



Agenda
Meeting of the Municipal Council
Wednesday, February 24, 2016

I. Executive Session – 4:30 p.m.

Resolution 2016-101 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Carter Sackman - Savoy Theater
2. Asbury Partners, LLC/iStar - Waterfront Redevelopment Area/Redevelopment Agreement Negotiations and Amendments

B. Litigation:

1. Famularo Disciplinary

C. Personnel:

1. Interviews for Redevelopment Counsel

II. 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. **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:

- January 25, 2016 – Workshop Session
- January 27, 2016 – Executive Session
- January 27, 2016 – Regular Session
- February 8, 2016 – Workshop Session
- February 10, 2016 – Executive Session
- February 10, 2016 – 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.]

- | | |
|----------|--|
| 2016-102 | Approving Special Events/Wedding Applications as Presented on February 8, 2016 |
| 2016-103 | Resolution Amending Resolution 2016-14 Establishing Meeting Dates for 2016 |
| 2016-104 | Resolution Authorizing the Payment of Payroll in the Amount of \$893,507.94 |
| 2016-105 | Approving Catering Permit for AP Restaurant IV d/b/a Langosta Lounge for an event on March 5, 2016 |
| 2016-106 | Approving Petition to Extend Licensed Premises for Stone Pony Liquor License, LLC d/b/a The Stone Pony for an event on June 10, 2016-June 12, 2016 |
| 2016-107 | Resolution Authorizing Cancellation of Municipal Tax Sale Certificates Due to Erroneous Block / Lot |
| 2016-108 | Resolution to Credit Sewer Account (401 Second Avenue, Apartment 3, Block 3405 Lot 8) |
| 2016-109 | Resolution to Credit Sewer Account (601 Sixth Avenue, Block 3007 Lot 12) |
| 2016-110 | Resolution to Credit Sewer Account (1223 Third Avenue, Block 2205 Lot 1) |
| 2016-111 | Resolution to Credit Sewer Account (908 Central Avenue, Block 1803 Lot 11) |
| 2016-112 | Resolution to Credit Sewer Account (1029 Monroe Avenue, Block 504 Lot 26) |
| 2016-113 | Resolution to Credit Sewer Account (620 – 630 Mattison Avenue, Block 2403 Lot 2) |

- 2016-114 Resolution of the Mayor and City Council of the City of Asbury Park Supporting an Application to New Jersey DOT for a Local Bicycle/Pedestrian Planning Assistance Program
- 2016-115 Resolution Authorizing the Disposition of Surplus Property

H. Individual Resolutions

- 2016-116 Resolution Authorizing the Payment of Bills in the Amount of \$786,079.80
- 2016-117 Authorize Submission of a Grant Application to the State of New Jersey, Division of Criminal Justice, Under the Body Worn Camera (BWC) Assistance Program
- 2016-118 A Resolution Urging State Lawmakers to Fully Restore Lead Prevention Funding to the State Budget
- 2016-119 Resolution Authorizing Refunds for Parking Permit Overpayment
- 2016-120 Authorizing Professional Engineering Services with T & M Associates for the Wastewater Treatment Plant Emergency Generator Replacement
- 2016-121 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Amending the Recommendations Made In Resolution No. 2015-151 Regarding the Food Truck Court (as Proposed by Madison Asbury Retail, LLC), in the Green Acres Parcel Located at Block 4502, Lot 1.25.
- 2016-122 Creating a Business Committee

I. Ordinances:

1. First Reading/Introduction:

- 2016-04 An Ordinance Amending and Supplementing Chapter VII “Traffic” Section 7-7 “Parking” by adding Subsection 7-7.5 “Responsibility for Removal of Snow and Ice” of the “Code of the City of Asbury Park, New Jersey.”
- 2016-05 An Ordinance Amending and Supplementing Chapter IV “General Licensing” Section 4-25 “Licensing Of Towing Business” Of The “Code Of The City Of Asbury Park, New Jersey.”

2. Second Reading/Public Hearing:

- 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.”

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, FEBRUARY 24, 2016
REGULAR MEETING

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

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Clayton 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, Marty Bradshaw, Tracy Rogers, Louis Murry, Rita Marano, Reverend Evan, Sr., Maureen Nevin, Reverend John Bradley, Lori Ross and John Grant.

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

Deputy Mayor Quinn requested an update on the Bradley Cove appraisal. Council Member Woerner suggested that the Bradley Cove appraisal and the proposed moving of the sewer plant be kept as two separate issues. He also provided an update regarding the Planning Board meeting the night before. Council Member Clayton stated that there is a free expungement seminar on February 27 from 10 a.m. to 1 p.m. at St. Stephen's Church. Council Member Kendle provided an overview on the Recreation programs.

ACCEPTANCE OF MINUTES:

- January 25, 2016 –Workshop Session
- January 27, 2016 – Executive Session
- January 27, 2016 – Regular Session

- February 8, 2016 – Workshop Session
- February 10, 2016 – Executive Session
- February 10, 2016 – Regular Session

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

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.]

2016-102 Approving Special Events/Wedding Applications as Presented on February 8, 2016

Resolution # 2016-102

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on February 17, 2016, the following Special Events Applications were presented for approval by the Director of Recreation:

1. City's 81st annual Easter Parade and Pageant
2. 5th annual AP Restaurant Tour
3. Punk Rock Bowling Music Festival
4. AP Springwood Summer Music Series
5. Clean Ocean Action Sandy Paws
6. Riley/Antee Wedding
7. Kolb/Kalia Wedding

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

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

2016-103 Resolution Amending Resolution 2016-14 Establishing Meeting Dates for 2016

Resolution # 2016-103

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

**RESOLUTION AMENDING RESOLUTION 2016-14
ESTABLISHING MEETING DATES FOR 2016**

BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park that for the year 2016 the following shall be the meeting dates City Council:

March 14 (workshop)	August 8 (workshop)
March 16	August 10
March 28 (workshop)	August 22 (workshop)
March 30	August 24
April 11 (workshop)	September 12 (workshop)
April 13	September 14
April 25 (workshop)	September 26 (workshop)
April 27	September 28
May 9 (workshop)	October 11 (10/10 Holiday) (workshop)
May 11	October 12
May 23 (workshop)	October 24 (workshop)
May 25	October 26
June 13 (workshop)	November 7 (workshop)
June 15	November 9
June 27 (workshop)	November 21 (workshop)
June 29	November 22 (11/23 Thanksgiving Eve)
July 11 (workshop)	December 12 (workshop)
July 13	December 14
July 25 (workshop)	December 27 (12/26 Holiday) (workshop)
July 27	December 28

BE IT FURTHER RESOLVED that all workshop meetings begin at 6:00 p.m. and the other meeting dates are as follows: executive session begins at 5:00 p.m. and regular meetings begin at 7:00 p.m.

2016-104 Resolution Authorizing the Payment of Payroll in the Amount of
\$893,507.94

**Resolution #2016-104
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$893,507.94**

WHEREAS, the February 11, 2016 payroll in the amount of \$893,507.94, 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 \$893,507.94 is hereby authorized to be paid, and

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

2016-105 Approving Catering Permit for AP Restaurant IV d/b/a Langosta Lounge
for an event on March 5, 2016

Resolution# 2016-105

**APPROVING CATERING PERMIT FOR
CATERING PERMIT FOR AP RESTAURANT IV d/b/a
AN EVENT ON OCTOBER 24 AND 25, 2015**

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Catering Permit submitted by **AP Restaurant IV d/b/a Langosta Lounge** for an event held at Silverball Museum, 1000 Ocean Avenue, Suite 306, Asbury Park, on March 5, 2016, as approved by the Chief of Police on February 4, 2016, is hereby approved.

2016-106 Approving Petition to Extend Licensed Premises for Stone Pony Liquor
License, LLC d/b/a The Stone Pony for an event on June 10, 2016-June
12, 2016

Resolution # 2016-106

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

**APPROVING PETITION TO EXTEND LICENSED PREMISES FOR THE STONE
PONY LIQUOR LICENSE, LLC d/b/a THE STONE PONY FOR AN EVENT ON JUNE
10, 2016 THROUGH JUNE 12, 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 The Stone Pony Liquor License, LLC d/b/a The Stone Pony for an event to be held on June 10, 2016 through June 12, 2016 is hereby approved, subject to approval by the Chief of Police on February 17, 2016 and Special Events Committee.

2016-107 Resolution Authorizing Cancellation of Municipal Tax Sale Certificates
Due to Erroneous Block / Lot

Resolution # 2016-107

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

**RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL TAX SALE
CERTIFICATES DUE TO ERRONEOUS BLOCK / LOT**

WHEAREAS, Certificate of Sale #15-00290 was issued to TTLBL, LLC for delinquent taxes on Block 3603 Lot 9.16 Qualifier C0301 commonly known as 300 Seventh Avenue, Unit 24, at a Tax Sale held on December 22, 2016; and

WHERAS, Certificate of Sale #15-00290 was issued to TTLBL, LLC for delinquent taxes on Block 3602 Lot 15 commonly known as 409 Sixth Avenue, at a Tax Sale held on December 22, 2016; and

WHERAS, by the way of evidence that 2 tax sale certificates were issued to TTLBL, LLC with the same certificate number for 2 separate parcels; and

WHERAS, redemption payment was received in the amount of \$10,251.08 for the erroneously billed tax sale certificate for delinquent taxes on Block 3602 Lot 15 commonly known as 409 Sixth Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorized the Tax Collector to accept redemption payment within 10 days of tax sale held on December 22, 2016 in the amount of \$10,221.08 and cancel tax sale certificate #15-00290 and reissue tax sale certificate as follows:

1. Certificate of Sale #15-00276 issued to TTLBL, LLC for delinquent taxes on Block 3602 Lot 15 commonly known as 409 Sixth Avenue, at a Tax Sale held on December 22, 2016

2016-108 Resolution to Credit Sewer Account (401 Second Avenue, Apartment 3,
Block 3405 Lot 8)

Resolution # 2016-108

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Cynthia Meehan, owner of the property located at 401 Second Avenue, Apartment 3, Block 3405 Lot 8 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 10673007-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 278,000 gallons and the City of Asbury Park billed for 384,000 gallons at a rate of \$2314.75, coverage from June to November 2015; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 278,000 gallons should be billed at a rate of \$1867.50.

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 # 10673007-0 for the 2016 1st QTR sewer billing in the amount of \$439.90 for 106,000 gallons.

2016-109 Resolution to Credit Sewer Account (601 Sixth Avenue, Block 3007 Lot 12)

Resolution # 2016-109

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Norma M and Carmela M Manfredi, owners of the property located at 601 Sixth Avenue, Block 3007 Lot 12 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 10802258-0; 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 37,000 gallons at a rate of \$233.55; 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 \$171.30.

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 # 10802258-0 for the 2016 1st QTR sewer billing in the amount of \$62.25 for 15,000 gallons.

2016-110 Resolution to Credit Sewer Account (1223 Third Avenue, Block 2205 Lot 1)

Resolution # 2016-110

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Mable Sandifer, owner of the property located at 1223 Third Avenue, Block 2205 Lot 1 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 10093508-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 18,000 gallons and the City of Asbury Park billed for 38,000 gallons at a rate of \$237.70; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 18,000 gallons should be billed at a rate of \$154.70.

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 # 10093508-0 for the 2016 1st QTR sewer billing in the amount of \$83.00 for 20,000 gallons.

2016-111 Resolution to Credit Sewer Account (908 Central Avenue, Block 1803 Lot 11)

Resolution # 2016-111

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Ernestine Crudup, owner of the property located at 908 Central Avenue, Block 1803 Lot 11 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 10207000-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 15,000 gallons and the City of Asbury Park billed for 188,000 gallons at a rate of \$860.20, coverage from September to November 2015; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 15,000 gallons should be billed at a rate of \$142.25.

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 # 10207000-0 for the 2016 1st QTR sewer billing in the amount of \$717.95 for 173,000 gallons.

2016-112 Resolution to Credit Sewer Account (1029 Monroe Avenue, Block 504 Lot 26)

Resolution # 2016-112

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Mable Sandifer, owner of the property located at 1029 Monroe Avenue, Block 504 Lot 26 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 10290508-1; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 2,000 gallons and the City of Asbury Park billed for 40,000 gallons at a rate of \$246.00; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 2,000 gallons should be billed at a rate of \$88.30.

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 # 10290508-1 for the 2016 1st QTR sewer billing in the amount of \$157.70 for 38,000 gallons.

2016-113 Resolution to Credit Sewer Account (620 – 630 Mattison Avenue, Block 2403 Lot 2)

Resolution # 2016-113

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

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. Fasano, Patrick, owner of the property located at 620 – 630 Mattison Avenue, Block 2403 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 10530754-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 45,000 gallons and the City of Asbury Park billed for 361,000 gallons at a rate of \$1,578.15; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 45,000 gallons should be billed at a rate of \$266.75.

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 # 10530754-0 for the 2016 1st QTR sewer billing in the amount of \$1,311.40 for 316,000 gallons.

2016-114 Resolution of the Mayor and City Council of the City of Asbury Park
Supporting an Application to New Jersey DOT for a Local
Bicycle/Pedestrian Planning Assistance Program

Resolution # 2016-114

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK SUPPORTING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A LOCAL BICYCLE/PEDESTRIAN PLANNING ASSISTANCE PROGRAM

WHEREAS, the New Jersey Department of Transportation (the “NJ DOT”) offers a Local Bicycle/Pedestrian Planning Assistance Program; and

WHEREAS, under this program, the NJ DOT has retained the services of several consultants with expertise in local bicycle and pedestrian planning. The services of these consultants are provided at no cost to counties and municipalities that demonstrate a need and desire to undertake planning activities that will lead to capital improvements to benefit the non-motorized modes; and

WHEREAS, there is both a need and demand in the City of Asbury Park for a bicycle plan; and

WHEREAS, the City of Asbury Park therefore wishes to apply to the NJ DOT for inclusion in the Local Bicycle/Pedestrian Planning Assistance Program; and

WHEREAS, the Mayor and Municipal Council support the application for a bicycle plan, as an exercise of sound planning; and

WHEREAS, a good faith effort will be made by the municipality to implement the recommendations of the planning study.

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

1. That the Mayor and Council hereby support an application for a bicycle plan to the NJ DOT Local Bicycle/Pedestrian Planning Assistance Program.
2. That the municipality will make a good faith effort in implementing the recommendations of the planning study.

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

- a. Michele Alonso, Director of Planning and Redevelopment;
- b. Michael Capabianco, City Manager
- c. Frederick C. Raffetto, Esquire, City Attorney.
- d. NJ DOT

2016-115 Resolution Authorizing the Disposition of Surplus Property

Resolution # 2016-115

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

**RESOLUTION AUTHORIZING THE DISPOSITION OF
SURPLUS PROPERTY**

WHEREAS, the City of Asbury Park has property that have exceeded their useful life and no longer serve the needs of the City of Asbury Park; and

WHEREAS, it is the desire of the Mayor and City Council to declare the property as surplus as follows:

- 1) Three (3) Panasonic Toughbook CF-19
- 2) One (1) Panasonic Toughbook CF-30
- 3) One (1) Gateway Desktop Model # E Series SN 0034663941
- 4) One (1) Gateway Monitor Model # FPD1765

- 5) One (1) Set Gateway Speakers SN # 4704009657
- 6) One (1) Gateway Keyboard
- 7) One (1) HP Laserjet P4015N Printer
- 8) One (1) Dell PC Model Vostro SN # 5J35FQ1
- 9) One (1) Gateway Monitor SN # 46970P02577
- 10) One (1) HP Officejet Pro L7680

WHEREAS, the equipment will be discarded/recycled as there is no value to these items.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park do hereby authorize the disposition of the equipment listed above as they are no longer needed for municipal purposes and is hereby considered surplus.

	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		

H. Individual Resolutions

2016-116 Resolution Authorizing the Payment of Bills in the Amount of \$786,079.80

**Resolution #2016-116
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF \$786,079.80

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 \$786,079.80 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	\$786,079.80
----------------	--------------

Mayor Moor questioned the item on page 9 for \$11,250. City Manager Capabianco provided at satisfactory response that the money would be initially taken out of the public works line item but would be transferred to the storm account.

Mayor Moor abstained from the item regarding medical billing for retirees.

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

2016-117 Authorize Submission of a Grant Application to the State of New Jersey, Division of Criminal Justice, Under the Body Worn Camera (BWC) Assistance Program

Resolution # 2016-117

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

AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY, DIVISION OF CRIMINAL JUSTICE, UNDER THE BODY WORN CAMERA (BWC) ASSISTANCE PROGRAM

WHEREAS, the State of New Jersey, Division of Criminal Justice has posted the availability of funds for the Body Worn Camera (BWC) Assistance Program. Under this program the Office of the Attorney General will provide applicant County Prosecutor's Offices with state forfeiture funds to purchase BWC's on behalf of applicant, county and municipal police departments. The Acting Attorney General has authorized an offset of up to \$500 per each body-worn camera or camera "package" purchased under this program or BWC. Total cost of each unit is \$1,285.54, making Asbury Park's obligation \$785.54 per unit. Asbury Park intends to purchase 70 units, thus a grand total obligation of \$54,987.50. It is intended to utilize funding from the City of Asbury Park Bond Ordinance number 3084. Applications for the BWC assistance program shall be submitted by the County Prosecutor on behalf of all municipal and county police departments within their jurisdiction.

WHEREAS, the City of Asbury Park Police Department desires to apply for this program for the purpose of documenting visual and aural facts and evidence learned in the course of conducting police investigations as well as maintaining and/or advancing public safety and maintaining and/or improving the efficiency of the Police Department

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, County of Monmouth, State of New Jersey hereby authorizes the submission of a State of New Jersey, Division of Criminal Justice Body Worn Camera (BWC) Assistance Program grant application on behalf of the City of Asbury Park.

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Acting Chief of Police are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the State of New Jersey, Division of Criminal Justice; and,

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

	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		

2016-118 A Resolution Urging State Lawmakers to Fully Restore Lead Prevention Funding to the State Budget

Resolution # 2016-118

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

A RESOLUTION URGING STATE LAWMAKERS TO FULLY RESTORE LEAD PREVENTION FUNDING TO THE STATE BUDGET

WHEREAS, lead is a heavy metal that is not safe for human contact or ingestion at any level, and lead poisoning is particularly harmful to children as it causes permanent neurological dysfunction and can result in a lifetime of cognitive limitations; and

WHEREAS, the dangers of lead poisoning have been known for many years, and as an acknowledgment of this hazard and as a way to help municipalities identify, treat, and/or prevent lead-affected populations, the State of New Jersey instituted a Lead Hazardous Control Assistance Fund in the year 2004; and

WHEREAS, since the Lead Hazardous Control Assistance Fund was established in 2004, New Jersey's Governors have diverted more than \$50 million from the Fund into the general state fund, depriving families from assistance and access to abatements when a child is poisoned by lead; and

WHEREAS, the (name of the municipality) does have a Childhood Lead Poisoning and Prevention Program which serves families throughout the County, and while (name of the municipality) water supply is not contaminated with elevated levels of lead, exposure to lead is still a danger for (name of the municipality) children through environmental contaminants including paint, pottery, certain cosmetics, imported foods, or homeopathic remedies; and

WHEREAS, a study using the most recent data available from the State found that the prevalence of lead exposure in (name of the municipality) youth population is among the highest in New Jersey; and

WHEREAS, the resources of the State's Hazardous Lead Control Assistance Fund are desperately needed to address the ongoing crisis of lead exposure throughout New Jersey's communities.

NOW, THEREFORE, BE IT RESOLVED THAT the Municipal Council of (name of the municipality) does hereby urge the lawmakers representing (name of the municipality) in the New Jersey State Legislature to fully fund the State's Hazardous Lead Control Assistance Fund in the amount of \$10 million in order to ensure the health and safety of New Jersey's youngest and most vulnerable residents; and

BE IT FURTHER RESOLVED, that the City Clerk will send copies of this resolution to the Office of the Governor of New Jersey as well as the following legislators' district offices:

1. Senator Jennifer Beck, 11th District
2. Assemblywoman Joann Downey, 11th District
3. Assemblyman Eric Houghtaling, 11th District

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

2016-119 Resolution Authorizing Refunds for Parking Permit Overpayment

Resolution # 2016-119

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

**RESOLUTION AUTHORIZIING REFUNDS FOR PARKING PERMIT
OVERPAYMENT**

WHERAS, the City of Asbury has determined that the following individuals have been erroneously overcharged for parking permits and shall be issued a refund upon signing of a Voucher.

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 refunds shall be given to the following individuals who overcharged for parking permits:

PERMITEE	Notes
Haltel, Robin/ Sacoo, Annah	Reimburse \$30
LoNigro, Damien	Reimburse \$30
Davis, Tim	Reimburse \$30
Felzenberg, Carla J.	Reimburse \$30
Nicholasi, Richard	Reimburse \$30
Coyle, Gerald E.	Reimburse \$30
Schaffner, Patrick	Reimburse \$30
Goldberg, Marc	Reimburse \$30
Brown, Robert	Reimburse \$30
DiFalco, Samuel	Reimburse \$30
Elston, Fred	Reimburse \$30
Krzak, Barbara/ Rosewater, Gail	Reimburse \$30
Benshetler, Joe	Reimburse \$30
Ruthrauff, William	Reimburse \$30
Ruthrauff, William	Reimburse \$30
Wright, Jean	Reimburse \$60
Grifo, Antonia	Reimburse \$60
Adams, Jeanne	Reimburse \$60

	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		

2016-120 Authorizing Professional Engineering Services with T & M Associates for the Wastewater Treatment Plant Emergency Generator Replacement

**Resolution #2016-120
City of Asbury Park
County of Monmouth
State of New Jersey**

Authorizing Professional Engineering Services with T & M Associates for the Wastewater Treatment Plant Emergency Generator Replacement

WHEREAS, the City of Asbury Park has determined a need to contract for the services of the City Engineer; and

WHEREAS, on Tuesday, January 5, 2016, on Resolution Number 2016-07, Mayor and Council appointed T & M Associates the professional services contract of City Engineer for the year 2016; and

WHEREAS, the City of Asbury Park is in need of services for the new emergency generator at the Wastewater Treatment Plant and T & M Associates has submitted their outline of service and costs dated February 8, 2016; and

WHEREAS, the project to be undertaken and the accompanying not to exceed costs associated with the new emergency generator at the Wastewater Treatment Plant totals \$73,000.00 (seventy - three thousand and zero cents) in accordance with the T & M Associates' proposal dated February 8, 2016; and

WHEREAS, there are sufficient funds available per the attached certification of funds.

NOW, THEREFORE, BE IT IS RESOLVED that the Mayor and City Council of the City of Asbury Park authorizes T & M Associates continue with its efforts to effectuate the aforementioned service.

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

	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		

2016-121 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Amending the Recommendations Made In Resolution No. 2015-151 Regarding the Food Truck Court (as Proposed by Madison Asbury Retail, LLC), in the Green Acres Parcel Located at Block 4502, Lot 1.25.

**Resolution # 2016-121
City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
ASBURY PARK, ACTING AS THE WATERFRONT REDEVELOPMENT ENTITY,
AMENDING THE RECOMMENDATIONS MADE IN RESOLUTION NO. 2015-151
REGARDING THE FOOD TRUCK COURT (AS PROPOSED BY MADISON ASBURY
RETAIL, LLC), IN THE GREEN ACRES PARCEL LOCATED AT**

BLOCK 4502, LOT 1.25.

WHEREAS, on April 8, 2015, the Mayor and Council of the City of Asbury Park (the “City”), acting as the Waterfront Redevelopment Entity, adopted Resolution No. 2015-151, which granted conceptual approval to Madison Asbury Retail, LLC (the “Developer”), for the operation of a food truck court in the Green Acres parcel located at Block 4502, Lot 1.25 (the “Project”), and referred the matter to the Planning Board for appropriate approval(s); and

WHEREAS, in said Resolution, the Mayor and Council made recommendations to the Planning Board for the imposition of certain conditions on any approval of the Project, which recommendations were based upon concerns regarding the impact that the Project might have upon the neighboring residential uses and the public; and

WHEREAS, the first two recommendations made by the Mayor and Council included the following:

1. That approval of the Project be limited to two (2) years with the ability of the Developer to obtain an extension upon a subsequent request to the Mayor and Council; and
2. That the hours of operation be limited to 11:00 a.m. to 9:00 p.m.; and

WHEREAS, having completed the first year of the Project, the Developer has requested that the Mayor and Council, in its capacity as the Waterfront Redevelopment Entity, consider amending the above two recommendations in the following respects:

1. That the Council extend its approval of the Project from the original two (2) year time frame to a term of six (6) years (with the ability for the Developer to receive extensions from the Council acting in its capacity as the City’s Waterfront Redevelopment Entity) so that the Council’s recommended time period would coincide with the six (6) year term as approved by the Planning Board; and
2. That the hours of operation be enlarged from those previously approved (11:00 a.m. to 9:00 p.m.) to the following: 10:00 a.m. to 10:00 p.m. on a 7-day basis; and

WHEREAS, the Mayor and Council, having considered this request, have determined to revise the recommendations as set forth in Resolution No. 2015-151, regarding the Project, as set forth below.

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

1. That the Mayor and Council hereby revise their proposed condition (number 1) on the approval of the Project, as set forth in Resolution No. 2015-151, to the effect that the Council recommends that approval of the Project be limited to three (3) years (retroactively including the year 2015), with the

ability of the Developer to obtain an extension upon a subsequent request to the Mayor and Council.

2. That the Mayor and Council hereby revise their proposed condition (number 2) on the approval of the Project, as set forth in Resolution No. 2015-151, to the effect that the hours of operation be limited to the following:
 - (a) On weekdays (Mondays through Thursdays) and on Sundays: 10:00 a.m. to 9:00 p.m.;
 - (b) On Fridays and Saturdays: 10:00 a.m. to 10:00 p.m.;
 - (c) Notwithstanding the provisions set forth in (a) and (b) above, the hours of operation may be from 10:00 a.m. to 10:00 p.m. on the following dates:
 - 1) The Sunday immediately preceding Memorial Day;
 - 2) Independence Day (4th of July); and
 - 3) The Sunday immediately preceding Labor Day.
3. That all other conditions and provisions set forth in Resolution No. 2015-151 shall remain in full force and effect.
4. That the Mayor and Council respectfully recommend that the Planning Board consider the Council's recommendations as set forth above, and that the Planning Board modify its Resolution providing preliminary and final site plan approval for the Project, as adopted on May 4, 2015, accordingly.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Madison Asbury Retail, 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) Karl Kemm, Esq., Redevelopment Counsel; and
 - (g) Frederick C. Raffetto, Esq., Municipal 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		
-----------------	--	--	---	--	--

2016-122 Creating a Business Committee

Resolution # 2016-122

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

CREATING A BUSINESS COMMITTEE

WHEREAS, the City of Asbury Park desires to create a Business Committee consisting of a cross section of all businesses within the City; and

WHEREAS, utilizing best available data from the 2013 County Business Patterns available from the Census Bureau the City has identified the top six industries that reside within the City; and

WHEREAS, the top industries shall have representation on the Business Committee and they are as follows:

Retail Trade – 15.1%
Health Care & Social Services – 14.46%
Accommodations & Food – 12.07%
Professional, Scientific, and Technical Services – 10.72%
Other Services – 10.20%

WHEREAS, the Business Committee may consist of the following members, and other members as may be added as needed, all of whom shall be appointed by the City Council:

- Asbury Park Councilmember
- Asbury Park City Manager or designee
- Chamber of Commerce representative
- Retail Trade (2 members)
- Health Care & Social Services (1 members)
- Accommodations & Food (2 members)
- Professional Services (1 members)
- Others members (2 members) as appointed by the Mayor to ensure all geographical segments of the City are represented

WHEREAS, the City Manager shall be designated the Chairperson until the Committee identifies the following for itself:

- Vision Statement
- Mission Statement
- Attainable Goals to be completed within the first year

WHEREAS, upon completion of a vision statement, mission statement, and attainable goals, the Committee shall elect a new Chairperson from among its members.

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 Business Committee is hereby established as listed above.

Deputy Mayor Quinn stated that when the Council was out campaigning, one of the biggest complaints was that the City was not business friendly. Establishing this committee is the first step to improve those relations.

	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. Ordinances:

1. First Reading/Introduction:

2016-04 An Ordinance Amending and Supplementing Chapter VII “Traffic” Section 7-7 “Parking” by adding Subsection 7-7.5 “Responsibility for Removal of Snow and Ice” of the “Code of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2016-04. Mayor Moor explained the reason behind this from the experiences from the last snow storm. City Attorney Raffetto provided an overview of the ordinance.

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

Public hearing for Ordinance 2016-04 is scheduled for March 16, 2016.

2016-05 An Ordinance Amending and Supplementing Chapter IV “General Licensing” Section 4-25 “Licensing Of Towing Business” Of The “Code Of The City Of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2016-05. City Attorney Raffetto provided an overview of the ordinance. The Council discussed the radius limits. They requested that the five mile radius be changed to 10 miles.

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

Public hearing for Ordinance 2016-05 is scheduled for March 16, 2016.

2. Second Reading/Public Hearing:

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 Attorney Raffetto stated that there was a minor change in the ordinance at the request of a local merchant. Mayor Moor made the motion to amend the non-substantial change to the ordinance. Council Member Clayton seconded the motion. All were in favor.

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

WHEREAS, the Mayor and City Council wish to make certain revisions to the Code of the City of Asbury Park regarding the registration requirements associated with those persons who are employed by or connected to any licensed premises within the City.

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 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,” is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER VI

ALCOHOLIC BEVERAGE CONTROL

1. 6-7 EMPLOYEES OF LICENSED PREMISES; I.D. CARD REQUIRED.

a. 6-7.2 Registration with Police Required; Exceptions.

a. Plenary Retail Consumption and Plenary Retail Distribution License ~~Employees Personnel. Any person who sells, serves or solicits the sale of alcoholic beverages at, or in connection with, any premises that holds a plenary retail consumption license or plenary retail distribution license within the City, or who is involved in the management of any premises that has received a plenary retail consumption license or plenary retail distribution license within the City, or who provides security or entrance admission services at or to any such licensed premises on more than twenty (20) working days in any one (1) calendar year, must first obtain a City-issued ABC Card from the Police Department. All persons who shall sell, solicit the sale of, mix, process or prepare any alcoholic beverage at or from any bar or establishment selling alcoholic beverages from original package or container under a plenary retail consumption license or a plenary retail distribution license, and all persons who are employed as security officers, or bouncers, shall register with the Police Department, provided, however, that this subsection shall not apply to:~~

1. ~~Bus boys or bus girls.~~

2. ~~Entertainers.~~

3. ~~Any persons who individually or as a partnership or as an officer, director or holder of more than ten (10%) percent of the stock of a corporation holding a plenary retail consumption license or any retail distribution license, is required to execute a questionnaire in a form provided by the Director of the Division of Alcoholic Beverage Control and maintain such form upon the licensed premises.~~

b. Club License Employees. All persons who shall sell, serve, solicit the sale of, mix, process, or prepare any alcoholic beverage at or from original package or container under a club license where such person's employment exceeds ten (10) working days in any one (1) calendar year and the person receives regular recurring monetary remuneration in connection with the employment, shall register with the Police Department.

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).

Council Member Clayton made a motion to open Ordinance 2016-03 to the public. Council Member Woerner seconded the motion all were in favor. There was no public comment.

Council Member Kendle made a motion to close the public portion of Ordinance 2016-03.
Council Member Woerner seconded the motion. All were in favor.

	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		

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk