



Revised: 3.16.16

Agenda
Meeting of the Municipal Council
Wednesday, March 16, 2016

I. Executive Session – 5:00 p.m.

Resolution 2016-123 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Carter Sackman - Savoy Theater
2. Asbury Partners, LLC/iStar – Waterfront Redevelopment Area (WRA)

B. Personnel:

1. Social Services Department
2. Finance Department
3. Deputy Chief of Police Contract
4. Appointment of Municipal Court Judge

C. Litigation:

1. Famularo Disciplinary

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 comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. Matters from City Council

F. Matters from City Manager

G. Matters from City Attorney

H. 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.]

- I. Acceptance of Minutes:
- February 22, 2016 – Executive Session
 - February 22, 2016 – Workshop Session
 - February 24, 2016 – Executive Session
 - February 24, 2016 – Regular Session

J. Consent Agenda Resolutions.

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

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|----------|--|
| 2016-124 | Approving Special Events/Wedding Applications as Presented on March 14, 2016 |
| 2016-125 | Resolution Authorizing the Payment of Payroll in the Amount of \$874,446.71 |
| 2016-126 | Approving Social Affairs Permit for The Asbury Park Chamber of Commerce for an Event on April 21, 2016 |
| 2016-127 | Approving Social Affairs Permit for The Center in Asbury Park, Inc. for an event on May 20, 2016 |
| 2016-128 | Approving Catering Permit for Catering Permit for Enigma Restaurant d/b/a Hotel Tides for an Event on June 5, 2016 |
| 2016-130 | Resolution to Credit Sewer Account (408 Seventh Avenue, Block 3602 Lot 2) |
| 2016-131 | Resolution to Credit Sewer Account (511 Sixth Avenue, Block 3601 Lot 16) |
| 2016-132 | Resolution to Credit Sewer Account (600 Eighth Avenue, Block 3004 Lot 12) |
| 2016-133 | Resolution to Credit Sewer Account for Deduct Meters |
| 2016-134 | Resolution to Cancel Taxes for the City of Asbury Park Owned Properties |
| 2016-135 | Appointment of Recycling Coordinator |
| 2016-136 | Resolution Authorizing the Disposition of Surplus Property |
| 2016-137 | Authorizing the Entering of a Memorandum of Understanding with the Environmental/Shade Tree Commission |
| 2016-138 | Authorizing the Entering of a Memorandum of Understanding with the Asbury Park Library Board of Trustees |

- 2016-139 Authorizing the Entering of a Memorandum of Understanding with the Asbury Park Zoning Board of Adjustment
- 2016-140 Authorizing the Execution of a License Agreement between the City of Asbury Park and Jersey Central Power & Light Company
- 2016-141 Authorizing the City Manager to Sign an Agreement with Madison Marquette for the Easter Pageant

K. Individual Resolutions

- 2016-86 Resolution Authorizing the Transfer of Appropriations in the Fiscal Year 2015 Budget to Reserve for Compensated Absences Trust Fund
- 2016-129 A Resolution to Permit the Asbury Park Fire Department to Apply for the 2015 SAFER Grant
- 2016-142 Resolution Authorizing the Closing of the Beaches to the Public and Authorizing the Issuance of Seasonal and Daily Passes to Allow Access to the Closed Beaches
- 2016-143 Resolution Authorizing the Transfer of Funds from the 4th of July Dedicated Trust Fund to the Recreation Dedicated Trust Fund
- 2016-144 Resolution Amending Temporary Budget Appropriations for 2016
- 2016-145 Resolution Authorizing the Payment of Bills in the Amount of \$2,579,442.02
- 2016-146 Approval of Purchase of Body Worn Cameras under State Contract
- 2016-147 Authorizing the Execution of an Agreement with Borough of Deal for Maintenance and Repair of Fire Apparatus
- 2016-148 Authorizing the Extension of the Transportation of Liquid Sludge through May 27, 2017
- 2016-149 Resolution Rejecting All Bids for Ocean Outfall Cleaning and Diffuser Repair
- 2016-150 Authorizing Change Order # 1 to the Contract with Sodon's Electric, Inc. for Boardwalk Lighting – Asbury Park Waterfront Development Project
- 2016-151 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow and Funding Agreement with APB Realty, LLC for a Request for an Amendment to the CBD Redevelopment Plan
- 2016-152 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow and Funding Agreement with 722 Mattison Avenue Realty, LLC, 208 Main Street Realty, LLC And 228 Main Street Realty, LLC for a Request for an Amendment to the CBD Redevelopment Plan
- 2016-153 Appointing Redevelopment Counsels, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith
- 2016-154 Resolution in Support of the City of Asbury Park Taking Action to Fight Global Climate Change
- 2016-155 Authorizing the Planting of Beach Grass

L. Ordinances:

1. First Reading/Introduction:

- 2016-06 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
- 2016-07 An Ordinance Amending and Supplementing Chapter VIII “Authorities, Boards, Commissions, Committees, and Volunteers” Creating A New Section 2-59 “Beach Utility”
- 2016-08 Approving and Adopting an Amendment to the Central Business District Redevelopment Plan Relating to the Subdivision of Overlook Park
- 2016-09 Ordinance of the Mayor and City Council of the City of Asbury Park Authorizing the Sale of Certain Real Property Which is No Longer Needed for Public Use (Block 1003, Lot 68 – 1413 ½ Springwood Avenue)
- 2016-10 An Ordinance Authorizing the Sale of Certain Real Property Located at 1506 Park Avenue (Block 3603, Lot 19) to the Asbury Park Board of Education
- 2016-11 An Ordinance Amending and Supplementing Section 7-20, Entitled “One-Way Streets,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey.”

2. Second Reading/Public Hearing:

- 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.”

M. Introduction of 2016 Municipal Budget:

- 2016-156 Introduction of the 2016 Municipal Budget

PUBLIC HEARING SCHEDULED FOR APRIL 13, 2016

N. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, March 16, 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."

MATTERS FROM CITY COUNCIL

Council Member Woerner provided an update on the Wesley Lake Commission and the treatment of the pond weed.

Council Member Kendle brought up the recall election and his concerns about the rumors of a possible recall for Mayor Moor. He provided his full support to Mayor Moor.

Deputy Mayor Quinn read a letter from the Asbury Park Fishing Club and read all the names of the recipients. Mayor Moor provided the recipients with checks from the Asbury Park Fishing Club. She also thanked everyone involved with the St. Patty's Day parade.

Mayor Moor received a letter regarding disaster aid from the winter snow storm. He spoke about the rally on the boardwalk on January 31 regarding off shore drilling.

MATTERS FROM CITY MANAGER

City Manager Capabianco provided an overview of the municipal budget being introduced this evening.

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: Jill Bartlett, Danny McGee, Felicia Simmons, Jackie Pappas, Kim Perrelli, Marty Bradshaw, Rita Marano, David Morton, Tracy Rogers and Mark Smolji.

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

ACCEPTANCE OF MINUTES:

- February 22, 2016 – Executive Session
- February 22, 2016 – Workshop Session
- February 24, 2016 – Executive Session
- February 24, 2016 – Regular Session

	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		

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.]

2016-124 Approving Special Events/Wedding Applications as Presented on March 14, 2016

Resolution # 2016-124

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on March 14, 2016, the following Special Events Applications were presented for approval by the Director of Recreation:

1. The NJ AIDS walk

2. Bike MS
3. Best Day Foundation
4. Diva Dodgeball
5. Igelsia Revival
6. Art Star Craft Bazaar
7. Cathedral International Ocean Baptism
8. A day of hope family festival
9. Weddings:
 - a. Scarano/Ward 9/25
 - b. Britlingham/Cubano 10/1

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.

2016-125 Resolution Authorizing the Payment of Payroll in the Amount of
\$874,446.71

**Resolution #2016-125
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$874,446.71**

WHEREAS, the February 29, 2016 payroll in the amount of \$874,446.71, 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 \$874,446.71 is hereby authorized to be paid, and;

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

2016-126 Approving Social Affairs Permit for The Asbury Park Chamber of
Commerce for an Event on April 21, 2016

**Resolution #2016-125
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$874,446.71**

WHEREAS, the February 29, 2016 payroll in the amount of \$874,446.71, 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 \$874,446.71 is hereby authorized to be paid, and;

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

2016-127 Approving Social Affairs Permit for The Center in Asbury Park, Inc. for an event on May 20, 2016

Resolution # 2016-127

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

**APPROVING SOCIAL AFFAIRS PERMIT FOR THE CENTER IN ASBURY PARK,
INC. FOR AN EVENT ON MAY 20, 2016**

NOW, THEREFORE, 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 The Center in Asbury Park for an event to be held at Convention Hall, 1300 Ocean Avenue, Asbury Park, on May 20, 2016, as approved by the Chief of Police on February 22, 2016, is hereby approved.

2016-128 Approving Catering Permit for Catering Permit for Enigma Restaurant d/b/a Hotel Tides for an Event on June 5, 2016

Resolution # 2016-128

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

**APPROVING CATERING PERMIT FOR
CATERING PERMIT FOR ENIGMA RESTAURANT d/b/a HOTEL TIDES
FOR AN EVENT ON JUNE 5, 2016**

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 **Enigma Restaurant d/b/a Hotel Tides** for an event held at Bradley and Ocean Parks, Asbury Park, on June 5, 2016, as approved by the Chief of Police on March 8, 2016, is hereby approved.

2016-130 Resolution to Credit Sewer Account (408 Seventh Avenue, Block 3602 Lot 2)

Resolution # 2016-130

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Sandy Morrison, Manager of the property located at 408 Seventh Avenue, Block 3602 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 10815007-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 239,000 gallons and the City of Asbury Park billed for 301,000 gallons at a rate of \$1,329.15, 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 239,000 gallons should be billed at a rate of \$1,071.85.

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 # 10815007-0 for the 2016 1st QTR sewer billing in the amount of \$257.30 for 62,000 gallons.

2016-131 Resolution to Credit Sewer Account (511 Sixth Avenue, Block 3601 Lot 16)

Resolution # 2016-131

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Ms. Sandy Morrison, owner of the property located at 511 Sixth Avenue, Block 3601 Lot 16 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 10809250-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 7,000 gallons and the City of Asbury Park billed for 18,000 gallons at a rate of \$154.70, 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 7,000 gallons should be billed at a rate of \$109.05.

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 # 10809250-0 for the 2016 1st QTR sewer billing in the amount of \$45.65 for 11,000 gallons.

2016-132 Resolution to Credit Sewer Account (600 Eighth Avenue, Block 3004 Lot 12)

Resolution # 2016-132

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Mr. Anthony Granito, owner of the property located at 600 Eighth Avenue, Block 3004 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 10864755-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 59,000 gallons and the City of Asbury Park billed for 75,000 gallons at a rate of \$391.25, 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 59,000 gallons should be billed at a rate of \$324.85.

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 # 10864755-0 for the 2016 1st QTR sewer billing in the amount of \$66.40 for 16,000 gallons.

2016-133 Resolution to Credit Sewer Account for Deduct Meters

Resolution # 2016-133

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

RESOLUTION TO CREDIT SEWER ACCOUNT FOR DEDUCT METERS

WHEREAS: the City of Asbury Park has deduct meters used for irrigation credits and is not connected to a sewer line; and

WHEREAS, it was made certain that New Jersey American Water Company bills for water consumption; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the Tax Collector should issue a sewer credit on accounts with a deduct meter.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit each sewer account with a deduct meter reading each quarter for 2016.

2016-134 Resolution to Cancel Taxes for the City of Asbury Park Owned Properties

Resolution # 2016-134

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

RESOLUTION TO CANCEL TAXES

WHEREAS, N.J.S.A. 54:4-54, Allows the County Board of Taxation or the governing body of the taxing district to order the correction to be made and a refund of any payments made (with no interest) when by mistake, a property has been twice entered and assessed on the tax duplicate.

WHEREAS, the tax collector, is reporting the taxes need to be canceled on taxes were assessed to City of Asbury Park owned properties for the tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015 & 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park hereby authorizes the cancellation of taxes for the tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015 & 2016 on City of Asbury Park owned properties.

2016-135 Appointment of Recycling Coordinator

Resolution # 2016-135

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

APPOINTMENT OF RECYCLING COORDINATOR

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Asbury Park hereby appoint Yvonne Adams as the Recycling Coordinator for 2016.

2016-136 Resolution Authorizing the Disposition of Surplus Property

Resolution # 2016-136

**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:

- (3) Panasonic CF-19 Toughbook
- Panasonic CF-30 Toughbook
- Dell Vostro 260 desktop computer
- (3) HP Compaq desktop computers
- Gateway All-in-One desktop computer
- Dell OptiPlex 170C desktop computer
- Hewlett-Packard OptiPlex GX620 desktop computer
- Hewlett-Packard LaserJet 1320n printer
- Hewlett-Packard LaserJet 4350n printer
- Brother fax machine
- HP Officejet K80xi fax machine
- Carrier 220V window air conditioner
- Fedders 110V window air conditioner

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.

2016-137 Authorizing the Entering of a Memorandum of Understanding with the
Environmental/Shade Tree Commission

Resolution # 2016-137

City of Asbury Park

**County of Monmouth
State of New Jersey**

**AUTHORIZING THE ENTERING OF A MEMORANDUM OF UNDERSTANDING
WITH THE ENVIRONMENTAL/SHADE TREE COMMISSION**

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 Environmental/Shade Tree Commission has adopted this MOU 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 Environmental/Shade Tree Commission to be signed and returned; and

WHEREAS, the City Clerk shall provide final, signed copies to the Environmental/Shade Tree Commission 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/eo/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.

2016-138 Authorizing the Entering of a Memorandum of Understanding with the
Asbury Park Library Board of Trustees

Resolution # 2016-138

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

**AUTHORIZING THE ENTERING OF A MEMORANDUM OF UNDERSTANDING
WITH THE LIBRARY BOARD OF TRUSTEES**

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 Library Board has adopted this MOU 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 Library Board to be signed and returned; and

WHEREAS, the City Clerk shall provide final, signed copies to the Library 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

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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.
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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%2Ffnjac_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.

2016-139 Authorizing the Entering of a Memorandum of Understanding with the Asbury Park Zoning Board of Adjustment

Resolution # 2016-139

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

**AUTHORIZING THE ENTERING OF A MEMORANDUM OF UNDERSTANDING
WITH THE ZONING 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 Zoning Board of Adjustment has adopted this MOU at their March 8, 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 Zoning Board of Adjustment to be signed and returned; and

WHEREAS, the City Clerk shall provide final, signed copies to the Zoning Board of Adjustment 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&usq=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.

Resolution # 2016-140

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

**AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE
CITY OF ASBURY PARK AND JERSEY CENTRAL POWER & LIGHT COMPANY**

WHEREAS, the City of Asbury Park (the “City”) wishes to utilize space within certain premises owned by Jersey Central Power & Light Company (“JCP&L”) located at 905 Monroe Avenue, in the City of Asbury Park, for the specific purpose of storing certain fire apparatus and/or equipment of the City’s Fire Department; and

WHEREAS, in connection therewith, JCP&L and the City (collectively, the “Parties”) wish to memorialize this undertaking in accordance with the terms and conditions set forth in the attached License Agreement.

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. The Mayor is hereby authorized to execute, and the City Clerk is authorized to attest, the attached License Agreement between the City and JCP&L.
2. A certified copy of this Resolution shall be provided to each of the following:
 - a. Jersey Central Power & Light Company;
 - b. Fire Chief Kevin Keddy;
 - c. Michael Capabianco, City Manager; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

2016-141 Authorizing the City Manager to Sign an Agreement with Madison
Marquette for the Easter Pageant

Resolution # 2016-141

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

**AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH
MADISON MARQUETTE FOR THE EASTER PAGEANT**

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

is hereby authorized to sign the lease agreement with Madison Marquette to utilize a “City Date” for the Easter Pageant.

	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		

K. Individual Resolutions

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

**Resolution #2016-86
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE FISCAL YEAR 2015 BUDGET TO RESERVE FOR COMPENSATED ABSENCES 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:

Contribution to Accumulated Absences \$340,000.00

To:

Reserve for Compensated Absences Trust Fund \$340,000.00

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		

2016-129 A Resolution to Permit the Asbury Park Fire Department to Apply for the 2015 SAFER Grant

Resolution # 2016-129

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

**A RESOLUTION TO PERMIT THE ASBURY PARK FIRE DEPARTMENT
TO APPLY FOR THE 2015 SAFER GRANT**

WHEREAS, the Federal Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) and the Federal Grant Program Directive (GPD) have made available to municipal fire departments and other fire departments or related organizations, grant funding for a multi-year program to assist in the hiring and/or re-hiring of firefighters;

WHEREAS, the program known as “SAFER” (Staffing for Adequate Fire and Emergency Response) seeks to fund a two (2) year program of hiring or re-hiring firefighters; and

WHEREAS, said funding provides awards to selected departments after submission of an application and a program review process; and

WHEREAS, it is in the best interest of the City of Asbury Park to secure the opportunity for obtaining such grant funding and securing the opportunities provided to supplement funding in order to provide Asbury Park residents with the best fire protection capability possible.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor and the City Council of the City of Asbury Park or their Fire Chief, be authorized to make application to the SAFER Program two (2) replacements of retiring firefighters and three (3) additional firefighters in accordance with documentation and stipulations as submitted in the application; and

BE IT FURTHER RESOLVED THAT all actions taken in submission of preliminary application and interest in the program be and hereby are ratified, as are actions and submission of documents and materials preliminary to final award, acceptance of funds or program final commitment.

Motion made by Council Member Woerner to amend the resolution to state two (2) additional firefighters and remove the replacement firefighters. Council Member Clayton seconded by motion. The motion passed. Yes: Council Member Clayton, Council Member Woerner and Deputy Mayor Quinn. No: Mayor Moor. Abstain: Council Member Kendle.

Motion to adopt Resolution 2016-129 as amended.

	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	

2016-142 Resolution Authorizing the Closing of the Beaches to the Public and Authorizing the Issuance of Seasonal and Daily Passes to Allow Access to the Closed Beaches

Resolution # 2016-142

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

**RESOLUTION AUTHORIZING THE CLOSING OF THE BEACHES TO THE PUBLIC
AND AUTHORIZING THE ISSUANCE OF SEASONAL AND DAILY PASSES TO
ALLOW ACCESS TO THE CLOSED BEACHES**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park that the dates for the closing of the beaches to the general public and residents of the City of Asbury Park during 2016 between the hours of 9 a.m. and 5 p.m. Monday through Friday and 9 a.m. and 6 p.m. weekends and holidays shall be as follows:

1. All City Beaches from the Ocean Grove border to the Loch Arbour border shall be closed weekends and holidays ONLY on May 28, 29 and 30, June 4 and 5 and June 11 and 12.
2. All City Beaches from the Ocean Grove border northward to the Loch Arbour border shall be closed from June 18, 2016 through September 5, 2016.
3. The Beach between the two northern jetties opposite Deal Lake Drive and Eighth Avenue shall be closed from June 18, 2016 through September 5, 2016 for the purpose of surfing only.
4. City Beaches may remain closed on the weekends of September 10 and 11, 2016 and/or September 17 and 18, 2016 provided the Beach Supervisory deems conditions are appropriate for bathing.

BE IT FURTHER RESOLVED that the beaches designed closed to the general public and residents of the City of Asbury Park according to the aforementioned schedule are hereby

designated as bathing beaches and a surfing beach. The bathing and surfing beaches are only those areas that are protected by ropes, flags, buoys, boats and lifeguards, which are to be provided by the City of Asbury Park during the hours of said beach closing. The areas of the closed beaches that are not designated as bathing or surfing beaches shall be used as sun beaches under the jurisdiction and control of lifeguards and other personnel employed by the Beach Bathing Supervisor.

BE IT FURTHER RESOLVED that seasonal and daily beach passes will be sold in accordance with the fee schedule herein pursuant to City Ordinance (Chapter V, Section 5-3.1 entitled "Fees" of the revised general ordinance of the City of Asbury Park) to allow the general public and City residents access and use of beaches that are closed according to the aforementioned scheduled.

Fee Schedule 2016

Daily Monday through Friday - \$5.00 per person

Dailey Weekends and Holidays - \$7.00 per person

Children 12 years of age and under shall be admitted free of charge when accompanied by an adult.

Teen Seasonal – 13 years of age through 17 years of age - \$20.00 per person

Adult Seasonal – 18 years of age through 61 years of age - \$70.00 per person

Senior Seasonal – 62 years of age and over - \$20.00 per person

Hotels, Motels, Rooming House - \$70.00 per guest per season

Replacement for Seasonal Badge - \$70.00 Regular, \$20.00 Teen, \$20.00 Senior and \$70.00 Hotel/Motel; and

BE IT FURTHER RESOLVED that the Beach Supervisor may lower or eliminate the cost of a beach ticket for special days or use by City Recreation Programs with the concurrence of the City Manager and approval from the Mayor and City Council; and

BET IT FURTHER RESOLVED that Active Duty Military personnel and their dependents and Disabled Veterans be admitted free to City Beaches upon presentation of a DOD Uniformed Services ID Card or an Award Letter from the Department of Veteran Affairs, respectively; and

BE IT FURTHER RESOLVED that Garret L. Giberson is authorized to execute the NJ Transit 2016 Summer Beach Promotion known as Agreement No. 16-16, whereby NJ Transit will promote a round-trip transportation, beach fee package at a daily rate per persons twelve (12) years or older, from May 28, 2016 through September 5, 2016. NJ Transit will advertise the promotion and Quick-Tik Message. NJ Transit, at select ticket offices and ticket vending

machines, will sell the special beach packages. NJ Transit will reimburse the City at a daily rate of \$3.50 per ticket returned to NJ Transit; and

BE IT FURTHER RESOLVED that Chair Storage Lockers be available to 2016 season beach pass holders at an annual seasonal rental of \$200 per locker – limit of one locker per season pass holder, during the period of the Friday prior to Memorial Day through September 30. Lockers will be rented on a first come, first serve basis and renters will be given a renewal option for the following year's bathing season.

	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		

2016-143 Resolution Authorizing the Transfer of Funds from the 4th of July Dedicated Trust Fund to the Recreation Dedicated Trust Fund

**Resolution #2016-143
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM
THE 4TH OF JULY DEDICATED TRUST FUND TO THE
RECREATION DEDICATED TRUST FUND**

WHEREAS, there exists a 4th of July Dedicated Trust Fund by the City of Asbury Park that is no longer needed for its intended purpose; and

WHEREAS, the City of Asbury Park desires to transfer the existing balance in the 4th of July Dedicated Trust Fund in the amount of \$12,683.17 to the Recreation Dedicated Trust Fund; and

WHEREAS, the Recreation Dedicated Trust Fund receipt of these funds would help promote additional recreational opportunities for the youth of the City of Asbury Park.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park that they hereby approve the transfer of \$12,683.17 from the 4th of July Dedicated Trust Fund to the Recreation Dedicated Trust Fund to help promote additional recreational opportunities for the youth of the City of Asbury Park.

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

Woerner					
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-144 Resolution Amending Temporary Budget Appropriations for 2016

**Resolution #2016-144
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2016

WHEREAS, N.J.S.A 40A:4-20 provides that the Governing Body by a 2/3 vote of the full membership thereof may make emergency temporary appropriations for any purpose for which appropriation may lawfully be made for the period between the beginning of the current fiscal year and the final adoption of the budget for the said year; and

WHEREAS, the previously adopted temporary budget did not provide sufficient funds for the operational costs prior to the final adoption of the 2016 budget,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2016 be adopted and a certified copy of this resolution be provided to the City's Chief Financial Officer and the Director of Division of Local Government Services, Department of Community Affairs, State of New Jersey.

	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		

2016-145 Resolution Authorizing the Payment of Bills in the Amount of \$2,696,482.02

**Resolution #2016-145
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$2,696,482.02**

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 \$2,696,482.02 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	\$2,143,504.02
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$2,696,482.02

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

2016-146 Approval of Purchase of Body Worn Cameras under State Contract

**Resolution #2016-146
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PURCHASE OF SEVENTY (70) BODY WORN CAMERA KITS FOR THE POLICE DEPARTMENT

WHEREAS, the City has determined that the purchase of seventy Body Worn Camera Kits for the Police Department is reasonable and necessary; and,

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

WHEREAS, Wireless Communications & Electronics of West Berlin, New Jersey has been awarded a New Jersey NASPO Panasonic Contract (A89980) and NASPO ValuePoint Master Agreement (MNWNC-124) for the purchase of this type of equipment; and

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

WHEREAS, the Division of Criminal Justice Department has awarded the City of Asbury Park a Body Worn Camera Assistance Program Grant under the Attorney General's Office for the purchase of Body Worn Camera Kits in the amount of \$35,000.00; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 and through the Grant referenced above to purchase the seventy Body Worn Camera Kits, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State NASPO Panasonic Contract A89980 and NASPO ValuePoint Master Agreement MNWNC-124 with Wireless Communications & Electronics of West Berlin, New Jersey in the amount of \$89,987.50 for the purchase of seventy Body Worn Camera Kits for the Police Department.

	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		

2016-147 Authorizing the Execution of an Agreement with Borough of Deal for Maintenance and Repair of Fire Apparatus

Resolution # 2016-147

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

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BOROUGH OF DEAL FOR MAINTENANCE AND REPAIR OF FIRE APPARATUS

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the City of Asbury Park desires to entered into a Shared Services Agreement with the Borough of Deal for maintenance and repair of Fire Apparatus; and

WHEREAS, the City of Asbury Park determines that entering into this agreement with the Borough of Deal provides a benefit to City of Asbury Park residents.

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

1. Authorize the Mayor and City Clerk to enter into an Agreement with the Borough of Deal for maintenance and repair of Fire Apparatus, a copy of which is attached

hereto.

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

2016-148 Authorizing the Extension of the Transportation of Liquid Sludge through May 27, 2017

Resolution # 2016-148

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

**AUTHORIZING THE EXTENSION OF THE TRANSPORTATION OF LIQUID
SLUDGE THROUGH MAY 27, 2017**

WHEREAS, in 2015 the City of Asbury Park advertised for the transportation of liquid sewage sludge; and

WHEREAS, the following bids were received on April 8, 2015:

Vendor	Standard Fee Per Gallon	Add- on Fee Per Gallon	Add- on/deduct fee per mile	Saturday, Sunday & Holiday Per Gallon
Russell Reid Waste Hauling	0.0816	0.03	\$12.00	0.02
Accurate Waste Systems	0.0415	0	\$8.00	0.05
SpectraServe	0.053	0.03	\$7.56	0.11

WHEREAS, the RFP authorized mutual extensions for one (1) year; and

WHEREAS, it is to the City's best interest to extend the contract for one (1) year through May 27, 2017; and

WHEREAS, Accurate Waste Systems has expressed an interest in extending the contract for a one (1) year period; and

WHEREAS, the City Clerk and Mayor and hereby authorized to sign any paperwork associated with a contract extension; 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 Mayor and City Clerk are hereby authorized to sign any and all contract extension paperwork.

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

2016-149 Resolution Rejecting All Bids for Ocean Outfall Cleaning and Diffuser Repair

**Resolution #2016-149
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION REJECTING ALL BIDS FOR OCEAN OUTFALL CLEANING AND DIFFUSER REPAIR

WHEREAS, the City of Asbury Park duly advertised on February 11, 2016 for the receipt of bids for Ocean Outfall Cleaning and Diffuser Repair; and

WHEREAS, the following bids were received on March 1, 2016 and reviewed by the Qualified Purchasing Agent:

				Waterware Commercial Diving Services Corp. 2503 Edgemont Street, PO Box 29200 Philadelphia, PA 19125	
Item	Description	Contract Quantity	Unit	Unit Price	Amount Bid
1	CLEANING & ASSESSMENT INSPECTION	1	LS	\$141,181.00	\$141,181.00
2	FINAL UNDERWATER INSPECTION	1	LS	\$71,527.00	\$71,527.00
3	CLEANING OF NORTH DIFFUSER PIPELINE	1	LS	\$74,394.00	\$74,394.00
4	CLEANING OF SOUTH DIFFUSER PIPELINE	1	LS	\$74,394.00	\$74,394.00
5	DIFFUSER REPAIR	1	LS	\$241,362.00	\$241,362.00
6	ADDITIONAL DIFFUSER REPLACEMENT (IF AND WHERE DIRECTED)	10	EA	\$17,840.00	\$178,400.00

7	MISCELLANEOUS ALLOWANCE			\$15,000.00	\$15,000.00
TOTAL AMOUNT OF BASE BID, ITEMS 1-7				\$796,258.00	

WHEREAS, the City has decided to substantially revise the specifications in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-13.2(d) et seq.; and

WHEREAS, Christine A. Ballard, P.E., Asbury Park City Engineer recommends rejecting all bids and re-conducting the bidding process for location of the outfall pipeline, underwater inspection and investigation, fabrication of diffuser piping system, removal and replacement of diffusers, removal of sand and debris from the 24" pipe lines and final underwater inspections.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby rejects all bids for Ocean Outfall Cleaning and Diffuser Repair and Authorize the City Engineer to re-advertise and re-bid the project.

	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		

2016-150 Authorizing Change Order # 1 to the Contract with Sodon's Electric, Inc. for Boardwalk Lighting – Asbury Park Waterfront Development Project

Resolution # 2016-150
City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING CHANGE ORDER # 1
TO THE CONTRACT WITH SODON'S ELECTRIC, INC. FOR BOARDWALK
LIGHTING – ASBURY PARK WATERFRONT DEVELOPMENT PROJECT

WHEREAS, on September 23, 2015, the Mayor and City Council of the City of Asbury Park (the "City") authorized the award a contract (the "Contract") to Sodon's Electric, Inc. (the "Contractor") for Boardwalk Lighting for the Asbury Park Waterfront Development (the "project"), pursuant to the "fair and open" process described in N.J.S.A. 19:44A-20.4, *et seq.*, and as required under the Memorandum of Understanding (the "M.O.U.") between the City and the State of New Jersey, Division of Local Government Services, regarding the transitional aid funding received by the City; and

WHEREAS, following the award of said contract, it became apparent that an extension of the contract completion date to April 8, 2016 with no addition costs to the City; and

WHEREAS, the extension is due to several unforeseen issues related to old boardwalk foundations that interfered with the installation of the new lights; and

WHEREAS, the additional required services are memorialized in written Change Order #1, copies of which are attached hereto and made a part hereof; and

WHEREAS, the City now wishes to authorize the above-referenced Change Order #1.

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

1. The Mayor and/or City Manager are hereby authorized to execute, and the City Clerk to attest, the attached Change Order # 1 to the contract with Sodon's Electric, Inc. concerning the Boardwalk Lighting for the Asbury Park Waterfront Development.
2. The execution of the said Change Orders shall further be contingent upon the approval of the Change Orders by the Director of the Division of Local Government Services, in accordance with the requirements of the M.O.U.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Sodon's Electric, Inc.
 - b. Michael Capabianco, City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Tracy Lizardi, Treasurer;
 - e. George D. Haeuber, Fiscal Monitor;
 - f. Director of the N.J. Division of Local Government Services; 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		

2016-151 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow and Funding Agreement with APB Realty, LLC for a Request for an Amendment to the CBD Redevelopment Plan

Resolution #2016-151
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING AN ESCROW AND FUNDING AGREEMENT WITH APB REALTY, LLC FOR A REQUEST FOR AN AMENDMENT TO THE CBD REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, the City designated certain parcels therein as an area in need of redevelopment (the “**Central Business District Redevelopment Area**”), and thereafter adopted the Central Business District Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7 for the Redevelopment Area, as may be amended and supplemented from time-to-time (the “**Redevelopment Plan**”); and

WHEREAS, APB Realty, LLC (the “**Proposed Developer**”) is the owner of property located at 607 Mattison Avenue in the City, more fully described on the official tax maps of the City as Block 2509, Lot 2 which is in the Redevelopment Area and is subject to the Redevelopment Plan (the “**Proposed Developer Lot**”). The Proposed Developer is proposing to construct a 160 foot high, mixed-use building including a parking deck which will accommodate approximately 540 motor vehicles. The Proposed Developer has requested that the Redevelopment Plan for the Proposed Developer Lot be amended to allow for a height of 160 feet (the “**Proposed Plan Amendment**”); and

WHEREAS, in connection therewith, the City has determined that it is necessary to engage the firm of McManimon, Scotland and Baumann, LLC, its “**Redevelopment Counsel**” and related professionals to, among other things, review and advise the City in regard to the Proposed Plan Amendment; and

WHEREAS, the Proposed Developer recognizes that the City will incur costs and expenses in connection with the Municipal Undertakings and other City Reimbursable Activities, as defined below, and is required to defray those costs and expenses pursuant to Ordinance 2015-05 as codified in City Code Section 30-81, with no assurance of a particular result from the City; and

WHEREAS, the Proposed Developer and the City desire to enter into an Escrow and Funding Agreement that sets forth terms and conditions of the funding of an escrow account and procedures for the payment therefrom of moneys to pay City costs and expenses in furtherance of Ordinance 2015-05 as codified in City Code Section 30-81, attached hereto as **EXHIBIT A**; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to approve and authorize the execution of the Escrow and Funding Agreement; and

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

1. The Escrow and Funding Agreement attached hereto as **EXHIBIT A** is approved subject to additions, deletions, modifications or revisions deemed necessary and appropriate in

consultation with counsel and authorizes the City Manager, City Clerk and other necessary City Officials to execute, deliver and accept the Agreement and all other necessary documents and undertake all actions reasonably necessary to effectuate the Agreement and this Resolution.

2. This Resolution shall take effect immediately.

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

2016-152 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow and Funding Agreement with 722 Mattison Avenue Realty, LLC, 208 Main Street Realty, LLC And 228 Main Street Realty, LLC for a Request for an Amendment to the CBD Redevelopment Plan

Resolution #2016-152
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING AN ESCROW AND FUNDING AGREEMENT WITH 722 MATTISON AVENUE REALTY, LLC, 208 MAIN STREET REALTY, LLC AND 228 MAIN STREET REALTY, LLC FOR A REQUEST FOR AN AMENDMENT TO THE CBD REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, the City designated certain parcels therein as an area in need of redevelopment (the “**Central Business District Redevelopment Area**”), and thereafter adopted the Central Business District Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7 for the Redevelopment Area, as may be amended and supplemented from time-to-time (the “**Redevelopment Plan**”); and

WHEREAS, the Proposed Developer is the owner of properties located at: 722 Mattison Avenue in the City, more fully described on the official tax maps of the City as Block 2402, Lot 2; 208 Main Street in the City, more fully described on the official tax maps of the City as Block 2402, Lot 16; and 228 Main Street in the City, more fully described on the official tax maps of the City as Block 2402, Lot 1, all of which are in the Redevelopment Area and is subject to the Redevelopment Plan and are located in the CBD Mixed Use Zone (the “**Property**”). The Proposed

Developer proposes to increase the height of the previously approved buildings on each Lot and has requested that the CBD Mixed Use Zone in the Redevelopment Plan be amended to increase the maximum permitted building height (the “**Proposed Plan Amendment**”); and

WHEREAS, in connection therewith, the City has determined that it is necessary to engage the firm of McManimon, Scotland and Baumann, LLC, its “**Redevelopment Counsel**” and related professionals to, among other things, review and advise the City in regard to the Proposed Plan Amendment; and

WHEREAS, the Proposed Developer recognizes that the City will incur costs and expenses in connection with the Municipal Undertakings and other City Reimbursable Activities, as defined below, and is required to defray those costs and expenses pursuant to Ordinance 2015-05 as codified in City Code Section 30-81, with no assurance of a particular result from the City; and

WHEREAS, the Proposed Developer and the City desire to enter into an Escrow and Funding Agreement that sets forth terms and conditions of the funding of an escrow account and procedures for the payment therefrom of moneys to pay City costs and expenses in furtherance of Ordinance 2015-05 as codified in City Code Section 30-81, attached hereto as **EXHIBIT A**; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to approve and authorize the execution of the Escrow and Funding Agreement; and

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

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

2. This Resolution shall take effect immediately.

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

2016-153 Appointing Redevelopment Counsels, and Authorizing the Execution of an Agreement for Professional Services Associated Therewith

Resolution # 2016-153

City of Asbury Park

**County of Monmouth
State of New Jersey**

**APPOINTING REDEVELOPMENT COUNSELS, AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL
SERVICES ASSOCIATED THEREWITH**

WHEREAS, the City of Asbury Park (the “City”) desires to appoint Redevelopment Counsel for 2016; and

WHEREAS, the City solicited qualifications (RFQ) for Redevelopment Counsel and said attorney/law firm shall handle legal issues for the City which relate to redevelopment matters, as well as such other legal matters as may be referred to it from time to time by the City Manager and/or the Mayor and Council (collectively referenced as the “services”); and; and

WHEREAS, the Mayor and Council have determined to appoint the law firm of McManimon Scotland & Baumann, LLC and Maraziti Falcon to serve as the City’s “Redevelopment Counsel” for 2016, in accordance with the terms and conditions set forth in its proposal; 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. The City Manager or Director of Planning and Redevelopment are authorized to determine assignments as required.
2. 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. 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. Said contract has been awarded through Request For Qualifications, and further in accordance with the approval received from the DLGS.
5. Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.
6. 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		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner					X
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-154 Resolution in Support of the City of Asbury Park Taking Action to Fight Global Climate Change

Resolution # 2016-154

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

**RESOLUTION IN SUPPORT OF THE CITY OF ASBURY PARK TAKING ACTION
TO FIGHT GLOBAL CLIMATE CHANGE**

WHEREAS, our climate is rapidly changing, leaving New Jersey families and businesses vulnerable to the impacts of more frequent and severe storms; and

WHEREAS, the City of Asbury Park is extremely vulnerable to sea-level rise and storm surges from increased and more intense storms due to a changing climate; and

WHEREAS, our community is deeply concerned about the adverse impacts of climate change, including rising sea-levels; and

WHEREAS, Hurricane Sandy alone was estimated to cost the state of New Jersey \$36.8 billion; and

WHEREAS, Hurricane Sandy alone resulted in \$2.5 million in damages in the City of Asbury Park; and

WHEREAS, the City of Asbury Park is dedicated to taking serious steps to reduce carbon pollution within our borders; and

WHEREAS, the Governor and Legislature of New Jersey have a responsibility to address climate change in the Garden State by improving energy efficiency, addressing the cumulative impacts of concentrated industrialization, promoting adaption to climate change and sea-level rise, increasing our production of clean energy, and promoting renewable installations in brownfields and landfills; and

WHEREAS, the families and businesses in the City of Asbury Park are suffering from inaction in Trenton; and

WHEREAS, immediate action is on climate is needed to prevent the loss of property and life.

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

- Participate in Sustainable New Jersey
- Review land use policies to include sustainability standards
- Commits to increasing renewable energy requirement, or renewable portfolio standard (“RPS”) community-wide, to 80% by 2050
- Commits to purchasing 20% (or more) of the city’s energy from renewables by 2025
- Figures out ways to incentive renewables purchases for city residents.
- Commits to a broad energy efficiency goal that prioritizes reducing building energy use by updating the building code for the municipality
- Works with local trades to create a job-training program around building retrofits and solar installation.

	MOTION	SECOND	1. AYES	1. NAYES	2. 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		

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

AUTHORIZING THE PLANTING OF BEACH GRASS

WHEREAS, our climate is rapidly changing, leaving New Jersey families and businesses vulnerable to the impacts of more frequent and severe storms; and

WHEREAS, the City of Asbury Park is extremely interested in sustainability and greening of our infrastructure; and

WHEREAS, our community is deeply concerned about the adverse impacts of climate change, including rising sea-levels; and

WHEREAS, the planting of beach grass provides an environmental benefit to the City as it increases the stability of dunes and reduces sand erosion; and

WHEREAS, the City desires to plant beach grass in various places within its beaches; and

WHEREAS, the American Littoral Society has volunteered to plant beach grass along the Asbury Park beach on or around April 8, 2016; and

WHEREAS, the City of Asbury Park hereby grants permission for the American Littoral Society to plant beach grass.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the City of Asbury Park hereby authorizes the American Littoral Society to plant beach grass on the City's beach on or around April 8, 2016.

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

L. Ordinances:

1. First Reading/Introduction:

2016-06 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

ORDINANCE NO: 2016-06

CITY OF ASBURY PARK

**COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government CAP Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the governing body of the City of Asbury Park in the County of Monmouth finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$1,255,524.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the City of Asbury Park, in the County of Monmouth, by a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Asbury Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,255,524.43, and that the CY 2016 municipal budget for the City of Asbury Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion to Introduce Ordinance 2016-06

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

Public hearing is scheduled for April 27, 2016.

2016-07 An Ordinance Amending and Supplementing Chapter VIII
 “Authorities, Boards, Commissions, Committees, and Volunteers”
 Creating A New Section 2-59 “Beach Utility”

**Asbury Park, New Jersey
ORDINANCE NO. 2016-07**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII
“AUTHORITIES, BOARDS, COMMISSIONS, COMMITTEES, AND VOLUNTEERS”
CREATING A NEW SECTION 2-59 “BEACH UTILITY”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter VIII “AUTHORITIES, BOARDS, COMMISSIONS, COMMITTEES, AND VOLUNTEERS” that Section 2-59 “Beach Utility” is hereby created and added to the “Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

**CHAPTER VIII
BEACH UTILITY**

2-59 BEACH UTILITY

2-59.1 Establishment

The City of Asbury Park Beach Utility is hereby created and established for the purposes of collecting expense, both direct and indirect, and revenue data with regard to the operation, maintenance and improvement of the beach, boardwalk and related facilities.

2-59.2 Official Name

The name by which the Utility shall be known is "The Asbury Park Beach Utility," hereinafter the "Utility."

a. 2-59.3 Functions.

It shall be the function of the Utility to manage all fiscal, operational, maintenance and improvement of the beach, boardwalk and related facilities.

b. 2-59.4 Governing Regulations.

The Utility shall be governed by the ordinances, the Administrative Code, applicable State and Federal laws and the resolutions adopted by the Mayor and City Council and by administrative directives.

c. 2-59.5 Financial Affairs.

The financial affairs of the Utility shall be governed in accordance with the statutes applying to the financial affairs of the municipality and utilities in general.

2-59.6 Acquisition of Property.

The Utility may, from time to time, acquire such real property as may be authorized by the Mayor and City Council by duly adopted ordinances according to the laws of the State of New Jersey.

2-59.7 Appointment of Employees, Salaries and Compensation.

The City Manager shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Mayor and City Council. Portions of salaries of existing employees may be prorated based on the amount of time spent on parking operations compared to the employees' full-time City responsibilities.

2-59.8 Utility Charges.

The Utility shall have authority to charge and collect monies for the use of the utilities facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds.

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, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect twenty (20) days after its final passage, so that the Ordinance may be implemented as soon as possible.

Motion to Introduce Ordinance 2016-07

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

Public hearing is scheduled for March 30, 2016.

2016-08 Approving and Adopting an Amendment to the Central Business District
Redevelopment Plan Relating to the Subdivision of Overlook Park

Asbury Park, New Jersey
ORDINANCE NO. 2016-08

**APPROVING AND ADOPTING AN AMENDMENT TO THE CENTRAL BUSINESS
DISTRICT REDEVELOPMENT PLAN RELATING TO THE
SUBDIVISION OF OVERLOOK PARK.**

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

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1 et seq.*, the "Act") the Ordinance adopted a plan (the "CBD Redevelopment Plan" or the "Plan") for the redevelopment of an area (the "Central Business District Redevelopment Area" or the "Area"); and

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

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

WHEREAS, the City wishes to sell a 25' x 100' portion of the property known as Block 3105 (formerly identified as Block 117), Lot 1, to the adjacent property owner (the "applicant") so that the applicant may have a conforming sized lot to develop pursuant to the standards of the Plan; and

WHEREAS, the parcel to be sold was previously part of “Overlook” (a/k/a “Kennedy”) Park, and is located in the Area; and

WHEREAS, in connection with this proposed sale, it is necessary for the City to amend the Plan in certain respects; and

WHEREAS, a copy of the proposed amendments to the Plan, as prepared by the City’s Director of Planning and Redevelopment, are attached hereto as Exhibit “A” (the “Proposed Amendments”); and

WHEREAS, the Mayor and City Council adopted a Resolution on October 29, 2015 referring this matter to the Planning Board for its review and comment pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, on March 7, 2016 the Planning Board adopted a resolution finding that the Proposed Amendments are consistent with the City Master Plan, and setting forth certain findings and recommendations, as follows:

- “1. The Board recommends that a 3 foot setback along the easterly side of the proposed lot area be maintained.
2. The Board recommends that the Director of Redevelopment, Michele Alonso, prepare the appropriate amendments to the Plan and Plan Maps and Schedules to reflect the amendment and the proposed setback referred to in number 1 above.”

WHEREAS, the Mayor and the City Council have considered the recommendations of the Planning Board, and wish to incorporate the same herein; and

WHEREAS, the Mayor and City Council now wish to adopt the Proposed Amendments as set forth herein.

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

1. That the recitals hereto are hereby incorporated herein as if set forth at length.
2. That the CBD Redevelopment Plan is hereby amended in order to incorporate the Proposed Amendments as set forth in Exhibit “A,” along with the comments from the Planning Board as set forth above (which are incorporated herein by reference).
3. That the Proposed Amendments shall supersede the prior language of the affected sections of the Plan.
4. That the Official Zoning Map of the City of Asbury Park is hereby amended in accordance with the requirements of this Ordinance.

5. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
7. That this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion to Introduce Ordinance 2016-08

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

Public hearing is scheduled for March 30, 2016.

2016-09 Ordinance of the Mayor and City Council of the City of Asbury Park Authorizing the Sale of Certain Real Property Which is No Longer Needed for Public Use (Block 1003, Lot 68 – 1413 ½ Springwood Avenue)

Ordinance # 2016-09

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

ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY WHICH IS NO LONGER NEEDED FOR PUBLIC USE (Block 1003, Lot 68 – 1413 ½ Springwood Avenue)

WHEREAS, The City of Asbury Park (the “City”) is the record owner of certain real property situated within the City which is known and designated as Block 1003, Lot 68 on the Official Tax Map (located at 1413 ½ Springwood Avenue) (also referenced as the “Property”); and

WHEREAS, the Property is undersized and cannot be developed without the approval of variances; and

WHEREAS, the Mayor and City Council do hereby determine that the Property is no longer needed for any public use(s) or purpose(s) of the City; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a parcel such as the Property may be sold by private sale to an adjacent property owner pursuant to an ordinance and without conducting a public auction, provided that (i) the property is less than the minimum size required for development under the municipal zoning ordinance; (ii) there are no capital improvements on the property; (iii) the sale of the property is made for at least fair market value; (iv) the purchaser is both an adjacent property owner and the highest bidder of all of the adjacent property owners, and (v) the purchaser shall abide by certain conditions and/or requirements, if any, imposed by the City at the time of sale of the property; and

WHEREAS, the Mayor and City Council do hereby wish to authorize the sale of the Property, through a private sale to the highest bidder of all of the adjacent property owners, pursuant to N.J.S.A. 40A:12-13(b)(5), in accordance with the provisions set forth below.

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

Section 1. Authorization for and Condition(s) of Sale:

The sale of the property located at Block 1003, Lot 68 on the Official Tax Map of the City (located at 1413 ½ Springwood Avenue) is hereby authorized pursuant to N.J.S.A. 40A:12-13(b)(5), subject to the following conditions and restrictions:

1. The Property shall be sold for not less than Five Thousand Dollars (\$5,000), the fair market value thereof, along with the payment of any and all expenses incurred by the City in connection with the sale and transfer of the title to the Property, including but not limited to the payment by the purchaser of the City's legal, survey, title and environmental fees, if any;
2. The purchaser shall take all necessary steps to formally merge the Property with its adjacent property and provide the municipality with proof thereof;
3. The purchaser and/or any subsequent owner shall not be permitted to subdivide the Property or any portion thereof and shall not be permitted to construct another principal structure thereon;
4. The deed transferring the Property to the purchaser shall incorporate the restrictions set forth in items 2. and 3. above;
5. The Property shall be sold "as is" with regard to any and all conditions, including but not limited to environmental and title issues;
6. The purchaser shall be required to provide ten percent (10%) of the purchase price of the Property with the sealed bid via cash or certified funds, which percentage shall be deemed a non-refundable deposit;

7. The purchaser shall be required to execute a contract of sale in connection with the payment of the balance of the purchase price and the closing of title within thirty (30) days of the adoption of a Resolution by the Mayor and City Council awarding the sale of the Property, as specified in Section 3 below; and

8. The closing shall occur by no later than sixty (60) days from the date of the executed contract of sale, or by such other date as mutually agreed to by the parties, and the City shall provide a quitclaim deed in connection therewith; an affidavit of title will not be provided.

Section 2. Submission of bids:

The City shall solicit bids, through a sealed bid process, from all owners of parcels adjacent to the Property and shall require that such bids be submitted to the City Clerk by 10:00 a.m. (EST) on Tuesday, May 10, 2016. The City Clerk shall open and read aloud all bids received at 10:00 a.m. (EST) on Tuesday, May 10, 2016.

Section 3. Determination of Award; Reservation of Rights; Authorization of City Officials:

The Mayor and City Council shall authorize the award of the sale of the Property within sixty (60) days of the date of opening of the bids. Such award may be made by Resolution.

The City reserves the right to reject all bids where the highest bid is not accepted or does not meet the requisite conditions and restrictions, or for any other reason whatsoever.

All relevant City officials, including but not limited to the City Manager, the City Clerk, the Director of Planning and Redevelopment and the City Attorney, are hereby authorized to perform any actions that are deemed necessary in furtherance of the intentions of the within Ordinance.

Section 4. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law, following the required twenty (20) day wait period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance 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.

Motion to Introduce Ordinance 2016-09

	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		

Public hearing is scheduled for March 30, 2016.

2016-10 An Ordinance Authorizing the Sale of Certain Real Property Located at 1506 Park Avenue (Block 3603, Lot 19) to the Asbury Park Board of Education

**Asbury Park, New Jersey
ORDINANCE NO. 2016-10**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY
LOCATED AT 1506 PARK AVENUE (BLOCK 3603, LOT 19) TO THE ASBURY PARK
BOARD OF EDUCATION.**

WHEREAS, the City of Asbury Park (the “City”) is the record owner of the real property located at 1506 Park Avenue in the City, more commonly known and designated as Block 3603, Lot 19 (the “Property”) on the Official Tax Map of the City; and

WHEREAS, the Property is improved with an Administration Building measuring approximately 5,098 square feet, which has been leased for public purposes to the Asbury Park Board of Education (the “Board of Education”) for a number of years; and

WHEREAS, the City has determined that the Property is no longer needed for any public purpose(s) or use(s) of the City, and has determined to offer the Property for sale to the Board of Education; and

WHEREAS, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes a municipality to sell any real property not needed for public use at a private sale, when authorized by Ordinance, to “any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey...” [N.J.S.A. 40A:12-13(b)(1)]; and

WHEREAS, the parties have each received appraisals concerning the fair market value of the Property, and have negotiated the mutually agreed upon sale price of \$425,000.00 (Four Hundred and Twenty Five Thousand Dollars); and

WHEREAS, the Mayor and City Council now wish to authorize the proposed sale of the Property as referenced above, and to authorize all relevant City officials to perform all actions that are necessary in order to consummate said transaction.

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

1. That the sale of the Property to the Board of Education for the sum of \$425,000.00 (Four Hundred and Twenty Five Thousand Dollars) is hereby authorized.
2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, a Contract for Sale of Real Estate, and subsequently a Deed, in order to convey the Property from the City to the Board of Education for the above-referenced consideration. The Contract for Sale of Real Estate and Deed shall be in a form satisfactory to the City Attorney and City Manager.
3. That all other City officials are hereby authorized and directed to undertake such actions as are necessary, and to execute such documents, as are necessary in order to further the intentions of the within Ordinance.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

Motion to Introduce Ordinance 2016-10

	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		

Public hearing is scheduled for March 30, 2016.

2016-11 An Ordinance Amending and Supplementing Section 7-20, Entitled "One-Way Streets," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

Asbury Park, New Jersey
ORDINANCE NO. 2016-11

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-20,
ENTITLED “ONE-WAY STREETS,” OF CHAPTER VII, “TRAFFIC,” OF THE
“CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City of Asbury Park (the “City”) previously designated certain streets or parts of streets as One-Way Streets within the City, as set forth in Section 7-20, entitled “One-Way Streets,” of Chapter VII, Traffic,” of the “Code of the City of Asbury Park, New Jersey; and

WHEREAS, the Asbury Park Police Department (the “APPD”) has reviewed safety concerns with regard to certain streets within the City; and

WHEREAS, it is the recommendation of the APPD that additional streets be designated as “One-Way Streets” as referenced herein; and

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

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the streets (or parts thereof) that are referenced in this Ordinance are hereby designated as One-Way Streets in the direction indicated.

BE IT FURTHER ORDAINED, that Section 7-20, entitled “One-Way Streets,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to add the following (additions are shown with underline):

CHAPTER VII

TRAFFIC

7-20 ONE-WAY STREETS.

7-20.1 Designated.

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated below.

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>	<i>Parking Permitted</i>
<u>Fifth Avenue</u>	<u>East</u>	<u>Between Webb Street and Ocean Avenue (Eastbound)</u>	<u>Both Sides</u>
<u>Sunset Avenue</u>	<u>West</u>	<u>Between Ocean Avenue and Kingsley Street</u>	<u>Both Sides</u>

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

Motion to Introduce Ordinance 2016-11

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

Public hearing is scheduled for March 30, 2016.

2. Second Reading/Public Hearing:

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."

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

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter 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 is hereby amended and supplemented in order to add the following:

CHAPTER VII TRAFFIC

7-7 PARKING

7-7.5 Responsibility for Removal of Snow and Ice.

(a) The owner(s) or tenant(s) of premises abutting or bordering upon any street, roadway, alleyway or lane in the City of Asbury Park shall remove all snow or ice from the abutting sidewalks of such streets. In the case of ice which may be so frozen as to make removal impractical, the owner(s), occupant(s) or tenant(s) shall cause the same to be thoroughly covered with sand, salt or cinders. Removal of snow and ice, or treatment of ice where required, shall be done within twelve (12) hours after snow falls or ice is formed on said sidewalks. In the event of a declared State of Emergency by the Federal Government, Governor or the City, the removal of snow and ice shall be completed within twenty-four (24) hours.

(b) Failure to comply. If snow and ice are not removed, or treated as indicated in Subsection (a), within the time period permitted, it may be removed or treated by the Department of Public Works or other employees or agents of the City of Asbury Park. The cost as best can be ascertained, shall be billed to the property tax owner as per the most recent tax duplicate and, if said bill is not paid within thirty (30) days, a lien shall be placed upon the property and shall be added to, recorded and collected in the same manner as taxes next to be assessed and levied upon such premises. The imposition and collection of any fine imposed by the provisions of this section shall not constitute any bar to the right of the City to collect the costs as certified for the removal of any snow and/or ice. All fees, including work performed by the Department of Public Works, legal fees, filing fees and other associated costs shall be billed or lienied as appropriate.

(c) No person, including the owner, tenant or occupant of any lands or premises shall place, deposit, throw or shovel any snow or ice into or upon any street, roadway, alleyway or lane of the City of Asbury Park.

(d) Violations and penalties. Any person who violates any provision of this section shall, upon conviction thereof, be liable to the penalties provided by Chapter I, Section 1-5, including a penalty of not more than five-hundred (\$500.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both for a first offense.

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, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect immediately rather than twenty (20) days after its final passage, so that the Ordinance may be implemented as soon as possible.

Motion made by Deputy Mayor Quinn to open Ordinance 2016-04 to the public. Council Member Woerner seconded the motion. All were in favor.

Members of the public who spoke were: Pam Lamberton.

Motion made by Council Member Woerner to close Ordinance 2016-04 to the public. Deputy Mayor Quinn seconded the motion. All were in favor.

Motion to adopt Ordinance 2016-04

	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		

2016-05 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.”

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

WHEREAS, the Mayor and City Council wish to make certain revisions to the City Code relating to licensing of towing businesses within the City, as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter IV “General Licensing” Section 4-25 “Licensing of Towing Business” of the “Code of the City of Asbury Park, New Jersey is hereby further amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER IV

GENERAL LICENSING

4-25.4 Application for License.

f. The office, workshop and storage areas of the applicant ~~must be located in the zone where such use is permitted, and is within the boundaries of the City of Asbury Park~~ shall be located within a ten (10) mile radius of the center of the intersection of Main Street (Highway 71) and Asbury Avenue.

4-25.10 Towing and Storage Fees and Charges.

g. ~~Where a service call is required for any police vehicle which does not require the vehicle to be towed, a fee of forty-five (\$45.00) dollars shall be charged. When assistance is required for service or tow of City emergency vehicles, a fee of twenty (\$20.00) dollars shall be charged. The billing of the service shall be provided to the Police Department within five (5) business days from the end of the billing month.~~

4-25.12 Response Time Within Districts.

Each towing service must guarantee the following response time within each district:

- a. Day (7:00 a.m. through 7:00 p.m., seven days a week). Response: ~~twelve (12)~~ Fifteen (15) minutes.
- b. Night (7:00 p.m. through 7:00 a.m., seven days a week). Response: ~~Fifteen (15)~~ Twenty (20) minutes.

4-25.13 Performance Standards.

d. The owner/proprietor of any City contracted tow service shall ensure that owners of stored vehicles have access to retrieve stored vehicles Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturday between 8:00 a.m. and 12:00 p.m.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

Motion made by Council Member Woerner to open Ordinance 2016-05 to the public. Council Member Kendle seconded the motion. All were in favor.

Members of the public who spoke were: Rita Marano.

Motion made by Council Member Woerner to close Ordinance 2016-05 to the public. Council Member Clayton seconded the motion. All were in favor.

Motion to adopt Ordinance 2016-05

	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		

M. Introduction of 2016 Municipal Budget:

2016-156 Introduction of the 2016 Municipal Budget

The Municipal Clerk introduce Resolution 2016-156 Introduction of the 2016 Municipal Budget by title. She announced that the public hearing is scheduled for April 27, 2016.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk