Agenda
Meeting of the Municipal Council
Wednesday, April 27, 2016

I. <u>Executive Session – 6:00 p.m.</u>

Resolution 2016-204 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:
1. Interfaith – Turf Club Agreements

B. Personnel:
1. Police Personnel
2. Deputy Chief of Police Contract

C. Litigation:
1. Famularo Disciplinary
2. Benjamin Diaz – Workers Compensation
3. Tyrone Smith – Workers Compensation
4. Jason Fazio – Workers Compensation
5. NJIIF Covered ML Claims – Case Updates

II. <u>Regular Meeting – 7:00 p.m.</u>

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):**

I. Acceptance of Minutes:
- April 11, 2016 – Workshop Session

- April 13, 2016 – Executive Session
- April 13, 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.]

2016-205	Resolution Authorizing the Payment of Payroll in the Amount of $882,534.00
2016-206	Resolution Authorizing the Place-to-Place Transfer (Expansion of Premises) of Plenary Retail Consumption License 1303-33-034-013 for Bond Street Bar & Grill, LLC
2016-207	Ratifying Authorizing Approval to Add City Manager and City Clerk as Signatories to City Bank Accounts
2016-208	Endorsing the Submission of the 2015 Recycling Tonnage Grant Application

K. Individual Resolutions

2016-209	Resolution Authorizing the Payment of Bills in the Amount of $5,629,337.87
2016-210	Resolution of the City of Asbury Park Making Application to the New Jersey Local Finance Board Pursuant To N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board
2016-211	Resolution of the City of Asbury Park, in the County of Monmouth, State of New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 and N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board
2016-212	Authorization to Apply for Transit Village Designation with NJ DOT and if Designated is Committed to Smart Growth Principles and Implementation of the Requirements and Vision of the Program
2016-213	Resolution Authorizing Consent to New Jersey Department of Environmental Protection Permit for 2016 Road Program
2016-214	Authorizing the Award of Policies and Procedures Update and Accreditation by the N.J. State Association of Chiefs of Police (Accreditation) Contract
2016-215	Authorizing Change Order Number 1 for Springwood Avenue Park
2016-216	A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Granting Conceptual Approval to Asbury Partners LLC Regarding the “Summer Experience” Installation on Block 3802, Lot 1; Block 4004, Lots 2 and 3, and on a Portion of Block 4502, Lot 1.26, and Referring the Matter to the Planning Board for Appropriate Approvals

L. Ordinances:

1. <u>Introduction:</u>

2016-18 Refunding Bond Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") Providing for (I) the Refunding of Certain Outstanding Qualified General Improvement Bonds of the City Dated June 25, 2009 to Provide Debt Service Savings, and (II) Authorizing the Issuance of Not to Exceed $4,200,000 Aggregate Principal Amount of General Improvement Refunding Bonds of the City to Effect Such Refunding and Appropriating the Proceeds Therefor

2. <u>Second Reading/Public Hearing:</u>

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

2016-15 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement With AEF II Urban Renewal, LLC And Savoy Urban Renewal, LLC, And Granting A Tax Exemption

2016-16 Bond Ordinance Providing for Various 2016 Capital Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating $1,750,000 Therefor and Authorizing the Issuance of $1,662,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

2016-17 Bond Ordinance Providing for Various 2016 Roadway Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating $1,250,000 Therefor and Authorizing the Issuance of $1,187,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

M. PUBLIC HEARING OF THE 2016 MUNICIPAL BUDGET

2016-217 Adoption of the 2016 Municipal Budget

PUBLIC HEARING

N. Adjournment.

MINUTES
Meeting of the Municipal Council
Wednesday, April 27, 2016
REGULAR MEETING

Deputy City Clerk Melody Hartsgrove 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 Deputy City Clerk Melody Hartsgrove.

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

MATTERS FROM CITY COUNCIL:

Council Member Clayton : City wide clean up this weekend, a shredder will be in the parking lot of City Hall, Habitat for Humanity will be in City hall for residents who need help fixing up their homes.

Council Member Kendle: Thank you to the staff and sponsors for the Mayors Rodeo it was a great success.

Mayor Moor: Thanks to all for the help with the Mayors Rodeo, the monies taken in continue to climb, we except to be over $35, 000. This will help a lot of children from the City of Asbury Park to attend summer camp.

MATTERS FROM CITY MANAGER

City Manager Capabianco provided an update on the security cameras operated by the police department, just waiting on version on install the last three on the poles.

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.

Deputy City Clerk Hartsgrove 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: Tracy Rogers, Rita Marano, and Jerry Scarano.

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

Councilman Woerner read a statement of resignation to the public he will to resign from his position on the City of Asbury Park Council effective April 30th due to health reasons of his son.

Mayor Moor, Deputy Mayor Quinn, Councilwoman Clayton, Councilman Kendle all voiced their apperception of Councilmen Woerner for all of his hard work and dedication to the City of Asbury Park and wished him and his family all the best.

ACCEPTANCE OF MINUTES:
- April 11 , 2016 – Workshop Session
- April 13, 2016 – Executive Session
- April 13 , 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		

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.]

Resolution #2016-205
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF $882,534.00

WHEREAS, the April 15, 2016 payroll in the amount of $882,534.00, 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 $882,534.00 is hereby authorized to be paid, and;

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

RESOLUTION #2016-206

City of Asbury Park
County of Monmouth
State of new Jersey

RESOLUTION AUTHORIZING THE PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE 1303-33-034-013 FOR BOND STREET BAR & GRILL, LLC

WHEREAS, an application has been filed for a place-to-lace transfer (Expansion of Premises) of Plenary Retail Consumption License 1303-33-034-013, for the purpose of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW THEREFORE BE IT RESOLVED by the City Council of Asbury Park City that Asbury Park City hereby approve, effective immediately, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 208 Bond Street, 639 Cookman Ave., and 632 Mattison Ave., Asbury Park City, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Resolution # 2016-207
Resolution of the City of Asbury Park

RATIFYING AUTHORIZING APPROVAL TO ADD CITY MANAGER AND CITY CLERK AS SIGNATORIES TO CITY BANK ACCOUNTS

WHEREAS, the City Clerk conducted an "Email Poll" of the City of Asbury park Mayor and Council on April 14, 2016 in order to obtain approval to add the City Manager and City Clerk as signatories to all City bank accounts; and

WHEREAS, an email poll was necessary since an emergent situation arose needing additional signatories to the accounts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey that they hereby ratify the approval on April 14, 2016.

Resolution # 2016-208
City of Asbury Park
County of Monmouth
State of New Jersey
ENDORSING THE SUBMISSION OF THE 2015 RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the City Council of the City of Asbury Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Asbury Park that the City of Asbury Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Yvonne Adams of the City of Asbury Park to ensure that the application is properly filed, and hereby appoints Yvonne Adams of the City of Asbury Park as the Certified Recycling Coordinator to review and execute the 2015 Recycling Tonnage Report on behalf of the City of Asbury Park; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Individual Resolutions

2016-209 Resolution Authorizing the Payment of Bills in the Amount of $5,629,337.87

Resolution #2016-209
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $5,629,337.87

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 $5,629,337.87

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

TOTAL VOUCHERS $ 5,629,337.87

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor* Abstain on 6-01-23-220-000-209			X		*X

2016-210 Resolution of the City of Asbury Park Making Application to the New Jersey Local Finance Board Pursuant To N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board

Resolution # 2016-210

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION OF THE CITY OF ASBURY PARK MAKING APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:3-1 ET SEQ. AND PREVIOUS APPROVALS BY SAID BOARD

WHEREAS, the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") desires to adopt two (2) bond ordinances (collectively, the "Ordinances") providing for the issuance of one or more series of general improvement bonds of the City in the not to exceed aggregate principal amount of $2,850,000 (the "Bonds") and notes in anticipation thereof, in order to finance various capital purposes of the City; and

WHEREAS, in connection with various previous applications by the City to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (including specifically its applications in connection with certain bonds and refunding bonds issued under the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq. (the “MQBA”)), the Local Finance Board has heretofore conditioned its approvals upon the undertaking by the City that, for the duration of such bond issues, all future capital authorizations shall require approval from the Local Finance Board; and

WHEREAS, the City believes that:

(a) it is in the public interest to accomplish such purpose;

(b) such purpose is in compliance with the requirements of the MQBA;

(c) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;

(d) the amounts to be expended for such purpose or improvements are not unreasonable or exorbitant and are consistent with the requirements of the MQBA; and

(e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City Council desires to make application to the Local Finance Board for (i) its approval of the adoption of each of the Ordinances and the capital authorizations contained therein, and (ii) its approval of the issuance of, and of the proposed maturity schedule for such Bonds, to be issued in the form of "qualified bonds" under the MQBA; and

WHEREAS, the City believes that the maturity schedules contained in the Application to the Local Finance Board are in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Application to the Local Finance Board is hereby approved, *nunc pro tunc*, and ratified and the City's Bond Counsel, Chief Financial Officer, City Manager and Financial Advisor, along with other representatives of the City, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the City in matters pertaining thereto.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Ordinances with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

Section 4. This Resolution shall take effect immediately upon its adoption.

	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		

2016-211 Resolution of the City of Asbury Park, in the County of Monmouth, State of New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 and N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board

Resolution # 2016-211

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 AND N.J.S.A. 40A:3-1 ET SEQ. AND PREVIOUS APPROVALS BY SAID BOARD

WHEREAS, in order to achieve debt service savings for the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") by refinancing the City's General Improvement Bonds (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, Constituting P.L. 1976, as Amended) dated June 25, 2009, the City Council authorizes, *nunc pro tunc*, the making of an application to the Local Finance Board for (i) its review and consent to the adoption by the City of a refunding bond ordinance (the "Refunding Ordinance") providing for the issuance of one or more series of general improvement refunding bonds of the City in the aggregate principal amount not to exceed $4,200,000 (the "Refunding Bonds") in order to refund various series of bonds of the City; (iii) its approval of a portion of such Refunding Bonds to be issued in the form of "qualified bonds" under the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq. (the "MQBA"); and

WHEREAS, the City Council, in its efforts to achieve debt service savings for the City, desires to make the aforesaid application to the Local Finance Application requesting the reviews, consents and approvals of the Local Finance Board previously requested and received; and

WHEREAS, the City believes that:

(a) it is in the public interest to accomplish such purposes;

(b) such applicable purposes are in compliance with the requirements of the MQBA;

(c) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;

(d) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant and such applicable purposes or improvements are consistent with the requirements of the MQBA; and

(e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Making of an Application to the Local Finance Board is hereby approved, *nunc pro tunc,* and ratified and the City's Bond Counsel, Chief Financial Officer, City Manager and

Financial Advisor, as applicable, along with other representatives of the City, are each hereby authorized and directed to prepare and resubmit such application, to file such application with the Local Finance Board and to represent the City in matters pertaining thereto.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Refunding Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon certified copies of the Refunding Ordinance.

Section 4. This Resolution shall take effect immediately upon its adoption.

	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		

2016-212 Authorization to Apply for Transit Village Designation with NJ DOT and if Designated is Committed to Smart Growth Principles and Implementation of the Requirements and Vision of the Program

Resolution # 2016-212

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZATION TO APPLY FOR TRANSIT VILLAGE DESIGNATION WITH NJ DOT AND IF DESIGNATED IS COMMITTED TO SMART GROWTH PRINCIPLES AND IMPLEMENTATION OF THE REQUIREMENTS AND VISION OF THE PROGRAM

WHEREAS, the NJ Department of Transportation (NJDOT) has created a Smart Growth community revitalization and redevelopment program known as the Transit Village Initiative; and

WHEREAS, the Transit Village Initiative supports Smart Growth, revitalization and redevelopment within walking distance of transit for the purpose of increasing transit ridership, reducing automobile congestion and improving air quality in the State of New Jersey; and

WHEREAS, the NJDOT along with NJ TRANSIT, the Department of Community Affairs, the Department of Environmental Protection, the Redevelopment Authority, the Council on the Arts, Main Street New Jersey, the Economic Development Authority, the Office for Planning Advocacy and the Housing and Mortgage Finance Agency are partners in the Transit Village Initiative and make up the Transit Village Task Force; and

WHEREAS, the NJDOT may designate a Transit Village after the municipality has achieved the Transit Village Criteria established by the Transit Village Task Force; and

WHEREAS, once a municipality has been deemed a Transit Village, the Transit Village Task Force will provide that municipality with (1) a contact person in each of the state agencies that make up the Transit Village Task Force; (2) technical assistance from each agency; (3) up-to-date information on grants, loans, programs or other opportunities; (4) priority funding where feasible; and (5) access to special information meetings, educational programs and research information; and

WHEREAS, the governing body of Asbury Park desires to apply to the NJDOT for Transit Village designation.

NOW THEREFORE BE IT RESOLVED by the governing body of Asbury Park, in the county of Monmouth, State of New Jersey, that Asbury Park requests to be considered for Transit Village designation; and

BE IT FURTHER RESOLVED that the governing body of Asbury Park is committed to Smart Growth and is willing to accept meaningful growth in terms of jobs, housing and population within the transit village development district; and

BE IT FURTHER RESOLVED that the governing body of Asbury Park hereby commits to the implementation of the compact, mixed-use, transit-supportive vision as represented in the Transit Village Statement of Qualification; and

BE IT FURTHER RESOLVED that the governing body of Asbury Park has identified the Director of Planning and Redevelopment, Michele Alonso, AICP, PP who is knowledgeable in municipal planning, development and/or economic issues, to be the primary contact person to the Transit Village Task Force; and

BE IT FURTHER RESOLVED that if designated a Transit Village, the governing body of Asbury Park will commit to submitting annual updates as required by the Transit Village Task Force; and

BE IT FURTHER RESOLVED that if designated, the governing body of Asbury Park will continuously strive to improve the quality of the transit village district; and

BE IT FURTHER RESOLVED that in the event that the Transit Village Task Force determines that a designated Transit Village is no longer acting consistently with the Transit Village program goals, the Transit Village Task Force may suspend designation and/or withhold program benefits.

	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		

2016-213 Resolution Authorizing Consent to New Jersey Department of Environmental Protection Permit for 2016 Road Program

Resolution # 2016-213

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING CONSENT TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FOR 2016 ROAD PROGRAM

WHEREAS, the City of Asbury Park has made application to the New Jersey Department of Environmental Protection ("NJDEP") for a Treatment Works Approval Permit regarding the City of Asbury park 2016 Road Improvement Program; and

WHEREAS, the City Engineer has reviewed said application made by City of Asbury Park and has recommended execution of the same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey that the City Council hereby consents to the proposed project and hereby authorizes the City Manager to execute the NJDEP Statements of Consent on behalf of the City.

	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		

2016-214 Authorizing the Award of Policies and Procedures Update and Accreditation by the N.J. State Association of Chiefs of Police (Accreditation) Contract

Resolution # 2016-214

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE AWARD OF POLICIES AND PROCEDURES UPDATE AND ACCREDITATION BY THE N.J. STATE ASSOCIATION OF CHIEFS OF POLICE (ACCREDITATION) CONTRACT

WHEREAS, on March 2, 2016 the City of Asbury Park received one (1) bid for the project named "Accreditation"; and

WHEREAS, the Rodgers Group LLC., has been recommended to be awarded the bid by the Temporary Purchasing Agent Michael Capabianco:

WHEREAS, the Rodgers Group LLC., is recommended to be award the base bid and Alternate A-1 in the amount of $49,900.00; and

WHEREAS, the Rodgers Group LLC bid is deemed complete; and

WHEREAS, the Chief Financial Officer has certified that funds are available; and

WHERAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, awards the Accreditation project to the Rodgers Group LLC., in the amount of $49,990.00 for work to be conducted under the response dated March 2, 2016.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Deputy Police Chief and City Manager.

	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		

2016-215 Authorizing Change Order Number#1 for Springwood Avenue Park

Resolution # 2016-215

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING CHANGE ORDER NUMBER 1 FOR SPRINGWOOD AVENUE PARK

WHEREAS, the City Council of Asbury Park and Down To Earth Landscaping of New Jersey are parties to a contract for the "Springwood Avenue Park" Project; and

WHEREAS, the original contract amount approved by the City Council was in the sum of Thirty Two Thousand, Nine Hundred Eighty Dollars and 01/100 cents ($32,980.01); and

WHEREAS, the project requires Changer Order #1 in the amount of two thousand five hundred dollars and no cents ($2,500.00); and

WHEREAS, the City Engineer on the Project recommended that Change Order No. 1 be authorized to complete the Project; and

WHEREAS, the execution of Change Order No. 1 will not substantially change the quality or character of the items or work to be provided, inasmuch as such would not have been a determining factor in the original bidding; and

WHEREAS, the execution of Change Order No. 1 will not cause the originally awarded contract price to be exceeded by more than 20%; and

WHEREAS, the Chief Financial Officer has provided to the Governing Body a certificate in writing pursuant to N.J.A.C. 5:34-2 that funds are available to pay for the subject matter of this Resolution; and

WHEREAS, said certification has designated specifically the line item appropriation(s) of the official budget to which the contract will be officially charged.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Asbury park, County of Mayor and State of New Jersey that the new net contract amount as a result of Change Order No. 1 is $18,762.00; and

BE IT FURTHER RESOLVED that the City Manager and Borough Engineer is hereby authorized to execute Change Order No. 1 on behalf of the Governing Body; and

BE IT FURTHER RESOLVED that the contract between the parties referred to above shall be amended to reflect the changes approved herein; and

BE IT FURTHER RESOLVED that a certification of availability of funds shall be attached to the original copy of this resolution and kept in the files of the City Clerk.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Suburban Consulting, and City Manager.

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

2016-216 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Granting Conceptual Approval to Asbury Partners LLC Regarding the "Summer Experience" Installation on Block 3802, Lot 1; Block 4004, Lots 2 and 3, and on a Portion of Block 4502, Lot 1.26, and Referring the Matter to the Planning Board for Appropriate Approvals

Resolution # 2016-216
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, GRANTING CONCEPTUAL APPROVAL TO ASBURY PARTNERS, LLC REGARDING THE "SUMMER EXPERIENCE" INSTALLATION ON BLOCK 3802, LOT 1; BLOCK 4004, LOTS 2 AND 3, AND ON A PORTION OF BLOCK 4502, LOT 1.26, AND REFERRING THE MATTER TO THE PLANNING BOARD FOR APPROPRIATE APPROVALS

WHEREAS, on June 5, 2002 the City Council adopted Ordinance No. 2607 adopting the Amended Waterfront Redevelopment Plan for the City of Asbury Park (the "**Waterfront Redevelopment Plan**") which provides for the redevelopment of certain properties situated in the Waterfront Redevelopment Area; and

WHEREAS, Asbury Partners, LLC (the "**Master Developer**") and the City are parties to that certain Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (the "**Redeveloper Agreement**") concerning the redevelopment of the City's Waterfront Redevelopment Area; and

WHEREAS, on May 15, 2013, the City Council adopted a Resolution conceptually approving what is known as the "Summer Experience" for the summer seasons of 2013 through 2015 and referring the project to the Planning Board. The Summer Experience is located on Block 3802, Lot 1 and Block 4004, Lots 2 and 3, which is located on the block bounded by Cookman Avenue, St. James Place, Lake Avenue, and Westley Lake Drive The Summer Experience includes showers, bathrooms, storage lockers, information about the City and its businesses, signage, landscaping and related amenities. By Resolution adopted on June 3, 2013, the Planning Board granted preliminary and final site plan approval and by Resolution adopted on June 19, 2014 amended those approvals to permit the replacement of palm trees with certain indigenous trees; and

WHEREAS, as a result of the success of the Summer Experience, the Master Developer, as further detailed in the plans and related documents submitted to the Council and as explained during the presentation at the April 25, 2016 Council workshop meeting, wishes to make certain upgrades and renovations such as new roofing, replacing certain landscaping and other aesthetic changes. During the presentation, the Master Developer advised that their contractor would not be able to replace the sign as proposed in the plans submitted before the 2016 summer season and instead they will be repainting the existing sign to match the new white background with blue lettering, which will be similar to the motif for the buildings. The Master Developer wishes to retain the ability to replace the sign as proposed in the plans submitted. Additionally, the Master Developer requests to extend the temporary and seasonal use of the property for the Summer Experience until such time as the property is needed for redevelopment or until the

program is discontinued by the Master Developer, but in no event longer than three (3) years; and

WHEREAS, the Master Developer, as explained during the presentation at the April 25, 2016 Council workshop meeting, also requests to relocate the "Crew Tower" from south of the Carousel to a portion of Block 4502, Lot 1.26, which is generally located adjacent to and west of the boardwalk and just north of the Sunset Avenue Pavilion. The Crew Tower is a truncated teepee shaped frame covered with white mesh and the words "Asbury Park" on it in blue, which acts as directional or wayfinding sign/device to public amenities for visitors to the City, specifically the oceanfront. The Crew Tower will be removed at the end of each summer season and is also requested to be approved as a seasonal use on this portion of Block 4502, Lot 1.26 until such time as the Property is needed for redevelopment or until the program is discontinued by the Master Developer, but in no event longer than three (3) years,

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

1. The recitals are incorporated herein by reference.

2. The Summer Experience, together with the upgrades and renovations referenced herein is hereby approved and referred to the Planning Board for appropriate review and approvals in accordance with the provisions of the Municipal Land Use Law and the Waterfront

Redevelopment Plan, including but not limited to an amendment to the existing site plan approval. As the Summer Experience was previously reviewed by the Technical Review Committee (the "**TRC**"), and the proposed revisions are largely renovations, this project does not require TRC review prior to appearing before the Council or the Planning Board. Further, the Council recommends that the Planning Board permit the Master Developer to substitute another suitable and available tree species in the event the proposed palm trees fail to survive the weather, subject to the review and approval of the Board's Planner but without the need to seek an amended site plan approval. The proposed repainting of the existing sign to match the new white background with blue lettering is approved; however, if the Master Developer wishes to retain the ability to replace the sign as proposed in the plans submitted, they shall include that request and related details in their application to the Planning Board so that the Planning Board can properly review and approve the same.

3. The temporary and seasonal use of Block 3802, Lot 1 and Block 4004, Lots 2 and 3 for the Summer Experience is approved and may continue until such time as the Property is needed for redevelopment or until the program is discontinued by the Master Developer, but in no event longer than three (3) years without further approval of the Council.

4. The Crew Tower being moved to its new location on a portion of Block 4502, Lot 1.26, which is generally located adjacent to and west of the boardwalk and just north of the Sunset Avenue Pavilion is hereby approved and is referred to the Planning Board for appropriate review and approvals in accordance with the provisions of the Municipal Land Use Law and the Waterfront Redevelopment Plan, including but not limited to site plan approval. As the Crew Tower acts as directional or wayfinding sign/device to public amenities for visitors to the City,

specifically the oceanfront, review by the TRC is not warranted prior to appearing before the Council or the Planning Board.

5. The temporary and seasonal use of a portion of Block 4502, Lot 1.26 for the Crew Tower is approved and may continue until such time as the Property is needed for redevelopment or until the program is discontinued by the Master Developer, but in no event longer than three (3) years without further approval of the Council.

6. This Resolution shall take effect immediately.

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

Ordinances:

<u>First Reading/Introduction:</u>

2016-18 Refunding Bond Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") Providing for (I) the Refunding of Certain Outstanding Qualified General Improvement Bonds of the City Dated June 25, 2009 to Provide Debt Service Savings, and (II) Authorizing the Issuance of Not to Exceed $4,200,000 Aggregate Principal Amount of General Improvement Refunding Bonds of the City to Effect Such Refunding and Appropriating the Proceeds Therefor

CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2016-18

REFUNDING BOND ORDINANCE OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENT BONDS OF THE CITY DATED JUNE 25, 2009 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $4,200,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), had previously issued $6,405,000 aggregate principal amount of General Improvement Bonds (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, Constituting P.L. 1976, as Amended) on June 25, 2009 (the "Original Bonds"); and

WHEREAS, $3,585,000 outstanding Original Bonds maturing in the years 2020 through 2028 (the "Refunded Bonds") are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the City has determined that the current tax-exempt interest rate environment would enable it to realize debt service savings for the City taxpayers by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its General Improvement Refunding Bonds in an aggregate principal amount not to exceed $4,200,000 (the "Refunding Bonds"), which Refunding Bonds may be qualified pursuant to the provisions of the Municipal Qualified Bond Act, P.L. 1976, c. 38, as amended, at the time of sale of such Refunding Bonds; and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding

Bonds in an aggregate principal amount not exceeding $4,200,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

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

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed $4,200,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Improvement Refunding Bonds" with such series designation as may be necessary to identify such bonds, including any designation by year and to qualify the bonds pursuant to the provisions of the Municipal Qualified Bond Act, P.L. 1976, c. 38, as amended, at the time of sale of such Refunding Bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding $120,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel, financial advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the City Manger, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel, financial advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel, financial advisor and auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion to Introduce Ordinance 2016-18

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

Public hearing is scheduled for May 11, 2016.

Second Reading/Public Hearing:

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

Motion made by Deputy Mayor Quinn to open Ordinance 2016-06 to the public. Council Member Woerner seconded the motion. All were in favor.

City Manager Michael Capabianco gave a brief explanation to the public.

Motion made by Council Member Woerner to close Ordinance 2016-06 to the public. Deputy Mayor Quinn seconded the motion. All were in favor.

Motion to adopt Ordinance 2016-06

	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		

2016-15 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement With AEF II Urban Renewal, LLC And Savoy Urban Renewal, LLC, And Granting A Tax Exemption

<u>Motion made by Mayor Moor to table Ordinance 2016-15</u> Council Member Clayton seconded the motion. All were in favor.

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

2016-16 Bond Ordinance Providing for Various 2016 Capital Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating $1,750,000 Therefor and Authorizing the Issuance of $1,662,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

Motion made by Deputy Mayor Quinn to open Ordinance 2016-16 to the public. Council Member Woerner seconded the motion. All were in favor.

Members of the public who spoke were: Rita Marano.

City Manager Michael Capabianco gave a brief explanation to the public.

Motion made by Mayor Moor to close Ordinance 2016-16 to the public. Deputy Mayor Quinn seconded the motion. All were in favor.

<u>Motion made by Mayor Moor to table Ordinance 2016-16</u> Council Member Clayton seconded the motion. All were in favor.

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

2016-17 Bond Ordinance Providing for Various 2016 Roadway Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating $1,250,000 Therefor and Authorizing the Issuance of $1,187,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

Motion made by Deputy Mayor Quinn to open Ordinance 2016-16 to the public. Council Member Woerner seconded the motion. All were in favor.

Members of the public who spoke were: Felicia Simmons

City Manager Michael Capabianco gave a brief explanation to the public.

Motion made by Mayor Moor to close Ordinance 2016-17 to the public. Deputy Mayor Quinn seconded the motion. All were in favor.

Motion made by Mayor Moor to table Ordinance 2016-17 Council Member Clayton seconded the motion. All were in favor.

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

PUBLIC HEARING OF THE 2016 MUNICIPAL BUDGET

2016-217 Adoption of the 2016 Municipal Budget

Motion made by Deputy Mayor Quinn to open the public hearing on the 2016 Municipal Budget Council Member Kendle seconded the motion. All were in favor.

Members of the public who spoke were: Tracy Rogers, Rita Marano, and Jerry Scarano

Richard Gartz, CFO gave a brief presentation on the 2016 Municipal Budget.

Motion made by Mayor Moor to close the public hearing on the 2016 Municipal Budget. Deputy Mayor Quinn seconded the motion. All were in favor.

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

The meeting was adjourned.

Respectfully submitted by:

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Melody Hartsgrove, Deputy City Clerk