



Agenda
Meeting of the Municipal Council
Wednesday, May 10, 2017
WORK SESSION 6:00 PM

Clerk to Call Meeting to Order

Silent Prayer/Moment of Reflection.

Salute to the Flag

Announcement by the 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 3, 2017, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

Items for Review:

- A. City Manager's Report on Issues Raised at Prior Council Meeting(s)
- B. Special Event Applications
- C. Review of Agenda Items for May 10, 2017 Regular Meeting
- D. Matters from City Council
- E. Matters from City Manager
- F. Matters from City Attorney
- G. Regular Meeting begins at 7 p.m.



Agenda
Meeting of the Municipal Council
Wednesday, May 10, 2017
REGULAR MEETING 7:00 PM

I. Executive Session - 4:00 p.m.

2017-154 Authorizing a meeting which excludes the public

A. Contract Negotiations

1. Overlook Park a/k/a Kennedy Park Redevelopers Agreement
2. Michael's Group
3. Asbury Parnters/iStar - Parking Agreements

B. Litigation

1. Review of NJiiF Open Claims Report

C. Attorney-Client Privilege

II. Regular Meeting - 7:00 p.m.

B. Silent Prayer/Moment of Reflection

C. Salute to the Flag

D. Announcement - Open Public Meetings Act

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 3, 2017, 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

I. Minutes

- Executive Session Minutes of Apr 26, 2017 5:00 PM
- Municipal Council - Work Session - Apr 26, 2017 6:00 PM
- Municipal Council - Regular Meeting - Apr 26, 2017 7:00 PM

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.

2017-155 Resolution Approving Special Event Applications

2017-156 Award of Contract for Regional Contribution Agreement Project (1215 Summerfield Avenue)

2017-157 Resolution authorizing the municipal Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 994, c. 72

K. Individual Resolutions

2017-158 Resolution Amending Temporary Budget Appropriations for 2017 Budget

2017-159 Resolution Authorizing the Payment of Bills

2017-160 Resolution Authorizing the Issuance of Not to Exceed \$7,000,000 Tax Anticipation Notes of 2017 of the City of Asbury Park, in the County of Monmouth, State of New Jersey

2017-161 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey, Authorizing Compensation Payment to Anthony Salerno upon his Separation of Employment

2017-162 Authorizing a Contract for an Extended Warranty for the Existing Parking Meters

2017-163 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Authorizing a Lease Agreement with Asbury Partners LLC for the Installation of Temporary Restroom Trailers on Identified Property within the Waterfront Redevelopment Area

2017-164 Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate a Concession Involving the Rental of Stand-Up Paddle Boards, Kayaks, and/or other Recreational Devices to the Public in a Designated Area of the Deal Lake

2017-165 Resolution Appointing City Public Defender

2017-166 Resolution Appointing City Code Enforcement Prosecutor

2017-167 Resolution Appointing Alternate City Prosecutor

2017-168 Resolution Appointing City Prosecutor

L. Ordinances

1. Introduction

2017-21 Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”) Providing for a Special Emergency Appropriation in an Amount not to Exceed \$370,000 to Fund Contractually Required Severance Liabilities Resulting from the Retirement of Employees

2017-22 Bond Ordinance Amending and Supplementing Bond Ordinance Number 2910 (which Provides for Sanitary and Storm Sewer Improvements) heretofore Finally Adopted by the City Council of the City Of Asbury Park, in the County of Monmouth, State of New Jersey, on June 3, 2009, to Amend the Description Set Forth Therein

2017-23 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Public Right-Of-Way Area Adjacent to the Property Located at 1003 Bond Street (Block 2703, Lot 2, f/k/a Block 167, Lot 1.02)

2. Adoption/Public Hearing

2017-18 Ordinance Amending City of Asbury Park's Land Development Regulations, Chapter XXX, Specifically Amending Accessory Uses for the LI Zone and Prohibiting Commercial Drive-thrus in the B-2 Zone

M. Adjournment

**RESOLUTION NO. 2017-154****AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that this body will hold a meeting on May 10, 2017 at 7:00 PM in the Council Chambers located at 1 Municipal Plaza, Asbury Park, New Jersey, that will be limited only to consideration of an items or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed are as follows:

A. Contract Negotiations:

1. Overlook Park a/k/a Kennedy Park Redevelopers Agreement
2. Michael's Group
3. Asbury Parnters/iStar - Parking Agreements

B. Litigation:

1. Review of NJiiF Open Claims Report

C. Attorney-Client Privilege

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with section 8 and 4a of the Open Public Meetings Act.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, April 26, 2017
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Absent	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Absent	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

Assistant City Manager Keddy stated that there were no issues.

Special Event Applications

Leesha Floyd reviewed the special events applications that are scheduled for this evening.

Items to be presented by Ezio Altamura, Senior Vice President, GJEM Insurance Agency, Inc.

1. Insurance Review and Update

Ezio Altamura reviewed the City's insurance and provided the City Council with an update.

Items to be presented for 1003 Bond Street:

1. Proposal for 1003 Bond Street (Block 2703, Lot 2) for Encroachment in Public R-O-W for Private Parking for Residential Development

Mark Steinberg, Esquire was present on behalf of the applicant. He reviewed the project with the City Council and presented renderings which the Council requested at a previous meeting.

Items to be presented by Sackman Enterprises:

1. Presentation on Requested Redevelopment Plan Amendment for 512 Summerfield Avenue by Sackman Enterprises(Block 3101, Lot 3)

The applicant requested that this matter be pulled from this evening's agenda.

2. Presentation on requested redevelopment plan amendments for 574 Cookman Avenue (Block 3105, Lot 6) by Sackman Enterprises

Andrew Karus, Esquire was present on behalf of the applicant. The applicant presented their plan to the City Council.

Review of Agenda Items for April 26, 2017 Regular Meeting

Assistant City Manager Keddy reviewed the agenda with the City Council.

Matters from City Council

Council Member Clayton stated that the Earth Day Clean Up has been rescheduled to this Saturday at 9 a.m. at City Hall. Volunteers are being sought. There will also be a free market for items people are looking to get rid of. You can take what you need and leave what you do not want. The Police Department will also be collecting unused/unneeded medications.

Council Member Kendle stated that last Monday was Fun Day at Springwood Avenue Park. There was over 350+ kids. It was a great time. He thanked the Recreation Committee and Boys Club for sponsoring the event. He thanked all the volunteers who assisted in the event.

Deputy Mayor Quinn stated that on April 23 she attended an event hosted by the National Association of Negro Business and Professional Women's Clubs which recognized Council Member Yvonne Clayton. She also announced that Asbury Park received a grant for bicycle lanes and bike share program. The free WiFi on the beach is up and running.

Matters from City Manager

Assistant City Manager Keddy stated that he had no matters to report.

Matters from City Attorney

City Attorney Raffetto stated that he had no matters to report.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, April 26, 2017
REGULAR MEETING

Executive Session - 5:00 p.m.

2017-139 Authorizing a Meeting Which Excludes the Public

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

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Absent	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Absent	
Frederick Raffetto	City Attorney	Present	

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

PROCLAMATION RECOGNIZING ARBOR DAY - APRIL 28

The City Clerk announced that this will presented at a later date.

PUBLIC PARTICIPATION

Motion made by Council Member Clayton and seconded by Council Member Kendle to open the meeting to the public.

The following members of the public spoke: Phyllis DeBucci, Christian Hall, Doug McQueen, Marty Bradshaw, Pam Lamberton, Rita Marano, Jerry Scarano and Warren Hall.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the meeting to the public.

MINUTES

RESULT:	ADOPTED [3 TO 0]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Jesse Kendle, Councilmember
AYES:	Jesse Kendle, Amy Quinn, John Moor
ABSTAIN:	Yvonne Clayton
ABSENT:	Eileen Chapman

1. Executive Session Minutes of April 12, 2017 5:00 PM
2. Municipal Council - Work Session - Apr 12, 2017 6:00 PM **Accepted**
3. Municipal Council - Regular Meeting - Apr 12, 2017 7:00 PM **Accepted**

CONSENT AGENDA RESOLUTIONS

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

2017-140 Resolution Approving Special Event Applications

2017-141 Resolution Approving 2016-2017 Alcoholic Beverage Control License for Asbury Lanes, LLC in the City of Asbury Park, County of Monmouth, New Jersey

2017-142 Resolution to Approve Person to Person Liquor License Transfer from AP Vines, LLC to 934 Shive, LLC for 644 Cookman Avenue (a/k/a Lush)

INDIVIDUAL RESOLUTIONS

2017-143 Resolution Amending Temporary Budget Appropriations for 2017 Budget

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

2017-144 Resolution Authorizing the Payment of Bills

RESULT:	ADOPTED [3 TO 1]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor
ABSENT:	Eileen Chapman

2017-145 Resolution Accepting Award of a Grant from the Municipal Open Space Program and Authorizing Signatories

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

2017-146 Authorizing a Professional Services Contract to T&M Associates to Perform Services for Intersection Improvements at Springwood and Atkins Avenues

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

2017-147 Resolution Authorizing Change Order #2 with Black Rock Enterprises for the Road Program

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

2017-148 Resolution Authorizing the Award of a Contract for Emergency Services Radio Coverage Testing

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

2017-149 Resolution Authorizing the Purchase of Pickup Trucks for the Department of Public Works

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

2017-150 Resolution Authorizing the Purchase of Three Police Cars

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

2017-151 Resolution Authorizing the Purchase of a Elgin Pelican Sweeper to Timmerman Company

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

2017-152 Resolution Awarding a Contract for Improvements to Fourth Avenue

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

2017-153 Resolution Accepting the New Jersey Department of Transportation Bicycle/Pedestrian Assistance

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

ORDINANCES - PUBLIC HEARING/ADOPTION

2017-16 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

Motion made by Council Member Kendle and seconded by Council Member Claytonto open Ordinance 2017-16 to the public.

No one from the public spoke.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close Ordinance 2017-16 to the public.

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

2017-17 Establishing a Restricted Parking Space for use by Handicapped Persons at Property Located at 302 Third Avenue, in the City of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, "Handicapped Parking," of Chapter VII, "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to open Ordinance 2017-17 to the public.

The following members of the public spoke: Rita Marano.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close Ordinance 2017-17 to the public.

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

2017-18 Ordinance Amending City of Asbury Park's Land Development Regulations, Chapter XXX, Specifically Amending Accessory Uses for the LI Zone and Prohibiting Commercial Drive-thrus in the B-2 Zone

Public hearing has been rescheduled to May 10, 2017.

RESULT:	TABLED [UNANIMOUS]
	Next: 5/10/2017 7:00 PM
MOVER:	John Moor, Mayor
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn, John Moor
ABSENT:	Eileen Chapman

2017-19 An Ordinance Amending and Supplementing Chapter II "Form of Government" Section 2-1.4 "Non-Discrimination Policy" of the "Code of the City of Asbury Park, New Jersey."

Motion made by Council Member Kendle and seconded by Council Member Clayton to open Ordinance 2017-19 to the public.

No one from the public spoke.

Motion made by Council Member Clayton and seconded by Deputy Mayor Quinn to close Ordinance 2017-19 to the public.

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

2017-20 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Public Right-Of-Way Area Adjacent to the Properties Located at 1105 Memorial Drive, 1109 Memorial Drive and 900 Fourth Avenue (Block 302, Lot 7.01, f/k/a Block 302, Lots 8, 7 and Part of 6, Respectively)

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to open Ordinance 2017-20 to the public.

No one from the public spoke.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close Ordinance 2017-20 to the public.

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

ADJOURNMENT

The meeting was adjourned at 7:45 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Apr 26, 2017 7:00 PM (Minutes)



RESOLUTION NO. 2017-155

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

RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

WHEREAS, at work session meeting of the Mayor and Council held on May 10, 2017 the following Special Events Applications were presented for approval by the Director of Recreation:

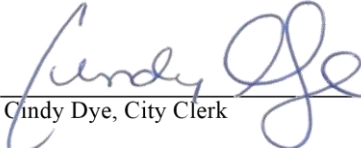
1. VNA Community Day
2. The Man-up competition
3. Choose Your Cover
4. Blue Bishop Outreach Day

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.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-155 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.


Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-156

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

AWARD OF CONTRACT FOR REGIONAL CONTRIBUTION AGREEMENT PROJECT (1215 SUMMERFIELD AVENUE)

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1215 Summerfield Avenue were received by the City Clerk on May 1, 2017; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
Anpe Corp.	\$19,882
Garden State Roofing	\$15,750
Staff Estimate	\$21,150

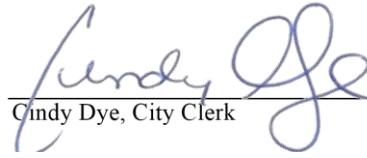
WHEREAS, Garden State Roofing is more than 15% below the staff estimate and is therefore disqualified.

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

1. The contract for the RCA project located at 1215 Summerfield Avenue be awarded to Anpe Corp., for an amount not to exceed \$19,882, in accordance with the selection of the property owner, Eva Scott, subject of Certification of Funds from the Finance Officer. Available sufficient uncommitted appropriations in Account T-38-286-56-000-00.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-156 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

A handwritten signature in blue ink, appearing to read "Cindy Dye", is written over a horizontal line.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-157

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

RESOLUTION AUTHORIZING THE MUNICIPAL TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 994, C. 72

WHEREAS, the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, has applied for Transitional Aid and is unable to adopt a budget at this time; and therefore, the Monmouth County Board of Taxation is unable to certify the tax rate at this time, and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the municipal Tax Collector in consultation with the City Manager has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72 P.L. 1994, the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey requests the Director of the Division of Local Government Services to approve the estimated tax levy listed. Approval will enable the municipality to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing; and

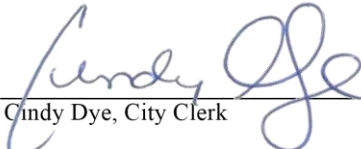
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey on this 10th day of May 2017 as follows:

- . The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City of Asbury Park for the third installment of 2017 taxes. The Tax Collector shall proceed upon approval of the Director of the Division of Local Government Services and take such action as permitted and required by P.L. 1994 c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
- . The entire estimated tax Levy for 2017 is hereby set at \$28,902,054.74.
- . In accordance with law, the third quarter installment of 2017 shall not be subject to interest until after the later of the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Tax Collector and Treasurer of the City of Asbury Park for their records.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-157 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

A handwritten signature in blue ink, appearing to read "Cindy Dye", is written over a horizontal line.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-158

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

RESOLUTION AMENDING TEMPORARY BUDGET APPROPRIATIONS FOR 2017 BUDGET

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

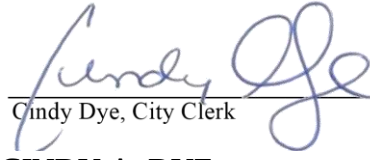
WHEREAS, the previously adopted temporary budget did not provide sufficient funds for the operational costs prior to the final adoption of the 2017 budget.

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 2017 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.

	<u>From</u>	<u>To</u>
Current Fund:		
Finance Other Expenses	\$44,821.00	\$70,000.00
Clerk Other Expenses	15,800.00	25,000.00
Director of Comm. Other Expense	8,000.00	10,000.00
Planning Dept. Other Expenses	9,700.00	12,000.00
Recreation Other Expenses	32,472.00	65,000.00
Building & Grounds Other Expenses	37,500.00	45,000.00
Police Other Expenses	250,000.00	300,000.00
Planning Board Other Expenses	6,500.00	8,000.00

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-158 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

A handwritten signature in blue ink, appearing to read "Cindy Dye", is written over a horizontal line.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-159

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

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

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 \$1,169,066.98

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 \$ 1,169,066.98

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-159 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK

May 3, 2017
01:28 PM

CITY OF ASBURY PARK
Bill List By Budget Account

Page 2.K.2.a

P.O. Type: Contract Print Alpha, Revenue, & G/L Accounts: Y Open: N Void: N Paid: N
Format: Condensed Held: Y Aprv: N Rcvd: Y
Range: 6-First to 7-Last Bid: Y State: Y Other: Y Exempt: Y
Rcvd Batch Id Range: First to Last Include Non-Budgeted: Y
Department Page Break: No Subtotal CAFR: Yes Subtotal Department: Yes Subtotal Extd: Yes

Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund: CURRENT						
Department: ADMINISTRATION						
Extd: ADMINISTRATION						
6-01-20-100-000-201	ADMINISTRATION General Plant					
THOMIL THOMAS P. MILLER & ASSOC., LLC	17-00764 PROFESSIONAL SVCS. WORKFORCE			8,625.00	0.00	B
	Extd Total: ADMINISTRATION			8,625.00		
	Department Total: ADMINISTRATION			8,625.00		
	CAFR Total:			8,625.00		
Department: FIRE DEPARTMENT						
Extd: FIRE DEPARTMENT						
6-01-25-265-000-201	FIRE DEPT. General Plant					
AIRUSA AIRGAS USA, LLC	17-01392 Inv 9941380289			714.67	0.00	
	Extd Total: FIRE DEPARTMENT			714.67		
	Department Total: FIRE DEPARTMENT			714.67		
	CAFR Total:			714.67		
	Fund Total: CURRENT			9,339.67		
Fund: SEWER UTILITY: BUDGET:						
Department: SEWER UTILITY O/E: OTHER EXPENSES:						
Extd: SEWER UTILITY O/E: OTHER EXPENSES:						
6-07-55-502-000-201	SEWER UTILITY O/E: General Plant					
AHHOFF A.H. HOFFMANN, LLC	17-01323 #41755 Emergency Service Call			7,577.50	0.00	
	Extd Total: SEWER UTILITY O/E: OTHER EXPENSES:			7,577.50		
	Department Total: SEWER UTILITY O/E: OTHER EXPENSES:			7,577.50		
	CAFR Total:			7,577.50		
	Fund Total: SEWER UTILITY: BUDGET:			7,577.50		
	Year Total:			16,917.17		
Fund: CURRENT						
Department: ADMINISTRATION						
Extd: ADMINISTRATION						
7-01-20-100-000-201	ADMINISTRATION General Plant					
NJLEAMUN NJ LEAGUE OF MUNICIPALITIES MA	17-01230 2017 Municipal Directory			60.00	0.00	
JAYVNE JAY NEWCOMB	17-01256 DJ for Easter			250.00	0.00	
WATSPR WATCHUNG SPRING WATER CO., INC.	17-01406 7660629,7713484,7733344:			73.68	0.00	
				383.68		
7-01-20-100-000-202	ADMINISTRATION Office Supplies					
WBMASON W.B.MASON CO., INC.	17-01357 Office supplies			293.71	0.00	

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7-01-20-100-000-209	ADMINISTRATION Fees					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	415.22	0.00	
7-01-20-100-000-248	ADMINISTRATION Postage					
MARBUS	MARLIN BUSINESS BANK	17-01555	#14932457:CONTRACT PAYMENT	397.00	0.00	
Extd Total: ADMINISTRATION				1,489.61		
Department Total: ADMINISTRATION				1,489.61		
Department: MUNICIPAL CLERK						
Extd: MUNICIPAL CLERK						
7-01-20-120-000-217	MUNICIPAL CLERK Ads&Promotion					
THECOA	THE NEW COASTER	17-01277	INV. 48093 LEGAL ADS	22.67	0.00	
THECOA	THE NEW COASTER	17-01338	INV. 48251 LEGAL ADS	49.02	0.00	
THECOA	THE NEW COASTER	17-01343	INV. 48204 LEGAL ADS	75.80	0.00	
ASBPAK	ASBURY PARK PRESS	17-01446	inv. 2068887 legal ads	62.50	0.00	
ASBPAK	ASBURY PARK PRESS	17-01447	inv. 2068882 legal ads	58.65	0.00	
ASBPAK	ASBURY PARK PRESS	17-01448	inv. 2068864	59.75	0.00	
ASBPAK	ASBURY PARK PRESS	17-01449	inv. 2068846 legal ads	61.95	0.00	
ASBPAK	ASBURY PARK PRESS	17-01450	inv.2068829 legal ads	57.55	0.00	
				447.89		
Extd Total: MUNICIPAL CLERK				447.89		
Department Total: MUNICIPAL CLERK				447.89		
Department: FINANCIAL ADMINISTRATION						
Extd: FINANCIAL ADMINISTRATION						
7-01-20-130-000-201	FINANCE General Plant					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	215.55	0.00	
WATSPR	WATCHUNG SPRING WATER CO.,INC.	17-01384	7660628,7698311,7713483:DEL.	103.69	0.00	
				319.24		
7-01-20-130-000-202	FINANCE Office Supplies					
STAPLE	STAPLES ADVANTAGE	17-01079	BROTHER FAX TONER CART.	85.24	0.00	
STAPLE	STAPLES ADVANTAGE	17-01189	OFFICE SUPPLIES	674.25	0.00	
				759.49		
Extd Total: FINANCIAL ADMINISTRATION				1,078.73		
Department Total: FINANCIAL ADMINISTRATION				1,078.73		
Department: COMPUTERIZED DATA PROCESSING						
Extd: COMPUTERIZED DATA PROCESSING						
7-01-20-140-000-218	COMPUTERIZED DATA PROC. Contract Service					
SHINT	SHI INTERNATIONAL CORP	17-01096	#B06312688	2,717.00	0.00	
ONSITE	ON-SITE COMPUTER SERVICE	17-01423	#270225273:WEB HOSTING 3/27/17	1,758.00	0.00	
				4,475.00		
Extd Total: COMPUTERIZED DATA PROCESSING				4,475.00		
Department Total: COMPUTERIZED DATA PROCESSING				4,475.00		

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Department: TAX REVENUE ADMINISTRATION						
Extd: TAX REVENUE ADMINISTRATION						
7-01-20-145-000-209	TAX REV ADMIN Fees					
MONCLE	MONMOUTH COUNTY CLERK	17-01314	Recorded Muni.16-00072 1004/2	24.00	0.00	
7-01-20-145-000-238	TAX REV ADMIN Conventions					
TCTANJ	TCTANJ SPRING CONFERENCE	17-00837	2017 SPRING CONFERENCE T.YOUNG	395.00	0.00	
Extd Total: TAX REVENUE ADMINISTRATION				419.00		
Department Total: TAX REVENUE ADMINISTRATION				419.00		
Department: TAX ASSESSOR						
Extd: TAX ASSESSOR						
7-01-20-150-000-209	TAX ASSESSOR Fees					
HARHAU	HARRY HAUSHALTER	17-01403	#1083:Haushalter Feb 2017	528.00	0.00	
HARHAU	HARRY HAUSHALTER	17-01404	#1084:haushalter march 2017	4,251.00	0.00	
				4,779.00		
Extd Total: TAX ASSESSOR				4,779.00		
Department Total: TAX ASSESSOR				4,779.00		
Department: DIRECTOR OF COMMUNICATIONS						
Extd: DIRECTOR OF COMMUNICATIONS						
7-01-20-151-000-299	DIRECTOR OF COMMUNICATIONS - Misc Exp					
VERZON	VERIZON BUSINESS	17-01453	#354477004000156:4/13-5/12	104.99	0.00	
Extd Total: DIRECTOR OF COMMUNICATIONS				104.99		
Department Total: DIRECTOR OF COMMUNICATIONS				104.99		
CAFR Total:				12,794.22		
Department: PLANNING BOARD						
Extd: PLANNING BOARD						
7-01-21-180-000-201	PLANNING BOARD General Plant					
STSHOR	ST SHORTHAND REPORTING SERVICE	17-01431	Invoice 635139 Planning Bd.	250.00	0.00	
Extd Total: PLANNING BOARD				250.00		
Department Total: PLANNING BOARD				250.00		
Department: ZONING BOARD OF ADJUSTMENT						
Extd: ZONING BOARD OF ADJUSTMENT						
7-01-21-185-000-209	ZONING BOARD Fees					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	200.97	0.00	
Extd Total: ZONING BOARD OF ADJUSTMENT				200.97		
Department Total: ZONING BOARD OF ADJUSTMENT				200.97		
CAFR Total:				450.97		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: CODE ENFORCEMENT AND ADMIN. Extd: CODE ENFORCEMENT AND ADMIN.						
7-01-22-195-000-299	CODE ENFORCE Misc.					
STAPLE	STAPLES ADVANTAGE	17-01120	3335034363,3336316876,	412.73	0.00	
	Extd Total: CODE ENFORCEMENT AND ADMIN.			412.73		
	Department Total: CODE ENFORCEMENT AND ADMIN.			412.73		
Department: CONSTRUCTION CODE OFFICIAL Extd: CONSTRUCTION CODE OFFICIAL						
7-01-22-200-000-299	CONSTRUCTION CODE Misc. (In Cap)					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	189.66	0.00	
	Extd Total: CONSTRUCTION CODE OFFICIAL			189.66		
	Department Total: CONSTRUCTION CODE OFFICIAL			189.66		
	CAFR Total:			602.39		
Department: POLICE DEPARTMENT Extd: POLICE DEPARTMENT						
7-01-25-240-000-201	POLICE General Plant					
THEHAR	THE HARDWARE STORE	17-00179	Blanket	5.79	0.00	B
PROROO	PROPERTY ROOM CONSULTING	17-00337	Inventory Audit	5,750.00	0.00	
STATOX	STATE TOXICOLOGY LABORATORY	17-00631	(5) Analysis	225.00	0.00	
MONARCH	MONARCH ELECTRIC COMPANY	17-01125	#s107485113 (3) Track Lighting	255.58	0.00	
CRAPRI	CRAFTMASTER PRINTING, INC.	17-01219	Business Cards Capt. Thompson	40.00	0.00	
CDWGOV	CDW GOVERNMENT INC.	17-01247	Toner	46.02	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	298.39	0.00	
PROROO	PROPERTY ROOM CONSULTING	17-01550	Snap Shot Time	2,925.00	0.00	
				9,545.78		
7-01-25-240-000-203	POLICE Motor Vehicle					
NATPAR	NATIONAL PARTS SUPPLY, INC.	17-01131	Blanket Auto Maintenance	1,233.94	0.00	B
RICAUT	RICH'S AUTO BODY	17-01296	#10105,10106 Towed # 23 & 10	40.00	0.00	
				1,273.94		
7-01-25-240-000-216	POLICE Supplies-Compu.					
WIRCOM	WIRELESS COMMUNICATIONS &	17-01295	Additional part E	1,900.00	0.00	
7-01-25-240-000-218	POLICE Contract.Serv.					
ATLTOM	ATLANTIC TOMORROWS OFFICE GPO	17-01299	CNIN618240,CNIN618239:	179.99	0.00	
XERCOR	XEROX CORPORATION	17-01370	#088729866 Meter Usage 2/21-	161.80	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01374	#9384-#9386 Digital Copier	432.97	0.00	
VERIZON	VERIZON WIRELESS	17-01543	#9784203629 Current Charges	1,066.81	0.00	
VERZON	VERIZON BUSINESS	17-01547	#M150512227-17100 Current	198.72	0.00	
VERZON	VERIZON BUSINESS	17-01552	#201202871812131Y Current	1,608.70	0.00	
				3,648.99		
7-01-25-240-000-222	POLICE Training					
MONCON	MONMOUTH COUNTY POLICE ACADEMY	17-00421	Rapid Response Active Shooter	25.00	0.00	

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
7-01-25-240-000-222	POLICE Training		Continued			
MONCON	MONMOUTH COUNTY POLICE ACADEMY	17-00455	Surviving Law Enforcement	25.00	0.00	
				50.00		
7-01-25-240-000-226	POLICE Bd.ofPrisoners					
MCDONA	KJK RESTAURANTS, LLC	17-00932	Prisoner Meals March 2017	55.74	0.00	
7-01-25-240-000-237	POLICE Accredadation					
DIVSTO	DIVERSIFIED STORAGE SOLUTIONS, 17-00796	#D9087	Spacesaver Non Pass	11,150.55	0.00	
	Extd Total: POLICE DEPARTMENT			27,625.00		
	Department Total: POLICE DEPARTMENT			27,625.00		

Department: FIRE DEPARTMENT
Extd: FIRE DEPARTMENT

7-01-25-265-000-201	FIRE DEPT. General Plant					
THEHAR	THE HARDWARE STORE	17-00319	Blanket PO not to exceed	29.99	0.00	B
COUCLE	COUNTRY CLEAN	17-00321	Blanket PO not to exceed	670.68	0.00	B
CINCOR	CINTAS CORPORATION #062	17-00322	Blanket PO not to exceed	163.90	0.00	B
NOLGAR	NOLZE GARAGE DOOR	17-01128	Inv 31183 Emer Rpr overhead dr	210.00	0.00	
ONSITE	ON-SITE COMPUTER SERVICE	17-01270	Inv 270225221	225.00	0.00	
BELPLU	BELMAR PLUMBING & HEATING INC	17-01394	Emergency Repl hw heater	482.80	0.00	
				1,782.37		
7-01-25-265-000-206	FIRE DEPT. Purchase of Equipment					
ESIEQU	ESI EQUIPMENT, INC.	17-01354	Holmatro contract	914.00	0.00	
7-01-25-265-000-218	FIRE DEPT. Contract.Serv.					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	83.31	0.00	
7-01-25-265-000-229	FIRE DEPT. Medical Sup.					
AMEUNI	AMERICAN UNIFORM & SUPPLY	17-00913	#58501RS (spit nets)	214.95	0.00	
VERALP	V.E. RALPH & SON, INC.	17-00987	335604,335669,337225:EMS Suppl	587.34	0.00	
				802.29		
	Extd Total: FIRE DEPARTMENT			3,581.97		
	Department Total: FIRE DEPARTMENT			3,581.97		
	CAFR Total:			31,206.97		

Department: STREETS & ROADS MAINTENANCE
Extd: STREETS & ROADS MAINTENANCE

7-01-26-290-000-201	STREETS & ROAD General Plant					
THEHAR	THE HARDWARE STORE	17-00296	Various Supplies, Tools, etc	531.05	0.00	B
CLABLO	CLAYTON BLOCK CO.	17-00407	Various Supplies, Tools, etc	188.01	0.00	B
GRAING	GRAINGER	17-01000	Various Material, Tools, etc	294.80	0.00	B
MOOGEN	MOONEY GENERAL PAPER COMPANY	17-01160	Rigid Liners, black	1,667.50	0.00	
CLAPRE	CLAYTON PRESS	17-01163	#10 Regular Envelopes	155.00	0.00	
STAVOLA	STAVOLA COMPANIES	17-01286	#74411 Hot Mixed Asphalt	349.83	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	211.19	0.00	
				3,397.38		

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Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Vendor						
7-01-26-290-000-203	STREETS & ROAD	Motor Vehicle				
THEHOS	THE HOSE SHOP	17-00300	Various Supplies, Tools, etc	92.99	0.00	B
THEHAR	THE HARDWARE STORE	17-00302	Various Supplies, Tools, etc	69.12	0.00	B
LAKAUT	LAKEWOOD AUTO-ASBURY NAPA	17-00303	Various Supplies, Tools, etc	706.75	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	17-00305	Various Supplies, Tools, etc	229.73	0.00	B
TRIOUS	TRIOUS, INC.	17-00307	Various Supplies, Tools, etc	620.27	0.00	B
SEAWEL	SEABOARD WELDING SUPPLY, INC.	17-01319	#864019 Ace & Oxy Cylinders	70.75	0.00	
SEAFOR	SEA BREEZE FORD INC.	17-01412	Lamp Asy - Rear	34.64	0.00	
				1,824.25		
7-01-26-290-000-211	STREETS & ROAD	Traffic				
MONARCH	MONARCH ELECTRIC COMPANY	17-00386	Traffic Bulbs	95.31	0.00	
GLESUP	GLENCO SUPPLY INC.	17-01202	Street Signage	180.00	0.00	
SHEWIL	SHERWIN WILLIAMS	17-01310	#1499-0 RAC 5 Tip, etc 4/03	96.62	0.00	
				371.93		
	Extd Total:	STREETS & ROADS MAINTENANCE		5,593.56		
	Department Total:	STREETS & ROADS MAINTENANCE		5,593.56		
Department: SOLID WASTE COLLECTION						
Extd: SOLID WASTE COLLECTION						
7-01-26-305-000-209	SOLID WASTE	Fees				
MONWIR	MONMOUTH WIRE & COMPUTER	17-01284	#15889 Electronic Recycling	1,000.00	0.00	
MICBEN	MICKEY BENOIT	17-01285	1047298,1047299,1047367:Brush,	583.80	0.00	
TRECTY	TREASURER CTY OF MONMOUTH	17-01291	#40306 Reclamation Center	2,042.81	0.00	
				3,626.61		
	Extd Total:	SOLID WASTE COLLECTION		3,626.61		
	Department Total:	SOLID WASTE COLLECTION		3,626.61		
Department: BUILDINGS & GROUNDS						
Extd: BUILDINGS & GROUNDS						
7-01-26-310-000-201	BUILDING & GND	General Plant				
THEHAR	THE HARDWARE STORE	17-00216	Various Supplies, Tools, etc	345.70	0.00	B
SUFFREDI	SUFFOLK REDI-MIX	17-01208	#1556A Concrete 4000, etc 3/22	386.00	0.00	
THEHAR	THE HARDWARE STORE	17-01312	#1143911 Mall FLR Flange, etc	339.13	0.00	
WESPE	WESTERN PEST SERVICES	17-01325	#4390426B Monthly Pest Control	230.00	0.00	
				1,300.83		
	Extd Total:	BUILDINGS & GROUNDS		1,300.83		
	Department Total:	BUILDINGS & GROUNDS		1,300.83		
	CAFR Total:			10,521.00		
Department: RECREATION SERVICES & PROGRAM						
Extd: RECREATION SERVICES & PROGRAM						
7-01-28-370-000-299	RECREATION	Misc.				
MONPARK	MONMOUTH COUNTY PARKS SYSTEM	17-01332	rec assistance program reg	25.00	0.00	
APLITL	ASBURY PARK LITTLE LEAGUE	17-01334	Little League summer camp	2,500.00	0.00	
KARFOO	Karson Food Service Inc.	17-01358	Food for kids day at park	274.25	0.00	

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7-01-28-370-000-299	RECREATION Misc.		Continued			
WBMASON	W.B.MASON CO., INC.	17-01366	SUPPLIES	79.99	0.00	
				2,879.24		
	Extd Total: RECREATION SERVICES & PROGRAM			2,879.24		
	Department Total: RECREATION SERVICES & PROGRAM			2,879.24		
	CAFR Total:			2,879.24		
Department: LIGHTING						
Extd: LIGHT, HEAT & POWER						
7-01-31-435-435-299	LIGHT, HEAT & POWER Misc.					
NJNATU	N.J. NATURAL GAS CO.	17-01476	SERVICE 3/16-4/17	7,687.85	0.00	
JCPL	JCPL	17-01556	SERVICE 3/24-4/21	9,852.02	0.00	
				17,539.87		
	Extd Total: LIGHT, HEAT & POWER			17,539.87		
Extd: STREET&TRAFFIC LIGHTING						
7-01-31-435-436-299	STREET&TRAFFIC LIGHTING Misc.					
JCPL	JCPL	17-01477	SERVICE 3/25-4/24	268.29	0.00	
JCPL	JCPL	17-01556	SERVICE 3/24-4/21	2,839.39	0.00	
JCPL	JCPL	17-01592	SERVICE 3/25-4/24	97.81	0.00	
				3,205.49		
	Extd Total: STREET&TRAFFIC LIGHTING			3,205.49		
	Department Total: LIGHTING			20,745.36		
	CAFR Total:			20,745.36		
Department: MUNICIPAL COURT						
Extd: MUNICIPAL COURT						
7-01-43-490-000-201	MUNIC COURT General Plant					
KEPSPR	KEPWELL SPRING WATER	17-01303	#344406:cooler rental 3/31/17	14.00	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	83.31	0.00	
				97.31		
7-01-43-490-000-245	MUNIC COURT Interpreter					
BEACRA	BEATRIZ C. CRANEY	17-01304	#12312:interpreter 3/31/17	120.00	0.00	
BEACRA	BEATRIZ C. CRANEY	17-01348	#12332:interpreter 4/7/17	120.00	0.00	
				240.00		
	Extd Total: MUNICIPAL COURT			337.31		
	Department Total: MUNICIPAL COURT			337.31		
	CAFR Total:			337.31		
CAFR: CURRENT FUND NON BUDGET ACCTS:						
Department: TAXES PAYABLE:						
Extd: TAXES PAYABLE:						
7-01-55-001-000-001	School Taxes Payable					
ASBBOA	ASBURY PARK BOARD OF EDUCATION	17-01460	MAY 2017 SCHOOL APPROP.	564,037.00	0.00	

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7-01-55-001-000-023	RAB PILOT - Due to Trustee					
USBANK	US BANK OPERATIONS CTR.	17-01459	RAB Pilot 2016 Hotel Issue	25,000.00	0.00	
	Extd Total: TAXES PAYABLE:			589,037.00		
	Department Total: TAXES PAYABLE:			589,037.00		
	CAFR Total: CURRENT FUND NON BUDGET ACCTS:			589,037.00		
	Fund Total: CURRENT			668,574.46		
Fund:	BEACH					
Department:	BEACH UTILITY O/E: OTHER EXPENSES:					
Extd:	BEACH UTILITY O/E: OTHER EXPENSES:					
7-05-55-502-000-201	BEACH UTILITY O/E: General Plant					
THEHAR	THE HARDWARE STORE	17-00994	Various Supplies, Tools, etc	731.63	0.00	B
STASUP	STANDARD SUPPLY CO. INC.	17-00997	Various Material, Tools, etc	256.77	0.00	B
				988.40		
	Extd Total: BEACH UTILITY O/E: OTHER EXPENSES:			988.40		
	Department Total: BEACH UTILITY O/E: OTHER EXPENSES:			988.40		
	CAFR Total:			988.40		
	Fund Total: BEACH			988.40		
Fund:	PARKING UTILITY: BUDGET:					
Department:	PARKING UTILITY O/E: OTHER EXPENSES:					
Extd:	PARKING UTILITY O/E: OTHER EXPENSES:					
7-06-55-502-000-201	PARKING UTILITY O/E: General Plant					
INTECH	INTEGRATED TECHNICAL SYSTEMS,	17-01297	#1N14221 Repaired Meters 58,48	953.00	0.00	
INTECH	INTEGRATED TECHNICAL SYSTEMS,	17-01373	YE2618 Digital EMS Monthly Fee	4,040.00	0.00	
CABLE	CABLEVISION OF NYC	17-01551	#07866-19615-01-3 Current	115.58	0.00	
				5,108.58		
	Extd Total: PARKING UTILITY O/E: OTHER EXPENSES:			5,108.58		
	Department Total: PARKING UTILITY O/E: OTHER EXPENSES:			5,108.58		
	CAFR Total:			5,108.58		
	Fund Total: PARKING UTILITY: BUDGET:			5,108.58		
Fund:	SEWER UTILITY: BUDGET:					
Department:	SEWER UTILITY O/E: OTHER EXPENSES:					
Extd:	SEWER UTILITY O/E: OTHER EXPENSES:					
7-07-55-502-000-201	SEWER UTILITY O/E: General Plant					
USABLU	USA BLUEBOOK	17-00251	Various Supplies, Tools, etc	195.38	0.00	B
SHOIND	SHORE INDUSTRIAL SUPPLY	17-00261	Various Supplies, Tools, etc	898.87	0.00	B
USABLU	USA BLUEBOOK	17-00878	Shower, Eye/Face wash	746.43	0.00	
NJWEA	NJWEA	17-01361	Registration - Igor Sokolov	384.00	0.00	
NJWEA	NJWEA	17-01362	Registration - Schwerkert, G.	384.00	0.00	
NJWEA	NJWEA	17-01363	Registration - Edward Mickla	384.00	0.00	
				2,992.68		
7-07-55-502-000-203	SEWER UTILITY O/E: Motor Vehicle					
ALLDIE	ALLIED DIESEL SERVICE CORP.	17-01293	#93703 ICP Sensor, etc	1,213.08	0.00	

Attachment: Bill List 5.10.17 (2017-159 : Payment of Bills 5.10.17)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
7-07-55-502-000-218	SEWER UTILITY O/E: Contract Services					
RAPPUM	RAPID PUMP & METER SERVICE	17-01311	#RSRI53895 Labor/Service Call	614.88	0.00	
OSWENT	OSWALD ENTERPRISES, INC.	17-01327	#11356 Materials, Labor, etc	700.00	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	17-01380	#16024:PMT. 18 OF 60 (MAY)	75.00	0.00	
WATSPR	WATCHUNG SPRING WATER CO., INC.	17-01416	#7713494 Sprg Water & Delivery	16.15	0.00	
				<u>1,406.03</u>		
7-07-55-502-000-220	SEWER UTILITY O/E: Accounting					
AMEWAT	AMERICAN WATER	17-01463	usage data 4000116890 04/01/17	391.46	0.00	
7-07-55-502-000-231	SEWER UTILITY O/E: Lab Supplies					
EURQC	EUROFINS QC, INC.	17-01320	#1861522 Influent/Effluent, etc	174.00	0.00	
	Extd Total: SEWER UTILITY O/E: OTHER EXPENSES:			6,177.25		
	Department Total: SEWER UTILITY O/E: OTHER EXPENSES:			6,177.25		
7-07-55-506-000-901	ASB.PARTNER-SEWER ASSESS.					
ASBLLC	ASBURY PARTNERS, LLC	17-01396	1ST QTR. 2017 ODOR CONTROL	3,223.96	0.00	
	Extd Total:			3,223.96		
	Department Total:			3,223.96		
	CAFR Total:			9,401.21		
	Fund Total: SEWER UTILITY: BUDGET:			9,401.21		
	Year Total:			684,072.65		
Fund:	GENERAL CAPITAL FUND BUDGET:					
Department:	Alternate Developer Ord #					
Extd:	Recon Foot Bridge-Sunset Lake (Ord#3036)					
C-04-55-995-013-002	Reconstruct Foot Bridge (Ord#3036/2016-1)					
JEHAN	J.E. HANNON INC.	16-03259	BLANKET:REPLACEMENT OF SUNSET	51,940.00	0.00	B
	Extd Total: Recon Foot Bridge-Sunset Lake (Ord#3036)			51,940.00		
	Department Total: Alternate Developer Ord #			51,940.00		
Extd:	2016/16/VARIOUS 2016 CAPITAL IMPROVEMENT					
C-04-55-998-162-005	2016-16/ADMIN EQUIPMENT, IMPROVEMENTS					
THECAN	THE CANNING GROUP	16-03192	BLANKET:SOFTWARE	12,000.00	0.00	B
SHIINT	SHI INTERNATIONAL CORP	17-01197	B06400726,B06404766:EQUIP.	465.00	0.00	
				<u>12,465.00</u>		
	Extd Total: 2016/16/VARIOUS 2016 CAPITAL IMPROVEMENT			12,465.00		
Extd:	2016-17/VARIOUS 2016 ROADWAY IMPROVEMENT					
C-04-55-998-163-001	2016-17/2016 ROADWAY IMPROVEMENTS (40A)					
TMASSO	T & M ASSOCIATES	16-03651	2015 ROAD PROJECT	3,102.00	0.00	B

Attachment: Bill List 5.10.17 (2017-159 : Payment of Bills 5.10.17)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
C-04-55-998-163-002	2016-17/2016 ROADWAY IMPROVEMENTS					
BLAROC	BLACK ROCK ENTERPRISES LLC	16-03663	2015 ROAD IMPROVEMENT PROGRAM	347,713.83	0.00	B
	Extd Total: 2016-17/VARIOUS 2016 ROADWAY IMPROVEMENT			350,815.83		
	Department Total:			363,280.83		
	CAFR Total:			415,220.83		
	Fund Total: GENERAL CAPITAL FUND BUDGET:			415,220.83		
	Year Total:			415,220.83		
Fund:	GRANT FUND BUDGET:					
G-02-43-871-014-206	Clean Communities Program - 2014					
NJCLEAR	NJ CLEAN COMMUNITIES COUNCIL	17-01155	Registration (Adams)	200.00	0.00	
	Extd Total:			200.00		
G-02-43-871-015-200	2015 NJDHMS Mental Health Grant					
HOMDRU	HOME DRUG	15-03492	Medication assistance	15.00	0.00	B
	Extd Total:			15.00		
G-02-43-871-017-200	2017 Mental Health Grant					
VISNUR	VISITING NURSES ASSN. OF CENTR	17-00136	Nursing Services 2017	3,833.33	0.00	B
	Extd Total:			3,833.33		
	Department Total:			4,048.33		
	CAFR Total:			4,048.33		
	Fund Total: GRANT FUND BUDGET:			4,048.33		
	Year Total:			4,048.33		
Fund:	COMMUNITY DEVELOPMENT BLK GRANT BUDGET:					
T-17-73-850-850-812	2016 CDBG - COASTAL HABITAT FOR HUMANITY					
COAHAB	COASTAL HABITAT FOR HUMANITY,	17-01405	Coastal Habitat Project	5,500.00	0.00	
	Extd Total:			5,500.00		
	Department Total:			5,500.00		
	CAFR Total:			5,500.00		
	Fund Total: COMMUNITY DEVELOPMENT BLK GRANT BUDGET:			5,500.00		
Fund:	TRUST OTHER					
T-20-56-850-856-801	Reserve for Special Duty Assignment					
EASDRI	EAST COAST DRILLING, INC.	17-00971	#170131-013:REFUND OVERPAYMENT	300.00	0.00	
	Extd Total:			300.00		
T-20-56-850-909-801	Reserve for Tax Sale Premiums					
MTAAS	MTAG AS CUSTODIAN FOR CAZ	17-00857	PREMIUM TSC-16-00196	1,800.00	0.00	
TTLBL	TTLBL, LLC	17-01182	PREMIUM TSC-15-00235	29,600.00	0.00	
FWDLS	FWDLS & ASSOCIATES, LP	17-01306	PREMIUM TSC-16-00113	2,400.00	0.00	
USBLIE	US BANK/LIEN LOGIC FUND I, LLC	17-01307	PREMIUM TSC-16-00147	600.00	0.00	
USBLIE	US BANK/LIEN LOGIC FUND I, LLC	17-01308	PREMIUM TSC-16-00273	300.00	0.00	

Attachment: Bill List 5.10.17 (2017-159 : Payment of Bills 5.10.17)

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CITY OF ASBURY PARK
Bill List By Budget Account

Page 2.K.2.a

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-20-56-850-909-801	Reserve for Tax Sale Premiums		Continued			
FWDSL	FWDSL & ASSOCIATES, LP	17-01309	PREMIUM TSC-16-00253	1,000.00	0.00	
USBANCUS	US BANK CUST FOR PHOENIX	17-01322	PREMIUM TSC-15-00105	5,800.00	0.00	
USBLIE	US BANK/LIEN LOGIC FUND I, LLC	17-01369	PREMIUM TSC-16-00203	500.00	0.00	
FWDSL	FWDSL & ASSOCIATES, LP	17-01436	Premium 3603/9.16 16-00250	1,000.00	0.00	
				43,000.00		
	Extd Total:			43,000.00		
	Department Total:			43,300.00		
	CAFR Total:			43,300.00		
	Fund Total: TRUST OTHER			43,300.00		
Fund:	HOWELL/ASBURY PARK RCA BUDGET:					
T-38-56-850-850-802	HOWELL/ASBURY PARK RCA - Miscellaneous					
MONCLE	MONMOUTH COUNTY CLERK	17-01289	Inv#2142736 Discharge RCA Lien	8.00	0.00	
	Extd Total:			8.00		
	Department Total:			8.00		
	CAFR Total:			8.00		
	Fund Total: HOWELL/ASBURY PARK RCA BUDGET:			8.00		
	Year Total:			48,808.00		
Total Charged Lines: 219 Total List Amount: 1,169,066.98 Total Void Amount:				0.00		

Attachment: Bill List 5.10.17 (2017-159 : Payment of Bills 5.10.17)

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CITY OF ASBURY PARK
Bill List By Budget Account

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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT	6-01	9,339.67	0.00	9,339.67	0.00	0.00	9,339.67
SEWER UTILITY: BU 6-07		<u>7,577.50</u>	<u>0.00</u>	<u>7,577.50</u>	<u>0.00</u>	<u>0.00</u>	<u>7,577.50</u>
Year Total:		16,917.17	0.00	16,917.17	0.00	0.00	16,917.17
CURRENT	7-01	668,574.46	0.00	668,574.46	0.00	0.00	668,574.46
BEACH	7-05	988.40	0.00	988.40	0.00	0.00	988.40
PARKING UTILITY:	7-06	5,108.58	0.00	5,108.58	0.00	0.00	5,108.58
SEWER UTILITY: BU 7-07		<u>9,401.21</u>	<u>0.00</u>	<u>9,401.21</u>	<u>0.00</u>	<u>0.00</u>	<u>9,401.21</u>
Year Total:		684,072.65	0.00	684,072.65	0.00	0.00	684,072.65
GENERAL CAPITAL F	C-04	415,220.83	0.00	415,220.83	0.00	0.00	415,220.83
GRANT FUND BUDGET	G-02	4,048.33	0.00	4,048.33	0.00	0.00	4,048.33
COMMUNITY DEVELOP	T-17	5,500.00	0.00	5,500.00	0.00	0.00	5,500.00
TRUST OTHER	T-20	43,300.00	0.00	43,300.00	0.00	0.00	43,300.00
HOWELL/ASBURY PAR	T-38	<u>8.00</u>	<u>0.00</u>	<u>8.00</u>	<u>0.00</u>	<u>0.00</u>	<u>8.00</u>
Year Total:		48,808.00	0.00	48,808.00	0.00	0.00	48,808.00
Total Of All Funds:		<u>1,169,066.98</u>	<u>0.00</u>	<u>1,169,066.98</u>	<u>0.00</u>	<u>0.00</u>	<u>1,169,066.98</u>

Attachment: Bill List 5.10.17 (2017-159 : Payment of Bills 5.10.17)



RESOLUTION NO. 2017-160

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

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,000,000 TAX ANTICIPATION NOTES OF 2017 OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT RESOLVED, by the City Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey, as follows:

Section 1: It is hereby determined and declared that the Chief Financial Officer made and filed in the office of the City Clerk a certificate pursuant to the provisions of Section 40A:4-66 of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., certifying as follows:

(A) The gross borrowing power of the City in respect to tax anticipation notes of the fiscal year beginning January 1, 2017, being thirty percent (30%) of the tax levy for all purposes of the next preceding fiscal year, which ended December 31, 2016, for all purposes, plus thirty percent (30%) of the amount of miscellaneous revenues realized in cash during such next preceding fiscal year, is \$19,568,965.

(B) There are no notes of the City outstanding in anticipation of the collection of taxes of such fiscal year beginning January 1, 2017.

(C) The net borrowing power of the City is \$19,568,965.

Section 2: Pursuant to the Local Budget Law, the City shall borrow not to exceed \$7,000,000 in anticipation of the collection of taxes levied in and for the fiscal year beginning January 1, 2017, and in anticipation of other revenues for such fiscal year.

Section 3: The notes issued pursuant to this Resolution shall be negotiable notes issued in registered form or payable to bearer, shall be issued in an aggregate principal amount not to exceed \$7,000,000 (with the final principal amount of each note to be determined by the Chief Financial Officer and may be issued in more than one series) and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and shall be payable at maturity, all as shall be determined by the Chief Financial Officer of the City in accordance with the provisions of Section Five (5) below. Any instrument issued pursuant to this resolution shall be a general obligation of the City, and the full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the obligations.

Section 4: The Chief Financial Officer is hereby designated as the financial officer to sign said notes, and the Mayor and the Chief Financial Officer are hereby authorized and directed to execute said notes, and the City Clerk or Deputy City Clerk are each hereby authorized and directed to affix the seal of said City to each of such notes and to attest such seal and said notes, and said officers, notwithstanding any resolution theretofore adopted by the City Council, are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 5: The power to determine any matter with respect to said notes not determined by this Resolution and also the power to sell said notes from time to time as funds are granted is hereby granted to the Chief Financial Officer of the City, who is authorized to sell said notes at not less than par and accrued interest and to deliver said notes upon receiving the purchase price to be paid therefor. After the sale of the notes, the Chief Financial Officer shall make a report of such sale to the City Council pursuant to N.J.S.A. 40A:4-72.

Section 6: All sums borrowed by the issuance of said notes shall be applied only to purposes provided for in either (a) the budget adopted for the fiscal year beginning January 1, 2016, or (b) the purposes for which taxes are levied or are to be levied for such fiscal year.

Section 7: Said notes may be renewed from time to time but such notes and any renewals thereof shall mature not later than April 30, 2018.

Section 8. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

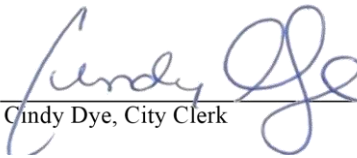
Section 9. The City covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, necessary to maintain the exclusion from interest of the notes for Federal income tax purposes.

Section 10. This resolution shall take effect immediately.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION

NO. 2017-160 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.



Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-161

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

RESOLUTION OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING COMPENSATION PAYMENT TO ANTHONY SALERNO UPON HIS SEPARATION OF EMPLOYMENT

WHEREAS, Anthony Salerno and the City of Asbury Park have agreed on a separation and release agreement effective May 1, 2017; and

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

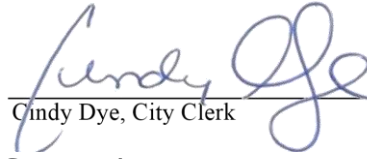
1077 ½ Sick Hours	\$ 70,716.32
504 Vacation Hours	\$ 33,077.52
335 ½ Compensatory Hours	<u>\$ 22,018.86</u>
Total Amount Due	\$125,812.70

WHEREAS, in accordance with N.J.A.C. 5:30-15.4 and the Fair Labor Standards Act, sufficient documentation has been provided to Chief Financial Officer JoAnn Boos for the above accumulated earned time.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the payment of \$125,812.70 to Anthony Salerno upon his separation of employment effective May 1, 2017 for the above accumulated earned time to be paid on May 15, 2017.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-161 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

A handwritten signature in blue ink, appearing to read "Cindy Dye", is written over a horizontal line.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-162

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

AUTHORIZING A CONTRACT FOR AN EXTENDED WARRANTY FOR THE EXISTING PARKING METERS

WHEREAS, on April 21, 2017 ITS provided the City a proposal provide a hardware and software support warranty for the existing parking meters; and

WHEREAS, the City currently operates on a time and material basis which has proven not to be beneficial to the City's operations; and

WHEREAS, this purchase is exempt from public bidding as per N.J.S.A. 40A:11-5(1)(I) Exceptions; and

WHEREAS, the proposal is attached to this Resolution and is hereby named Attachment A; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Parking Utility 6-06-55-502-000-201 in the amount of \$40,964.00 for; and

WHEREAS, as per N.J.A.C. 5:30-5.5(c)2, the contract shall be charged per the year the service is performed; and

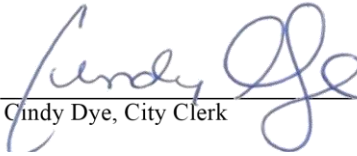
WHEREAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, authorizes the entering into a contract for extended warranty services in the amount of \$40,964.00 paid through the Parking Utility.

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

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-162 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.



Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-163

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, AUTHORIZING A LEASE AGREEMENT WITH ASBURY PARTNERS LLC FOR THE INSTALLATION OF TEMPORARY RESTROOM TRAILERS ON IDENTIFIED PROPERTY WITHIN THE WATERFRONT REDEVELOPMENT AREA

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 a 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, the Master Developer owner that certain property identified as Block 4501, Lot 1.25 on the Tax Map of the City which is located within the Redevelopment Area between Ocean Avenue and the boardwalk, just north of the Sunset Avenue Pavilion at the terminus of Sixth Avenue (the “**Property**”); and

WHEREAS, the City and the Master Developer desire to enter into a Lease Agreement that sets forth the terms and conditions for the City’s installation, use and maintenance on the Property of a temporary, portable public restroom facility and related improvements, including a sanitary sewer connection to the sanitary waste treatment facility located on Block 4501 for the period of April 1, 2014 through December 31, 2019 and any extensions thereof; and

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

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

1. The foregoing recitals are incorporated herein by reference.

2. The Lease 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 Mayor, 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, including any extensions of this Agreement.

3. This Resolution shall take effect immediately.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-163 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.


Cindy Dye, City Clerk _____ 5/11/2017
CINDY A. DYE
CITY CLERK

LEASE AGREEMENT

THIS LEASE AGREEMENT (“Lease”) made and entered into on May ____, 2017 and made effective as of April 1, 2014 (“Effective Date”), by and between Asbury Partners, LLC, a New Jersey limited liability company having an office at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 (“Landlord”) and the City of Asbury Park, a municipal corporation of the State of New Jersey with an address at One Municipal Plaza, Asbury Park, New Jersey 07712 (“Tenant”). Each of Landlord and Tenant are sometimes referred to as a “Party” and collectively as the “Parties”.

Recitals

A. Tenant acting under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), has declared a portion of the City as an area in need of redevelopment which in general terms encompasses the property between Grand Avenue and the beachfront, consisting of approximately 230 acres known as the Waterfront Redevelopment Area (“Redevelopment Area”).

B. Tenant acting under the Redevelopment Law and predecessor statutes, has adopted a redevelopment plan for the Waterfront Redevelopment Area known as the Waterfront Redevelopment Plan on November 7, 1984 which has been subsequently amended, restated and superceded on March 15, 2002 (“Redevelopment Plan”).

C. Landlord is the Master Redeveloper of the Redevelopment Area.

D. Landlord is the owner of certain parcels of real property in the Redevelopment Area, and as pertains to this Lease, is the owner Block 4502, Lot 1.25 as set forth on the Tax Map of the City of Asbury, which is located between Ocean Avenue and the boardwalk just north of the Sunset Avenue Pavilion and at the terminus of Sixth Avenue (the “Property”).

E. Tenant has installed, as of the Effective Date, and is hereby permitted to maintain, subject to and in accordance with the terms hereof, temporary, portable public restroom facilities and related improvements, including a sanitary sewer connection to the sanitary waste treatment facility located on Block 4501 and concrete pad (“Temporary Facilities”), on a portion of the Property, which is depicted on **Exhibit A**.

F. Tenant desires to lease a portion of the Property on which the Temporary Facilities are located from Landlord and Landlord desires to lease the same to Tenant upon the terms and conditions contained herein.

The Parties, intending to be legally bound, and in consideration of the mutual promises set forth herein, do hereby agree as follows:

1. Incorporation of Recitals. The Recitals are true and correct and are hereby incorporated by this reference as if fully set forth in the body of this Lease.

2. Leased Premises.

(a) Tenant installed the Temporary Facilities on a portion of the Property generally depicted by that certain sketch attached hereto and made a part here of as Exhibit A ("Leased Premises"). The Leased Premises consist of and that portion of the Property on which the Temporary Facilities are located as depicted on Exhibit A.

3A. Term of Lease. The term ("Term") of this Lease commenced on the Effective Date and shall continue, unless sooner terminated, until the earlier to occur of the following events:

(i) 11:59PM on December 31, 2019 ("Expiration Date"); or

(ii) Upon thirty (30) days' advance written notice from Tenant that the Leased Premises are no longer required for Tenant's use and operation of the Temporary Facilities ("Non-necessity Date"); or

(iii) Upon sixty (60) days' advance written notice from Landlord that possession of the Leased Premises is necessary for any project to be performed by the Master Redeveloper or another party ("Termination Date", the Termination Date, the Expiration Date and the Non-necessity Date are collectively referred to as the "Conclusion Date"); or

(iv) As otherwise provided in this Lease.

3B. Extension of Term. Provided that Tenant is not in default under the terms of this Lease, that no condition exists that given the passage of time or notice to Tenant would constitute a default under this Lease, and no notice referenced in paragraph 3A(ii) or (iii) has been given, Tenant may, upon sixty (60) days' written notice to Landlord prior to the expiration of the Term, request an extension of the Term of this Lease. Landlord shall grant or deny any such request for an extension in its sole and absolute discretion. In the event Landlord grants any such request for an extension, any extended Term shall be subject to the terms of this Lease and such extension shall not be binding unless memorialized in writing in an amendment to this Lease executed by Landlord and Tenant.

4. Rent. Tenant shall pay rent in the amount of \$1.00 per year, Additional Rent as required and shall observe and perform all obligations of Tenant and this Lease.

5. Grant of Lease; Permitted Use by Tenant; Obligations Upon Conclusion Date.

(a) Landlord hereby leases to Tenant and Tenant hereby leases from Landlord the Leased Premises for the sole purpose of maintaining and operating the Temporary Facilities, (the "Permitted Use"). Tenant is expressly prohibited from altering or expanding the Permitted Use or the size and/or capacity of the Temporary Facilities without first obtaining the written consent of Landlord, which consent may be withheld in the Landlord's sole discretion. Tenant acknowledges and agrees that, Landlord makes no representations that the Permitted Use is lawful and assumes no responsibility or liability in connection with the operation of the Permitted Use on the Leased Premises.

6. Landlord Representations/ No Responsibilities.

(a) Landlord shall have absolutely no responsibility to maintain, repair, operate, monitor or otherwise oversee the use of the Temporary Facilities or the Leased Premises. Any and all costs associated with the approval, operation, maintenance, management, or oversight of the Temporary Facilities and the public's use of the same shall be borne solely by Tenant. Landlord shall have no responsibility for the conformity of the Temporary Facilities with any provision of any applicable law, rule, regulation or ordinance.

(b) Quiet Enjoyment. Subject to the terms of this Lease and Tenant's performance of its obligations under this Lease during the Term, the Landlord covenants that Tenant may lawfully and peaceably use and occupy the Leased Premises without hindrance or ejection by any persons lawfully claiming under Landlord to have title to the Leased Premises (or right to use and occupy the Leased Premises) superior to Tenant.

7. Tenant Representations/Responsibilities.

(a) Tenant shall, at all times and at its sole cost and expense, operate the Temporary Facilities and Leased Premises in conformance with all applicable laws, rules and regulations;

(b) Abide by all terms and conditions of this Lease applicable to Tenant; and

(c) Pay when due as additional rent or at Landlord's option, reimburse Landlord within thirty (30) days following request therefore for all charges for utilities supplied to or consumed on the Leased Premises including without limitation, water and sewer charges and the cost of electricity and gas.

8. Maintenance and Repairs; Liens.

(a) Tenant shall, at Tenant's sole cost and expense, be responsible for the management, maintenance, repair and replacement of the Leased Premises and the Temporary Facilities throughout the Term, including without limitation, all ordinary, extraordinary, structural, and non-structural repairs and replacements and including lighting, fencing, sidewalks, cleaning, removal of refuse and debris, grass cutting, drainage, and snow removal, such that same are at all times operated in an attractive, clean and safe condition (collectively, "Tenant Maintenance Obligations"). In the event of any casualty, damage, personal injury or death at the Leased Premises or at the Temporary Facilities coming to the attention of the Tenant, Tenant shall immediately contact Landlord and provide detailed information of such incident.

(b) Tenant shall keep the Property, Leased Premises and Temporary Facilities at all times free and clear of any and all liens under the New Jersey Construction Lien Law arising out of the construction, repair, maintenance or operation of the Leased Premises or the Temporary Facilities or otherwise and shall not permit any Notices of Unpaid Balance to be filed against the Leased Premises or the Property and if any are filed, Tenant shall cause any lien or claim which could give rise to a lien to be discharged within twenty (20) days after receiving notice of same. In the event that the City of Asbury

Park or any other governmental authority imposes any tax, assessment, fee or cost upon the use or operation of the Leased Premises, Tenant shall be solely responsible for payment of same.

(c) Tenant shall not use, handle, store, treat or transport any materials or substances on, at, to or under the Leased Premises, the Temporary Facilities and/or the Property, that are deemed to be hazardous under any federal, state, or local laws, rules, regulations, ordinances or directives (hereinafter “Environmental Laws”). In the event of a “discharge”(as same is defined under applicable Environmental Laws) of a hazardous material or substance on, at, under or emanating from the Leased Premises, the Temporary Facilities and/or the Property, or other violation of Environmental Laws not caused by Landlord’s acts, Tenant shall, at its sole cost and expense, promptly remediate all environmental contamination or other violation of Environmental Laws resulting from such discharge in accordance with all applicable Environmental Laws such that any affected areas can be used for residential purposes without institutional or engineering controls. Tenant shall indemnify Landlord against all liability, expense and cost associated with Tenant’s obligations to comply with Environmental Laws.

(d) Third Party Maintenance Agreement(s). Subject to Landlord’s prior written approval, the Tenant may enter into agreement(s) with third parties for the maintenance of the Temporary Facilities (“Third Party Maintenance Agreement”). Presently, the Tenant anticipates entering into such a Third Party Maintenance Agreement with Madison Asbury Retail, LLC who is operating what is known as the “Food Truck Court” on the adjacent property located between Ocean Avenue and the boardwalk just north of the Sunset Avenue Pavilion and at the terminus of Sixth Avenue and designated as Block 4502, Lots 1.21 and 1.22. Any Third Party Maintenance Agreement shall be provided to Landlord for approval, reference and attach this Lease and shall require the Third Party to comply with all terms, conditions and obligations of this Lease, including but not limited to the insurance and indemnification provisions. No Third Party Maintenance Agreement shall confer any rights in the Leased Premises on the third party other than those required for performance of maintenance activities required to be performed by Tenant; extend beyond the Term of this Lease, or relieve Tenant from any obligation or liability under this Lease, including but not limited to, acts or omissions in contravention of this Lease by any third party with whom Tenant may contract.

9. Insurance.

(a) Tenant shall not at any time use or occupy, or suffer or permit anyone to use or occupy, the Temporary Facilities or Leased Premises or do or permit anything to be done at the Leased Premises or the Temporary Facilities which would (i) violate the requirements of any insurance rating association, (ii) violate any condition imposed by then-effective insurance policies, (iii) result in an increase in insurance rates, or (iv) result in insurance companies of good standing refusing to insure the Leased Premises, the Temporary Facilities and/or the Property and property therein in amounts reasonably satisfactory to Landlord and Tenant or as required under this Lease.

(b) Throughout the Term, Tenant shall, at Tenant’s cost and expense, provide and cause to be maintained the insurance listed below. Tenant may, at its option, elect to provide the insurance described below as part of a comprehensive policy covering other property owned or leased by

Tenant or operations of Tenant, so long as the level and amounts of coverage available thereunder are not diminished below the standards set forth herein and the requirements hereof are met.

(1) comprehensive general public liability insurance (including blanket contractual liability coverage) insuring against losses on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by, the condition, use or occupancy of, the Leased Premises and/or Temporary Facilities by Tenant, and its agents, contractors, employees, licenses, customers, invitees and members of the public. Said insurance shall be carried by a reputable insurance company or companies qualified to do business in New Jersey and having limits of not less than \$2,000,000.00 combined single limit per occurrence and of not less than \$4,000,000.00 in the aggregate;

(2) “special form” insurance (formerly known as “all-risk”) insurance covering the improvements to the Leased Premises and the Temporary Facilities and/or the Tenant’s respective equipment and all other items of personal property of Tenant located on, in or about the Leased Premises and/or the Temporary Facility;

(3) Worker’s Compensation Insurance, Employer’s Liability Insurance and all other insurance coverage of similar character applicable or relating to the employment of Tenant’s officers, employees, agents or independent contractors; and

(c) All insurance policies required to be carried by Tenant pursuant to this Lease shall include the following provisions: (a) that the policy may not be cancelled or materially reduced in amount or coverage without endeavoring to provide at least thirty (30) days’ prior written notice by the insurer to each insured and any additional insureds.

(d) Tenant shall provide to the Landlord certificates, and any other evidence reasonably requested, of the policies required to be maintained pursuant to this Lease. Such certificate(s) shall adequately described and evidence all the provisions set forth in this Section 9. All policies and certificates of insurance provided for under this Lease shall name the Landlord as an additional insured. Landlord acknowledges and agrees that nothing contained herein shall be deemed a waiver of Tenant’s immunities at common law and under N.J.S.A. 59:1-1 et seq. (the “Tort Claims Act”) as to persons other than Landlord. With respect to Tenant’s obligations to Landlord, tenant waives any such rights of immunity granted by statute or common law.

(e) If either Tenant fails to maintain the insurance as required herein, the same may be purchased by the Landlord at the expense of the Tenant, and the expense therefor incurred shall be deemed to be additional rent and shall be paid within ten (10) days after rendition of a bill or statement therefor.

(f) Tenant hereby waives any right that it may have against, and hereby releases Landlord and its affiliates, partners, principals, managers, members, officers, agents, employees, stockholders, and servants (collectively referred to herein as the “Landlord Parties”) from any and all liability for loss, damage or injury in or about the Leased Premises except for gross negligence or intentional misconduct of the Landlord Parties.

(g) In the event that Tenant contracts with any other party to construct, operate or use the Leased Premises and/or the Temporary Facilities, such party shall also be required to maintain the insurance required hereby, including listing both Landlord and Tenant as additional insureds on such insurance policies.

(h) Whenever any loss, damage, cost or expense is incurred by Tenant and Tenant is covered or required to be covered by insurance. Tenant releases Landlord from any liability it may have and waives any right of subrogation, against Landlord which may otherwise exist

10. Casualty. In the event that the Temporary Facilities are damaged by fire or other casualty, either Party shall have the option to terminate this Lease (which election to terminate shall be made within 30 days after the casualty giving rise to such right to terminate). In the event neither Tenant nor Landlord elects to terminate this Lease, Tenant shall repair, rebuild and restore the damaged portions of the Temporary Facility as soon as practicable using commercially reasonable efforts after the casualty and Tenant's obligations under this Lease shall continue in full force and effect, without modification.

11. Condemnation. In the event all or part of the Leased Premises and/or the Temporary Facilities is taken by eminent domain or conveyed in lieu thereof such that the remainder of the Leased Premises cannot reasonably be used for the Permitted Use, either Party shall have the right to terminate this Lease, and Tenant shall not be entitled to share in any award or compensation paid in connection therewith, provided that, Tenant shall be entitled to relocation costs and related costs provided that same shall not reduce or affect the Landlord's award.

12. Events of Default; Remedies.

(a) Any one or more of the following shall constitute an "Event of Default" under this Lease:

1. Failure by Tenant to maintain the insurance required hereby.
2. Failure by Tenant to perform or observe any provision, covenant or condition contained in this Lease which failure shall continue for a period of ten (10) days after written notice thereof; provided, however, that if the obligation is of such nature that more than ten (10) days are required for its performance, then there shall not be deemed to be an Event of Default hereunder if the Tenant shall commence such performance within said ten (10) day period and diligently pursues such cure to completion, but in no event shall such cure period exceed ninety (90) days.
3. Institution of bankruptcy proceedings by or against Tenant which are not withdrawn or dismissed within ninety (90) days after the institution of said proceedings.
4. Any transfer of Tenant's rights under this Lease by assignment, sublease or other means, except as permitted pursuant to Section 8(d).

(b) In the event that Tenant commits, or allows to occur, an Event of Default which is not cured, the Landlord shall have the right to immediately terminate this Lease and shall also have all rights and remedies provided herein and at law and in equity. All remedies herein set forth (or provided by law) shall be cumulative and not exclusive and may be pursued simultaneously or separately and in such order or combination as Landlord so elects.

13. Indemnification.

(a) Tenant shall indemnify, hold harmless, and defend Landlord and the Landlord Parties against all claims, losses, actions, suits or liabilities for injury or death to any person or for damage to or loss of use of any property, including the Leased Premises and the Temporary Facilities (collectively "Claims") arising out of any occurrence in, on, near or about the Leased Premises and/or Temporary Facilities and/or the use of the Leased Premises and/or the Temporary Facilities (including the coming and going of employees and/or invitees of Tenant or members of the public), unless caused solely or in part by the gross negligence or intentional misconduct of the Landlord and/or a Landlord Party or the breach by any of Tenant's obligations under this Lease. Such indemnification shall include and apply to reasonable attorneys' fees and other reasonable costs actually incurred by Landlord. Tenant shall further indemnify, defend and hold harmless Landlord and the Landlord and the Landlord Parties from and against any and all Claims arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease. This Lease is made on the express condition that Landlord shall not be liable for, or suffer loss by reason of, injury to person or property, from whatever cause, in any way connected with the condition, use, safety or occupancy of the Temporary Facilities and/or Leased Premises unless caused solely or in part by the gross negligence or intentional misconduct of the Landlord and/or a Landlord Party, unless and until such gross negligence or intentional misconduct on the part of Landlord or a Landlord's Party is established by a final and unapplicable judgment of a court of competent jurisdiction, Tenant's indemnity obligations shall remain in full force and effect.

(b) As to any matter for which Tenant is required to defend and/or indemnify Landlord and as to any party required herein to be named as an additional insured, any insurance maintained or provided by Tenant (i) shall be primary in relation to any other insurance maintained by or available to Landlord, (ii) shall not require Landlord to tender any claim to its own insurance or to any other insurance available to Landlord, and (iii) shall provide that the insurer will not seek contribution from any other insurance available to Landlord.

14. Subordination/Estoppel.

(a) This Lease is subject and subordinate to any mortgage or deed of trust that may now or hereafter encumber the Property, and to all renewals, modifications, consolidations, replacements and extensions thereof. Although not a condition precedent to the effectiveness of this Section, Tenant, upon request from Landlord shall execute and deliver documentation evidencing that this Lease is in fact subordinate to any specific mortgage or deed of trust which might hereafter encumber the Property.

(b) Upon Landlord's request, Tenant shall execute, acknowledge and deliver to Landlord a written statement certifying: (i) the Effective Date; (ii) the date the Term expires; (iii) that this Lease is in full force and effect and unmodified (or if modified, stating the modifications); (iv) that

Landlord is not in default under this Lease (or, if Landlord is claimed to be in default, stating the nature of the default); and (v) such other matters as may be reasonably required by Landlord, to the extent that Tenant has personal knowledge of such matters. Tenant shall deliver such statement to Landlord within ten (10) days after Landlord's request. Any such statement may be given to and relied upon by any prospective purchaser or lienor of the Leased Premises and/or Property.

15. Entire Contract. This Lease, contains the entire contract between the Parties hereto with respect to the subject matter hereof and there are no understandings, promises, representations or warranties, oral or written, relating to the subject matter of this Lease, which exist or bind any of the Parties hereto, their respective heirs, executors, administrators, successors or assigns, except as set forth herein. No amendment, change, addition to this Lease or approval required under this Lease shall be binding upon Landlord or Tenant unless reduced to writing and signed by both Parties.

16. Governing Law, Forum Selection, and Waiver of Jury Trial /No Presumption Against Draftsman. The Parties agree that this Lease shall be governed by and interpreted according to the laws of the State of New Jersey, without reference to the choice of law principles thereof. Each of the Parties hereto irrevocably consents and submits to the jurisdiction of the Superior Court of New Jersey, Monmouth County, for the purpose of any suit, action, proceeding or judgment relating to or arising out of this Lease and the transactions contemplated thereby. Each Party hereto irrevocably waives any objection to the laying of venue of any such action or proceeding brought in said Court and irrevocably waives any claim that any such suit, action or proceeding brought in said Court has been brought in any inconvenient forum. The Parties further agree that any claims relating to or arising out of this Lease and the transactions contemplated thereby shall be tried before a Judge and without a trial by jury. No presumption shall be deemed to exist in favor of or against either Party hereto as a result of the preparation or negotiation of this Lease.

17. Notices. All notices or other communications hereunder shall be in writing and deemed to have been properly given (a) upon delivery, if delivered in person, or (b) one (1) business day after having been deposited for overnight delivery with any reputable overnight courier service addressed as set forth below or as such party may from time to time designate by written notice to the other party:

If to Landlord:

Asbury Partners, LLC
c/o iStar Inc.
1100 Ocean Avenue
Asbury Park, New Jersey 07712
Attention: Brian Cheripka, Senior Vice President

With a copy to:
Chiesa Shahinian & Giantomasi PC
1 Boland Drive
West Orange, New Jersey 07052
Attention: Fredric P. Lavinthal, Esq.

If to Tenant:

The City of Asbury Park
One Municipal Plaza
Asbury Park, New Jersey 07712
Attention: City Manager

With a copy to:
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor
Roseland, New Jersey 07068
Attention: Glenn F. Scotland, Esq.

18. Landlord's Right to Enter Leased Premises and Right to Utilize Landlord's Property. Landlord may, upon prior notice to Tenant (which may be given via electronic mail or verbally) at reasonable times, (but in no event shall it be obligated to) enter the Leased Premises to inspect it, to cure any Tenant default, to make emergency repairs or alterations and show it to potential buyers and lenders. Landlord reserves the right to continue to utilize the Property in the ordinary course of its business.

19. Failure to Strictly Enforce Terms; Waiver. The failure of either Party to enforce any of the provisions of this Lease shall not be considered a waiver of that provision or the right of the Party to thereafter enforce the provision. No waiver of any provision hereof shall be effective unless in writing signed by the Party alleged to have waived such provision. Any single waiver shall not operate to waive subsequent or other defaults. Nothing contained here shall constitute a waiver of any rights that either Party may have against the other.

20. Cure. If either Party does not comply with and perform their obligations set forth herein, either Party may, if that Party so elects, upon reasonable notice to the other Party (except in the event of an emergency) carry out and perform such conditions and covenants at the cost and expense of the other Party and the expense therefor incurred shall be paid within ten (10) days after rendition of a bill or statement therefor.

21. Surrender of the Leased Premises. Upon the expiration or earlier termination of the Lease, Tenant shall surrender the Leased Premises to Landlord in good order and condition, in compliance with Tenant's obligations hereunder, excepting only ordinary wear and tear. Tenant shall be unconditionally obligated to remove: (a) the Temporary Facilities; (b) all above ground and underground utility connections leading to or from the Temporary Facilities that were installed by, or on behalf of, Tenant; and (c) all debris, rubbish and waste. Furthermore, upon the expiration or earlier termination of the Lease, Tenant shall restore the Leased Premises to substantially the same condition that existed prior to the installation of the Temporary Facilities. All property of Tenant remaining on the Leased Premises after Tenant's surrender of the Leased Premises shall be deemed abandoned and at Landlord's election

may either be retained by Landlord or may be removed from the Leased Premises at Tenant's expense. If any locks are installed at the Leased Premises, Tenant shall deliver to Landlord all keys for same.

22. Captions. The headings of the various Sections of this Lease are inserted for reference only and shall not have the effect of modifying or amending the express terms and provisions of this Lease.

23. Representations and Warranties.

(a) Tenant hereby makes the following representations and warranties: (i) Tenant has the legal power, right and authority to enter into this Lease, to consummate the transaction contemplated hereby, to take any steps or actions contemplated hereby, and to perform their obligations hereunder; (ii) upon the approval by Tenant of this Lease, all requisite action will have been taken by Tenant and all requisite consents have been obtained in connection with the entering into this Lease, and the consummation of the transaction contemplated hereby; and (iii) this Lease is duly executed by Tenant, and the execution and delivery thereof shall not, with due notice or the passage of time, constitute a default under or violate the terms of any indenture, agreement or other instrument to which Tenant is a party.

(b) Subject to the provisions of Paragraph 5, Landlord hereby makes the following representations and warranties: (i) Landlord has the legal power, right and authority to enter into this Lease, to consummate the transaction contemplated hereby, to take any steps or actions contemplated hereby, and to perform its obligations hereunder; (ii) upon the approval by Landlord of this Lease, all requisite action will have been taken by Landlord and all requisite consents have been obtained in connection with the entering into this Lease, and the consummation of the transaction contemplated hereby; and (iii) this Lease is duly executed by Landlord, and the execution and delivery thereof shall not, with due notice or the passage of time, constitute a default under or violate the terms of any indenture, agreement or other instrument to which Landlord is a party.

[SPACE INTENTIONALLY BLANK, SIGNATURES ON FOLLOWING PAGES]

The Parties have executed this Lease as of the day and year first above written.

LANDLORD:

ASBURY PARTNERS, LLC

By: _____
Name: BRIAN A. CHERIPKA
Title: SENIOR VICE PRESIDENT

[SPACE INTENTIONALLY BLANK, SIGNATURES ON FOLLOWING PAGE]

Attachment: Lease between City and Asbury Partners for temporary restroom trailers with Exhibit (2017-163 : Temporary Restroom Trailers for

TENANT:

CITY OF ASBURY PARK

By: _____

Name: JOHN MOOR

Title: MAYOR

[SPACE INTENTIONALLY BLANK, EXHIBIT A ON FOLLOWING PAGE]

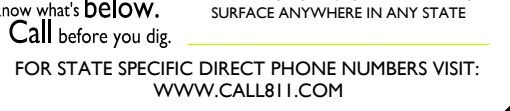
EXHIBIT A
[SKETCH OF LEASED PREMISES]

Attachment: Lease between City and Asbury Partners for temporary restroom trailers with Exhibit (2017-163 : Temporary Restroom Trailers for

Office Locations:

■ Red Bank, NJ	■ Albany, NY
■ Clinton, NJ	■ Chestnut Ridge, NY
■ Hamilton, NJ	■ Newburgh, NY
■ Marmora, NJ	■ Hawthorne, NY
■ Mt. Arlington, NJ	■ Bethlehem, PA
■ Mt. Laurel, NJ	■ Exton, PA
■ Sterling, VA	■ Philadelphia, PA
■ Albuquerque, NM	■ Tampa, FL

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EXHIBIT

FOR

ASBURY PARK
REDEVELOPMENT

BLOCK 4502
LOT 1.25

CITY OF ASBURY PARK
MONMOUTH COUNTY
NEW JERSEY

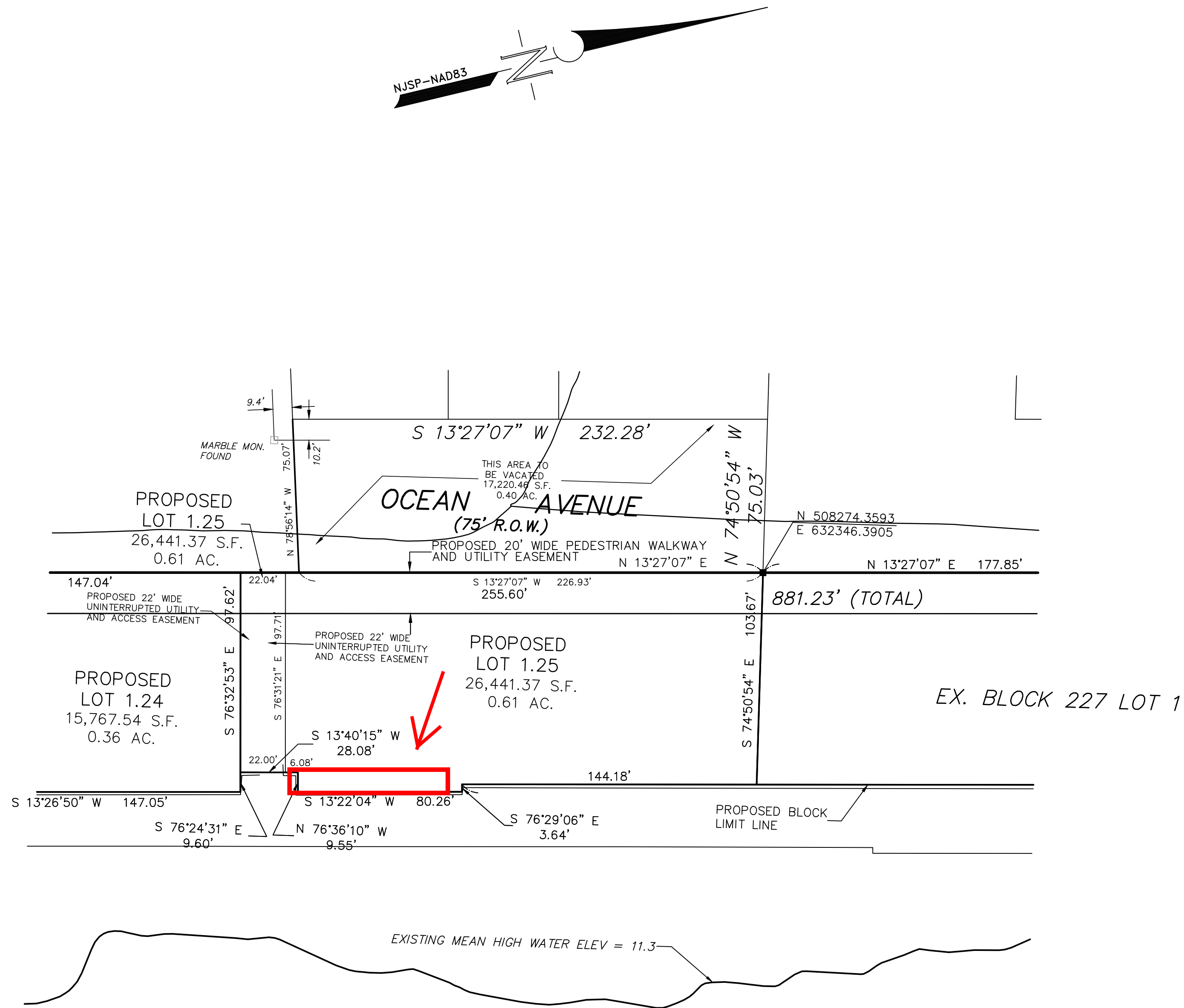


SCALE:	DATE:	DRAWN BY:	CHECKED BY:
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PROJECT NUMBER:		DRAWING NAME:	
13000604		F-EXHIBIT BLOCK 4502_I-25	

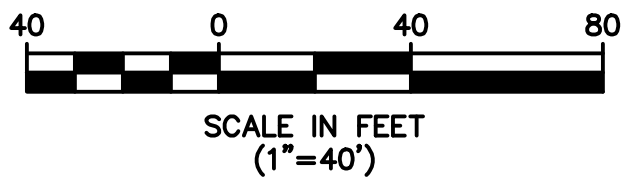
MEET TITLE:

EXHIBIT

SHEET NUMBER: 1 of 1



**NOTE:
THIS EXHIBIT PREPARED
FROM INFORMATION
OBTAINED FROM TAX MAPS**





RESOLUTION NO. 2017-164

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

**AUTHORIZING THE CITY OF ASBURY PARK TO IMPLEMENT THE
COMPETITIVE CONTRACTING PROCESS TO PROCURE VENDORS TO OPERATE
A CONCESSION INVOLVING THE RENTAL OF STAND-UP PADDLE BOARDS,
KAYAKS, AND/OR OTHER RECREATIONAL DEVICES TO THE PUBLIC IN A
DESIGNATED AREA OF THE DEAL LAKE**

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors to operate a concession involving the rental of stand-up paddle boards, kayaks, and/or other recreational devices to the public in a designated area of the Deal Lake; and

WHEREAS, the Mayor and Council believe that this proposed concession service will generate revenues for the City and provide a benefit and service to the public; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1, *et seq.*, allows municipalities to utilize the “competitive contracting” process in lieu of public bidding for certain specified purposes, including the awarding of concession services [See N.J.S.A. 40A:11-4.1(j)]; and

WHEREAS, the method to be utilized under the “competitive contracting” process seeks to encourage competitive bidding, but affords more discretion to the City in the ranking and awarding of the proposals received; and

WHEREAS, in order to initiate the “competitive contracting” process, the Governing Body must pass a Resolution authorizing the use of this procurement method, pursuant to N.J.S.A. 40A:11-4.3(a).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, that the “competitive contracting” process, pursuant to N.J.S.A. 40A:11-4.1, *et seq.*, is hereby authorized and shall be implemented for the purpose of receiving proposals for the concession service referenced above.

BE IT FURTHER RESOLVED, that all City officials and professionals are hereby authorized and directed to undertake all actions that are necessary in order to further this process.

BE IT FURTHER RESOLVED that following the receipt of proposals from interested vendors for the said concession service, and the review and ranking of the proposals received in

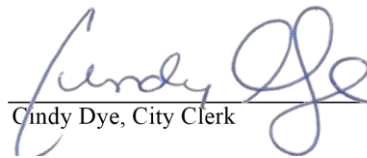
accordance with the methodology to be enumerated in the RFP, the Mayor and Council shall consider making an award for the operation of said concession service at a future Council meeting(s).

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

- a. Michael Capabianco, City Manager;
- b. Cindy A. Dye, City Clerk;
- c. JoAnn Boos, CFO;
- d. Frederick C. Raffetto, Esq., City Attorney

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-164 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.



Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-165

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

RESOLUTION APPOINTING CITY PUBLIC DEFENDER

WHEREAS, the City of Asbury Park has a need to engage the services of a City Public Defender for the year 2017, to provide services as per N.J.S.A. 2B:24-6 et. al.; and

WHEREAS, the City of Asbury Park is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et.seq.) (“Act”); and

WHEREAS, the City of Asbury Park followed the guidelines as set forth in the New Jersey Local Unit Pay-to-Play Law issued by the New Jersey Department of Community Affairs; and

WHEREAS, this contract shall go into effect May 16, 2017; and

WHEREAS, the CFO has verified that funds exist for this activity in account 7-01-43-495-000-021; and

WHEREAS, the City of Asbury Park advertised for the submission of “Requests for Qualifications” (“RFQ”) at least 10 days in advance of the opening of such qualifications in accordance with the aforesaid law; and

WHEREAS, the request for RFQ(s) was closed and the proposals that were received were read aloud as of 10:30 a.m. on April 27, 2017; and

WHEREAS, the proposals and qualifications have been reviewed by the Temporary Purchasing Agent who considered experience and reputation in the field; the professional’s knowledge of the City of Asbury Park; the availability to accommodate any meeting; and other factors deemed to be in the best interest of City of Asbury Park; and

WHEREAS, following said review, the City Council wishes to appoint the Troppoli Law Firm to the professional service contract to provide public defender services in the amount of \$500.00 per court session and \$130.00 per hour for matters held in Superior Court, for the remainder of the year 2017.

NOW, THEREFORE, BE IT RESOLVED that the award of the contract for City Public Defender services is hereby made to the Troppoli Law Firm, in an amount of \$500.00 per

court session and \$130.00 per hour for all Court matters held in Superior Court, for the remainder of the year 2017.

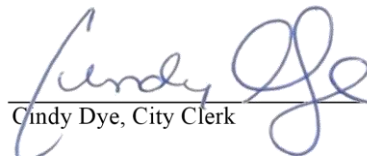
BE IT FURTHER RESOLVED that the contract shall commence effective May 16, 2017.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the newspaper(s) of record.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign all documents associated with the contract.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-165 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.



Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-166

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

RESOLUTION APPOINTING CITY CODE ENFORCEMENT PROSECUTOR

WHEREAS, the City of Asbury Park has a need to engage the services of a Code Enforcement Prosecutor for the year 2017, to provide services as per N.J.S.A. 2B:25-5 et. al.; and

WHEREAS, the City of Asbury Park is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et.seq.) (“Act”); and

WHEREAS, the City of Asbury Park followed the guidelines as set forth in the New Jersey Local Unit Pay-to-Play Law issued by the New Jersey Department of Community Affairs; and

WHEREAS, this contract shall go into effect May 16, 2017; and

WHEREAS, the CFO has verified that funds exist for this activity in account 7-01-22-195-000-299; and

WHEREAS, the City of Asbury Park advertised for the submission of “Requests for Qualifications” (“RFQ”) at least 10 days in advance of the opening of such qualifications in accordance with the aforesaid law; and

WHEREAS, the request for RFQ(s) was closed and the proposals that were received were read aloud as of 10:30 a.m. on April 27, 2017; and

WHEREAS, the proposals and qualifications have been reviewed by the Temporary Purchasing Agent who considered experience and reputation in the field; the professional’s knowledge of the City of Asbury Park; the availability to accommodate any meeting; and other factors deemed to be in the best interest of City of Asbury Park; and

WHEREAS, following said review, the City Council wishes to appoint James N. Butler Jr. to the professional service contract to provide code enforcement prosecutor services in the amount of \$650.00 per court session and \$150.00 per hour for matters held in Superior Court, for the remainder of the year 2017.

NOW, THEREFORE, BE IT RESOLVED that the award of the professional service

contract for Code Enforcement Prosecutor services is hereby made to James N. Butler Jr., Attorney at Law, in an amount of \$650.00 per court session and \$150.00 per hour for all Court matters held in Superior Court, for the remainder of the year 2017.

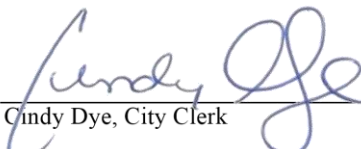
BE IT FURTHER RESOLVED that the contract shall commence effective May 16, 2017.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the newspaper(s) of record.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign all documents associated with the contract.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-166 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.


Cindy Dye, City Clerk 5/11/2017
CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-167

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

RESOLUTION APPOINTING ALTERNATE CITY PROSECUTOR

WHEREAS, the City of Asbury Park has a need to engage the services of an Alternate City Prosecutor for the year 2017, to provide services as per N.J.S.A. 2B:25-5 et. al., on an as-needed basis; and

WHEREAS, the City of Asbury Park is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et.seq.) (“Act”); and

WHEREAS, the City of Asbury Park followed the guidelines as set forth in the New Jersey Local Unit Pay-to-Play Law issued by the New Jersey Department of Community Affairs; and

WHEREAS, this contract shall go into effect May 16, 2017; and

WHEREAS, the CFO has verified that funds exist for this activity in account 7-01-25-275-000-202; and

WHEREAS, the City of Asbury Park advertised for the submission of “Requests for Qualifications” (“RFQ”) at least 10 days in advance of the opening of such qualifications in accordance with the aforesaid law; and

WHEREAS, the request for RFQ(s) was closed and the proposals that were received were read aloud as of 10:30 a.m. on April 27, 2017; and

WHEREAS, the proposals and qualifications have been reviewed by the Temporary Purchasing Agent who considered experience and reputation in the field; the professional’s knowledge of the City of Asbury Park; the availability to accommodate any meeting; and other factors deemed to be in the best interest of City of Asbury Park; and

WHEREAS, following said review, the City Council wishes to appoint the firm of Long, Marmero & Associates to the professional service contract to provide alternate prosecutor services in the amount of \$150.00 per hour, for the remainder of the year 2017.

NOW, THEREFORE, BE IT RESOLVED that the award of the professional service contract for alternate prosecutor services is hereby made to the firm of Long, Marmero &

Associates, in the amount of \$150.00 per hour, for the remainder of the year 2017.

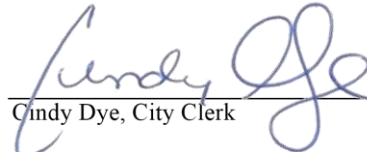
BE IT FURTHER RESOLVED that this contract shall commence effective May 16, 2017.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the newspaper(s) of record.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign all documents associated with the contract.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-167 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.

A handwritten signature in blue ink, appearing to read "Cindy Dye", is written over a horizontal line.

Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2017-168

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

RESOLUTION APPOINTING CITY PROSECUTOR

WHEREAS, the City of Asbury Park has a need to engage the services of a City Prosecutor for the year 2017, to provide services as per N.J.S.A. 2B:25-5 et. al.; and

WHEREAS, the City of Asbury Park is required to comply with the New Jersey Pay-to-Play Law (P.L. 2004 c. 19, N.J.S.A. 19:44-20.4 et.seq.) (“Act”); and

WHEREAS, the City of Asbury Park followed the guidelines as set forth in the New Jersey Local Unit Pay-to-Play Law issued by the New Jersey Department of Community Affairs; and

WHEREAS, this contract shall go into effect May 16, 2017; and

WHEREAS, the CFO has verified that funds exist for this activity in account 7-01-25-275-000-202; and

WHEREAS, the City of Asbury Park advertised for the submission of “Requests for Qualifications” (“RFQ”) at least 10 days in advance of the opening of such qualifications in accordance with the aforesaid law; and

WHEREAS, the request for RFQ(s) was closed and the proposals that were received were read aloud as of 10:30 a.m. on April 27, 2017; and

WHEREAS, the proposals and qualifications have been reviewed by the Temporary Purchasing Agent who considered experience and reputation in the field; the professional’s knowledge of the City of Asbury Park; the availability to accommodate any meeting; and other factors deemed to be in the best interest of City of Asbury Park;

WHEREAS, following said review, the City Council wishes to appoint James N. Butler Jr. to the professional service contract to provide prosecutor services in the amount of \$650.00 per court session and \$150.00 per hour for matters held in Superior Court, for the remainder of the year 2017.

NOW, THEREFORE, BE IT RESOLVED that the award of the professional service contract for City Prosecutor services is hereby made to James N. Butler Jr., Attorney at Law, in

an amount of \$650.00 per court session and \$150.00 per hour for all Court matters held in Superior Court, for the remainder of the year 2017.

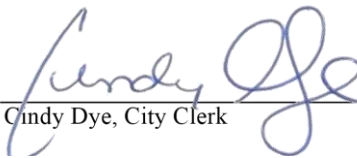
BE IT FURTHER RESOLVED that the contract shall commence effective May 16, 2017.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the newspaper(s) of record.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign all documents associated with the contract.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2017-168 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CERTIFIED BY ME THIS 11th DAY OF May, 2017.



Cindy Dye, City Clerk

5/11/2017

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2017-21**

**ORDINANCE OF THE CITY OF ASBURY PARK, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR A
SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$370,000 TO FUND CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES
RESULTING FROM THE RETIREMENT OF EMPLOYEES**

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 the majority of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. N.J.S.A. 40A:4-53 provides that a local unit such as the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), may adopt an ordinance authorizing a special emergency appropriation to fund contractually required severance liabilities resulting from the layoff or retirement of employees and such liabilities shall be paid without interest and, at the sole discretion of the City, may be paid in equal annual installments over a period of not to exceed five years.

SECTION 2. The City has determined and does hereby authorize a special emergency appropriation in an amount not to exceed \$370,000 to fund the contractually required severance liabilities resulting from the retirement of employees.

SECTION 3. To finance the appropriation authorized hereunder, and described in Section 2 hereof, special emergency notes of the City (the "Notes") shall be authorized by a resolution of the City Council to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 4. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 5. This ordinance shall take effect as provided by law.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2017-21 which was finally adopted by the City Council at a meeting held on the 24th day of May, 2017

CINDY A. DYE
CITY CLERK

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2017-22**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING
BOND ORDINANCE NUMBER 2910 (WHICH PROVIDES
FOR SANITARY AND STORM SEWER IMPROVEMENTS)
HERETOFORE FINALLY ADOPTED BY THE CITY
COUNCIL OF THE CITY OF ASBURY PARK, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON
JUNE 3, 2009, TO AMEND THE DESCRIPTION SET FORTH
THEREIN**

**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. Section 3(a) of Bond Ordinance Number 2910 finally adopted on June 3, 2009, by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") entitled, "BOND ORDINANCE PROVIDING FOR SANITARY AND STORM SEWER IMPROVEMENTS FOR THE SPRINGWOOD AVENUE REDEVELOPMENT AREA AND THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA BY THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$15,800,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$15,800,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to amend the description set forth therein, as follows:

"Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for Various Capital Infrastructure Improvements to the Storm and Sanitary Sewer System throughout the City including, but not limited to, the Springwood Avenue Redevelopment Area, the Central Business District Redevelopment Area, Main Street (State Highway 71), Heck Street and Monroe Avenue, and including the replacement and relining of all storm and sanitary sewer mains throughout the City, and shall also include, as applicable, all engineering or design work, construction planning, preparation of plans and specifications, permits, bid documents, inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto."

SECTION 2. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 3. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 4. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, if applicable, as provided by the Local Bond Law.

DATED: May 24, 2017

CINDY A. DYE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2017

JOHN MOOR,
Mayor of the City of Asbury Park



**Asbury Park, New Jersey
ORDINANCE NO. 2017-23**

**AUTHORIZING THE CITY OF ASBURY PARK TO CONVEY AN EASEMENT OVER
CERTAIN PORTIONS OF THE PUBLIC RIGHT-OF-WAY AREA ADJACENT TO
THE PROPERTY LOCATED AT 1003 BOND STREET (BLOCK 2703, LOT 2, F/K/A
BLOCK 167, LOT 1.02)**

WHEREAS, on February 13, 2007, the Asbury Park Zoning Board of Adjustment adopted a Resolution memorializing the approval of an application for Preliminary and Final Major Site Plan Approval relating to the renovation of an existing school building (a/k/a Holy Spirit School) into a 16 unit residential structure (hereinafter referred to as the “development project”) at the property located at 1003 Bond Street, more commonly known and designated as Block 2703, Lot 2, f/k/a Block 167, Lot 1.02 (hereinafter referred to as the “property”); and

WHEREAS, the property is located in the R-2 Zoning District, and is intended to be used as a multi-family residential structure; and

WHEREAS, the above-referenced Resolution of approval contained a condition that any encroachments into any public right-of-way areas (over which the City has jurisdiction) must be approved by the Mayor and Council of the City of Asbury Park (the “City”); and

WHEREAS, the development project includes the construction of a 17 space surface parking lot, along with lighting and a landscaped area, which is proposed to encroach into the public right-of-way areas by approximately 2,600 square feet; and

WHEREAS, the encroachment is described in more detail in a legal description prepared by Fredrick L. Voss, PE, PLS, of GTS Consultants, Inc., dated April 4, 2016, a copy of which is attached hereto as Exhibit “A,”; and

WHEREAS, the encroachment is depicted in more detail on the attached portion of a map entitled, “Final Site Plan - Building Use Conversion” of Block 167, Lot 1.02, in the City of Asbury Park, Monmouth County, New Jersey,” dated February 5, 1997, as prepared by Louis A. Scheidt,, PE, PLS, attached hereto as Exhibit “B”; and

WHEREAS, the applicant (current owner of the property) has requested that the City allow it to develop the property with the encroachment referenced above, and as described and depicted in the attached Exhibits; and

WHEREAS, the Mayor and Council have previously determined to consider requests for encroachment into the public right-of-way areas on a case-by-case basis; and

WHEREAS, with respect to the within application, the Mayor and Council have determined the following:

- (1) The within proposed encroachment into the public right-of-way shall not interfere with the ability of the public to utilize the existing sidewalks or other public areas that are adjacent to the proposed development project; and
- (2) The encroachment is needed in order to provide for the construction of a 17 space surface parking lot, along with lighting and a landscaped area adjacent to the building, which is a necessary part of the development project; and
- (3) The completion of the proposed development project will represent a significant improvement to the area, and will result in substantial tax ratables to the City; and
- (4) The total area of the proposed encroachment is less than the minimum size required for development under the applicable municipal development regulations and is without any capital improvement(s) thereon; and

WHEREAS, as a result, to the extent that the City has jurisdiction over the area in question (and without making any affirmative representations with regard thereto), the Mayor and Council are willing to permit the construction of the 17 space surface parking lot, along with the proposed lighting and a landscaped area, which are proposed to encroach into certain public right-of-way areas that are believed to be under the City's jurisdiction, as referenced above, and as described and depicted in the attached Exhibits, for the consideration of Twelve Thousand Nine Hundred Dollars (\$12,900.00), which consideration shall be paid prior to the issuance of a Certificate of Occupancy for the property, on the condition that the easement area shall only be used for the purposes referenced herein and for no other purpose(s), and pursuant to the other terms and conditions set forth herein; and

WHEREAS, the purpose of this Ordinance is to confirm said conditional approval and to grant the necessary easement, in accordance with the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*; and

WHEREAS, the Mayor and City Council do not wish for the granting of this easement to serve as a precedent for further encroachments into the City's right-of-way areas elsewhere in the City, but rather declare that any and all such requests must be carefully reviewed by the Governing Body and considered strictly on a case-by-case basis, and that any such requests shall be granted only where substantial reasons are shown to justify and warrant the granting of the easement.

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

1. That, to the extent that the City has jurisdiction over the area in question (and without making any affirmative representations with regard thereto), the City, pursuant to the *New Jersey Local Lands and Buildings Law*, N.J.S.A. 40A:12-1, *et seq.*, and

- specifically N.J.S.A. 40A:12-13(b)(5), hereby authorizes the conveyance of an easement to the applicant, for the consideration of Twelve Thousand Nine Hundred Dollars (\$12,900.00), which consideration shall be paid prior to the issuance of a Certificate of Occupancy for the property, over a certain portion of the public right-of-way areas that are adjacent to the property, as more particularly described in the legal description attached hereto as Exhibit “A” and as depicted on Exhibit “B,” in order to allow for the construction of a 17 space surface parking lot, along with lighting and a landscaped area, as part of the development project, on the condition that the easement area shall only be used for the purposes referenced herein, and for no other purpose(s), and pursuant to the other terms and conditions set forth herein.
2. That the Mayor is hereby authorized to execute, and the Municipal Clerk to attest, any and all documents that are necessary in order to effectuate the granting of this easement, which documents shall be in a form satisfactory to the City Attorney.
 3. That, following proper execution and notarization of the necessary easement documents, the same shall be recorded with the Monmouth County Clerk’s Office.
 4. That all other City officials and employees are hereby authorized to undertake any activities that are necessary in furtherance of the intentions of the within Ordinance.
 5. That all costs and expenses associated with this matter shall be paid by the applicant, through an escrow account established with the City.
 6. That this Ordinance shall become effective twenty (20) days following its final passage, in accordance with N.J.S.A. 40:69A-181(b).
 7. 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.
 8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2017-23 which was finally adopted by the City Council at a meeting held on the 24th day of May, 2017

CINDY A. DYE
CITY CLERK

Metes and Bounds Description for an easement area
 Within the Third Avenue Right of Way
 City of Asbury Park, Monmouth County, New Jersey

Beginning at the intersection of the westerly right of way line of Bond Street (50 feet wide) with the southerly right of way line of Third Avenue (100 feet wide); thence running,

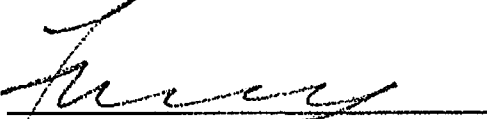
1. Along said southerly right of way line of Third Avenue, N 65° 30' 00" W, 200.00 feet to a point thereon; thence,
2. At right angles to and through the Third Avenue public right of way, N 24° 30' 00" E, 13.00 feet to a point; thence,
3. Parallel with the aforesaid southerly right of way line of Third Avenue, S 65° 30' 00" E, 200.00 feet to a point; thence,
4. At right angles to said southerly right of way line of Third Avenue, S 24° 30' 00" W, 13.00 feet to the point and place of beginning.

Containing an area of 2,600 square feet more or less.

Being an area within the public right of way of Third Avenue to occupy with curb, asphalt pavement, and appurtenances to serve as a circulation aisle within a parking area on the abutting property.

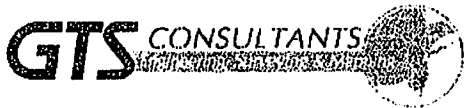
Prepared by:

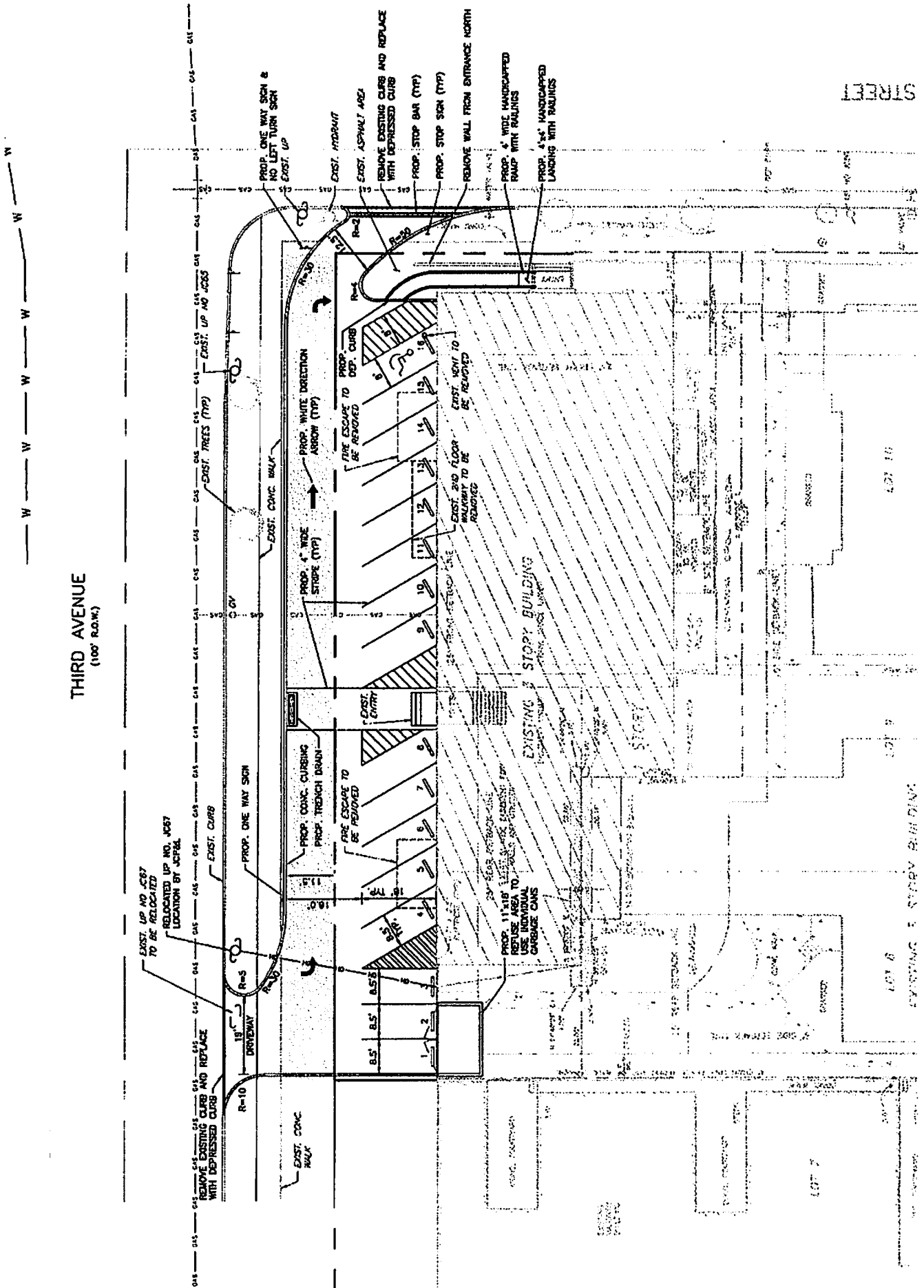
GTS Consultants, Inc.
 2 Monmouth Avenue, Unit A1
 Freehold, NJ 07728
 (732) 409-0900



Fredrick L. Voss, PE, PLS
 NJ License No. 24GB02579700

April 4, 2016







**Asbury Park, New Jersey
ORDINANCE NO. 2017-18**

**ORDINANCE AMENDING CITY OF ASBURY PARK'S LAND DEVELOPMENT
REGULATIONS, CHAPTER XXX, SPECIFICALLY AMENDING ACCESSORY USES
FOR THE LI ZONE AND PROHIBITING COMMERCIAL DRIVE-THRUS IN THE B-2
ZONE**

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, Specifically at N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Governing Body must refer any proposed development regulations or any potential revision or amendments to an existing development regulation to the municipal Planning Board for review and comment; and

WHEREAS, it is desired that Chapter XXX (Zoning) be amended to permit as an accessory uses for the LI zone outdoor sun protection structures for outdoor tables for restaurants with limited indoor seating; and

WHEREAS, it is desired to also amend Chapter XXX to prohibit commercial drive-thrus in the B-2 zone; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Governing Body wishes to refer these requests to the planning board for review and comment prior to second reading of an ordinance to enact proposed amendments highlighted in red attached to Exhibits A and B; and

WHEREAS, pursuant to N.J.S.A 40:55D-26a, the Planning Board shall have thirty-five (35) days to prepare and transmit to the Governing Body a report concerning he proposed amendments, including the Board's recommendations and any other matters as the Board deems appropriate; and

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. Chapter XXX of the Asbury Park Ordinance (Zoning) is hereby amended to include the addition of the following language highlighted in red in Exhibits A and B.
3. 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.

4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
5. That after First Reading, this ordinance shall be forwarded to the municipal planning board who shall have thirty-five (35) days to prepare and transmit to the Governing Body a report concerning the proposed amendments, including the Board's recommendations and any other matters as the Board deems appropriate
6. 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).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2017-18 which was finally adopted by the City Council at a meeting held on the 10th day of May, 2017

CINDY A. DYE
CITY CLERK

Amendments are in **red**.

EXIBIT A

30-75.1 Accessory Structures in All Zones.

Accessory structures not attached to a principal structure may be erected in a side or rear yard in accordance with the following regulations:

- a. No accessory structures shall be located in the required side yard.
- b. In the R1, R1A and R2 Zones, accessory structures may be erected in the rear yard not closer than five (5) feet to the side lot line and three (3) feet to the rear lot line. Accessory structures over fifteen (15) feet in height shall be set back from side and rear lot lines a distance equal to one-half (1/2) the height of the structure.
- c. Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.
- d. No portion of any accessory structure shall be used for living quarters for people.
- e. When an accessory structure is attached to the principal building it shall be considered as a part of the principal building and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.
- f. Accessory structures shall be included in meeting the maximum building coverage requirements in Schedule 1.
- g. In the R3 Zone and in all nonresidential zones, the distance accessory structures shall be located from any principal structure shall be determined as part of site plan review.

h. For restaurants in the LI zone with less than two interior tables for patrons, exterior tables are permitted as well as seasonal (no more than six (6) months) sun protection, provided that the sun protection is canvas or canvas like material and does not have advertising or branding.

Exhibit B

30-71.4 (B2) - Main Street Retail Sales and Service.

a. *Permitted Uses:*

1. Retail sales and services permitted in subsection 30-71.3.
2. Business and professional offices, banks, and fiduciary institutions.
3. Automobile rental establishments, excluding properties with frontage on Main Street.
4. Appliance rental establishments.
5. Laundromats.
6. Restaurants.
7. Take-out restaurants.
8. Bars.
9. Upper store residences, subject to subsection 30-73.11.

b. *Prohibited Uses:*

1. Nursing homes.
2. Licensed health care facilities.
3. Soup kitchens and food pantries.
4. Houses of worship and places of assembly.
5. Social clubs.
6. Retail sales and service establishments providing goods and repair services for vehicles.
7. Used car sales.
8. Motor vehicle repair garages.
9. Motor vehicle body repair garages.

10. Drive-Thrus



Minutes
Meeting of the Municipal Council
Wednesday, May 10, 2017
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Absent	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco stated that there were no outstanding issues.

Special Event Applications

Leesha Floyd reviewed the special event applications with the Council.

Review of Agenda Items for May 10, 2017 Regular Meeting

City Manager Capabianco reviewed the agenda items with the Council for this evenings meeting.

Matters from City Council

Council Member Clayton stated that on Saturday the Chamber of Commerce and Madison Marquette are sponsoring a family kite day from 11 am -4 pm at the 6th Ave. beach. There will be public meetings on May 15 at the Senior Center and May 16 at City Council chambers to discuss workforce development. The City is looking for public comment and participation. Members of Council participated in a March this past saturday commemorating Keona Reeves. This is not a closed case and if anyone knows any information please contact the police department.

Council Member Kendle wished everyone a Mother's Day.

Deputy Mayor Quinn stated that members of the City Council participated NJ Aids Walk sponsored by The Center. On Friday there was a pink prom event at the Hotel Tides, which raised money for several organizations within the City.

Mayo Moor requested that the workforce development meetings be highly publicized.

Matters from City Manager

City Manager Capabianco stated that we will be hiring a new code enforcement officer. The City will possibly hire one full time and one part time employee.

Matters from City Attorney

City Attorney Raffetto had no matters.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, May 10, 2017
REGULAR MEETING

Executive Session - 4:00 p.m.

2017-154 Authorizing a meeting which excludes the public

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

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Absent	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

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

PUBLIC PARTICIPATION

The following members of the public spoke: Robert Weiner, Marty Bradshaw, Tracy Rogers, Rita Marano, Jerry Scarano and Felicia Simmons.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close the meeting to the public.

MINUTES

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

1. Executive Session Minutes of Apr 26, 2017 5:00 PM

2. Municipal Council - Work Session - Apr 26, 2017 6:00 PM
3. Municipal Council - Regular Meeting - Apr 26, 2017 7:00 PM

CONSENT AGENDA RESOLUTIONS

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

2017-155 Resolution Approving Special Event Applications

2017-156 Award of Contract for Regional Contribution Agreement Project (1215 Summerfield Avenue)

2017-157 Resolution authorizing the municipal Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 994, c. 72

INDIVIDUAL RESOLUTIONS

2017-158 Resolution Amending Temporary Budget Appropriations for 2017 Budget

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

2017-159 Resolution Authorizing the Payment of Bills

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

2017-160 Resolution Authorizing the Issuance of Not to Exceed \$7,000,000 Tax Anticipation Notes of 2017 of the City of Asbury Park, in the County of Monmouth, State of New Jersey

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

2017-161 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey, Authorizing Compensation Payment to Anthony Salerno upon his Separation of Employment

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

2017-162 Authorizing a Contract for an Extended Warranty for the Existing Parking Meters

RESULT:	ADOPTED [3 TO 1]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor
ABSENT:	Eileen Chapman

2017-163 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Authorizing a Lease Agreement with Asbury Partners LLC for the Installation of Temporary Restroom Trailers on Identified Property within the Waterfront Redevelopment Area

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

2017-164 Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate a Concession Involving the Rental of Stand-Up Paddle Boards, Kayaks, and/or other Recreational Devices to the Public in a Designated Area of the Deal Lake

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

2017-165 Resolution Appointing City Public Defender

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

2017-166 Resolution Appointing City Code Enforcement Prosecutor

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

2017-167 Resolution Appointing Alternate City Prosecutor

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

2017-168 Resolution Appointing City Prosecutor

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

ORDINANCES

Introduction

2017-21 Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") Providing for a Special Emergency Appropriation in an Amount not to Exceed \$370,000 to Fund Contractually Required Severance Liabilities Resulting from the Retirement of Employees

Public hearing for Ordinance 2017-21 is scheduled for May 24, 2017.

RESULT:	INTRODUCED [3 TO 1]
	Next: 5/24/2017 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor
ABSENT:	Eileen Chapman

2017-22 Bond Ordinance Amending and Supplementing Bond Ordinance Number 2910 (which Provides for Sanitary and Storm Sewer Improvements) heretofore Finally Adopted by the City Council of the City Of Asbury Park, in the County of Monmouth, State of New Jersey, on June 3, 2009, to Amend the Description Set Forth Therein

City Manager Capabianco explained the ordinance to the City Council.

Public hearing for Ordinance 2017-21 is scheduled for May 24, 2017.

RESULT:	INTRODUCED [3 TO 1]
	Next: 5/24/2017 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Yvonne Clayton, Amy Quinn, John Moor
NAYS:	Jesse Kendle
ABSENT:	Eileen Chapman

2017-23 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Public Right-Of-Way Area Adjacent to the Property Located at 1003 Bond Street (Block 2703, Lot 2, f/k/a Block 167, Lot 1.02)

Public hearing for Ordinance 2017-21 is scheduled for May 24, 2017.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 5/24/2017 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Yvonne Clayton, Jesse Kendle, Amy Quinn, John Moor
ABSENT:	Eileen Chapman

Adoption/Public Hearing

2017-18 Ordinance Amending City of Asbury Park's Land Development Regulations, Chapter XXX, Specifically Amending Accessory Uses for the LI Zone and Prohibiting Commercial Drive-thrus in the B-2 Zone

Motion made by Deputy Mayor Quinn and seconded by Mayor Moor to open Ordinance 2017-18 to the public.

No one from the public spoke.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close Ordinance 2017-18 to the public.

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

ADJOURNMENT

The meeting was adjourned at 7:40 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk