



Agenda
Meeting of the Municipal Council
Wednesday, December 23, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-423 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. City of Asbury Park Housing Authority - Boston Way PILOT Request
2. City of Asbury Park Housing Authority – APHA Senior Housing, LLC PILOT Request

B. Potential Litigation:

1. City of Asbury Park vs. OVNI Unidentified, LLC, d/b/a SUP Asbury

C. Litigation:

1. Famularo Disciplinary Proceeding
2. House of Independents (Biergarten) – Liquor License Special Conditions

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, December 21, 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. **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.]

F. **Acceptance of Minutes:**

- December 7, 2015 – Workshop Session
- December 9, 2015 – Executive Session
- December 9, 2015 – Regular Session

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.]

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| 2015-424 | Resolution Authorizing the Payment of Payroll in the Amount of \$1,005,984.77 |
| 2015-425 | Setting the Annual Organizational Meeting Date for 2016 |
| 2015-426 | Adopting the Monmouth County Home Consortium FY 2016 Annual Action Plan for Housing and Community Development Programs |

H. **Individual Resolutions**

- | | |
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| 2015-427 | Resolution Authorizing the Payment of Bills in the Amount of \$6,182,819.06 |
| 2015-428 | Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget |
| 2015-429 | Resolution Cancelling Unexpended Balances in Certain Federal and State Grant Receivables and Appropriations |
| 2015-430 | Resolution Authorizing the Purchase of Three (3) 2016 Police Interceptor Utility Vehicles |
| 2015-431 | Resolution Authorizing the Purchase a Kubota 4WD Utility Vehicle for DPW |
| 2015-432 | Authorizing the Award of a Contract to Delisa Demolition, Inc. D/B/A Delisa Waste Services for Solid Waste Collection Services |
| 2015-433 | A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow Agreement with Boston Way Village, LLC |

- Regarding the Proposed Development of the Former Boston Way Housing for the Asbury Park Housing Authority on Block 1702, Lot 1
- 2015-434 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Granting Conceptual Approval to Asbury Partners LLC Regarding the Proposed Asbury Lanes Project, on Block 4104, Lots 7, 8 and 9, 209 Fourth Avenue and Referring the Matter to the Planning Board for Appropriate Approvals
- 2015-435 Resolution of Need from the City of Asbury Park for APHA Senior Housing, LLC (Robinson, Lumley, Comstock Rad Rehabilitation Project), and Authorizing Agreement for Payment in Lieu of Taxes in Connection Therewith
- 2015-436 Authorizing Bid Threshold Levels
- 2015-437 Resolution Amending Resolution 2015-410 State Of New Jersey Department Of Environmental Protection Green Acres Enabling Resolution

I. Ordinances:

1. First Reading/Introduction:

- 2015-55 Revising Traffic and Parking Regulations for Certain Designated Areas of the City of Asbury Park, and Amending and Supplementing Chapter VII, Entitled "Traffic," of the "Code of the City of Asbury Park, New Jersey," Accordingly.
- 2015-56 Amending and Supplementing Section 2-9, Entitled "Fire Department," of Chapter II, "Administration," of the "Code of the City of Asbury Park, New Jersey," in Order to Establish a New Subsection Thereof to be Known as Subsection 2-9.14, Entitled "Fees for Lockout Services for Motor Vehicles."

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 2015-53 An Ordinance Amending Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ
- 2015-54 An Ordinance Amending and Supplementing Subsection 7-37.1, Entitled "Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property, of Section 7-37, "Control For Movement and the Parking of Traffic on Public and Private Property Per N.J.S.A. 39:5A-1," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

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

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, December 23, 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 Jesse Kendle, Council Member Yvonne Clayton, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, City Manager Michael Capabianco 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, DECEMBER 23, 2015

City Manager Capabianco followed-up on issues raised at the December 21, 2015 workshop meeting. Councilman Woerner provided an update regarding the parking ordinance.

MATTERS FROM CITY COUNCIL

Councilman Woerner provided an update regarding the Bradley Cove project. He followed-up on his request for a chart showing how the special assessments are being purposed. He sent his condolences to the Small family. He wished everyone Happy Holidays.

Councilwoman Clayton thanked Connie Breech for distributing gifts to over 500 families. She also thanked 2nd Life Bikes for their donation. She announced the winners of the Holiday Window Decorating Contest. She sent her condolences to the Small family. She wished everyone Happy Holidays.

Councilman Kendle thanked everyone who have come out to the meetings and City events. He wished everyone Happy Holidays.

Deputy Mayor Quinn sent her condolences to the Small family.

Mayor Moor sent his condolences to the Small family. He reminded everyone to sign up for Nixel. He attended an event at the Senior Center. It was very nice. The City is hoping to be able to take on-line payments and credit card payments by the 2nd meeting in January. Happy Holidays.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

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

PUBLIC PARTICIPATION

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

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: Maureen Nevin, Bill Tanchak, Nichole Harris, Derrick Grant, Page White, Dan Harris, Tracy Rogers, Tony (?), Werner Baumgartner, Rita Marano, Wayne Connelly, Jan Sparrow, Jerry Scarano and Jason Lewis.

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

ACCEPTANCE OF MINUTES:

- December 7, 2015 – Workshop Session
- December 9, 2015 – Executive Session
- December 9, 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.]

2015-424 Resolution Authorizing the Payment of Payroll in the Amount of
\$1,005,984.77

Resolution #2015-424

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

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$1,005,984.77**

WHEREAS, the December 15, 2015 payroll in the amount of \$1,005,984.77, 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 \$1,005,984.77 is hereby authorized to be paid, and;

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

2015-425 Setting the Annual Organizational Meeting Date for 2016

Resolution # 2015-425

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

SETTING THE ORGANIZATIONAL MEETING DATE FOR 2016

WHEREAS, the "Open Public Meetings Act," Chapter 231, P.L. 1975, requires adequate notice of meetings of public bodies as defined therein.

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

1. The Organization Meeting of the City Council for the year 2016 will be held at the Asbury Park Council Chambers, 1 Municipal Plaza, Asbury Park, NJ at 6:00 p.m. on Tuesday, January 5, 2016.

2015-426 Adopting the Monmouth County Home Consortium FY 2016 Annual
Action Plan for Housing and Community Development Programs

Resolution # 2015-426

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

**ADOPTING THE MONMOUTH COUNTY HOME CONSORTIUM FY 2016 ANNUAL
ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS**

WHEREAS, the submission of the City's Fiscal Year 2016 Annual Action Plan for Housing and Community Development Programs (hereinafter referred to as the "Consolidated Plan") is a requirement of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended; and

WHEREAS, the County Planning Board's Community Development staff, in conjunction with the staff from the other participating cities; Asbury Park, Long Branch and Middletown Township, has prepared its FY-2016 Annual Action Plans in accordance with Federal Regulations and collectively submitted those plans including Asbury Park's, to the U.S. Department of Housing and Urban Development (HUD) on November 13, 2015. The Annual Action Plan is a planning document and management tool that will assist the City in addressing their housing and community development needs; and

WHEREAS, the Federal regulations require program grantees to identify housing and community development needs and develop a plan for carrying out the strategies necessary to meet its housing and community development needs; and

WHEREAS, the City of Asbury Park held a public hearing on September 30, 2015 in order to provide citizens, public agencies, and other interested parties an opportunity to provide comments and suggestions on the FY-2016 Annual Action Plan; and

WHEREAS, the City has the right and authority under the said CDBG Program to allocate a portion of its funds to non-profit agencies.

WHEREAS, the Mayor and City Council wish to allocate the total sum of \$182,800 from CDBG funds to Kula Café; Hope Academy Charter School; Community Affairs Resource Center; Boys & Girls Club of Monmouth and Coastal Habitat for Humanity.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing body that the City's FY-2016 Annual Action Plan for Housing and Community Development Programs be and the same is hereby approved and authorized.

BE IT FURTHER RESOLVED that the City Manager be and hereby is authorized to execute any and all documents as may be required by the U.S. Department of Housing and Urban Development for the submission and securing grant funds.

	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		

I. Individual Resolutions

2015-427 Resolution Authorizing the Payment of Bills in the Amount of \$6,182,819.06

Resolution #2015-427

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

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$6,159,274.56**

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 \$6,182,819.06 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

\$6,182,819.06

	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		X		
Mayor John Moor				X	

2015-428 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget

Resolution #2015-428

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

**Resolution Authorizing the Transfer of Appropriations in the
Fiscal Year 2015 Budget**

WHEREAS, it has been determined that various line items within the 2015 fiscal year operating budget need additional funds to cover necessary expenditures; and,

WHEREAS, it has also been determined that sufficient balances remain in various expense accounts to cover these expenditures; and,

WHEREAS, New Jersey Statute 40A: 4-58 allows for the transfer of funds between line items during the last two months during the fiscal year and the first three months of the following year.

NOW, THEREFOR BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the Chief Financial Officer is hereby authorized to make the following budget transfers:

	<u>From</u>	<u>To</u>
Current Fund:		
Finance - Other Expenses	\$	\$ 7,000.00
Liability Insurance		200,000.00
Police - Other Expenses		105,000.00
Fire Department - Other Expenses		10,000.00
Light, Heat, Power		15,000.00
Municipal Court - Other Expenses		10,000.00
Worker Compensation Insurance	200,000.00	
Police - Salaries and Wages	105,000.00	
Fire Department - Salaries and Wages	10,000.00	
Street Lighting	15,000.00	
Municipal Court - Salaries and Wages	10,000.00	
Gasoline	<u>7,000.00</u>	<u> </u>
Total Current Fund	<u>\$ 347,000.00</u>	<u>\$ 347,000.00</u>

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to provide a certified copy to the City Chief Financial Officer and the City Auditor.

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

2015-429 Resolution Cancelling Unexpended Balances in Certain Federal and State
Grant Receivables and Appropriations

**Resolution #2015-429
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION CANCELLING UNEXPENDED BALANCES IN CERTAIN FEDERAL
AND STATE GRANT RECEIVABLES AND APPROPRIATIONS**

WHEREAS, There are federal and state grant receivable, appropriated and unappropriated balances remaining which are no longer needed for their intended purpose and,

WHEREAS, It is necessary to formally cancel said receivable, appropriated and unappropriated balances so that the unexpended balances may be cancelled to the respective accounts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Asbury Park that the following federal and state grant receivable, appropriated and unappropriated balances are hereby cancelled as follows:

Grant Description:	Unappropriated <u>Balance</u>	Appropriated <u>Balance</u>	Receivable <u>Balance</u>
Edward Byrne Justice Assistance	\$ 52,530.60	\$	\$ 0.30
Multi-Purpose Senior Center	31,320.00		1,346.00
Redeveloper Contribution - Special Police	75,000.00		55,000.00
Drunk Driving Prevention Program - 2012		39,448.00	39,448.00
Drive Sober or Get Pulled Over - 2013		4,200.00	4,400.00
Justice Assistance Grant		3,042.37	
Administrative Charges - 2011		26,265.04	
Old Man Rafferty's - 2007		25,000.00	
Madison Marquette Redeveloper		3,000.00	
Municipal Alliance Grant		1,703.58	6,107.76
NJDOL - National Emergency Grant		6,353.91	1,464.77
Drive Sober or Get Pulled Over - 2015		50.00	50.00
Drunk Driving Enforcement Fund		96.75	
NJDHS - Mental Health Grant - 2013			1.00
NJDHS - Mental Health Grant - 2014			392.00
APBOE - Foot Patrol 2012			9,718.08
Click it or Ticket - 2008			750.00
NJDOT-Transportation Center Improvements			18,074.25
	<u>\$ 158,850.60</u>	<u>\$ 109,159.65</u>	<u>\$ 136,752.16</u>

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

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

2015-430 Resolution Authorizing the Purchase of Three (3) 2016 Police Interceptor Utility Vehicles

**Resolution #2015-430
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) 2016 POLICE INTERCEPTOR UTILITY VEHICLES

WHEREAS, the City has determined that the purchase of three (3) 2016 Police Interceptor Utility Vehicles are 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, Chas S Winner Inc. d/b/a Winner Ford of Cherry Hill, New Jersey has been awarded a New Jersey State Contract (A88728) for the purchase of these types of vehicles; 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 the Police Operating Account 5-01-25-240-000-210, to purchase these Police vehicles, 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 A88728 with Chas S Winner Inc. d/b/a Winner Ford of Cherry Hill, New Jersey in the amount of \$103,464.00 for the purchase of three (3) 2016 Police Interceptor Utility Vehicles.

	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		

2015-431 Resolution Authorizing the Purchase a Kubota 4WD Utility Vehicle for DPW

**Resolution #2015-431
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PURCHASE A KUBOTA 4WD UTILITY
VEHICLE FOR DPW**

WHEREAS, the City has determined that the purchase of a Kubota 4WD Utility Vehicle 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, the City of Asbury Park is a member of the Middlesex Regional Educational Services Commission (MRESC) Cooperative Pricing System; and

WHEREAS, MRESC has awarded Cherry Valley Tractor Sales of Marlton, New Jersey Bid #MRESC14/15-04 under NJ State Approved Co-Op # 65MCESCCP for the purchase of this type of vehicle; 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 are available in various accounts of the City, 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 MRESC Cooperative Pricing System to purchase a Kubota 4WD Utility Vehicle from Cherry Valley Tractor Sales of Marlton New Jersey in the amount of \$26,241.58.

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

2015-432 Authorizing the Award of a Contract to Delisa Demolition, Inc. D/B/A Delisa Waste Services for Solid Waste Collection Services

Resolution # 2015-432

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

**AUTHORIZING THE AWARD OF A CONTRACT TO
DELISA DEMOLITION, INC. D/B/A DELISA WASTE SERVICES
FOR SOLID WASTE COLLECTION SERVICES.**

WHEREAS, the City of Asbury Park (the “City”) has previously authorized and advertised for the receipt of bids from interested contractors for solid waste and recyclable materials collection services for a three year period commencing on January 1, 2016 and ending on December 31, 2018 (the “services”); and

WHEREAS, the bid specifications separated the services into seven (7) individual components and requested that bidders submit a proposal relating to each of the individual components, with the City reserving the right to award a contract for one, or any combination of, or all, of the components, at the City’s discretion; and

WHEREAS, on the advertised bid opening date of December 2, 2015, the City received a single bid from DeLisa Demolition, Inc., d/b/a DeLisa Waste Services, of Tinton Falls, New Jersey (the “Contractor”), which covers all of the individual components identified in the bid specifications; and

WHEREAS, the City’s Chief Financial Officer (the “CFO”) and Treasurer have confirmed that the bid submission received from the Contractor is in satisfactory order and complies with the requirements of the bid specifications; and

WHEREAS, the City Attorney has further confirmed that the bid submission received from the Contractor is in satisfactory legal order; and

WHEREAS, the Mayor and Council have reviewed this matter and have determined to award a contract to the Contractor for the following components of the services:

- (1) Component One – Refuse Collection: Grand Total/3 Years - \$1,308,000.00;
- (2) Component Four – Container Services for Disposal of Construction and Demolition Debris: Grand Total/3 Years Estimated at \$79,560.00;
- (3) Component Five – Weekend Trash Removal on Beach Front of Two 20-Cubic Yard Dumpsters – Grand Total/3 Years Estimated at \$22,200.00;
- (4) Component Six – Weekend Trash Removal on Beach Front of Two 7-Cubic Yard Rear Loading Compactors – Grand Total/3 Years Estimated at \$14,400.00; and
- (5) Component Seven– Weekend Trash Removal on Beach Front of Approximately 65 Litter Barrel Containers – Grand Total/3 Years Estimated at \$18,375.00; and

WHEREAS, the award of the contract shall be contingent upon the existence of appropriate funding in the City’s current operating budget for each of the three years of the contract, on an annual basis.

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

1. That a contract for solid waste collection services involving the five separate component parts identified above, covering a three year period commencing on January 1, 2016 and ending on December 31, 2018, is hereby awarded to DeLisa Demolition, Inc., d/b/a DeLisa Waste Services, on its bid in the amount(s) set forth above.

2. That the award of the within contract shall be contingent upon the existence of appropriate funding in the City's current operating budget for each of the three years of the contract, on an annual basis.

3. That, subject to the contingency referenced above, the Mayor and/or City Manager is hereby authorized to execute, and the City Clerk to attest, a contract with the Contractor for the services in question, so long as the contract is in a form that is satisfactory to the City Attorney.

4. That all relevant City officials are hereby authorized and directed to undertake all actions that are necessary in order to effectuate the intentions of this Resolution.

5. That a certified copy of this Resolution shall be provided to each of the following:
- a. DeLisa Demolition, Inc., d/b/a DeLisa Waste Services;
 - b. Michael Capabianco, City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Tracy Lizardi, Treasurer; and
 - e. Frederick C. Raffetto, Esq., 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		X		
Mayor John Moor			X		

2015-433 A Resolution of the Mayor and Council of the City of Asbury Park
Authorizing an Escrow Agreement with Boston Way Village, LLC
Regarding the Proposed Development of the Former Boston Way Housing
for the Asbury Park Housing Authority on Block 1702, Lot 1

Resolution No.2015-433
Resolution of the City of Asbury Park

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
ASBURY PARK AUTHORIZING AN ESCROW AGREEMENT WITH
BOSTON WAY VILLAGE, LLC REGARDING THE PROPOSED
DEVELOPMENT OF THE FORMER BOSTON WAY HOUSING FOR THE
ASBURY PARK HOUSING AUTHORITY ON BLOCK 1702, LOT 1.**

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

WHEREAS, the Developer will be designing, construction and operating 104 family affordable housing units for the Asbury Park Housing Authority where the now vacant Boston Way housing exists, located on the official tax maps of the City as Block 1702, Lot 1 (the “**Project**”); and

WHEREAS, the Developer and the City desire to enter into an Escrow and Funding Agreement that sets forth terms and conditions of the Developer funding of an escrow account and procedures for the payment therefrom of moneys to pay City costs and expenses, attached hereto as **EXHIBIT A**; and

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

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

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

2. This Resolution shall take effect immediately.

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

2015-434 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Granting Conceptual Approval to Asbury Partners LLC Regarding the Proposed Asbury Lanes Project, on Block 4104, Lots 7, 8 and 9, 209 Fourth Avenue and Referring the Matter to the Planning Board for Appropriate Approvals

Resolution #:2015-434
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE WATERFRONT REDEVELOPMENT ENTITY, GRANTING CONCEPTUAL APPROVAL TO ASBURY PARTNERS LLC REGARDING THE PROPOSED ASBURY LANES PROJECT, ON BLOCK 4104, LOTS 7, 8 AND 9, 209 FOURTH AVENUE AND REFERRING THE MATTER TO THE PLANNING BOARD FOR APPROPRIATE APPROVALS.

WHEREAS, the City of Asbury Park (the “**City**”) adopted a Waterfront Redevelopment Plan (the “**Redevelopment Plan**”) which, in part, sought to create retail and for sale housing within the Waterfront Redevelopment Area which includes the Prime Renewal Area; and

WHEREAS, Asbury Partners, LLC (the “**Developer**”) proposes to renovate the existing Asbury Lanes structure on Lot 9, and include additional parking to the east of the building on Lot 8, and portions of Lot 7 (the “**Project**”) which is located at 209 Fourth Avenue, Block 4104, Lots 7, 8 and 9; and

WHEREAS, the Developer’s proposal complies with the Redevelopment Plan except waivers are being sought for not providing a landscaped island in the parking lot, and for the “You are Right Here Right Now” sign on the front section of the building; and

WHEREAS, the City’s Technical Review Committee (the “**TRC**”) reviewed the Project at a meeting held on November 10, 2015 and issued a report of November 13, 2015; and

WHEREAS, the City Director of Planning and Redevelopment has reviewed the application, and has by Memo of November 30, 2015, attached hereto as **EXHIBIT A**, recommended that the Mayor and Council, acting as Redevelopment Entity, grant conceptual approval of the Project, and further that recommendations of the TRC and her additional recommendations be incorporated; and

WHEREAS, the Developer presented the Project and reviewed the plans with the Mayor and City Council during a workshop session on December 7, 2015; and

WHEREAS, subsequent to the December 7, 2015 workshop session the Developer submitted revised plans, which reduced the size of the parking lot to avoid the need for a waiver for not including landscaped islands in the parking lot as was required for the layout in the plans reviewed on December 7, 2015. The new plans were presented by the Developer and reviewed by the Mayor and City Council during a workshop session on December 21, 2015; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to set forth their conceptual approval of the Developer’s proposal for the Project, and to refer the matter to the Planning Board for appropriate approvals, including but not limited to Preliminary and Final Site Plan approvals and consideration of the recommendations of the TRC in their report

of November 13, 2015 and the recommendations of the City Director of Planning and Redevelopment in her Memo of November 30, 2015, and the following additional comments and recommendations of the Mayor and Council.

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

1. The Project is hereby granted conceptual approval and referred to the Planning Board for appropriate review and approvals in accordance with the provisions of the Redevelopment Plan and the Municipal Land Use Law.

2. The Mayor and Council, make the following additional comments and recommendations to the Planning Board:

- (i) The Applicant provide the Planning Board with additional detail as to the proposed uses for the Project, specifically the uses in the building and the proposed uses in the parking lot.
- (ii) The use of the parking lot for a beer garden, outside events and the like be limited in number and scope during the summer months when the additional parking is most needed.
- (iii) As a waiver is being sought for the “You are Right Here Right Now” sign on the front section of the building, the Council recommends that the Planning Board explore the details of the signage, including illumination levels and impose conditions as necessary to prevent or reduce light glare on uses across the street.
- (iv) The Council recommends that a bicycle rack(s) accommodating approximately twenty (20) bicycles be incorporated into the Project.
- (v) It was clarified at the presentation on December 7, 2015 that a maximum of five (5) on-street parking spaces would be removed for the curb cut for the proposed parking lot. The Applicant is permitted to proceed with its Planning Board application; however, final approval for the removal of the five (5) on-street parking spaces shall be required from the Mayor and Council.
- (vi) Although as a result of the revised plans reviewed on December 21, 2015, a waiver is not required for not providing landscaped islands in the parking lot, the Council prefers that the Developer increase the number of parking spaces to the original amount (as additional parking spaces would be a benefit to the Waterfront), landscaped islands not be included in the parking lot, and in their place install a bio-swale, rain garden, or similar vegetative stormwater mitigation feature to be installed between the Asbury Lanes parking lot and the Salvation Army Hotel parking lot to the east. The purpose of the bio-swale is to provide for some percolation of, and filtering of stormwater before it enters the stormwater sewer. The Council understands that there is a minor-to-no cost difference between the two for the installation and that long term maintenance costs of the bio-swale would be less. In the event that the Developer presents the larger parking lot with the bio-swale concept to the Planning Board, the Council recommends that the Planning Board accept the bio-swale design and grant any required waivers for not including the landscaped islands in the parking lot and for the installation of a bio-swale. Further, if the Developer opts to construct the smaller parking lot, the Council would still recommend the Developer consider the installation of the bio-swale and

the Planning Board accept the bio-swale design and grant any required waivers for the installation of a bio-swale.

3. A certified copy of this Resolution shall be provided to each of the following:
 - a. Asbury Partners, LLC
 - b. Asbury Park Planning Board
 - c. Jack Serpico, Esq., Planning Board Attorney
 - d. Michael Capabianco, City Manager
 - e. Michele Alonso, Director of Planning and Redevelopment
 - f. Glenn F. Scotland, Esq., Waterfront Redevelopment Counsel
 - g. Frederick C. Raffetto, Esq., City Attorney
 - h. Fred Lavinthal, Esq., Developer's Attorney
 - i. Robert Curley, Developer's Engineer
4. This Resolution shall take effect immediately.

Motion made by Councilwoman Clayton to amend Section 3 to remove the approval of the sign. Councilman Woerner seconded the motion. Ayes: Councilwoman Clayton and Councilman Woerner. Nas: Councilman Kendle, Deputy Mayor Quinn and Mayor Moor. Motion failed.

Motion to adopt the resolution as prepared.

	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		

2015-435 Resolution of Need from the City of Asbury Park for APHA Senior Housing, LLC (Robinson, Lumley, Comstock Rad Rehabilitation Project), and Authorizing Agreement for Payment in Lieu of Taxes in Connection Therewith

Resolution # 2015-435

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

**RESOLUTION OF NEED FROM THE CITY OF ASBURY PARK FOR
APHA SENIOR HOUSING, LLC (ROBINSON, LUMLEY, COMSTOCK RAD
REHABILITATION PROJECT), AND AUTHORIZING AGREEMENT FOR PAYMENT
IN LIEU OF TAXES IN CONNECTION THEREWITH.**

WHEREAS, APHA Senior Housing, LLC (hereinafter referred to as the “Sponsor”) proposes to rehabilitate a housing project(s) known as Robinson, Lumley, Comstock RAD Rehabilitation Project that will provide 215 units of affordable senior rental housing (hereinafter referred to as the “Project”) through the Housing and Urban Development Rental Assistance Demonstration Program pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1, et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1, et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the City of Asbury Park (hereinafter referred to as the “Municipality”) on sites respectively described as Block 304, Lot 2; Block 304, Lot 4; and Block 404, Lot 1, as shown on the Official Assessment Map of the City of Asbury Park, Monmouth County; and

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

WHEREAS, pursuant to the HMFA Requirements, the Mayor and Council of the City of Asbury Park hereby determine that there is a need for this rental housing project in the City of Asbury Park; and

WHEREAS, the Sponsor has presented to the Mayor and Council a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

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

1. The Council finds and determines that the Robinson, Lumley, Comstock RAD Rehabilitation Project, which will provide 215 units of affordable senior rental housing, will meet or meets an existing housing need within the City;

2. The Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

3. The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”: and

4. The Council hereby authorizes and directs the Mayor of the City of Asbury Park to execute, and the Municipal Clerk to attest, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and

5. The Council understands and agrees that the revenue projections set forth in Exhibit “A” are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the

Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

	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		X		
Mayor John Moor			X		

2015-436 Authorizing Bid Threshold Levels

Resolution # 2015-436

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

AUTHORIZING BID THRESHOLD LEVELS

WHEREAS, On September 28, 2015 via Local Finance Notice (LFN) 2015-20 commenced the revision to the Local Public Contracts Law which created a bid threshold for municipalities with a Qualified Purchasing Agent (QPA) of \$40,000.00 and the quote threshold to \$6,000.00, and

WHEREAS, the LFN can be found here: <http://www.nj.gov/dca/divisions/dlgs/lfns/15/2015-20.pdf>

WHEREAS, the City of Asbury has a QPA on staff; and

WHEREAS, as per LFN 2015-20 the governing body may pass a Resolution authorizing the bid threshold amounts; and

WHEREAS, the City Council is desirous of increasing the bid threshold to \$40,000 and the quote threshold to 15% of the bid threshold amount (\$6,000); and

WHEREAS, and purchases over \$25,000 shall receive an additional signoff by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the bid threshold is \$36,000 and the quote threshold is \$5,400.

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

Woerner					
Deputy Mayor Amy Quinn			X		
Mayor John Moor		X	X		

2015-437 Resolution Amending Resolution 2015-410 State Of New Jersey
Department Of Environmental Protection Green Acres Enabling
Resolution

This resolution has been tabled until further direction has been received from Green Acres.

2015-438 A Resolution of the Mayor and Council of the City of Asbury Park
Authorizing an Escrow Agreement with APHA Senior Housing, LLC
Regarding the Proposed Robinson, Lumley, Comstock RAD
Rehabilitation Project on Block 304, Lots 2 and 4 and Block 404, Lot 1

	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		

J. Ordinances:

1. First Reading/Introduction:

2015-55 Revising Traffic and Parking Regulations for Certain Designated Areas of
the City of Asbury Park, and Amending and Supplementing Chapter VII,
Entitled "Traffic," of the "Code of the City of Asbury Park, New Jersey,"
Accordingly.

The City Clerk read by title Ordinance 2015-55.

	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		

Public hearing is scheduled for January 13, 2016.

2015-56 Amending and Supplementing Section 2-9, Entitled "Fire Department," of
Chapter II, "Administration," of the "Code of the City of Asbury Park,

New Jersey,” in Order to Establish a New Subsection Thereof to be Known as Subsection 2-9.14, Entitled “Fees for Lockout Services for Motor Vehicles.”

The City Clerk read by title Ordinance 2015-56.

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

Public hearing is scheduled for January 13, 2016.

Second Reading/Public Hearing:

2015-53 An Ordinance Amending Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

Ordinance # 2015-53

AN ORDINANCE OF THE CITY OF ASBURY PARK
AN ORDINANCE AMENDING SALARIES OF CERTAIN EMPLOYEES WITHIN THE
CITY OF ASBURY PARK, MONMOUTH COUNTY, NJ

WHEREAS, the City has determined that the amendment of the following position is required for the efficient operation of the City of Asbury Park.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the City of Asbury Park that the following Title and Salary be amended as follows:

Title:	Minimum:	Maximum:
Deputy Municipal Manager	\$5,000	\$97,573

BE IT 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).

Motion made by Deputy Mayor Quinn and seconded by Councilwoman Clayton to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-53: Rita Marano.

Motion made by Mayor Moor and seconded by Councilwoman Clayton to close Ordinance 2015-53 to the public. All were in favor.

Motion to adopt Ordinance 2015-53.

	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		

2015-54 An Ordinance Amending and Supplementing Subsection 7-37.1, Entitled “Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property, of Section 7-37, “Control For Movement and the Parking of Traffic on Public and Private Property Per N.J.S.A. 39:5A-1,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-54**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION
7-37.1, ENTITLED “REGULATION FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON
MUNICIPAL PROPERTY AND BOARD OF EDUCATION PROPERTY, OF SECTION 7-37, “CONTROL
FOR MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY PER
N.J.S.A. 39:5A-1,” OF
CHAPTER VII, “TRAFFIC,” OF THE
“CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City of Asbury Park (the “City”) previously designated certain regulations for the movement and the parking of traffic on municipal and Board of Education properties, as set forth in Subsection 7-31.1, entitled “Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property,” of Section 7-37, “Control for Movement and the Parking of Traffic on Public and Private Property per N.J.S.A. 39:5A-1,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey; and

WHEREAS, the Asbury Park Police Department (the “APPD”) has reviewed said regulations; and

WHEREAS, it is the recommendation of the APPD that certain parking spaces be designated as “Reserved” as referenced herein; and

WHEREAS, the Mayor and Council wish to implement this recommendation by amending the City Code, in accordance with the provisions set forth herein.

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 Subsection 7-31.1, entitled “Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property,” of Section 7-37, “Control for Movement and the Parking of Traffic on Public and Private Property per N.J.S.A. 39:5A-1,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to add the following (additions are shown with underline):

CHAPTER VII

TRAFFIC

1. 7-37 CONTROL FOR MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY PER N.J.S.A. 39:5A-1.

a. 7-37.1 Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property.

In accordance with the provisions of N.J.S.A. 39:4-197, the following Municipal and Board of Education property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate or park a vehicle in violation of the regulations indicated.

a. Municipal Complex (City Hall) Parking Lot. The following spaces are located within the municipal complex (City Hall) parking lot located at One Municipal Plaza (Block 2401, Lot 1), and shall be reserved during the hours of 8:30 a.m. through 5:00 p.m., Monday through Friday, as indicated below.

Space #4099 - Reserved for City Manager

Space #4098 - Reserved for Mayor

Space #4097 - Reserved for Deputy Mayor

Space #4090 - Reserved for Councilperson

Space #4089 - Reserved for Councilperson

Space #4088 - Reserved for Councilperson

Space #4091 - Reserved Parking Space

b. Locations and regulations for other municipal and Board of Education properties may be found on file in the City Offices.

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).

Motion made by Deputy Mayor Quinn and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-49: Rita Marano.

Motion made by Councilman Woerner and seconded by Councilwoman Clayton to close Ordinance 2015-49 to the public. All were in favor.

Motion to adopt Ordinance 2015-49.

	MOTION	SECOND	YAYES	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		

2015-50 An Ordinance Amending and Supplementing Chapter II, Entitled “Administration,” of the “Code of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Section 2-86, Entitled “Requests Which Require Services to be Rendered by Professionals Appointed and/or Employed by the City- Application Procedure And Escrow Requirement.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-50**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II,
ENTITLED “ADMINISTRATION,” OF THE
“CODE OF THE CITY OF ASBURY PARK, NEW JERSEY,”
IN ORDER TO ESTABLISH A NEW SECTION THEREOF
TO BE KNOWN AS SECTION 2-86, ENTITLED
“REQUESTS WHICH REQUIRE SERVICES TO BE RENDERED
BY PROFESSIONALS APPOINTED AND/OR EMPLOYED BY THE CITY-
APPLICATION PROCEDURE AND ESCROW REQUIREMENT.”**

WHEREAS, from time to time, the City of Asbury Park (the “City”) receives requests from residents and/or local business owners within the City (the “applicants”) for certain projects which require the professional services of various professionals appointed and/or employed by the City; and

WHEREAS, such professional services may include research, preparation and/or review of documents, and/or other services which are billable at the regular hourly rates of those professionals providing the services; and

WHEREAS, the Mayor and Council believe that any expenses in this regard should be borne by the private applicant(s) whose interests are being furthered by the request, rather than by the City’s taxpayers; and

WHEREAS, the City now seeks to have the applicant(s) pay for all expenses that are incurred by the City during this process; and

WHEREAS, it is the intention of this Ordinance to establish and codify said process.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Chapter II, entitled “Administration,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to establish a new Section thereof to be known as Section 2-86, entitled “Requests Which Require Services to be Rendered by Professionals Appointed and/or Employed by the City-- Application Procedure and Escrow Requirement,” as follows:

CHAPTER II

ADMINISTRATION

2-86 REQUESTS WHICH REQUIRE SERVICES TO BE RENDERED BY PROFESSIONALS APPOINTED AND/OR EMPLOYED BY THE CITY- APPLICATION PROCEDURE AND ESCROW REQUIREMENT.

2-86.1 Purpose.

A resident of the City of Asbury Park (the “City”) or owner of a business located within the City or other applicant (the “applicant”), may from time to time submit a request to the Mayor and Council relating to a certain project which requires professional services to be rendered by professionals appointed and/or employed by the City.

Such professional services may include research, preparation and/or review of documents, and/or other services which are billable at the regular hourly rates of those professionals providing the services.

The purpose of this Ordinance is to establish a procedure for said process, including the posting of escrow funds by the private applicant. In this way, the costs and expenses associated with such private requests shall be paid by the applicant whose interests are being furthered by the request, rather than by the City’s taxpayers.

2-86.2 Application; Required Submissions.

- a. Requests made by an applicant relating to private project(s) which require professional services to be rendered by professionals appointed and/or employed by the City may be made in accordance with the provisions set forth in this Section.
- b. The applicant must submit a written request to the City Manager which shall include a precise, written description of the application and the request that is being made of the City. If available, the applicant shall also submit conceptual plans to describe the specific project. These can include a sketch site plan and floor plans. Plans need not be prepared by a licensed professional, but must be of sufficient detail to describe the proposed project.

- c. The City Manager, the Mayor and Council, and/or City staff may request additional information that is found necessary to complete their review.

2-86.3 Distribution.

Upon receipt of the above, the City Manager shall distribute copies of the request to the Mayor and Council and appropriate professionals.

2-86.4 Escrow Deposit.

- a. Escrow fees, in an amount to be determined by the City Manager and Chief Financial Officer, shall be deposited at the time that an application is filed. The minimum escrow amount shall be five hundred dollars (\$500.00). The applicant shall supplement the escrow deposit, as required, to cover the cost of professional services rendered in connection with the project, as needed.
- b. Any escrow funds not needed to pay outstanding invoices of professionals who have rendered professional services related to the project shall be returned to the applicant within a reasonable time after the services are rendered.
- c. If an escrow account contains insufficient funds at any time to enable the City and/or the approved professionals to perform the required services, the City will provide the applicant with a notice of the amount of insufficient funds. Said notice will also provide that in order for the professional services to continue, the deficiency must be paid within the time frame set forth in the notice. If the applicant does not comply with the terms of the notice all professional services will cease until such time as the applicant complies with the terms of the notice.

2-86.5 Professional Services Covered by Escrow Deposit.

Professional services contemplated hereunder shall include, but shall not be limited to attorneys engaged by the City, professional planners, consultants, and/or other advisors to the City.

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).

Motion made by Councilwoman Clayton and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-50: none.

Motion made by Councilman Woerner and seconded by Councilwoman Clayton to close Ordinance 2015-50 to the public. All were in favor.

Motion to adopt Ordinance 2015-50.

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

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk