



Agenda
Meeting of the Municipal Council
Wednesday, May 11, 2016

I. Executive Session – 6:00 p.m.

Resolution 2016-217 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Carter Sackman - Savoy Theater Financial Agreement
2. Interfaith Neighbors-Redevelopers Agreement (Turf Club-Springwood Avenue)

B. Litigation:

1. Famularo Disciplinary
2. Famularo Initiative and Referendum Complaint

II. Regular Meeting – 7:00 p.m.

A. Clerk to Call Meeting to Order/Roll Call.

B. Silent Prayer/Moment of Reflection.

C. Salute to the Flag

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

E. Matters from City Council

F. Matters from City Manager

- a. Waterfront Parking Rates – Summer of 2016

G. Matters from City Attorney

H. Public Participation **(Announcement by City Clerk):**

I. Consent Agenda Resolutions.

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

- 2016-218 Approving Special Events/Wedding Applications as Presented on May 9, 2016.
- 2016-219 Resolution Authorizing the Payment of Payroll in the Amount of \$885,583.11.
- 2016-220 Resolution to Credit Sewer Account (1523 Summerfield Avenue, Block 1403, Lot 23).
- 2016-221 A Resolution Authorizing Transfer of Title for a Surplus Vehicle to the Borough of Allenhurst.
- 2016-222 Resolution Authorizing Compensation Payment to Anthony Nuccio upon His Retirement.
- 2016-223 Resolution Authorizing Compensation Payment to Jason La Russo upon His Separation of Employment.

J. Individual Resolutions

- 2016-224 Resolution Authorizing the Payment of Bills in the Amount of \$ 3,201,797.90.
- 2016-225 Resolution Identifying Menu Items per Subsequent Developer Agreement between City of Asbury Park, Madison Asbury Retail LLC, and Asbury Partners.
- 2016-226 Resolution Amending Temporary Appropriations for 2016
- 2016-227 Resolution Authorizing and /or Ratifying Change Order #1 to the Contract with T & M Associates for Professional Design, Bidding and Construction Administration Services for the Wastewater Treatment Plant Roof Repair.
- 2016-228 Resolution of the Mayor and Council of the City of Asbury Park Referring Proposed Amendments to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to Take Certain Actions Pursuant to N.J.S.A. 40A:12A-7(e).
- 2016-229 Resolution Authorizing an Employment Agreement between the City of Asbury Park and Deputy Police Chief Anthony Salerno.
- 2016-230 Resolution Authorizing the City of Asbury Park to Grant a License to permit an Encroachment into an area of the City Right-Of-Way adjacent to the Property located at 703 Asbury Avenue (Block 2602, Lot 10).
- 2016-231 Authorizing the Award of a Contract regarding the Operation of a Seasonal Concession to Provide Surf Lessons to the Public in a Designated Area of the Asbury Park Beach Front.

- 2016-232 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a Supplemental Confidential Settlement Agreement Regarding James Famularo.

K. Ordinances:

1. Introduction:

- 2016-19 Establishing a Restricted Parking Space For Use By Handicapped Persons at Property Located at 1215 Springwood Avenue, Designated as Block 1103, Lot 48, 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."

2. Second Reading/Public Hearing:

- 2016-11 An Ordinance Amending and Supplementing Section 7-20, Entitled "One-Way Streets," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."
- 2016-15 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement With AEF II Urban Renewal, LLC And Savoy Urban Renewal, LLC, And Granting A Tax Exemption.
- 2016-16 Bond Ordinance Providing for Various 2016 Capital Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,750,000 Therefor and Authorizing the Issuance of \$1,662,500 Bonds or Notes of the City to Finance Part of the Cost Thereof.
- 2016-17 Bond Ordinance Providing for Various 2016 Roadway Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,250,000 Therefor and Authorizing the Issuance of \$1,187,500 Bonds or Notes of the City to Finance Part of the Cost Thereof.
- 2016-18 Refunding Bond Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") Providing for (I) the Refunding of Certain Outstanding Qualified General Improvement Bonds of the City Dated June 25, 2009 to Provide Debt Service Savings, and (II) Authorizing the Issuance of Not to Exceed \$4,200,000 Aggregate Principal Amount of General Improvement Refunding Bonds of the City to Effect Such Refunding and Appropriating the Proceeds Therefor.

L. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, May 11, 2016
REGULAR MEETING

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

The following Council Members were present: Council Member Jesse Kendle, Council Member Yvonne Clayton, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, City Manager Michael Capabianco and City Clerk Cindy Dye.

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

MATTERS FROM CITY COUNCIL

Mayor Moor thanked everyone who was wearing pink to remind everyone to get their mammogram. He also advised the public that election districts 1 and 9, which were located at Lumley Homes, were moved to the Mt. Carmel Church Annex, at the direction of Monmouth County Board of Elections.

MATTERS FROM CITY MANAGER

a. Waterfront Parking Rates – Summer of 2016

City Manager Capabianco stated that under the agreement with iStar, two Council members need to agree to the parking rates. He indicated that he previously sent an email to all Council members regarding this request. Mayor Moor agreed to the parking rates. Deputy Mayor Quinn indicated that she would review the e-mail and get back to the City Manager in the morning.

MATTERS FROM THE CITY ATTORNEY - None

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public. All were in favor.

City Clerk Dye made the following announcement: "The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker."

The following members of the public spoke: John Grant, Robert Weiner, Bess McCarthy, Ed Baumgartner, Danny Weiss, Gil Olsen, Werner Baumgartner, Ryan Kutus, Tee Lesinski, Jackie Pappas, Rita Marano, Frank Varga, Lou Parissi and Jerry Scarano.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the public portion of the meeting. All were in favor.

Consent Agenda Resolutions.

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

2016-218 Approving Special Events/Wedding Applications as Presented on May 9, 2016.

Resolution # 2016-218

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on May 9, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Farmers Market
2. Jazz Festival 2017- date only
3. Little League and Middle School Baseball Parade
4. VNACJ Community Day 2016
5. Tigger House Bicycle Event
6. Lets Walk Together- Mary's Place by the Sea
7. Jersey Pride
8. Weddings:
 - a. Stehle/Rice 6/10 8th Avenue Beach
 - b. Preston/Pagliaro 9/4 6th Avenue Beach
 - c. Clancy/Moglia 9/10 2nd Avenue Beach

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events"

Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

2016-219 Resolution Authorizing the Payment of Payroll in the Amount of
\$885,583.11.

**Resolution #2016-219
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$885,583.11**

WHEREAS, the April 29, 2016 payroll in the amount of \$885,583.11, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling \$885,583.11 is hereby authorized to be paid, and;

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

2016-220 Resolution to Credit Sewer Account (1523 Summerfield Avenue, Block
1403, Lot 23).

Resolution # 2016-220

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

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a Municipality may adopt a resolution authorizing the Tax Collector to make adjustments to a property owners account; and

WHEREAS: The Tax Collector was notified Ms. Rachel Hirschfeld, owner of the property located at 1523 Summerfield Avenue, Block 1403 Lot 23 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption due to a correction from New Jersey American Water Company, account 10359001-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 84,000 gallons and the City of Asbury Park billed for 146,000 gallons at a rate of \$685.90; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 84,000 gallons should be billed at a rate of \$428.60.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account #10359001-0 for the 2016 2nd QTR sewer billing in the amount of \$257.30 for 62,000 gallons.

2016-221 A Resolution Authorizing Transfer of Title for a Surplus Vehicle to the Borough of Allenhurst.

Resolution # 2016-221

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

A RESOLUTION AUTHORIZING TRANSFER OF TITLE OF SURPLUS VEHICLE TO THE BOROUGH OF ALLENHURST

WHEREAS, the City of Asbury Park (the “City”) currently owns a 2006 Dodge Durango vehicle, bearing the following vehicle identification number: VIN 1D4HB 38N46 F1489 18; and

WHEREAS, the City has determined that this vehicle is no longer of any value and that the cost of repair would be greater than the value of the vehicle; and

WHEREAS, it is the desire of the Mayor and City Council to declare the 2006 Dodge Durango vehicle (VIN 1D4HB 38N46 F1489 18) to be surplus property; and

WHEREAS, the Borough of Allenhurst (“Allenhurst”) has requested that the City transfer the title of this vehicle to Allenhurst, in its “as is” condition, for a nominal fee of One Dollar (\$1.00).

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 the 2006 Dodge Durango vehicle, bearing vehicle identification number VIN 1D4HB 38N46 F1489 18, be considered as surplus property and that the title thereto be transferred to Allenhurst for a \$1.00 fee.

2016-222 Resolution Authorizing Compensation Payment to Anthony Nuccio upon His Retirement.

**Resolution #2016-222
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING COMPENSATION PAYMENT TO
ANTHONY NUCCIO UPON HIS RETIREMENT**

WHEREAS, Anthony Nuccio has submitted his retirement from the City of Asbury Park effective May 1, 2016.

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

80 1/4 Vacation Days	\$29,503.11
135 Sick Days (Max)	49,631.40
240 Compensatory Hours (Max)	<u>12,604.80</u>
Total Amount Due	<u>\$91,739.31</u>

WHEREAS, in accordance with N.J.A.C. 5:30-15.4, sufficient documentation has been provided to Chief Financial Officer, Richard Gartz 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 \$91,739.31 to Anthony Nuccio upon his retirement effective May 1, 2016 for the above accumulated earned time to be paid on May 27, 2016.

2016-223 Resolution Authorizing Compensation Payment to Jason La Russo upon
His Separation of Employment.

**Resolution #2016-223
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING COMPENSATION PAYMENT TO
JASON LA RUSSO UPON HIS SEPARATION OF EMPLOYMENT**

WHEREAS, Jason La Russo has been separated from the City of Asbury Park effective April 8, 2016;

WHEREAS, Jason La Russon has accumulated earned time that he is entitled to be compensated for as follows:

22 1/4 Vacation Days	\$10,468.62
1/4 Compensatory Hours	<u>11.76</u>
Total Amount Due	<u>\$10,480.38</u>

WHEREAS, in accordance with N.J.A.C. 5:30-15.4, sufficient documentation has been provided to Chief Financial Officer, Richard Gartz 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 \$10,480.38 to Jason La Russo upon his separation of employment effective April 8, 2016 for the above accumulated earned time to be paid on May 27, 2016.

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

J. Individual Resolutions

2016-224 Resolution Authorizing the Payment of Bills in the Amount of
\$ 3,201,797.90.

**Resolution #2016-224
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$3,201,797.90**

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 \$3,201,797.90

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

CURRENT VOUCHERS	\$ 2,648,819.90
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$ 3,201,797.90

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

2016-225 Resolution Identifying Menu Items per Subsequent Developer Agreement between City of Asbury Park, Madison Asbury Retail LLC, and Asbury Partners.

Resolution # 2016-225

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

IDENTIFYING OF MENU ITEMS AS PER THE SUBSEQUENT DEVELOPER AGREEMENT BETWEEN THE CITY OF ASBURY PARK, MADISON ASBURY RETAIL LLC, AND ASBURY PARTNERS

WHEREAS, Section 4.01(i) of the Subsequent Developer Agreement (SDA) between the City of Asbury Park, Madison Asbury Retail LLC and Asbury Partners authorizes funding for the City for Menu Items; and

WHEREAS, as per the SDA the City shall pass a Resolution to identify Menu Items; and

WHEREAS, the City of Asbury Park hereby identifies the Menu Items and their amounts as follows:

- Purchase and installation of trash/recycling receptacles in the amount of \$75,000

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey identify Menu Items as per the SDA between the City, Madison Asbury Retail, and Asbury Partners as the installation of trash/recycling receptacles in the amount of \$75,000.

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

2016-226 Resolution Amending Temporary Appropriations for 2016

**Resolution #2016-226
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2016

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

fiscal year and the final adoption of the budget for the said year; and

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2016 be adopted and a certified copy of this resolution be provided to the Borough'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:		
Buildings and Grounds – Other Expenses	\$ 35,800.00	\$ 45,800.00
Bond Anticipation Notes Principal	0.00	290,000.00
Sewer Utility Operating Fund:		
Bond Anticipation Notes Principal	0.00	20,000.00

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

2016-227 Resolution Authorizing and /or Ratifying Change Order #1 to the Contract with T & M Associates for Professional Design, Bidding and Construction Administration Services for the Wastewater Treatment Plant Roof Repair.

**Resolution # 2016-227
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING AND/OR RATIFYING CHANGE ORDER # 1
TO THE CONTRACT WITH T & M ASSOCIATES.
FOR PROFESSIONAL DESIGN, BIDDING AND CONSTRUCTION
ADMINISTRATION SERVICES FOR THE
WASTEWATER TREATMENT PLANT ROOF REPAIR**

WHEREAS, on June 10, 2015, the Mayor and City Council of the City of Asbury Park (the "City") authorized the award of a professional services contract (the "Contract") to T & M Associates (the "Contractor") for professional design, bidding and construction administration services related to the Wastewater Treatment Plant Roof Repair project (the "project"), pursuant to the "fair and open" process described in N.J.S.A. 19:44A-20.4, *et seq.*, and as required under the Memorandum of Understanding (the "M.O.U.") between the City and the State of New Jersey,

Division of Local Government Services, regarding the transitional aid funding received by the City; and

WHEREAS, following the award of said contract, it became apparent that additional unanticipated services were required of the Contractor relating to the project; and

WHEREAS, this project is covered by the 90% reimbursable amount as a FEMA project from Hurricane Sandy; and

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

WHEREAS, the additional costs associated with the Change Orders is as follows:

Change Order No. 1 - \$25,510.00

WHEREAS, the City now wishes to authorize and/or ratify the above-referenced Change Orders.

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

1. That the Mayor and/or City Manager are hereby authorized to execute, and the City Clerk to attest, the attached Change Order # 1 to the contract with T & M Associates concerning the Wastewater Treatment Facility Roof project.
2. That the execution of the said Change Orders shall be contingent upon the Chief Financial Officer certifying to the availability of funding for the said Change Orders.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. T & M Associates.;
 - b. Michael Capabianco, City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Frederick C. Raffetto, Esq., Municipal Attorney;
 - e. William McClave, Director of Public Maintenance

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

2016-228 Resolution of the Mayor and Council of the City of Asbury Park Referring Proposed Amendments to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to Take Certain Actions Pursuant to N.J.S.A. 40A:12A-7(e).

Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to amend the resolution requesting that the Planning Board hold a special meeting to review and consider the amendments. All were in favor.

Resolution # 2016-228

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK REFERRING PROPOSED AMENDMENT(S) TO THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN TO THE CITY OF ASBURY PARK PLANNING BOARD, AND DIRECTING THE PLANNING BOARD TO TAKE CERTAIN ACTIONS PURSUANT TO N.J.S.A. 40A:12A-7(e)

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

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

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

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

WHEREAS, the City wishes to revisit and amend the section of the redevelopment plan titled “ Review of Certain Uses Within the Central Business District Redevelopment Area for Sound Mitigation Matters” ; and

WHEREAS, the Mayor and Council have determined that such change to the Plan would help to achieve an articulated vision of the CBD Redevelopment Plan; and

WHEREAS, a copy of the proposed amendment to the Redevelopment Plan is attached hereto to as Exhibit A (the “Proposed Amendment”) to accommodate this request; and

WHEREAS, the Mayor and City Council have reviewed the Proposed Amendment and desire to forward the Proposed Amendment to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e.

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

1. That the Mayor and Council hereby refer the Proposed Amendment to the Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40A:12A-7(e).
2. That the Mayor and Council desire that the Planning Board undertake a review of this matter and determine if the amendment conforms with the goals and objectives of the City's Master Plan.
3. That the Planning Board is authorized and directed to prepare a report of its recommendations (the "Planning Board Report") to the Proposed Amendment to the Plan no later than forty-five (45) days of the date hereof. However, the Municipal Council requests that the report be prepared expeditiously and thus asks that the Planning Board hold a special meeting before the next municipal council meeting of May 25, 2016.
4. That the Planning Board Report shall identify any provisions within the Proposed Amendment to the Plan that are inconsistent with the City's Master Plan, the recommendations concerning those inconsistencies and any other matters the Planning Board deems appropriate.
5. That if the Planning Board Report is not transmitted to the Mayor and Council within forty-five (45) days of the date hereof, the Mayor and Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with N.J.S.A. 40A:12A-7(e).
6. That the Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e).
7. That this resolution shall take effect immediately.

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

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

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

2016-229 Resolution Authorizing an Employment Agreement between the City of Asbury Park and Deputy Police Chief Anthony Salerno.

Resolution # 2016-229

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

**RESOLUTION AUTHORIZING AN EMPLOYMENT AGREEMENT BETWEEN THE
CITY OF ASBURY PARK AND DEPUTY POLICE CHIEF ANTHONY SALERNO**

WHEREAS, pursuant to N.J.S.A. 40:69A-89, et seq., and Section 2-3 of the “Code of the City of Asbury Park, New Jersey,” the Municipal Council shall appoint a Municipal Manager to serve as the chief executive and administrative official of the municipality, at such salary and under such conditions as the Municipal Council by a majority vote may decide; and

WHEREAS, it is the desire of the Asbury Park Mayor and Council to enter into an employment agreement with the Deputy Police Chief that outlines the job duties, benefits, etc.; and

WHEREAS, the contract is attached to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that they shall enter into an employment agreement with Deputy Police Chief Anthony Salerno outlining terms of employment.

BE IT FURTHER RESOLVED, that the execution of the attached Employment Agreement by the Mayor and City Clerk, on behalf of the City, is hereby authorized and/or ratified.

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

- a. Michael N. Capabianco, Municipal Manager
- b. Timothy Cunningham, Director, N.J. Division of Local Government Services
- c. George D. Haeuber, State Fiscal Monitor
- d. Anthony Salerno, Deputy Police Chief
- e. Mary Kay Callahan, Personnel Officer
- f. Steven Glickman, Esquire, Labor Counsel
- g. Frederick C. Raffetto, Esquire, City Attorney

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		

Mayor John Moor			X		
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2016-230 Resolution Authorizing the City of Asbury Park to Grant a License to permit an Encroachment into an area of the City Right-Of-Way adjacent to the Property located at 703 Asbury Avenue (Block 2602, Lot 10).

**Resolution # 2016-230
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE CITY OF ASBURY PARK TO GRANT A LICENSE
TO PERMIT AN ENCROACHMENT INTO AN AREA OF THE
CITY RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT
703 ASBURY AVENUE (BLOCK 2602, LOT 10).**

WHEREAS, Asbury Park Ventures, LLC (the “Property Owner”) is the owner of the property located at 703 Asbury Avenue, more commonly known and designated as Block 2602, Lot 10, on the Asbury Park City Tax Map (the “Property”), which is located in the R-1 Zoning District; and

WHEREAS, the Property Owner wishes to improve the Property by construction of a retaining wall in an area located between the front of the house and the public sidewalk; and

WHEREAS, the neighboring property situated immediately adjacent thereto, located at 705 Asbury Avenue (Block 2602, Lot 11), has an existing retaining wall located in the same location (vis-à-vis the public sidewalk) as that being requested by the current Property Owner; and

WHEREAS, the Property Owner wishes to match the neighbor’s retaining wall in size, design, color and material, as well as that of the existing retaining wall that was previously constructed in another area of the front yard of the Property; and

WHEREAS, the proposed retaining wall will not affect the existing public sidewalk area in front of the Property; however, the proposed retaining wall will nevertheless encroach into the City’s public Right-of-Way (the “ROW”) area in certain respects; and

WHEREAS, the request set forth by the Property Owner is more specifically described and depicted in a letter received by the City Manager dated April 28, 2016 (the “request”), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the specifications regarding the material of the proposed wall, as well as its dimensions and locations, etc., are set forth in the attached request; and

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

- (1) The proposed construction does not appear to involve a detriment to the public good; and
- (2) The proposed improvements will not interfere with use of the sidewalk area by the public, given that there is an existing unobstructed sidewalk area that is adequate for pedestrian passage, which area will not be impacted by the construction of the proposed improvements adjacent thereto; and

WHEREAS, the City is willing to grant a revocable license to the Property Owner in order to construct the proposed retaining wall in accordance with the representations set forth in the attached request; and

WHEREAS, the grant of this license shall be for nominal consideration; and

WHEREAS, the Mayor and City Council do not wish for the granting of this license to serve as a precedent for further encroachments into the City's ROW 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 proposed encroachments.

NOW, THEREFORE, BE IT RESOLVED, 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, subject to the provisions set forth herein, the City hereby grants a license to the Property Owner to construct the requested retaining wall in accordance with the representations set forth in the attached request, within an area of the City's ROW.
2. That the approval of this license shall be revocable at the will of the City.
3. That all other terms and conditions relating to the license herein granted shall be set forth in a License Agreement (the "Agreement"), to be executed by the Property Owner and the City, which Agreement shall be in a form satisfactory to the City Manager and City Attorney.
4. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the said Agreement for the purposes set forth above.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Asbury Park Ventures, LLC;
 - (b) Michael Capabianco, City Manager;
 - (c) Michele Alonso, City Planner;
 - (d) Barbara Van Wagner, Zoning Officer; and
 - (e) Frederick C. Raffetto, Esq., Municipal Attorney.

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

Kendle					
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-231 Authorizing the Award of a Contract regarding the Operation of a Seasonal Concession to Provide Surf Lessons to the Public in a Designated Area of the Asbury Park Beach Front.

**Resolution # 2016-231
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT REGARDING THE
OPERATION OF A SEASONAL CONCESSION TO PROVIDE SURF LESSONS TO
THE PUBLIC IN A DESIGNATED AREA OF THE ASBURY PARK BEACHFRONT.**

WHEREAS, on December 9, 2015, the Mayor and Council of the City of Asbury Park (the “City”) adopted Resolution No. 2015-421, which authorized the City to implement the “competitive contracting” process under the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1, et seq.) (the “Act”), in order to seek proposals from interested vendors regarding various types of concessions within the City, including the seasonal concession to provide surf lessons to the public in a designated area of the Asbury Park beachfront (Eighth Ave. Beach) during the summer seasons of 2016, 2017 and 2018; and

WHEREAS, in accordance with the requirements of the Act, a public advertisement appeared in an official newspaper of the City (The Coaster) on April 14, 2016, which advertised that the City was seeking proposals from vendors who were interested in operating said concession during the time periods specified above, pursuant to the terms and conditions set forth in a formal Request for Proposals (the “RFP”), which was available from the City Clerk’s office; and

WHEREAS, in response to said advertisement, the City received one (1) proposal on or prior to the advertised due date; and

WHEREAS, the proposal was received from Summertime Surf, LLC (the “Contractor”), with an address of 902 Main Street, Belmar, New Jersey 07719; and

WHEREAS, in its proposal, the Contractor has offered to make the following payments to the City for the right to operate the said concession:

1. 2016 Summer Season:\$3,550.00;
2. 2017 Summer Season:\$3,550.00;
3. 2018 Summer Season:\$3,550.00; and

WHEREAS, the payments proposed by the Contractor meet or exceed the minimum fees required in the City’s RFP; and

WHEREAS, the City has confirmed that the Contractor's proposal complies in all other respects with the requirements set forth in the RFP; and

WHEREAS, the Mayor and Council now wish to authorize the award of a contract to the Contractor for the within concession for the summer seasons of 2016, 2017 and 2018, in accordance with the Contractor's proposal, and to authorize appropriate City officials and/or employees to take certain actions.

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

1. That the contract for the above-referenced concession for the summer seasons of 2016, 2017 and 2018 is hereby awarded to Summertime Surf, LLC, in accordance with the Contractor's proposal.
2. That the City is hereby authorized to enter into an Agreement with the Contractor regarding said concession, which Agreement shall incorporate all of the requirements set forth in the RFP and shall be in a form satisfactory to the City Attorney and City Manager.
3. That the Mayor is hereby authorized to execute, and the City Clerk to attest, said Agreement.
4. That all other City officials and/or employees are hereby authorized to perform such actions as are necessary in order to further the intentions of the within Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Summertime Surf, LLC;
 - (b) Michael Capabianco, City Manager;
 - (c) William McClave, Superintendent of Public Works;
 - (d) Michele Alonso, Director of Planning and Redevelopment;
 - (e) Richard J. Gartz, CPA RMA CMFO, CFO, Chief Financial Officer;
 - (f) Frederick C. Raffetto, Esq., Municipal Attorney.

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

2016-232 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a Supplemental Confidential Settlement Agreement Regarding James Famularo.

Resolution # 2016-232

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

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY
PARK AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL CONFIDENTIAL
SETTLEMENT AGREEMENT REGARDING JAMES FAMULARO.**

WHEREAS, James Famularo (“Famularo”) has previously asserted claims against the City of Asbury Park (the “City”) by way of a Tort Claim Notice dated June 5, 2015 (the “2015 TCN”) and a Tort Claim Notice dated August 7, 2012 (the “2012 TCN”), which set forth certain factual and legal allegations against the City (the 2012 and 2015 TCN’s being jointly referred to herein as the “Actions”); and

WHEREAS, the City has denied any and all wrongdoing asserted against it in the Actions;
and

WHEREAS, the City’s interests relating to the Actions have been represented by its insurance carrier, the New Jersey Intergovernmental Insurance Fund (the “NJIF”); and

WHEREAS, Famularo and the NJIF have mutually agreed to resolve all claims that form the basis for the Actions and have executed a Settlement Agreement between them relating thereto;
and

WHEREAS, in connection with the resolution of the Actions, it is necessary for the City to execute a “Supplemental Confidential Settlement Agreement,” a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, 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 the City hereby authorizes the execution of the attached “Supplemental Confidential Settlement Agreement” on behalf of the City concerning the Actions.
2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached “Supplemental Confidential Settlement Agreement” concerning the Actions.
3. That all City officials, employees and/or agents are hereby authorized and directed to undertake all actions that are necessary in connection with the “Supplemental Confidential Settlement Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Edward C. Bertucio, Esq.
Hobbie, Corrigan & Bertucio, P.C.
125 Wyckoff Rd.
Eatontown, NJ 07724

- (b) Eric J. Nemeth, Esq., NJIIF General Counsel;
- (c) Steven S. Glickman, Esq, Labor Counsel;
- (d) Michael Capabianco, City Manager; and
- (e) Frederick C. Raffetto, Esq., Municipal Attorney.

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

K. Ordinances:

1. Introduction:

- 2016-19 Establishing a Restricted Parking Space For Use By Handicapped Persons at Property Located at 1215 Springwood Avenue, Designated as Block 1103, Lot 48, 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.”

ORDINANCE NO. 2016-19

**ESTABLISHING A RESTRICTED PARKING SPACE
FOR USE BY HANDICAPPED PERSONS AT PROPERTY LOCATED AT
1215 SPRINGWOOD AVENUE, DESIGNATED AS BLOCK 1103, LOT 48,
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.”**

WHEREAS, the City of Asbury Park (the “City”) has been requested to create a an additional handicapped parking space adjacent to property located at 1215 Springwood Avenue, in the City, which is also known and designated as Block 1103, Lot 48, on the Asbury Park City Tax Map, which handicapped parking space shall begin 110 feet east of the northeast corner of Springwood Avenue and Borden Avenue and extend 20 feet east; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.5, a municipality may, by Ordinance, establish restricted parking space(s) in front of residences, schools, hospitals and other public buildings, and in shopping and business districts, for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, the Asbury Park Police Department has reviewed and approved this request; and

WHEREAS, the City therefore wishes to designate an additional restricted parking space for use by handicapped person(s) at the aforesaid property, and to amend and supplement Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” accordingly.

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. There is hereby established an additional restricted parking space adjacent to the property located at 1215 Springwood Avenue, in the City, which is also known and designated as Block 1103, Lot 48, on the Asbury Park City Tax Map, which handicapped parking space shall begin 110 feet east of the northeast corner of Springwood Avenue and Borden Avenue and extend 20 feet east and the space should be 20 feet on center and located on the north side of Springwood Avenue, in accordance with the requirements set forth in this Ordinance.

2. The City Engineer is hereby designated to determine whether or not the said parking space and the erection of any signs associated therewith conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing parking spaces and signs, and shall certify his approval of the same to the Commissioner of Transportation in accordance with the requirements of N.J.S.A. 39:4-8.1.

3. The City is authorized to erect appropriate signage to designate the handicapped parking space established herein and may mark the street appropriately.

4. Any signs erected or street markings employed to identify the subject parking space shall clearly and conspicuously state “Parking for Handicapped Persons Only.”

5. Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Springwood Avenue	North	1215 Springwood Avenue, in the City, which is also known and designated as Block 1103, Lot 48, on the Asbury Park City Tax Map, which handicapped parking space shall begin 110 feet east of the northeast corner of Springwood Avenue and Borden Avenue and extend 20 feet east and the space should be 20 feet on center and located on the north side of Springwood Avenue,.

6. On or before January 15th of every year (or the first weekday thereafter), the applicant shall provide proof to the City of Asbury Park Police Department that the handicapped

parking space is still needed at the subject property. A failure to do so may result in the City's termination of the designated handicapped parking space.

7. The City reserves the right to terminate the designation of the within handicapped parking space at the City's discretion.

8. All other Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies.

9. 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

10. This Ordinance shall take effect upon final passage and publication in accordance with the law.

11. A certified copy of this Ordinance shall be provided to the Commissioner of Transportation within thirty (30) days of the adoption thereof.

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

City Clerk Dye announced that public hearing for Ordinance 2016-19 is scheduled for May 25, 2016.

2. Second Reading/Public Hearing:

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

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to table Ordinance 2016-11. All were in favor.

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

Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to table Ordinance 2016-15. All were in favor.

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

**CITY OF ASBURY PARK
ORDINANCE NUMBER 2016-16**

BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,662,500 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

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 the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,750,000, said sum being inclusive of the sum of \$87,500 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,750,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$1,662,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$1,662,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Police Department</u> – Various Capital Improvements, And Acquisition And Installation, As Applicable, Of Equipment And Non-Passenger Vehicles, Including, But Not Limited To, Installation Of A Sally Port Door To Administration Building, Computer Or Video Recording System Hardware, Software Or Equipment, And Three (3) Non-Passenger Vehicles With Emergency Response Equipment;	\$191,185	\$181,625	\$9,560	5 years
(ii) <u>Fire Department</u> – Various Capital Improvements, And The Acquisition And Installation, As Applicable, Of Equipment, Including, But Not Limited To, Capital Improvements To The Firehouse Building; Acquisition Of A Non-Passenger Fire Command Vehicle With Emergency Response Equipment, And The Acquisition And Installation, As Applicable, Of Protective Gear, Radios, Oxygen Generators, Thermal Imaging Cameras And Hoses;	\$323,699	\$307,515	\$16,184	5 years
(iii) <u>Public Works Department</u> - Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles, Including, But Not Limited To, An 8- Yarder And/Or Loader, A Track Loader, Fuel Monitoring System, Paint Machine, Aerator For Sunset Lake And Improvements To Wesley Lake;	\$574,061	\$545,358	\$28,703	9 years
(iv) <u>Administration Department</u> - Acquisition And Installation, As Applicable, Of Various Equipment And Furnishings For And Improvements To Administrative Offices Throughout The City, Including, But Not Limited To, A Generator, Cabinets, Carpeting, Computer Software And Hardware And Security Improvements; and	\$554,841	\$527,099	\$27,742	6.5 years
(v) <u>Other City Equipment And Non-Passenger Vehicles</u> – Various Capital Improvements And The	\$106,214	\$100,903	\$5,311	5 Years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Acquisition And Installation, As Applicable, Of Equipment And Non-Passenger Vehicles, For, By Or In The City, Including But Not Limited To, The Acquisition Of Solid Waste Containers, A Non-Passenger Vehicle For The Building Department And A Non-Passenger Vehicle For The Recreation Department.				
Totals	\$1,750,000	\$1,662,500	\$87,500	

(b) The above improvements or purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the City Clerk and shall also include, as applicable, all engineering, architectural 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.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$1,662,500.

(d) The aggregate estimated cost of said purposes is \$1,750,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$1,662,500, is the aggregate down payments for said purposes in the amount of \$87,500.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Monmouth make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth . In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City (the "Chief Financial Officer"), provided that no note

shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the City Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 6.79 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the

authorization of the bonds or notes provided for in this bond ordinance by \$1,662,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to payor reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City 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 City 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 11. 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 bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

City Clerk Dye announced that the public hearing was previously held on April 27, 2016.

Motion to adopt Ordinance 2016-16.

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

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

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2016-17**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2016
ROADWAY IMPROVEMENTS, BY AND IN THE CITY OF
ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE
OF NEW JERSEY; APPROPRIATING \$1,250,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,187,500 BONDS OR NOTES OF THE CITY TO FINANCE
PART OF THE COST THEREOF**

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$1,250,000, which is inclusive of \$62,500 as the amount of down payment for said

improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,250,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$1,187,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$1,187,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include roadway improvements at various locations throughout the City, which improvements shall include, but are not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, curb and sidewalk improvements, drainage improvements at various locations throughout the City (the "Program"). The Program shall include, but not be limited to, roadway painting, landscaping and aesthetic improvements, seeding and installing top soil, and shall also include all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto,

all in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,187,500.

(c) The estimated cost of said improvement or purpose is \$1,250,000, inclusive of the down payment in the amount of \$62,500 for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the City, for the improvement and purpose authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all

matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,187,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning

and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City 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 City 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 11. 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 bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval, as provided by the Local Bond Law.

City Clerk Dye announced that the public hearing was previously held on April 27, 2016.

Motion to adopt Ordinance 2016-17.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy	X		X		

Quinn					
Mayor John Moor			X		

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

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2016-18**

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel, financial advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the City

Manger, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel, financial advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel, financial advisor and auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

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

Motion made by Council Member Clayton to open the meeting to the public. Seconded by Deputy Mayor Quinn. All were in favor.

Motion made by Mayor Moor to close the meeting to the public. Seconded by Council Member Kendle. All were in favor.

Motion to adopt Ordinance 2016-18.

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk