authorization of the Signing and Execution of All Required Documents, and Indicates its Readiness to Proceed with the Project in Terms of Matching Funds for Application to the Monmouth County Municipal Open Space Grant Program for Acquisition Funds

J. Ordinances:

1. First Reading/Introduction:

- 2015-42 Amending and Supplementing Subsection 28-1.5b, Entitled “Vital Statistics,” “Fees” Of Section 28-1, Entitled “Administration,” of Chapter XXVIII, entitled “Health Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-43 Amending and Supplementing Subsection 9-2.3, Entitled “Cat and Dog Licensing Fees,” of Section 9-2, Entitled “Licensing of Dogs,” of Chapter IX, Entitled “Animal Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-44 Amending and Supplementing Subsection 6-3.4, Entitled “License Fees; Maximum Number,” of Section 6-3, Entitled “Licenses,” of Chapter VI, Entitled “Alcoholic Beverage Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-45 Repealing Section 2-20, Entitled “Department Of Commerce”, of Chapter II, Entitled “Administration,” and Amending and Supplementing Chapter IV, Entitled “General Licensing,” of the “Code of the City of Asbury Park, New Jersey.”
- 2015-46 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Right of Way Area (Air Space) Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4 F/K/A Block 117 Lot 10.01)

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 2015-38 Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”) Providing for a Special Emergency Appropriation in an Amount not to Exceed \$75,000 to Fund the Preparation of a Master Plan
- 2015-39 Bond Ordinance Providing for Various 2015 Roadway and Sewer Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”); Appropriating \$3,903,017 Therefor (Including Grants in the Amount of \$903,017) and Authorizing the

Issuance of \$2,850,000 Bonds or Notes of the City to Finance Part of the Costs Thereof

2015-40 An Ordinance Vacating Lake Court Right of Way Asbury Park, New Jersey

2015-41 An Ordinance Vacating Unnamed Alley South of Sewall Avenue Right of Way Asbury Park, New Jersey

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

K. Adjournment.



MINUTES
Meeting of the Municipal Council
WEDNESDAY, October 28, 2015
WORK SESSION AND REGULAR MEETING

City Clerk Dye called the meeting to order at 6:30 p.m.

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting City Manager Tony Nuccio and City Clerk Cindy Dye.

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

Work Session

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, OCTOBER 26, 2015

Acting City Manager Nuccio followed-up on issues raised at the October 26, 2015 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner provided an update regarding the Bradley Cove appraisal from the last meeting.

Council Member Clayton thanked all the volunteers for Pride in the Park. The City, in conjunction with the American Red Cross, distributed and installed, with the help of the Fire Department, 100 smoke detectors. They plan on repeating the program in the future.

Council Member Kendle thanked Tony Nuccio and Kevin Keddy for picking up the slack during the absence of a City Manager. He spoke about jobs within the community.

Deputy Mayor Quinn thanked everyone for the well wishes on the birth of her son.

Mayor Moor thanked Tony Nuccio for all he has done for the City in the absence of a City Manager.

MATTERS FROM CITY MANAGER

Acting City Manager Nuccio announced and introduced the new City Manager, Michael Capabianco to the public. Mr. Capabianco thanked everyone and is looking forward to working with everyone in Asbury Park. Acting City Manager Nuccio thanked Kevin Keddy for all of his assistance during the absence of a City Manager.

Best Practices

Chief Financial Officer Ricky Gartz briefly reviewed the 2015-2016 Best Practices with the City Council. He responded to Councils' questions.

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

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

PROCLAMATIONS

- a. Recognizing Lyddale J. Akins and Triumphant Life Church

Councilwoman Clayton read the proclamations into the record.

Councilman Woerner made a statement about the new Council and the reorganization occurring in City Hall.

PUBLIC PARTICIPATION

Motion made by Deputy Mayor Quinn and seconded by Mayor John Moore to open the meeting to the public. All were in favor.

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

The following members of the public spoke: Betsy Old, Tony Chamberige, Rick Buckly, Trody Brandy, John Brandy, Michael Fourdina, Marshall Twinam, Patricia Gilmour, Joe Grills, Dana Lansoletie, Pam Lamberton, Tom Gilmour, Dannel Shouse, Duanne Smalls, Debbie Marina, Marilyn Schlossback, Rita Marano, Lori Ross, Jerry Scarano, Shante Minyona, Joe Pepe, Brett Morgan, Tracy Rogers, Warren Hall, Matt Hopkinsgu, Jeffrey Seeds, Lou Perisi, Josh Ballard, Werner Baumgartner, Maureen Nevin and Juan O'Grady

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

ACCEPTANCE OF MINUTES:

- October 7, 2015 – Workshop Session
- October 8, 2015 – Executive Session
- October 8, 2015 – Regular Session

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

CONSENT AGENDA RESOLUTIONS

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

2015-363 Approving Special Events/Wedding Applications as Presented on October 26, 2015

Resolution of the City of Asbury Park

2015-363

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on October 26, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Chairs of Inclusion
2. Krampus AP
3. Asbury Park Springwood Summer Music Series
4. Thanks 4 Giving Plunge

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.

2015-364 Resolution Authorizing the Payment of Payroll in the Amount of \$862,784.58

Resolution #2015-364

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

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$862,784.58**

WHEREAS, the October 15 , 2015 payroll in the amount of \$862,784.58, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling \$862,784.58 is hereby authorized to be paid, and;

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

2015-365 Ratifying Approving Catering Permit for House of Independents for
an Event on October 24 and 25, 2015

Resolution# 2015-365

**RATIFYING APPROVING CATERING PERMIT FOR
HOUSE OF INDEPENDENTS FOR
AN EVENT ON OCTOBER 24 AND 25, 2015**

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Catering Permit submitted by House of Independents for an event held at Press Plaza, Emory Street, between Lake and Cookman Avenues, Asbury Park, on October 24 and 25, 2015, as approved by the Chief of Police on October 7, 2015, is hereby approved.

2015-366 Approving Petition to Extend Licensed Premises for Bond Street Bar and Grill for
an Event on November 7, 2015

Resolution# 2015-366

**APPROVING PETITION TO EXTEND LICENSED PREMISES FOR THE BOND
STREET BAR AND GRILL, LLC FOR AN EVENT ON NOVEMBER 7, 2015**

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a petition to extend licensed premises submitted by Bond Street Bar and Grill, LLC for an event to be held at the 200 Block of Bond Street, Asbury Park, on November 7, 2015 is hereby approved, subject to approval by the Chief of Police and Special Events Committee.

2015-368 Resolution of the Mayor and City Council of the City of Asbury Park
Determining that the Development of the Project Known as the Turf Club will
Address an Existing Housing Need in the City of Asbury Park for Home
Financing (Block 803, Lots 1-14)

Resolution # 2015-368

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

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY
PARK DETERMINING THAT THE DEVELOPMENT OF THE PROJECT KNOWN AS
THE TURF CLUB WILL ADDRESS AN EXISTING HOUSING NEED IN THE CITY OF
ASBURY PARK FOR HOME FINANCING (Block 803, Lots 1-14)**

WHEREAS, Interfaith Neighbors, Inc. (hereinafter referred to as the “Sponsor”) proposes to construct an affordable family housing project comprising of twenty units of which shall be a mixture of low, moderate and emerging market (up to 120% of area median) affordable units known as “The Turf Club” (hereinafter referred to as the “Project”) within the City of Asbury Park (hereinafter referred to as the “Municipality”) on Block 803, Lots 1-14 as shown on the Official Assessment Map of the City of Asbury Park, Monmouth; and

WHEREAS, the Project will be subject to the County of Monmouth HOME Investment Partnership Act Program (hereinafter “HOME Program”); and

WHEREAS, pursuant to the HOME Program requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

- (1) The Mayor and Council find and determine that the Turf Club (Block 803, Lots 1-14), as proposed by the Sponsor, meets or will meet an existing housing need; and
- (2) The Mayor and Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity within the provisions of the HOME Program to enable the County of Monmouth to process the Sponsor’s application for HOME Program funding to finance the Project.

2015-369 Resolution of the Mayor and City Council of the City of Asbury Park
Determining that the Development of Affordable Housing at 147 Borden Avenue

(Block 1101, Lot 30) will Address an Existing Housing Need in the City of Asbury Park for Home Financing

Resolution # 2015-369

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK DETERMINING THAT THE DEVELOPMENT OF AFORDABLE HOUSING AT 147 BORDEN AVENUE (BLOCK 1101, LOT 30) WILL ADDRESS AN EXISTING HOUSING NEED IN THE CITY OF ASBURY PARK FOR HOME FINANCING

WHEREAS, Interfaith Neighbors, Inc.. (hereinafter referred to as the “Sponsor”) proposes to construct an affordable family housing project comprising of two units of which one shall be affordable (hereinafter referred to as the “Project”) within the City of Asbury Park (hereinafter referred to as the “Municipality”) at 147 Borden Avenue as shown on the Official Assessment Map of the City of Asbury Park, Monmouth as Block 1101, Lot 30; and

WHEREAS, the Project will be subject to the County of Monmouth HOME Investment Partnership Act Program (hereinafter “HOME Program”); and

WHEREAS, pursuant to the HOME Program requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

- (3) The Mayor and Council find and determine that 147 Borden Avenue (Block 1101, Lot 30), as proposed by the Sponsor, meets or will meet an existing housing need; and
- (4) The Mayor and Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity within the provisions of the HOME Program to enable the County of Monmouth to process the Sponsor’s application for HOME Program funding to finance the Project.

2015-370 Resolution of the Mayor and City Council of the City of Asbury Park
Determining that the Development of Affordable Housing at 922 Mattison
Avenue (Block 607, Lot 4) will Address an Existing Housing Need in the City of
Asbury Park for Home Financing

Resolution # 2015-370

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK DETERMINING THAT THE DEVELOPMENT OF AFORDABLE HOUSING AT

922 MATTISON AVENUE (BLOCK 607, Lot 4) WILL ADDRESS AN EXISTING HOUSING NEED IN THE CITY OF ASBURY PARK FOR HOME FINANCING

WHEREAS, Interfaith Neighbors, Inc. (hereinafter referred to as the “Sponsor”) proposes to construct an affordable family housing project comprising of one unit of which shall be affordable (hereinafter referred to as the “Project”) within the City of Asbury Park (hereinafter referred to as the “Municipality”) at 922 Mattison Avenue as shown on the Official Assessment Map of the City of Asbury Park, Monmouth as Block 607, Lot 4; and

WHEREAS, the Project will be subject to the County of Monmouth HOME Investment Partnership Act Program (hereinafter “HOME Program”); and

WHEREAS, pursuant to the HOME Program requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

- (5) The Mayor and Council find and determine that 922 Mattison Avenue (Block 607, Lot 430), as proposed by the Sponsor, meets or will meet an existing housing need; and
- (6) The Mayor and Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity within the provisions of the HOME Program to enable the County of Monmouth to process the Sponsor’s application for HOME Program funding to finance the Project.

2015-371 Resolution of the Mayor and City Council of the City of Asbury Park
Determining that the Development of Affordable Housing at 1274 Washington Avenue (Block 1403, Lot 1) will Address an Existing Housing Need in the City of Asbury Park for Home Financing

Resolution # 2015-371

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK DETERMINING THAT THE DEVELOPMENT OF AFORDABLE HOUSING AT 1274 WASHINGTON AVENUE (BLOCK 1403, LOT 11) WILL ADDRESS AN EXISTING HOUSING NEED IN THE CITY OF ASBURY PARK FOR HOME FINANCING

WHEREAS, Interfaith Neighbors, Inc. (hereinafter referred to as the “Sponsor”) proposes to construct an affordable family housing project comprising of two units of which shall be affordable (hereinafter referred to as the “Project”) within the City of Asbury Park (hereinafter referred to as the “Municipality”) at 1274 Washington Avenue as shown on the Official Assessment Map of the City of Asbury Park, Monmouth as Block 1403, Lot 11; and

WHEREAS, the Project will be subject to the County of Monmouth HOME Investment Partnership Act Program (hereinafter “HOME Program”); and

WHEREAS, pursuant to the HOME Program requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

(7) The Mayor and Council find and determine that 1274 Washington Avenue (Block 1403, Lot 11), as proposed by the Sponsor, meets or will meet an existing housing need; and

(8) The Mayor and Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity within the provisions of the HOME Program to enable the County of Monmouth to process the Sponsor’s application for HOME Program funding to finance the Project.

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

I. Individual Resolutions

2015-367 Resolution Authorizing Participation in Section 1033 Program for Procurement of Federal Surplus Property from the Department of Defense and Delegating Authority for Local Administration of Participation in the Program

Mayor Moor requested that this resolution be tabled until a procedure is put in place regarding participation in this program.

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

2015-372 Resolution Authorizing the Appointment of a Municipal Manager and Authorizing the Execution of an Employment Agreement Relating Thereto

Resolution # 2015-372

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

**RESOLUTION AUTHORIZING THE APPOINTMENT OF A MUNICIPAL MANAGER
AND AUTHORIZING AND/OR RATIFYING THE EXECUTION OF AN
EMPLOYMENT AGREEMENT RELATING THERETO.**

WHEREAS, pursuant to N.J.S.A. 40:69A-89, *et seq.*, and Section 2-3 of the “Code of the City of Asbury Park, New Jersey,” the Municipal Council shall appoint a Municipal Manager to serve as the chief executive and administrative official of the municipality, at such salary and under such conditions as the Municipal Council by a majority vote may decide; and

WHEREAS, it is the desire of the Asbury Park Mayor and Council to appoint Michael N. Capabianco to serve as the Municipal Manager (a/k/a the “City Manager”) of the City, commencing on November 9, 2015, in accordance with the terms and conditions set forth in the attached Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Michael N. Capabianco is hereby appointed to serve as the Municipal Manager of the City of Asbury Park, pursuant to N.J.S.A. 40:69A-89, *et seq.*, and Section 2-3 of the “Code of the City of Asbury Park, New Jersey,” effective November 9, 2015, in accordance with the terms and conditions set forth in the attached Employment Agreement.

BE IT FURTHER RESOLVED, that the execution of the attached Employment Agreement by the Mayor and City Clerk, on behalf of the City, is hereby authorized and/or ratified.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution, along with the attached Employment Agreement, shall be provided to each of the following:

- a. Michael N. Capabianco, Appointed Municipal Manager
- b. Timothy Cunningham, Director, N.J. Division of Local Government Services
- c. George D. Haeuber, State Fiscal Monitor
- d. Richard J. Gartz, Asbury Park Chief Financial Officer
- e. Mary Kay Callahan, Personnel Officer
- f. Steven Glickman, Esquire, Labor Counsel
- g. Frederick C. Raffetto, Esquire, City Attorney

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

Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-373 Resolution Approving the Memorandum of Understanding with the State of New Jersey

Resolution # 2015-373

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

**ACKNOWLEDGING AND ACCEPTING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY AND THE STATE OF NEW JERSEY DIVISION OF LOCAL
GOVERNMENT SERVICES FOR TRANSITIONAL AID**

WHEREAS, the City of Asbury Park (the “City”), has submitted an application to the State of New Jersey Division of Local Government Services (“DLGS”) for transitional aid funding; and

WHEREAS, the DLGS has determined that an award of \$1,500,000.00 in transitional aid funding to the City is appropriate, subject to certain conditions; and

WHEREAS, one of the conditions is for the City to acknowledge and accept a Memorandum of Understanding (“M.O.U.”) which sets forth all of the terms and conditions associated with the distribution of said transitional aid funding to the City by the DLGS; and

WHEREAS, a copy of the proposed M.O.U. is attached hereto and made a part hereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and 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 acknowledges and accepts the attached M.O.U., and the City hereby agrees to abide by the terms and conditions stated therein.
2. That the Mayor and City Manager are hereby authorized to execute, and the City Clerk to attest, the attached M.O.U. on behalf of the City.
3. That a certified copy of this Resolution, along with the attached M.O.U. shall be provided to each of the following:
 - a. Director, Division of Local Government Services
 - b. George Haeuber, State Fiscal Monitor
 - c. Tony Nuccio, Acting City Manager
 - d. Richard J. Gartz, CPA, RMA, CMFO
 - e. David Kaplan, CPA, RMA, City Auditor
 - f. Frederick C. Raffetto, Esquire, City Attorney

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

2015-374 Resolution Authorizing the Payment of Bills in the Amount of \$916,955.62

Mayor Moor abstained from account number 5-01-23-220-000-209.

Resolution #2015-374

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

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF \$916,955.62

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

BE IT RESOLVED, that these vouchers payable totaling \$916,955.62 to be paid and:

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

TOTAL VOUCHERS \$916,955.62

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

2015-375 Resolution Authorizing the Purchase Twenty Eight (28) Optiplex 9030 All In One Computers for the Police Department

Resolution #2015-375

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

**RESOLUTION AUTHORIZING THE PURCHASE TWENTY EIGHT (28) OPTIPLEX
9030 ALL IN ONE COMPUTERS FOR THE POLICE DEPARTMENT**

WHEREAS, the City has determined that the purchase of twenty eight OptiPlex 9030 all in one computers is reasonable and necessary; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the New Jersey Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

WHEREAS, Ocean Computer Group, Inc. of Matawan, New Jersey is an authorized reseller for Dell Marketing LP, New Jersey State Contract (A88796) for the purchase of data communications equipment; and

WHEREAS, the Qualified Purchasing Agent indicates that the utilization of this contract is consistent with the New Jersey State bidding procedures and that it represents the best price and other factors available to the City at this time; and,

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 to purchase computers, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State Contract A88796 with Ocean Computer Group Inc. of Matawan, New Jersey in the amount of \$32,875.36 for the purchase of twenty eight OptiPlex 9030 all in one computers.

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

2015-376 Resolution Authorizing Finance to Negotiate with Vendors for Vehicle Maintenance Repairs

Mayor Moor requested that this resolution be tabled to get further clarification.

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

Woerner					
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X		X		

2015-377 Resolution Establishing a Schedule of Fees Relating to Recreational Programs Offered by and through the City of Asbury Park

Resolution # 2015-377

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

**RESOLUTION ESTABLISHING A SCHEDULE OF FEES RELATING TO
RECREATIONAL PROGRAMS OFFERED BY AND THROUGH THE CITY OF
ASBURY PARK**

WHEREAS, Section 15-2 of the “Revised General Ordinances of the City of Asbury Park, New Jersey” establishes certain non-refundable fees (the “fees”) for participation in various recreational programs offered by and through the Recreation Department of the City of Asbury Park (the “City”); and

WHEREAS, upon the recommendation of the City’s Recreation Department, the Mayor and City Council wish to adopt the recreation fee schedule set forth herein in order to establish the said fees; and

WHEREAS, it is the intention of the Mayor and City council that the within recreation fee schedule shall supersede any and all prior recreation fee schedules, and that the within fees shall remain effective until further action of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the recreation fee schedule for participation in the various recreational programs offered by and through the Recreation Department of the City of Asbury Park, is hereby established as follows:

RECREATION FEES

- | | |
|------------------------------|--|
| 1. Karate | \$30.00 monthly fee |
| 2. Indoor Soccer | \$25.00 annual fee |
| 3. Outdoor Soccer | \$25.00 annual fee |
| 4. Biddy Basketball | \$35.00 annual fee |
| 5. Summer Camp | Annual fee of \$175.00 for the 1 st child/\$65.00 for each additional child in the same household |
| 6. Hair Braiding Classes | \$40.00 annual fee |
| 7. Dance | \$25.00 annual fee |
| 8. Boxing and Fitness Center | \$75.00 (under 18)/\$150.00 (adults) annual fee |
| 9. Tennis | \$15.00 annual fee |
| 10. Volleyball | \$15.00 annual fee |

- | | |
|------------------|--------------------|
| 11. Wrestling | \$15.00 annual fee |
| 12. Swim Lessons | \$25.00 annual fee |

BE IT FURTHER RESOLVED that the fees set forth herein shall remain in effect until such time as further action has been taken by the Mayor and City Council to revise these fees.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Leesha Floyd, Program Development Aide
- b. Tony Nuccio, Acting City Manager
- c. Frederick C. Raffetto, Esquire, City Attorney

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

2015-378 Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendment to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to Take Certain Actions Pursuant to N.J.S.A. 40A:12A-7(e)

Resolution # 2015-378

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK REFERRING PROPOSED AMENDMENT(S) TO THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN TO THE CITY OF ASBURY PARK PLANNING BOARD, AND DIRECTING THE PLANNING BOARD TO TAKE CERTAIN ACTIONS PURSUANT TO N.J.S.A. 40A:12A-7(e)

WHEREAS, on June 26, 2003, the Mayor and City Council adopted Ordinance No. 2646, entitled “AN ORDINANCE ESTABLISHING A CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN FOR THE CITY OF ASBURY PARK” (the “Ordinance”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq., also referenced as the “Act”), the Ordinance adopted a plan (the “CBD Redevelopment

Plan” or the “Plan”) for the redevelopment of an area (the “Central Business District Redevelopment Area” or the “Area”); and

WHEREAS, the CBD Redevelopment Plan has led to an increase in public and private investment within the Area since its adoption; however, the Plan may benefit from amendments to further effectuate redevelopment of the area; and

WHEREAS, the Act sets forth the process by which amendments to any redevelopment plan shall be adopted; and

WHEREAS, the property known as Block 3105 (formerly identified as Block 117), Lot 1 (the “Property”) is located in the Central Business District Redevelopment Area and is currently known as “Overlook” (a.k.a. “Kennedy”) Park; and

WHEREAS, the City wishes to sell a portion of the Property to the adjacent property owner (the “applicant”) so that the applicant may have a conforming sized lot to develop per the standards of the CBD Redevelopment Plan; and

WHEREAS, the portion of the Property to be sold (the “area to be subdivided”) measures approximately 25’ x 100’, and is located along the southwestern border of the Property; and

WHEREAS, the area to be subdivided has historically not been utilized as park space, but as a parking lot; and

WHEREAS, the City has received preliminary approval from Green Acres to sell the area to be subdivided and to replace said parkland at a 2 for 1 ratio on Springwood Avenue; and

WHEREAS, in order for the applicant to combine the area to be subdivided with its property and develop the properties as one parcel, the property must be rezoned in the Plan from Park to Lake Avenue Residential subzone; and

WHEREAS, the maps labeled Context, Districts, Ground Floor Land Use, and Building Height Limits shall need to be amended to eliminate the Park designation for the area to be subdivided; and

WHEREAS, permitted uses in Lake Avenue Residential shall need to be amended to permit the same uses as the adjacent Lot 2; and

WHEREAS, there is a desire to amend the side yard setback requirement for the area to be subdivided since it abuts the existing Park; and

WHEREAS, in evaluating this request, the Mayor and Council considered that the City has a strong desire to see the renaissance of its Central Business District continue and flourish, and have determined that permitting the area to be subdivided to be rezoned for restaurant and residential shall accomplish this goal; and

WHEREAS, the Mayor and Council have determined that such change to the Plan would be consistent with the history of the City and the Central Business District and would help to

achieve an articulated vision of the CBD Redevelopment Plan to provide a diversity of housing on upper floors of buildings throughout the CBD and along Lake Avenue and provide a 24-hour presence in Asbury Park's Downtown and add vitality and purchasing power for businesses, and that it is consistent with the purpose of the Lake Avenue Residential Sub-district as stated in the CBD Redevelopment Plan; and

WHEREAS, a copy of the proposed amendment to the Redevelopment Plan is attached hereto to as Exhibit A (the "Proposed Amendment") to accommodate this request; and

WHEREAS, the Mayor and City Council have reviewed the Proposed Amendment and desire to forward the Proposed Amendment to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e.

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

1. That the Mayor and Council hereby refer the Proposed Amendment to the Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40A:12A-7(e).
2. That the Mayor and Council desire that the Planning Board undertake a review of this matter and determine if the amendment conforms with the goals and objectives of the City's Master Plan.
3. That the Planning Board is authorized and directed to prepare a report of its recommendations (the "Planning Board Report") to the Proposed Amendment to the Plan no later than forty-five (45) days of the date hereof.
4. That the Planning Board Report shall identify any provisions within the Proposed Amendment to the Plan that are inconsistent with the City's Master Plan, the recommendations concerning those inconsistencies and any other matters the Planning Board deems appropriate.
5. That if the Planning Board Report is not transmitted to the Mayor and Council within forty-five (45) days of the date hereof, the Mayor and Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with N.J.S.A. 40A:12A-7(e).
6. That the Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e).
7. That this resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Michele Alonso, Director of Planning and Redevelopment;
- b. Anthony Nuccio, Interim City Manager;

- c. Karl Kemm, Esq., Redevelopment Counsel; and
- d. Frederick C. Raffetto, Esquire, City Attorney.

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

2015-379 Resolution of the Mayor and City Council of the City of Asbury Park Approving the Submittal of a Subdivision to the Planning Board for City Owned Land

Resolution # 2015-~~379~~XXX

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK APPROVING THE SUBMITTAL OF A SUBDIVISION APPLICATION TO THE PLANNING BOARD FOR CERTAIN CITY OWNED LAND.

WHEREAS, the City of Asbury Park (the “City”) is the record owner of Block 3105 (former Block 117), Lot 1 (the “Property”), which is currently known as “Overlook” (a.k.a. “Kennedy”) Park and which is utilized for public park purposes; and

WHEREAS, the City has determined that a small portion of the Property, measuring approximately 25’ x 100’ and located along the southwestern border of the Property, is no longer needed for public purposes and may be sold to the adjacent property owner for development; and

WHEREAS, in order to effectuate a sale of said portion of the Property to the adjacent property owner, the City will need to make application to the Asbury Park Planning Board for subdivision approval; and

WHEREAS, a subdivision plat relating to this matter was developed by Frederick B. Loede, Jr. P.L.S. of Suburban Consulting, dated 10/20/2014, creating two lots; and

WHEREAS, should the subdivision be effectuated, the City shall retain the remainder of the Property (measuring approximately 107’ x 200’ feet) for “Overlook” (a.k.a. “Kennedy”) Park; and

WHEREAS, the City has received approval from New Jersey Green Acres for the sale of the aforesaid portion of the Park since the City will replace the parkland on a 2 for 1 basis on Springwood Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Council hereby authorize an application for subdivision to be made to the Asbury Park Planning Board for Block 3105 (former Block 117), Lot 1 and to the Monmouth County Department of Planning for the purposes referenced above.

BE IT FURTHER RESOLVED, that all appropriate City officials and employees are hereby authorized and directed to perform all actions that are necessary in order to effectuate the intentions of this Resolution.

BE IT FURTHER RESOLVED, that all appropriate City officials are hereby authorized and directed to execute all documents that are necessary in order to effectuate the intentions of this Resolution, including the recording of the subdivision with the County of Monmouth.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Michele Alonso, Director of Planning and Redevelopment;
- b. Anthony Nuccio, Interim City Manager;
- c. Karl Kemm, Esq., Redevelopment Counsel; and
- d. Frederick C. Raffetto, Esquire, City Attorney

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

2015-380 Resolution Authorizing the Agreement of Charter of the Wesley Lake Commission

Resolution # 2015-380

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

**RESOLUTION AUTHORIZING THE AGREEMENT OF CHARTER
OF THE WESLEY LAKE COMMISSION**

WHEREAS, Wesley Lake borders on the City of Asbury Park, as well as the Township of Neptune and is the responsibility of each municipality; and

WHEREAS, the City of Asbury Park and the Township of Neptune recognizes that there must exist one cooperative body with a continuous existence, to manage the welfare of Wesley Lake.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, hereby authorizes the Mayor and City Clerk to execute the attached Agreement of Charter of the Wesley Lake Commission.

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

2015-381 Resolution Amending Resolution 2015-323 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial Participation in the Project, Authorization of the Signing and Execution of All Required Documents, and Indicates its Readiness to Proceed with the Project in Terms of Matching Funds for Application to the Monmouth County Municipal Open Space Grant Program for Acquisition Funds

Resolution # 2015-381

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

RESOLUTION AMENDING RESOLUTION 2015-323 APPROVAL OF THE BRADLEY COVE OPEN SPACE PROJECT, AUTHORIZATION OF THE ASBURY PARK'S FINANCIAL PARTICIPATION IN THE PROJECT, AUTHORIZATION OF THE SIGNING AND EXECUTION OF ALL REQUIRED DOCUMENTS, AND INDICATES ITS READINESS TO PROCEED WITH THE PROJECT IN TERMS OF MATCHING FUNDS FOR APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM FOR ACQUISITION FUNDS.

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Asbury Park desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund Bradley Cove (North Ocean Avenue Street bed); and

WHEREAS, the total cost of the acquisition project including all matching funds is approximately 3.2 million dollars; and

WHEREAS, the City of Asbury Park is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY ASBURY PARK MUNICIPAL COUNCIL THAT:

1. Tony Nuccio, Acting City Manager or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The City of Asbury Park is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Tony Nuccio, Acting City Manager or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

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

J. Ordinances:

1. First Reading/Introduction:

2015-42 Amending and Supplementing Subsection 28-1.5b, Entitled “Vital Statistics,” “Fees” Of Section 28-1, Entitled “Administration,” of Chapter XXVIII, entitled “Health Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-42.

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

Public hearing is scheduled for November 12, 2015.

2015-43 Amending and Supplementing Subsection 9-2.3, Entitled “Cat and Dog Licensing Fees,” of Section 9-2, Entitled “Licensing of Dogs,” of Chapter IX, Entitled “Animal Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-43.

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

Public hearing is scheduled for November 12, 2015.

2015-44 Amending and Supplementing Subsection 6-3.4, Entitled “License Fees; Maximum Number,” of Section 6-3, Entitled “Licenses,” of Chapter VI, Entitled “Alcoholic Beverage Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-44.

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

Public hearing is scheduled for November 12, 2015.

2015-45 Repealing Section 2-20, Entitled “Department Of Commerce”, of Chapter II, Entitled “Administration,” and Amending and Supplementing Chapter IV, Entitled “General Licensing,” of the “Code of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-45.

	MOTION	SECOND	1.AYES	1.NAYES	2.ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle					X
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Public hearing is scheduled for November 12, 2015.

2015-46 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Right of Way Area (Air Space) Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4 F/K/A Block 117 Lot 10.01)

The City Clerk read by title Ordinance 2015-46.

	4.MOTION	5.SECOND	5.AYES	7.NAYES	8.ABSTAIN
Council Member Clayton				X	
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Public hearing is scheduled for November 12, 2015.

2. Second Reading/Public Hearing:

2015-38 Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”) Providing for a Special Emergency Appropriation in an Amount not to Exceed \$75,000 to Fund the Preparation of a Master Plan

**CITY OF ASBURY PARK
ORDINANCE NUMBER 2015-38**

**ORDINANCE OF THE CITY OF ASBURY PARK, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE
“CITY”) PROVIDING FOR A SPECIAL EMERGENCY**

**APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$75,000 TO FUND THE PREPARATION OF A MASTER PLAN**

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

SECTION 1. N.J.S.A. 40A:4-53 provides that a local unit such as the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”), may adopt an ordinance authorizing a special emergency appropriation to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State of New Jersey (the “State”).

SECTION 2. The City has determined and does hereby authorize a special emergency appropriation in an amount not to exceed \$75,000 to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, as required to conform to the planning laws of the State.

SECTION 3. To finance the appropriation authorized hereunder, and described in Section 2 hereof, special emergency notes of the City (the “Notes”) shall be authorized by a resolution of the City Council to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 4. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 5. This ordinance shall take effect as provided by law.

Motion to open Ordinance 2015-38 to the public.

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

The following members of the public spoke about Ordinance 2015-38: Werner Baumgartner, Maureen Nevin and Rita Marano.

Motion to close Ordinance 2015-38 to the public.

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

Motion to adopt Ordinance 2015-38.

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

2015-39 Bond Ordinance Providing for Various 2015 Roadway and Sewer Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”); Appropriating \$3,903,017 Therefor (Including Grants in the Amount of \$903,017) and Authorizing the Issuance of \$2,850,000 Bonds or Notes of the City to Finance Part of the Costs Thereof

**CITY OF ASBURY PARK
ORDINANCE NUMBER 2015-39**

BOND ORDINANCE PROVIDING FOR VARIOUS 2015 ROADWAY AND SEWER IMPROVEMENTS, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$3,903,017 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$903,017) AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$3,903,017, which sum includes \$903,017 as the amount of grants received or expected to be received from the New Jersey Department of Transportation (the “Grants”) and a down payment in the amount of \$150,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,903,017 appropriation not provided for by application hereunder of said Grants and down payment, negotiable bonds of the City are hereby authorized to

be issued in the aggregate principal amount not exceeding \$2,850,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$2,850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2015 Roadway and Sewer Improvements Program (the "Program"), said Program to include, but is not limited to, improvements to the following portions of the following roadways: Steiner Place (Fourth Avenue to Fifth Avenue); Park Avenue (Sunset Avenue to Deal Lake Drive); Sunset Avenue (Bridge Street to Memorial Drive); Prospect Avenue (Washington Avenue to Asbury Avenue); Washington Avenue (Ridge Avenue to Prospect Avenue); Dunlewy Street (Fourth Avenue to Northerly Terminus); Cookman Avenue (Langford Street to Memorial Drive) and Memorial Drive (Sewell Avenue to Asbury Avenue), all within the City, which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement using Flexible Pavement as defined under the Local Bond Law, and where, and as, necessary, the sealing of pavement cracks, the removal of brick gutters, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings, sanitary sewer improvements, manhole improvements, storm sewer improvements, drainage improvements, roadway painting, landscaping and aesthetic improvements including, but not limited to, seeding and installing top soil, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,850,000.

(c) The estimated cost of said improvements or purposes is \$3,903,017, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$1,053,017, is comprised of the Grants in the amount of \$903,017 and the down payment in the amount of \$150,000 for said improvements or purposes.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the City and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,850,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$625,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The

obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission⁴ (the “Rule”) for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

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

Motion to open Ordinance 2015-39 to the public.

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

No one spoke during the public portion.

Motion to close Ordinance 2015-39 to the public.

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

Motion to adopt Ordinance 2015-39.

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

2015-40 An Ordinance Vacating Lake Court Right of Way Asbury Park, New Jersey

ORDINANCE NO. 2015-40
City of Asbury Park, County of Monmouth

VACATING LAKE COURT RIGHT-OF-WAY
ASBURY PARK, NEW JERSEY

WHEREAS, in 1970 under the predecessor law to the present Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, *et seq.*, also referenced as the “Act”) the City of Asbury Park (the “City”) adopted a Redevelopment Plan (the “Initial Plan”) for the Springwood Avenue Redevelopment Area (the “Area”); and

WHEREAS, since that time, the Area has been redefined and the Initial Plan has been amended which resulted in the current plan entitled the “Amended Springwood Avenue Redevelopment Plan,” dated December 19, 2007 (the “Redevelopment Plan”); and

WHEREAS, in order to effectuate the terms of the Redevelopment Plan and the redevelopment of Block 1201 with a park that will serve the public, it is necessary and desirable to vacate Lake Court, which is an undeveloped paper street off of Springwood Avenue between Atkins and Union Avenues and which is under the jurisdiction of the City; and

WHEREAS, the City is authorized to vacate the Lake Court right-of-way pursuant to N.J.S.A. 40A:12A-8(d), (f) and (n) of the Act and N.J.S.A. 40:67-1, *et seq.*;

WHEREAS, the Asbury Park Planning Board reviewed the proposed street vacation, concluded it conforms to the City’s Master Plan, and recommends the adoption of an Ordinance to effectuate the street vacation by the Municipal Council.

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

1. That all public rights and privileges now possessed by the City of Asbury Park in the Lake Court street right-of-way, as further detailed on the attached Plan, entitled: “Map Showing Lake Court to be Vacated and New Lot 1.01 in Block 1201, City of Asbury Park, Monmouth County, New Jersey”, and the accompanying Metes & Bounds description, entitled: “Description of Lake Court to be Vacated, City of Asbury Park, Monmouth County, New Jersey,” dated 8/27/2015, prepared by Michael S. Finnigan., a New Jersey Professional Land Surveyor, are hereby vacated and extinguished.

2. That title to the area being vacated shall merge with title to the adjacent property as further detailed in the attached Plan and Metes & Bounds description.

3. That there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act." P.L. 1972, c. 186 (N.J.S.A. 48:5A-1, *et seq.*), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof of the area being vacated.

4. That the Official Zoning Map of the City of Asbury Park is hereby amended in accordance with the requirements of this Ordinance.

5. That all relevant City officials and employees are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of this Ordinance.

6. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest all documents, and to perform all actions, which are required in order to effectuate the intentions of this Ordinance.

7. 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 that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

9. 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), and recording with the County of Monmouth.

Motion to open Ordinance 2015-40 to the public.

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

Maureen Nevin spoke regarding Ordinance 2015-40.

Motion to close Ordinance 2015-40 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		

Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Motion to adopt Ordinance 2015-40.

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

2015-41 An Ordinance Vacating Unnamed Alley South of Sewall Avenue Right of Way Asbury Park, New Jersey

ORDINANCE NO. 2015-41
City of Asbury Park, County of Monmouth

**VACATING UNNAMED ALLEY SOUTH OF SEWALL AVENUE RIGHT-OF-WAY
ASBURY PARK, NEW JERSEY**

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq., also referenced as the “Act”) the City of Asbury Park (the “City”) adopted a Redevelopment Plan (the “Redevelopment Plan”) for the Main Street Redevelopment Area (the “Area”); and

WHEREAS, from time to time the municipality concludes that that the public would be better served by releasing dedicated land shown on the official map as a street or public right-of-way; and

WHEREAS, the municipality has concluded that the unnamed alley south of Sewall Avenue, located between Main Street and Bond Street, would better serve the public interest by being vacated rather than as a public right-of-way and would better effectuate the Redevelopment Plan; and

WHEREAS, the City is authorized to vacate the alley south of Sewall Avenue right-of-way pursuant to N.J.S.A. 40A:12A-8(d), (f) and (n) of the Local Redevelopment and Housing Law and N.J.S.A. 40:67-1, et seq., and

WHEREAS, the Asbury Park Planning Board reviewed the proposed street vacation, concluded it conforms to the City’s Master Plan, and recommends the adoption of an Ordinance to effectuate the street vacation by Municipal Council; and

WHEREAS, the adjacent property owner who will benefit from the within street vacation shall pay the City the sum of Fifty Thousand Dollars (\$50,000.00) in consideration for the acquisition of the vacated area.

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

1. That all public rights and privileges now possessed by the City of Asbury Park in the Lake Street Court Right of Way as further detailed on the attached Plan, entitled: "Map Showing Alley to be Vacated (South of Sewall Avenue), City of Asbury Park, Monmouth County, New Jersey", and the accompanying Metes & Bounds description, entitled: "Description of Alley (R.O.W.) to be Vacated, City of Asbury Park, Monmouth County, New Jersey" dated 9/1/2015 and prepared by Michael S. Finnigan., a New Jersey Professional Land Surveyor, are hereby vacated and extinguished.

2. That title to the area being vacated shall merge with title to the adjacent property as further detailed in the attached Plan and Metes & Bounds description.

3. That the adjacent property owner who will benefit from the within street vacation shall pay the City the sum of Fifty Thousand Dollars (\$50,000.00), in consideration for the acquisition of the vacated area.

4. That there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act." P.L. 1972, c. 186 (N.J.S.A. 48:5A-1, et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof of the area being vacated.

5. That the Official Zoning Map of the City of Asbury Park is hereby amended in accordance with the requirements of this Ordinance.

6. That all relevant City officials and employees are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of this Ordinance.

7. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest all documents, and to perform all actions, which are required in order to effectuate the intentions of this Ordinance.

8. 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 that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

9. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

10. 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), and recording with the County of Monmouth.

Motion to open Ordinance 2015-41 to the public.

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

Rita Marano spoke regarding Ordinance 2015-41.

Motion to close Ordinance 2015-41 to the public.

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

Motion to adopt Ordinance 2015-41.

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

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk