



Agenda
Meeting of the Municipal Council
Wednesday, February 10, 2016

I. Executive Session – 4:30 p.m.

Resolution 2016-73 Authorizing a Meeting which Excludes the Public

A. Litigation/Contract Negotiations

1. Westside Community Center – Block 1004, Lot 2

B. Acquisition of Public Property

C. Litigation:

1. Famularo Disciplinary

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, February 8, 2016.

C. Matters from City Council.

D. Matters from City Manager.

E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

A. Clerk to Call Meeting to Order/Roll Call.

B. Silent Prayer/Moment of Reflection.

C. Salute to the Flag

D. **(Announcement by City Clerk):** As to compliance with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The

Coaster and The Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **CITY CLERK’S CERTIFICATION TO MAYOR AND COUNCIL REGARDING INITIATIVE PETITIONS**

F. **STATE OF THE CITY ADDRESS**

G. **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.]

H. **Consent Agenda Resolutions.**

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

2016-74	Resolution Authorizing the Payment of Payroll in the Amount of \$879,980.19
2016-75	Authorizing the City Clerk to Execute All of the City of Asbury Park Fire Department Member’s Enrollment Into NJ State Firemen’s Association for the Remaining 2016 Calendar Year
2016-76	Authorizing Appointments to the “Wesley Lake Commission”
2016-77	Authorizing Appointments to the Environmental/Shade Tree Commission
2016-78	Resolution Amending Resolution 2016-26 Appointments to the Public Arts Committee
2016-79	Approving Social Affairs Permit for Boys and Girls Clubs of Monmouth County for an Event on March 5, 2016
2016-80	Approving Petition to Extend Licensed Premises for Cookman Restaurant Group d/b/a Cross & Orange for an event on March 13, 2016
2016-81	Authorizing the City Manager and/or the City Treasurer to Sign Financial Documents
2016-82	Authorizing the Entering of a Memorandum of Understanding with the Planning Board

I. Individual Resolutions

- 2016-83 Resolution Authorizing the Payment of Bills in the Amount of \$3,366,005.64
- 2016-84 Resolution Authorizing the Transfer of 2015 Appropriations Reserve Budget in Fiscal Year 2016
- 2016-85 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget to Reserve for Storm Recovery Trust Fund
- 2016-86 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget to Reserve for Compensated Absences Trust Fund
- 2016-87 Resolution Authorizing the Compensation Payment to Ronald Vigliotti upon His Separation of Employment
- 2016-88 Resolution to Adjust RAB PILOT Billing (807 Kingsley Street, Unit 7, Block 3903, Lot 1.0407)
- 2016-89 Resolution to Credit Sewer Account (1326 Locust Drive, Block 2104, Lot 5)
- 2016-90 Resolution to Credit Sewer Account (310 Sixth Avenue, Block 3606, Lot 2)
- 2016-91 Resolution to Credit Sewer Account (601 First Avenue, Block 2705, Lot 13)
- 2016-92 Resolution to Credit Sewer Account (311 First Avenue, Block 3303, Lot 14)
- 2016-93 Authorizing Approval to Advertise and Accept Proposals for PILOT Auditing and Billing Services
- 2016-94 Appointing Financial Advisors, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith
- 2016-95 Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendment(s) to the Springwood Avenue 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)
- 2016-96 Authorizing the City of Asbury Park to Transfer the Title to Certain Properties to the West Side Community Center, Inc.
- 2016-97 A Resolution Updating the Sewer Connection Fee Rate

PUBLIC HEARING

J. Ordinances:

Second Reading/Public Hearing:

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

2016-03 Amending and Supplementing Subsection 6-7.1, Entitled “Submission of Employee Information to Police Department” of Section 6-7, “Employees of Licensed Premises; I.D. Card Required,” of Chapter VI, “Alcoholic Beverage Control,” of the “Code of the City of Asbury Park, New Jersey.”

K. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, FEBRUARY 10, 2016
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 6, 2016, 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, FEBRUARY 8, 2016

City Manager Capabianco had no items to follow-up on from the February 8, 2016 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner provided updates regarding the Committees he sits on.

Council Member Clayton advised of training courses that is being provided by the new hotel opening in Asbury Park.

Council Member Kendle spoke about workforce development and ways the City can get out information regarding jobs within the City. He stated that he will be providing a review of the Recreation Committees programs at the next meeting. He also recommended an award program for City employees

Deputy Mayor Quinn requested an update regarding the appraisal for Bradley Cove.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY

City Attorney Raffetto discussed the request from Madison Marquette. The Council provided feedback regarding the request for a resolution for February 24.

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 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

CITY CLERK’S CERTIFICATION TO MAYOR AND COUNCIL REGARDING INITIATIVE PETITIONS

City Clerk Dye read the following statement:

- “On January 12, 2016, I received initiative petitions to place five (5) questions on the November 8, 2016 general/municipal election ballot, pursuant to the initiative and referendum provisions contained within the Faulkner Act, N.J.S.A. 40:69A-184 through 196.

The five petitions were as follows:

1. **Referendum Petition** - Protest Rejecting Ordinance (2015-53) Amending Salaries of Certain Employees (Deputy Municipal Manager) Passed by the Mayor and City Council on December 23, 2015.
 2. **Initiative Petition** - Proposing an Ordinance of the Mayor and Council of the City of Asbury Park Amending Chapter II of the Municipal Code to Establish a Citizen Police Review Board of the Revised General Ordinances of the City of Asbury Park, New Jersey.
 3. **Initiative Petition** - Proposing an Ordinance Amending and Supplementing Chapter VI, “Alcoholic Beverage Control,” with Adding Section 3.5, Entitled “Club Licenses Cap” and Section 4.7, Entitled “Hours of Sale in Club Licenses” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
 4. **Initiative Petition** - Proposing an Ordinance of the City Council of the City of Asbury Park Amending Chapter II of the Asbury Park Municipal Code Establishing a Living-Minimum Wage for Seasonal, Temporary or Part-time Employees.
 5. **Initiative Petition** – Proposing an Ordinance Amending and Supplementing Chapter XXVI, Personnel Policies, Section 26-2, Entitled Police Department Promotions and Appointments of Chapter II and Repealing Subsection 2-9.6(b) Entitled Fire Department Promotions and Appointments of Chapter II of the Revised General Ordinances of the City of Asbury Park, New Jersey.
- Following receipt of the petitions, I undertook due diligence to determine whether each petition satisfied relevant legal requirements.

- At the conclusion of my review, I determined that all five petitions required rejection at this time due to the fact that each of the petitions failed to comply with relevant legal requirements in order for the submitted questions to be placed on the November 8, 2016 general/municipal election ballot.
- The petitioners were provided with a copy of my written decision concerning this matter, which includes my rationale for rejection, on February 2, 2016.”

STATE OF THE CITY ADDRESS

City Manager Capabianco presented the State of the City Address.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Woerner 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: Reverend David Parreott, Pam Lamberton, Jim Henry, Werner Baumgartner, Wayne Connelly, ? Mohamad, Rita Marano, Tracy Rogers, Maureen Nevin, Jerry Scarano, Keith Zyla and Conrad Neblitt.

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

CONSENT AGENDA RESOLUTIONS

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

2016-74 Resolution Authorizing the Payment of Payroll in the Amount of \$879,980.19

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$879,980.19

WHEREAS, the January 29, 2016 payroll in the amount of \$879,980.19, 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 \$879,980.19 is hereby authorized to be paid, and;

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

2016-75 Authorizing the City Clerk to Execute All of the City of Asbury Park Fire Department Member's Enrollment Into NJ State Firemen's Association for the Remaining 2016 Calendar Year

AUTHORIZING THE CITY CLERK TO EXECUTE ALL OF THE CITY OF ASBURY PARK FIRE DEPARTMENT MEMBER'S ENROLLMENT INTO NJ STATE FIREMEN'S ASSOCIATION FOR THE REMAINING 2016 CALENDAR YEAR

BE IT RESOLVED by the City Council of Asbury Park City that it hereby authorizes the City Clerk to execute all application for the City of Asbury Park Fire Department Member's Enrollment into the New Jersey State Firemen's Association for the remaining 2016 calendar year.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Asbury Park Fire Department Chief Kevin Keddy.

2016-76 Authorizing Appointments to the "Wesley Lake Commission"

**AUTHORIZING APPOINTMENTS TO THE
"WESLEY LAKE COMMISSION"**

WHEREAS, pursuant to Section 2-45 of the "Revised General Ordinances of the City of Asbury Park, New Jersey," a Wesley Lake Commission (the "Commission") has been duly created in and for the City of Asbury Park (the "City"); and

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

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

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

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

Douglas McQueen – Alternate Position Term Expire: 12/31/18

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

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

**AUTHORIZING APPOINTMENTS TO THE
“ENVIRONMENTAL/SHADE TREE COMMISSION”**

WHEREAS, pursuant to Section 2-41 of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” an Environmental/Shade Tree Commission (the “Commission”) has been duly created in and for the City of Asbury Park (the “City”); and

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

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Environmental/Shade Tree Commission for the term referenced:

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

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

<u>Appointee</u>	<u>Term to Expire</u>
Jim Henry	December 31, 2017
Joe Woerner	December 31, 2017
Tom Pivinski	December 31, 2019
Amy Quinn	December 31, 2018
Russell Lewis	December 31, 2018
Gail Helfrick	December 31, 2017
Paullette Fant	December 31, 2019
Nancy Sabino (Alt. No. 1)	December 31, 2016
Tom Kulsea (Alt. No. 2)	December 31, 2016

3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael N. Capabianco, City Manager;
 - b. Frederick C. Raffetto, Esq., Municipal Attorney.

**AUTHORIZING APPOINTMENTS TO THE
“PUBLIC ART COMMITTEE”**

WHEREAS, pursuant to Section 2-43 of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” an Public Art Committee (the “Committee”) has been duly created in and for the City of Asbury Park (the “City”); and

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

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Public Art Committee for the term referenced:

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

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

<u>Appointee</u>	<u>Term to Expire</u>
Amy Quinn	December 31, 2016
Michele Alonso	December 31, 2016
Malcolm Navias	December 31, 2017
Jenn Hampton	December 31, 2017
Andrew Pawlan	December 31, 2018
Michael Sodano	December 31, 2019
Patrick Schiavino	December 31, 2019
James Vance (Alt. No. 1	December 31, 2016
Marilyn Schlossbach (Alt. No. 2)	December 31, 2017

3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael N. Capabianco, City Manager;
 - b. Frederick C. Raffetto, Esq., Municipal Attorney.

2016-79 Approving Social Affairs Permit for Boys and Girls Clubs of Monmouth County for an Event on March 5, 2016

**APPROVING SOCIAL AFFAIRS PERMIT FOR BOYS AND GIRLS CLUBS OF
MONMOUTH COUNTY FOR AN EVENT ON MARCH 7, 2016**

NOW, THEFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Social Affairs Permit submitted by Boys and Girls Clubs of Monmouth County for an event to be held at the Stone Pony, 913 Ocean Ave., Asbury Park, on March 5, 2016, as approved by the Chief of Police on January 28, 2016, is hereby approved.

2016-80 Approving Petition to Extend Licensed Premises for Cookman Restaurant Group d/b/a Cross & Orange for an event on March 13, 2016

**APPROVING PETITION TO EXTEND LICENSED PREMISES FOR THE COOKMAN
RESTAURANT GROUP, LLC d/b/a CROSS & ORANGE FOR AN EVENT
ON MARCH 13, 2016**

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 Cookman Restaurant Group, LLC d/b/a Cross & Orange for an event to be held at 508 Kennedy Park, Asbury Park, on March 13, 2016 is hereby approved, subject to approval by the Chief of Police on February 2, 2016 and Special Events Committee.

2016-81 Authorizing the City Manager and/or the City Treasurer to Sign Financial Documents

AUTHORIZING THE CITY MANAGER AND/OR THE CITY TREASURER TO SIGN FINANCIAL DOCUMENTS

WHEREAS, the appointed CFO will be temporarily out on a medical leave and will not be able to physically come into the office; and

WHEREAS, the City Manager and/or City Treasurer is hereby authorized to sign financial documents the CFO would normally sign in the day-to-day operations of the City government in consultation, when possible, with the CFO; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that the City Manager and/or the City Treasurer are hereby authorized to sign financial documents in the physical absence of the CFO.

2016-82 Authorizing the Entering of a Memorandum of Understanding with the Planning Board

AUTHORIZING THE ENTERING OF A MEMORANDUM OF UNDERSTANDING WITH THE PLANNING BOARD

WHEREAS, as outlined as a requirement in the Memorandum Of Understanding (MOU) with the State of New Jersey to receive Transitional Aid, the City must enter into MOUs with all their Boards, Commissions and Authorities; and

WHEREAS, the MOU between the City and the respective Board, Commission or Authority appears below; and

WHEREAS, the Planning Board has adopted this MOU at their February 2, 2016 meeting and the City must now cross-approve and sign; and

WHEREAS, the Mayor and City Clerk are authorized to sign the MOU; and

WHEREAS, the City Clerk is hereby directed to send the City’s signed MOU to the Planning Board to be signed and returned; and

WHEREAS, the City Clerk shall provide final, signed copies to the Planning Board Secretary and City Manager and

WHEREAS, the City Manager shall provide the final executed copy to the Fiscal Monitor;
and

WHEREAS, the MOU states:

As a Transitional Aid municipality, the City of Asbury Park (City) enters into a Memorandum of Understanding (MOU) with the State of New Jersey for financial assistance. With that assistance, the City is required to partake in rigorous financial, procurement and personnel management to ensure that tax dollars are wisely and efficiently spent. As part of the 2016 MOU, the State is requiring the following of all City entities:

The Municipality shall enter into a Memorandum with all Boards, Agencies, Authorities or Commissions including, but not limited to, Historic Perseveration Commission, Parking Authority, Housing Authority, Planning Boards, Zoning Boards, Alcohol Beverage Control Board, and the Redevelopment Agencies (collectively "entities"). The purpose of the Memorandum will be to have the "entities" agree to conduct ethics training, meet financial disclosure requirements and adhere to best practices, as to governance and procurement. Additionally, all entities must comply with the Local Public Contracts Law, state and local affirmative action regulations and laws, and statutory "pay to play" requirements to the extent applicable to each entity. Furthermore, all such entities of the Municipality shall collaboratively work together to advance the vision and mission of the Municipality. The term of the Memorandum shall cover each year that the Municipality receives Transitional Aid.

Ethics

Adhere to the Local Government Ethics Financial Disclosure Law found at N.J.S.A. 40A:9-22.1 et. seq.
Adhere to the Local Government Ethics Law found at N.J.S.A. 40A:9-22.1 et. seq.

Best Practices

Adhere to Best Practices as issued by the NJ Office of the State Comptroller found:
<http://www.nj.gov/comptroller/resources/> and attached as part of this MOU

Adhere to the Records Retention practices and schedules as promulgated by the State of NJ Bureau of Records Management found here: <http://www.nj.gov/treasury/revenue/rms/retention.shtml>

Adhere to the Open Public Meetings Act (OPMA) especially the requirements that all meeting notices (including emergency meetings), agendas, and minutes be filed with the City Clerk forty-eight (48) hours before the meeting (for agendas) or an established practice of forty-eight (48) hours after the approval (for minutes). All Closed/Executive Session topics must be explicitly listed on the agenda as per law; the agenda may not be vague such as: Litigation – Update; and must be specific to the topic to be discussed.

Procurement

Adhere to the Local Public Contracts Law found at N.J.S.A. 40A:11 et. seq.

Adhere to the Local Fiscal Affairs Law found at N.J.S.A. 40A:5 et. seq.

Adhere to Local Finance Notices issued by the Division of Local Government Services and found here, and in which a spreadsheet of all the Notices is attached:

http://www.nj.gov/dca/divisions/dlgs/resources/local_fin_notices.html

Adhere to the City's Set-Aside Program found in Chapter 2 Section 63 of the City Code as this Program is procurement in nature

Adhere to the Local Finance Board's rules as promulgated by Chapter 5:30-5 Certification of Availability of Funds found here and attached as part of this MOU:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjls6ur1abKAhUD2B4KHduBCpUQFggdMAA&url=http%3A%2F%2Fwww.nj.gov%2Fdca%2Fdivisions%2Fdlgs%2Fresources%2Frules_docs%2F5_30%2Fnjac_5305.pdf&usg=AFQjCNEie4pWpw6HyOBdJB8lbT7aaH-KyA&cad=rja

Adhere to the Developer's Escrow Law, as amended, specifically LFN CFO 97-2

Pay to Play

Adhere to all Pay to Play requirements as found in the law and available here:

http://www.state.nj.us/dca/divisions/dlgs/resources/poli_contri_discl.html and the Fair and Open Process found at N.J.S.A. 19:44A-20.4 et. seq.

Affirmative Action

Adhere to the laws, rules and regulations as related to Affirmative Action found here:

www.state.nj.us/csc/about/divisions/eeo/index.html

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey that the Mayor and City Clerk are hereby authorized to sign the MOU and the City Clerk shall distribute the MOU to the individuals outlined above.

	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		

I. Individual Resolutions

2016-83 Resolution Authorizing the Payment of Bills in the Amount of
\$3,366,005.64

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF \$3,366,005.64

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 \$3,366,005.64
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.

CURRENT VOUCHERS	\$2,813,027.64
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$3,366,005.64

	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		

2016-84 Resolution Authorizing the Transfer of 2015 Appropriations Reserve Budget in Fiscal Year 2016

**Resolution Authorizing the Transfer of 2015 Appropriation Reserve
Budget in Fiscal Year 2016**

Whereas, it has been determined that certain 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, therefore, be it resolved by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, in the State of New Jersey that the Chief Financial Officer is hereby authorized to make the following budget transfers:

Current Fund

From:	<u>2015 Appropriation Reserve</u>	
	Administration – Salaries and Wages	\$ 50,000.00
	Collection of Taxes – Salaries and Wages	10,000.00
	Code Enforcement – Salaries and Wages	15,000.00
	Police – Salaries and Wages	150,000.00
	Fire – Salaries and Wages	50,000.00
	Streets and Roads – Salaries and Wages	25,000.00
	Social Services – Salaries and Wages	15,000.00
	Municipal Court – Salaries and Wages	3,000.00
 To:	<u>2015 Appropriation Reserve</u>	
	Contribution to Accumulated Absences	\$ 315,000.00
	Municipal Court – Other Expenses	3,000.00

Be it further resolved that the City Clerk is hereby instructed to provide a certified copy to the Borough Chief Financial Officer and the City Auditor.

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

2016-85 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget to Reserve for Storm Recovery Trust Fund

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE FISCAL YEAR 2015 BUDGET TO RESERVE FOR STORM RECOVERY TRUST FUND

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, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, in the State of New Jersey that the Chief Financial Officer is hereby authorized to make the following budget transfers:

2015 Appropriation Reserves:

Current Fund

From:

Road Repair & Maintenance, Salaries & Wages	\$50,000.00
Road Repair & Maintenance, Other Expenses	45,000.00

To:

Reserve for Storm Recovery Trust Fund	\$95,000.00
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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		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		

Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-86 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget to Reserve for Compensated Absences Trust Fund

Mayor Moor made a motion to table Resolution 2016-86. Council Member Woerner seconded the motion. All were in favor.

2016-87 Resolution Authorizing the Compensation Payment to Ronald Vigliotti upon His Separation of Employment

RESOLUTION AUTHORIZING COMPENSATION PAYMENT TO RONALD VIGLIOTTI UPON HIS SEPARATION OF EMPLOYMENT

WHEREAS, Ronald Vigliotti has been separated from the City of Asbury Park effective February 1, 2016;

WHEREAS, Ronald Vigliotti has accumulated earned time that he is entitled to be compensated for as follows:

24 ½ Vacation Days	\$7,678.05
94 Compensatory Hours	<u>\$4,208.38</u>
Total Amount Due	<u>\$11,886.43</u>

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the payment of \$11,886.43 to Ronald Vigliotti upon his separation of employment effective February 1, 2016 for the above accumulated earned time to be paid on February 29, 2016.

	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		

2016-88 Resolution to Adjust RAB PILOT Billing (807 Kingsley Street, Unit 7, Block 3903, Lot 1.0407)

RESOLUTION TO ADJUST RAB PILOT BILLING

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account, and;

WHEREAS: the Tax Collector was notified by Joseph Martucci, owner of the property located at 807 Kingsley Street, Unit 7, Block 3903 Lot 1.0407 Qualifier C00007 that the 1st quarter was billed the incorrect amount for his RAB PILOT on account 21000370-0; and

WHEREAS, after reviewing the PILOT agreement it was determined the account was over billed by \$621.91 for the 1st quarter billing of 2016; and

WHEREAS, Mr. Joseph Martucci has requested a correction of this error caused by the use of the same billing from 4th quarter of 2015 in the amount of \$3,510.94; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the RAB PILOT account #21000370-0 in the amount of \$621.91 for the billing period of January, February and March 2016, creating a new billing amount of \$2,889.03 due on February 1, 2016.

	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		

2016-89 Resolution to Credit Sewer Account (1326 Locust Drive, Block 2104, Lot 5)

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a Municipality may adopt a resolution authorizing the Tax Collector to make adjustments to a property owners account; and

WHEREAS: the Tax Collector was notified by Mr. & Mrs. Morales, owners of the property located at 1326 Locust Drive, Block 2104 Lot 5 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10042507-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 16,000 gallons and the City of Asbury Park billed for 35,000 gallons at a rate of \$225.25; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 16,000 gallons should be billed at a rate of \$146.40.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10042507-0 for the 2016 1st QTR sewer billing in the amount of \$78.85 for 19,000 gallons.

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

2016-90 Resolution to Credit Sewer Account (310 Sixth Avenue, Block 3606, Lot 2)

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a Municipality may adopt a resolution authorizing the Tax Collector to make adjustments to a property owners account; and

WHEREAS: the Tax Collector was notified by 310 6th Avenue LLC, owner of the property located at 310 Sixth Avenue, Block 3606 Lot 2 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10780252-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 588,000 gallons and the City of Asbury Park billed for 1,899,000 gallons at a rate of \$13,000.85; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 588,000 gallons should be billed at a rate of \$7,560.20.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account #10780252-0 for the 2016 1st QTR sewer billing in the amount of \$5,440.65 for 1,311,000 gallons.

	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		

2016-91 Resolution to Credit Sewer Account (601 First Avenue, Block 2705, Lot 13)

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a Municipality may adopt a resolution authorizing the Tax Collector to make adjustments to a property owners account; and

WHEREAS: the Tax Collector was notified by Mr. & Mrs. Razminas, owners of the property located at 601 First Avenue, Block 2705 Lot 13 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10635504-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 22,000 gallons and the City of Asbury Park billed for 169,000 gallons at a rate of \$1,181.35; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 22,000 gallons should be billed at a rate of \$571.30; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account #10635504-0 for the 2016 1st QTR sewer billing in the amount of \$610.05 for 147,000 gallons.

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

2016-92 Resolution to Credit Sewer Account (311 First Avenue, Block 3303, Lot 14)

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a Municipality may adopt a resolution authorizing the Tax Collector to make adjustments to a property owners account; and

WHEREAS: the Tax Collector was notified by Mr. & Mrs. Mc Carthy, owners of the property located at 311 First Avenue, Block 3303 Lot 14 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10651754-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 30,000 gallons and the City of Asbury Park billed for 36,000 gallons at a rate of \$229.40; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 30,000 gallons should be billed at a rate of \$204.50.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account #10651754-0 for the 2016 1st QTR sewer billing in the amount of \$24.90 for 6,000 gallons.

	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		

2016-93 Authorizing Approval to Advertise and Accept Proposals for PILOT Auditing and Billing Services

AUTHORIZING APPROVAL TO ADVERTISE AND ACCEPT PROPOSALS FOR PILOT AUDITING AND BILLING SERVICES

WHERAS, the City of Asbury Park hereby authorizes the advertisement and accepting of proposals for the following activity; and

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

WHERAS, staff has requested this Resolution as the following Request for Proposals may be issued during 2016; and

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

1. PILOT auditing and billing services

	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		
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2016-94 Appointing Financial Advisors, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith

**APPOINTING FINANCIAL ADVISORS, AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL
SERVICES ASSOCIATED THEREWITH**

WHEREAS, the City of Asbury Park (the “City”) desires to appoint a Financial Advisor for 2016; and

WHEREAS, the City solicited qualifications (RFQ) for Financial Advisor profession services to assist in municipal finance, bonding, tax credits, historic tax credits, PILOT agreements, and related matters which may be beneficial with regard to the analysis of a redevelopment plan and redevelopment agreements; and

WHEREAS, the Mayor and Council have determined to appoint NW Financial Group to continue any existing work and Acacia Financial Group, Inc., to begin any newly derived work as of February 17, 2016; and

WHEREAS, the City’s Chief Financial Officer has determined and certified in writing that the value of the contract associated with the Attorney’s services shall exceed \$17,500.00, and therefore that the contract is subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* (the Pay-to-Play Law); and

WHEREAS, the anticipated term of this contract is through December 31, 2016, or until a successor has been duly appointed and qualified; and

WHEREAS, said contract may only be renewed upon further action of the City Council; and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the City’s Chief Financial Officer has certified the availability of funds for said contract.

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, as follows:

1. NW Financial Advisors Inc. shall continue to perform financial service on existing projects and Acacia Financial Group Inc. to receive all financial services work effective February 17, 2016.
2. That the Mayor is hereby authorized to execute, and the City Clerk attest, an Agreement to be drafted by the City Attorney for professional services for 2016.

3. That said contract is awarded as a “professional service” contract in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services will be performed by a person authorized by law to practice a recognized profession.
4. That said contract has been awarded through Request For Qualifications, and further in accordance with the approval received from the DLGS.
5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael N. Capabianco, City Manager;
 - b. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - c. Director of the N.J. Division of Local Government Services;
 - d. George D. Haeuber, Fiscal Monitor; and
 - e. Frederick C. Raffetto, Esq., Municipal 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		

2016-95 Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendment(s) to the Springwood Avenue 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 OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK REFERRING PROPOSED AMENDMENTS TO THE SPRINGWOOD AVENUE 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 February 6, 2008, the Mayor and City Council adopted Ordinance No. 2862, entitled “An Ordinance Establishing The Springwood Avenue Redevelopment Plan for The City Of Asbury Park” (as may be amended from time to time the “**Plan**”) pursuant to and in accordance with the New Jersey “Local Redevelopment and Housing Law,” N.J.S.A. 40A:12A-1, et seq. (the “**Act**”); and

WHEREAS, the Act allows a redevelopment plan to apply to a redevelopment area, a rehabilitation area, or both; and

WHEREAS, N.J.S.A. 40A:12A-14(b) recognizes an area as an area in need of rehabilitation under the Act, if it has previously been determined to be an area in need of rehabilitation pursuant to prior laws, specifically, P.L. 1975, c.104 (N.J.S.A. 54:4-3.72 et seq.) and P.L. 1977, c.12 (N.J.S.A. 54:4-3.95 et seq.); and

WHEREAS, all of the residential properties in the City of Asbury Park have been determined to be an area in need of rehabilitation pursuant to P.L. 1975, c.104 (N.J.S.A. 54:4-3.72 et seq.), specifically N.J.S.A. 54:4-3.73(e) and N.J.S.A. 54:4-3.74, by the Monmouth County Planning Board Resolution adopted on December 15, 1975; and

WHEREAS, all of the commercial and industrial properties in the City of Asbury Park have been determined to be an area in need of rehabilitation pursuant to P.L. 1977, c.12 (N.J.S.A. 54:4-3.95 et seq.), specifically N.J.S.A. 54:4-3.9(a) and N.J.S.A. 54:4-3.9(f), by approval of the Department of Community Affairs on April 2, 1981; and

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

WHEREAS, the Mayor and City Council believe that expanding the boundaries of the Springwood Avenue Redevelopment Plan will benefit the parcels to be included; and

WHEREAS, in this regard, the Mayor and City Council believe that the Plan should be amended to include the following parcels which are “areas in need of rehabilitation” pursuant to N.J.S.A. 40A:12A-14(b): Block 702, Lot 1; Block 705, Lots 1-4; Block 805, Lot 1; Block 608, Lots 1 and 2, Block 603, Lots 3-9; Block 602, Lots 6 and 7; and Block 607, Lot 8; and

WHEREAS, the Mayor and City Council also believe that the Plan should be amended to include bicycle racks in any multifamily residential development subject to the Plan and to incorporate changes to the zoning standards in the Plan for the Gateway Zone for properties that front on Memorial Drive; and

WHEREAS, the Mayor and City Council have determined that such changes to the Plan would be consistent with the history of the Springwood Avenue corridor and the neighborhood, and would help to bring revitalization; and

WHEREAS, a copy of the proposed amendments to the Redevelopment Plan, as drafted by the City’s Director of Planning and Redevelopment, is attached hereto to as **Exhibit A** (the “**Proposed Amendment**”); 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-7(e),

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

1. The Mayor and City 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. The Mayor and City Council desire the Planning Board undertake a review of this matter and determine if the Proposed Amendment conforms with the goals and objectives of the City's Master Plan.
3. The Planning Board is authorized and directed to prepare a report of its recommendations (the "**Planning Board Report**") regarding the Proposed Amendment to the Plan no later than forty-five (45) days of the date hereof.
4. 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. 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. 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. This Resolution shall take effect immediately.

	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		

2016-96 Authorizing the City of Asbury Park to Transfer the Title to Certain Properties to the West Side Community Center, Inc.

Council Member Woerner made a motion to table Resolution 2016-96. Deputy Mayor Quinn seconded the motion. All were in favor.

2016-98 Authorizing Approval to Amend Claims List to Include Refund for Veteran Deduction

**AUTHORIZING APPROVAL TO AMEND CLAIMS LIST TO INCLUDE
REFUND FOR VETERAN DEDUCTION**

WHEREAS, the City of Asbury Park authorizes the inclusion on the Claims List for a refund of a Veteran's Deduction in the amount of \$1,213.68 to Carl Richardson for Block 902 Lot 96 commonly known as 30 Ridge Avenue; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey that the refund in the amount of \$1,213.68 to Carl Richardson for Block 902 Lot 96 commonly known as 30 Ridge Avenue shall be included in the Claims List.

	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		

2016-99 Awarding Contract for Master Plan Reexamination Report

City Manager Capabianco provided an explanation to the Council and public as to why this was added on the last minute and why this contract had to be awarded this evening.

AWARDING CONTRACT FOR MASTER PLAN REEXAMINATION REPORT

WHEREAS, the City of Asbury Park issued a Request for Proposals (RFP) on November 19, 2015 through a "fair and open process," pursuant to and in accordance with the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*, and the requirements prescribed in the Memorandum of Understanding executed between the City and the State Division of Local Government Services concerning the transitional aid that is received by the City on an annual basis, for a consultant to complete the Master Plan Reexamination Report (also referenced as the "project"), per the requirements of N.J.S.A. 40:55D-89, with proposals due on Thursday, December 16, 2015; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, has established that all contracts must be awarded within sixty (60) days (per N.J.S.A. 40A:11-24) or be rejected as per any of the requirements found in N.J.S.A. 40A:11-13.2 (Rejection of Bids; Reasons); and

WHEREAS, the sixty (60) day period shall expire on Monday, February, 15, 2016; and

WHEREAS, all Planning Board and City Council members are working cooperatively to address the requirement that the project must commence by May, 2016 in order for the City to comply with the requirements of N.J.S.A. 40:55D-89; and

WHEREAS, pursuant to discussions held by relevant City officials, the Planning Board was to review the proposals submitted and make a recommendation to the City Council for the

award of the Reexamination Report contract, given that the City would conduct the procurement process; and

WHEREAS, via Resolution at its Monday, February 1, 2016 meeting, the Planning Board requested that the City Manager request an extension of the sixty (60) day time period (per N.J.S.A. 40A:11-24) from all respondents to the Reexamination RFP as the Planning Board had yet to schedule interviews with any of the respondents; and

WHEREAS, the City Manager received an unsigned copy of the Board's Resolution on Wednesday, February 3, 2016; and

WHEREAS, all respondents were contacted via email requesting if they would consent to a sixty (60) day extension and this request was also sent via Certified Mail; and

WHEREAS, all respondents must agree to an extension or the responses must either be awarded or rejected as per N.J.S.A. 40A:11-13.2 and

WHEREAS, N.J.S.A. 40A:11-13.2 provides the reasons for which a Governing Body may reject responses, which are set forth below, and which do not pertain to this RFP solicitation:

“A contracting unit may reject all bids for any of the following reasons:

- a. The lowest bid substantially exceeds the cost estimates for the goods or services;
- b. The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services;
- c. The governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;
- d. The contracting unit wants to substantially revise the specifications for the goods or services;
- e. The purposes or provisions or both of P.L.1971, c.198 (C.40A:11-1 et seq.) are being violated;
- f. The governing body of the contracting unit decides to use the State authorized contract pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12)”; and

WHEREAS, as of this date, the Planning Board is not in a position to make any recommendation(s) to the Council for the award of a contract for the project (as the December, 2015 Planning Board meeting was canceled, the January, 2016 Planning Board meeting was its Reorganization and the Reexamination Report RFP was not a topic for discussion on said agenda, and during the February, 2016 meeting the Board requested an extension); and

WHEREAS, not all respondents have agreed to the requested time extension required by N.J.S.A. 40A:11-24, and therefore the City Council must award the contract, as staff review does not find any reason to reject the responses as per N.J.S.A. 40A:11-13.2; and

WHEREAS, the City Manager has completed a review and written evaluation of the responses that were within the City's budget allocation for the project and has provided this written evaluation to the Planning Board Chairperson, the Planning Board Attorney, the City Attorney and the Director of Planning and Redevelopment via email; and

WHEREAS, pursuant to the said written evaluation, the City Manager is recommending an award of the contract for the project to Clarke Caton Hintz for an amount not to exceed \$71,866.00, conditioned upon certification of sufficient funding for the project by the City's Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey, that a contract for the Master Plan Reexamination Report project is hereby awarded to the firm of Clarke Caton Hintz for an amount not to exceed \$71,866, conditioned upon certification of sufficient funding for the project by the City's Chief Financial Officer.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the City Clerk to attest, a contract between the firm of Clarke Caton Hintz and the City for this project, which contract shall be in a form satisfactory to the City Attorney.

BE IT FURTHER RESOLVED, that notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.

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

- a. Michael Capabianco, City Manager;
- b. Asbury Park Planning Board;
- c. Jack Serpico, Esq., Planning Board Attorney;
- d. Michele Alonso, Director of Planning and Redevelopment;
- e. Richard J. Gartz, Chief Financial Officer; and
- f. Frederick C. Raffetto, Esq., 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		

2016-97 A Resolution Updating the Sewer Connection Fee Rate

City Attorney Raffetto provided background on fee rate for sewer connection fees. He introduced David Kaplan, City Auditor, to testify as to the need of this resolution.

Motion made by Mayor Moor and seconded by Council Member Woerner to open Resolution 2016-97 for public hearing. The following members of the public spoke regarding Resolution 2016-97: Rita Marano, Werner Baumgartner and Keith Zyla. Motion by Deputy Mayor Quinn to close the public hearing. Council Member Kendle seconded the motion. All were in favor.

A RESOLUTION UPDATING THE SEWER CONNECTION FEE RATE

WHEREAS, Section 18-5.6 Sewer Connection Fees; Permit Required of the City Code authorizes the annual setting of the sewer connection fee as per the guidelines of N.J.S.A. 40A:26A-11; and

WHEREAS, the City Council is desirous of updating the fee rate to comply with the calculations provided by the City Auditor as required under the State Statute and said calculations are available for immediate public inspection in the office of the City Clerk; and

WHEREAS, the Council of Asbury Park here authorizes the following sewer connection fee rates:

CLASS 1. RESIDENTIAL

Single-family, condominiums, townhouses, apartments, multifamily, duplex, age restricted, trailers, mobile homes (per unit)	\$4,547.00
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CLASS 2. HOTEL OR MOTEL \$2,274.00

(Per guest room) This portion of the connection fees applies only to the number of guest rooms. The balance of the connection fee is based upon estimated water usage from the remainder of the building, including kitchens, restaurants, taverns, laundries, offices, convention or meeting rooms, sport or athletic facilities, common areas and the like.

CLASS 3. NON-RESIDENTIAL: GENERAL

Per Gallon Per Day	\$ 23.82
Minimum Connection Fee (per unit)	\$4,547.00

A minimum sewer connection charge for nonresidential users shall be imposed, in an amount equal to the residential connection fee regardless of whether the estimated usage is less than the residential rate of usage.

CLASS 4. CERTAIN AFFORDABLE HOUSING PROJECTS

Connection fees to public housing authorities and non-profit organizations building affordable housing projects that consist of new connections to the system are to be computed by providing a 50% reduction in the connection fee established in this Rate Schedule.

Connection fees to public housing authorities and non-profit organizations building affordable housing projects that consist of replacement units for demolished or refurbished units, and for which a connection fee was previously paid, are to be computed by charging the lesser of a.) the reduced rate of 50% of the connection fee established in this Rate Schedule, or b.) the connection fee established in this Rate Schedule, minus a credit in the amount of a connection fee previously paid for the housing units being replaced, provided the public housing authority and non-profit organization can establish the connection fee previously paid. If the amount of the previous connection fee cannot be established, the reduced rate of 50% of the connection fee established in this Rate Schedule shall apply.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey that the 2016 sewer connection fees are established as in the body of this Resolution.

GENERAL REQUIREMENTS APPLICABLE TO SEWER CONNECTION FEES

A. An applicant shall pay a sewer connection fee for each equivalent dwelling unit at the time that a construction permit is requested, in an amount as established by the City's Rate Schedule in effect at the time that service is requested. All sewer connection fees shall be paid in full prior to the issuance of a construction permit for the premises.

B. Connection fees for nonresidential users shall be based upon the City's calculation of estimated usage multiplied by the rate per gallon per day contained in the Rate Schedule. A minimum sewer connection charge for nonresidential users shall be imposed, in an amount equal to the residential connection fee regardless of whether the estimated usage is less than the residential rate of usage.

C. The projected flow criteria contained in N.J.A.C. 7:14A-23.3 shall be used to determine the estimated sewer usage for non-residential uses, whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the City shall use its best judgment in determining estimated sewer usage. The City may adopt additions or exceptions to the flow projections contained in N.J.A.C. 7:14A-23.3 by resolution. For the purpose of this Rate Schedule, any reference to "seat" in N.J.A.C. 7:14A-23.3 or in any projected flow criteria adopted by the City shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

D. A non-residential user shall be entitled to use the amount of sewer capacity, in gallons per day that was originally obtained through the payment of connection fees. An application for additional capacity shall be made by any non-residential user whenever there is an increase in the estimated flow of sewage from any existing building, facility or structure resulting from any physical or operational change for which a building permit, site plan, subdivision, variance or other municipal approval is required. A connection fee shall be charged to the user whenever the increase in estimated flow associated with the aforesaid physical or operational

change requires the installation of a larger size, or additional connection to the sewer system, to be calculated in accordance with the then current fees required for such new connections.

E. In the event that an application is made to reinstate sewer service to a residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed because of catastrophe, no additional connection fee shall be due provided that the application for service is made within two (2) years of the date of the prior termination of service. If there will be an increase in the estimated water usage of the building, facility or structure, then the application will also be considered as an application for additional capacity and a connection fee will be due in accordance with the conditions set forth in Section D above.

	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:

Second Reading/Public Hearing:

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

City Attorney Raffetto explain that the public hearing was held on January 27, 2016, however, the matter was tabled due to the Local Finance Board not having their hearing yet. The hearing has since occurred and a vote can now be taken.

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

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

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

SECTION 2. For the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$550,000. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$1,000,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c), as this bond ordinance authorizes obligations solely for a purpose described in N.J.S.A. 40A:2-7(d) as more fully described in Section 6(b) herein.

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

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

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

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

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

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

(b) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvement and services. The Local Finance Board, in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading. Pursuant to Local Finance Notice 2012-29, the City on November 29, 2012 adopted a special emergency resolution to provide immediate funds for the extraordinary expense of the City caused by Hurricane Sandy. The City is now making provision for such appropriation deemed capital in nature through this bond ordinance.

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

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

SECTION 9. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

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

	MOTION	SECOND	1. AYES	2. NAYES	3. 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		

2016-03 Amending and Supplementing Subsection 6-7.1, Entitled "Submission of Employee Information to Police Department" of Section 6-7, "Employees of Licensed Premises; I.D. Card Required," of Chapter VI, "Alcoholic Beverage Control," of the "Code of the City of Asbury Park, New Jersey."

City Clerk requested that this ordinance be tabled as proper notice was not provided to the newspaper due to her absence. Motion made by Mayor Moor and seconded by Council Member Clayton to table Ordinance 2016-03. All were in favor.

Public hearing for this ordinance will be held on February 24, 2016.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk