



Minutes
Meeting of the Municipal Council
Wednesday, March 24, 2021
REGULAR MEETING

Executive Session - 4:00 p.m.

2021-150 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Eileen Chapman, Yvonne Clayton, Amy Quinn, John Moor
ABSENT:	Jesse Kendle

Workshop Session - 6:00 p.m.

1. Call to Order/Roll Call

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Remote	
Yvonne Clayton	Councilmember	Remote	
Jesse Kendle	Councilmember	Remote	
Amy Quinn	Deputy Mayor	Remote	
John Moor	Mayor	Remote	
Melody Hartsgrove	City Clerk	Remote	
Donna Vieiro	City Manager	Remote	
Frederick Raffetto	City Attorney	Remote	

City Clerk Melody Hartsgrove called the meeting to order at 6:00 PM.

2. Silent Prayer/Moment of Reflection

3. Salute to the Flag

4. Announcement - Open Public Meetings Act

SPECIAL EVENT APPLICATIONS

Director of Recreation, Leesha Floyd presented special events applications to the Mayor and Council.

MATTERS FROM CITY COUNCIL

Council member Chapman stated, on Saturday the 24th at 9:00AM both Sunset Lake and Wesley Lake Commission have scheduled lake clean ups. Volunteers are welcome to come and help out. The City of Asbury Park season beach badges will be on sale on April 15th on both the Viply mobile app and in person on 1st Avenue and the Boardwalk from 10:00AM to 4:00PM daily. The City of Asbury Park is also hiring for the summer of 2021. Seasonal positions are available for Public Works, laborers, boardwalk restroom attendants, beach gate guards, and others. Details are available on the City of Asbury Park website.

Council member Clayton had no matters at this time.

Council member Kendle had no matters at this time.

Deputy Mayor Quinn stated, I got a call from a news organization today asking questions about how our social services department is dealing with the vaccines and distribution and people not getting appointments because this news organization was contacted by residents who were singing our social services department praises and got calls after hours and on weekends. Again, just want to reiterate that Doug and Sarah and everyone in the social services department has been doing a great job with vaccines and if anybody needs assistance in getting a vaccine appointment, we can assist Asbury Park residents, if you qualify, in helping you get a vaccine appointment.

Mayor Moor stated, Amy I totally agree with you. Social services is doing a great job and the number is 775-0960. Saturday at 10:00AM at the Boys and Girls Club, we have the workforce redevelopment seminar for the triangle project. At 11:00AM the Mayor's Wellness is doing a walk in the park and healthy guidelines for everybody. I'm going to call everyone's attention to Resolution 2021-160 for \$31,593. In 2021 there was an SDA between Madison Marquette and the City. Page 28, section 4.04 Public Restrooms, Section C. The City and MA Retail agree that the existing public restroom facilities are sufficient and in the event that beach usage increases significantly, as the City and MA Retail shall, acting together, reasonably determine MA Retail shall fund, install, and make operational and open to the general public additional bathroom facilities. The City was going to pursue this last year but with COVID we held off. We have provided Madison Marquette with the numbers in 2011 a year after this agreement, there was approximately 176,000 visitors to the beachfront. In 2019 there was 514,000 to the beachfront, and last year during COVID 2020, there were approximately 377,000 visitors to the beachfront. I think the City has proven that justifies a significant increase. The additional bathrooms are needed for both beachgoers and visitors who shop and eat at Madison Marquette's businesses and stores, play miniature golf and everything else on the boardwalk. When we informed Madison Marquette of the need for more bathrooms, the City was not looking for a handout or a bailout. We were asking as partners in the SDA that they simply fulfill their obligation. As a side note, Madison Marquette must maintain \$500,000 in escrow, they have to maintain net worth of between 10 and 30 million dollars. If you google their home page the parent company has an investment portfolio of over 6 billion dollars. Unfortunately, unbelievably to me, the response in my humble opinion, from Madison Marquette so far has been similar to 1975 when President Ford told New York City to drop dead. Asbury Park has been told drop dead, they are not going to provide the bathrooms. They are liable for, and the taxpayers are going to be eating this cost. There are some letters that Donna will take over now and read as far as our correspondence with Madison Marquette.

MATTERS FROM CITY MANAGER

City Manager, Donna Vieiro stated, thank you Mayor. I will reiterate all that the Mayor has said. The most recent letter that we sent to Madison Marquette was sent on March 4th. We still have not received a response from them. What the letter has talked about was the restrooms and beginning in January this year I have met with representatives of Madison Marquette requesting these bathrooms as the mayor spoke about earlier. The response we received initially was, “after a very deep dive into our projections of income for the rest of 2021 and into 2022, it has been determined that this bathroom request is not possible for this upcoming season. We did all we could do to determine the cost it would take for the units but due to the impact the property has taken from COVID-19 setback and the income relief we have granted our tenants this was not expected nor are the funds available for this to happen.” Our attorney responded to this comment in a letter dated March 4th stating that, “this response is totally inappropriate and unacceptable, needless to say the City is surprised and disappointed by Mr. Muly’s response. Bathrooms are a necessary amenity and a key comfort factor for residents and visitors to the boardwalk alike. The City cannot accept Mr. Muly’s reasonings for Madison’s failure to adhere to its contractual obligations and trust that you will reconsider this response.” We have asked Madison Marquette to provide us a response no later than March 9th, which they have not done, with evidence of their financial constraints that prevent them from fulfilling its obligations to provide adequate restroom facilities such as: financial statements, balance sheets and other evidence of rent subsidies or credits given to current tenants. Additionally, we request that any documentation evidencing MA Retail or Madison Marquette’s receipt of loans or grants received under the Paycheck Protection Program of 2020. The letter in summary says, “be advised we are exploring all of the City’s options at law and under the subsequent developer agreement to ensure that Madison Asbury Retail maintains obligations. The City expects that MA Retail shall, as to the terms of the subsequent developer agreement, reconsider its position and fulfill its obligation to fund, install, and make operational the additional restroom facilities as set forth by May 15, 2021. As the mayor indicated, we have not yet received a response from Madison Retail/Madison Marquette, so as such we had to move forward with renting bathrooms at the expense of the City, which is why they are on the agenda this evening and they will be installed and operational for the summer.

One other item that I wanted to mention this evening is that I wanted everyone to be aware that the City does have an existing sign ordinance. This ordinance prohibits the posting of signage of any type which includes lawn signs, stickers, or banners on municipal property. Municipal property includes, but not limited to, City Hall, the transportation center, municipal parking areas, all of our city parks, and schools, and the green spaces behind sidewalks and roadways. As we enter into Spring, there are a lot of signs for landscapers and other businesses as well as other postings. We are going to be taking an active approach this spring to remove any of these signs that are placed in the areas that I just mentioned. They will be brought to Public Works for a week and then they will be destroyed. So, if you do happen to place a sign in one of these areas and you find that it is removed, you can contact the Public Works Department and they will advise you if the sign is in fact there. Violators are subject to summonses and fines and we’re going to take a very proactive approach to keep our city a little cleaner this spring season. In lieu of our Easter parade that’s normally done that has not occurred for 2 years now, we’re going to be doing an Easter bag drive/walk thru much like we did for Halloween. This is going to be on April 3rd from 9:00AM to 11:00AM at City Hall. Information should be posted shortly on the website, but we don’t have another meeting before then so I just wanted to make that announcement now.

MATTERS FROM CITY ATTORNEY

City Attorney, Frederick Raffetto had no matters at this time.

PUBLIC PARTICIPATION

A motion was made by Council member Kendle and seconded by Council member Chapman to open the meeting to the public. All were in favor. The following members of the public spoke: Chard Horan made a comment on Doordash, Kerry Butch made a comment on the budget, COVID-19, and masks, Rita Marano made a comment on street paving and the recent Planning Board meeting, Allison Coleric made a comment on COVID-19 and masks, Tracy Rogers made a comment on the American Rescue Act and rent control, Mauren Nevin made a comment on the rent control initiative petition, Avery Mansville made a comment on COVID-19 and masks, Kathleen Mumma made a comment on preservation of buildings and signage in the city, Matt Daniels made a comment on the rent control initiative petition, Polli Schildge made a comment on signage in the city, and Ernest Mignoli made a comment on the Ansell, Grimm and Aaron law firm.

A motion to close the meeting to the public was made by Council member Chapman and seconded by Council member Clayton. All were in favor.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

1. Municipal Council-Executive Meeting March 10, 2021
2. Municipal Council - Regular Meeting - Mar 10, 2021 6:00 PM

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-151 Resolution Approving Special Event Applications

2021-152 Resolution Amending Temporary Budget Appropriations for 2021 Budget

2021-153 Resolution Authorizing Payment to Wakefern Food Corporation for the Purchase of Monetary Cards for the City's Food Assistance Program through Community Development Block Grant (CDBG/CV) Cares Act Funds

2021-167 Resolution Authorizing Submission of a Grant Application to The State Of New Jersey, Department Of Public Safety, Division Of Highway Traffic Safety, Under The 2021 Udrive Utext Upay Distracted Driving Crackdown

INDIVIDUAL RESOLUTIONS

2021-154 Resolution Approving Payment of Bills

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-155 Resolution Identifying of Menu Items as Per the Subsequent Developer Agreement between the City of Asbury Park, Madison Asbury Retail LLC, and Asbury Partners

RESULT:	ADOPTED [3 TO 2]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle
NAYS:	Amy Quinn, John Moor

2021-156 Resolution Temporarily Relaxing Existing Ordinances and Procedures Associated with Review and Approval for Existing Restaurants and Food Establishments and Retail Businesses to Offer Outdoor Dining and Outdoor Displays

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-157 Authorization to Ratify the AFSCME Union Contract

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	John Moor, Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-158 Resolution Authorizing Floor Repairs at DPW

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-159 Resolution Authorizing Payment to A.H. Hoffman, LLC for Service and Repairs to the Underground Storage Tank at the Sewer Plant

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-160 Resolution Authorizing the Rental of an ADA Restroom Trailer for the 2021 Beach Season

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-161 Resolution Awarding a Contract to J.C. Contracting Inc. for Asbury and Ridge Avenue Traffic Signal Improvements

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-162 Resolution Rescinding Liquor License 1303-33--016-007-Asbury Lanes, LLC for the 2020-2021 Liquor License Renewals

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-163 Resolution Approving Liquor License 1303-33-016-007-Asbury Lanes, LLC, for the 2020-2021 Licensing period.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-164 Supplemental Resolution Authorizing The Issuance Of One Or More Series Of Additional Non-Recourse Redevelopment Area Bonds Of The City Of Asbury Park In An Aggregate Principal Amount Not To Exceed \$4,125,000 (Waterfront Redevelopment Area Infrastructure Project) In Connection With A Project Being Undertaken In The City By K. Hovnanian's Cove At Asbury Park Urban Renewal, LLC And As A Portion Of Non-Recourse Redevelopment Area Bonds Of The City Previously Approved Pursuant To A Resolution Duly Adopted By The City Council On February 20, 2013

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-165 Resolution of the Mayor and City Council of The City of Asbury Park to enter into A Subsequent Developer Agreement with 202 Seventh Avenue, LLC for the development of property located at Block 4201, Lots 3 & 4 (202-204 Seventh Avenue) and Rescinding and Replacing the Resolution Adopted March 4, 2020

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-166 Resolution Authorizing Purchase of a Bobcat Lawn Mower for DPW

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Introduction

2021-10 Ordinance of the City of Asbury Park Amending Chapter VII of the Code of the City of Asbury Park Regarding Traffic Regulations Pertaining to Sylvan Avenue, Adam's Street, Atkins Avenue, and Avenue A

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 4/28/2021 6:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	John Moor, Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-11 Ordinance of the City of Asbury Park Amending Chapter VII of the Code of the City of Asbury Park Regarding Traffic Regulations Pertaining to the City's Alleyways

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 4/28/2021 6:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-12 Ordinance of the City of Asbury Park Amending Chapter VII of the Code of the City of Asbury Park Regarding Traffic Regulations Pertaining to The Fisherman's Lot Parking Lot

RESULT:	INTRODUCED [4 TO 1]
	Next: 4/14/2021 6:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn, John Moor
NAYS:	Eileen Chapman

2021-13 An Ordinance Limiting Service Fees Charged to Retail Food Handling Establishments by Third-Party Food Takeout and Delivery Service Applications and Internet Websites During Such Times When the Restrictions Upon Such Fees Imposed by State Law Are Inoperative, And Amending and Supplementing "The Code of The City of Asbury Park" Accordingly.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 4/14/2021 6:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-14 An Ordinance Amending and Supplementing Section 4-9, Entitled “Display of Merchandise in Public Areas; Outdoor/Sidewalk Cafes,” Of Chapter 4, “General Licensing,” Of “The Code of The City of Asbury Park.”

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 4/14/2021 6:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-15 An Ordinance of The City of Asbury Park, In the County of Monmouth, State Of New Jersey, Correcting A Scrivener’s Error in Ordinance 2021-2

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 4/14/2021 6:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Second Reading/Public Hearing

2021-6 An Ordinance Amending and Supplementing Section 4-10, Entitled “Permits for Special Events,” Of Chapter IV, “General Licensing,” of “The Code of The City of Asbury Park.”

A motion to open 2021-6 to the public was made by Council Member Kendle and seconded by Council Member Chapman. All in favor. The following members of the public spoke: Ernest Mignoli and Rita Marano made comments on the Special Events Permit Ordinance.

A motion to close 2021-6 was made by Council Member Chapman and seconded by Council member Kendle.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-7 An Ordinance Amending and Supplementing Chapter IV, Entitled “General Licensing,” Of “The Code of The City of Asbury Park,” In Order to Establish A New Section Thereof To Be Known as Section 4-27, Entitled “Film and Photography Permits.

A motion to open 2021-7 to the public was made by Council Member Chapman and seconded by Council Member Kendle. All in favor. The following members of the public spoke: Ernest Mignoli, Maureen Nevin, and Kerry Butch all made comments on the Film and Photography ordinance.

A motion to close 2021-7 was made by Council Member Chapman and seconded by Council Member Kendle.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2021-8 An Ordinance Establishing New Requirements Relating to Stormwater Control Within the City of Asbury Park, And Amending and Supplementing Section 30-58, Entitled “Stormwater Control” Of Chapter 30 “Land Development Regulations” Of “The Code of The City of Asbury Park” Accordingly.

A motion to open 2021-8 to the public was made by Council Member Clayton and seconded by Deputy Mayor Quinn. All in favor. No members of the public spoke.

A motion to close 2021-8 was made by Deputy Mayor Quinn and seconded by Council Member Kendle.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ADJOURNMENT

The meeting was adjourned at 7:38 PM

Respectfully submitted by:

Melody Hartsgrrove, Deputy City Clerk