



Agenda
Meeting of the Municipal Council
Wednesday, June 10, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-222 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Asbury Partners, LLC/iStar – Financial Agreements Related to Monroe Condominium Project (601 Heck Street)
2. JCP&L Agreement for Use of Allenhurst Property for Fire Apparatus Storage
3. Appraisal Services for Bradley Cove

B. Personnel Matters:

1. City Planner Position
2. Superintendent of Public Works Position
3. Deputy Chief of Police Employment Contract

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, June 8, 2015.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney.

III. 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 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **Swearing In of Police Chaplin Lyydale Akins**

Swearing In of Police Chaplin Daniel Correa

Swear In of Police Chaplin Mark White

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

May I have a motion to open the public comment portion of the meeting with a 3-minute time limit for each speaker. Take Motion.

[The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.]

G. **Consent Agenda Resolutions.**

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

2015-216	A Resolution Establishing Additional Fees Relating to Special Events Within the City
2015-223	Approving Special Events/Wedding Applications as Presented on June 8, 2015
2015-224	Resolution of the City of Asbury Park to Approve an Extension of the APUEZ Second-General Loan to A & J Sneaker
2015-225	Resolution of the City of Asbury Park to Approve the Dissolution of the Asbury Park Zone Development Corporation
2015-226	Authorizing the Tax Collector To Prepare And Deliver Estimated 2015-3 rd Quarter Tax Bills
2015-227	Resolution of the City of Asbury Park to Adjust Sewer Account

H. **Individual Resolutions**

2015-228	Resolution Authorizing the Payment of Payroll in the Amount of \$846,989.42
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2015-229	Resolution Authorizing the Payment of Bills in the Amount of \$2,237,559.13
2015-230	Resolution Amending Temporary Appropriations for 2015
2015-231	Resolution Authorizing the Purchase of a 2015 F-250 4WD Vehicle with Utility Body and Other Options for the Department of Public Works
2015-232	Resolution Authorizing the Purchase of Two (2) 2015 F-250 4WD Vehicles with Options for the Department of Public Works
2015-233	Resolution Requesting Dedication by Rider for a Dedicated Trust for the Annual National Night Out
2015-234	Authorizing Professional Engineering Services with T and M Associates for Various Projects
2015-235	Authorizing Professional Engineering Services with T and M Associates for Sunset Park Foot Bridge Replacement
2015-236	Approving the Design of New Trash Receptacles for Use in Various Sections of the Waterfront Redevelopment Area
2015-237	Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Transfer of Block 3205, Lot 16 Located at 601 Heck Street Between Monroe Avenue and Sewall Avenue
2015-238	Authorizing the Execution of a License Agreement Between the City of Asbury Park and Jersey Central Power & Light Company

I. Ordinances:

1. First Reading/Introduction:

2015-32	Amending and Supplementing Chapter VII, Entitled "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," in Order to Implement a Stop Sign at the Intersection of Sunset Avenue and Memorial Drive
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[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

2015-05	An Ordinance Amending And Supplementing Chapter XXX, Entitled "Land Development Regulations," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," in Order to Establish a New Section Thereof to be Known as Article VII, Entitled "Requests to Amend a Redevelopment Plan -- Application Procedure and Escrow Establishment."
2015-18	An Ordinance Governing Care, Maintenance, Security and Upkeep of Vacant and Abandoned Properties in Foreclosure, and Amending and Supplementing Chapter XIII, Entitled Property Maintenance of the Revised General Ordinances of the City of Asbury Park, New Jersey
2015-29	Adopting a Code of Ordinances of the City of Asbury Park in the County of Monmouth, State of New Jersey

2015-30 An Ordinance Amending and Supplementing Section 4-20, Currently
Entitled “Vending on the Beachfront,” of Chapter IV, “General
Licensing,” of the “Revised General Ordinances of the City of Asbury
Park, New Jersey.”

[Open and Close Public Hearing on Each Ordinance, and Vote to Adopt.]

I. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, June 10, 2015
WORK SESSION AND REGULAR MEETING

City Clerk Dye called the meeting to order at 6:30 p.m.

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting City Manager Tony Nuccio 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 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

WORK SESSION

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, JUNE 8, 2015

Acting City Manager Nuccio followed-up with Council Member Kendle's request regarding benches at Springwood Avenue Park. He continued stated that public works installed three benches in the park.

Acting City Manager Nuccio followed-up on public comment inquiries. Tom Gilmour was present to respond to the inquiries made on June 8, 2015 from the public regarding the Urban Renewal Zone monies.

MATTERS FROM CITY COUNCIL

Council Member Woerner stated that there are flyers on the table regarding various Summer Recreation Programs. He announced that there is a press release from the Department of Environmental Protection awarding the City of Asbury Park \$1.1 million in Green Acres funding for the West End Beach.

Council Member Clayton stated that the High School hired a new employee, Brian Stokes. He will be working with businesses in the City to hire juniors and senior high school students for the summer. She recommended if there are any businesses who are interested to please contact him. New welcome signs have been erected.

Council Member Kendle recommended that a press release be created detailing the accomplishments of this Council.

Deputy Mayor Quinn thanked everyone who helped prepared the Green Acres application. She provided an update on the parking lots.

MATTERS FROM CITY MANAGER

Acting City Manager Nuccio stated there were interviews for a new City Planner. An offer has went out to one candidate and he is hoping to have a response by tomorrow.

Fire Chief Kevin Keddy stated that one of his firefighters made a save at a fire on April. This firefighter has been recognized by his colleagues by being awarded firefighter of the year. Yesterday, this firefighter was recognized as the 2015 New Jersey State Firefighter of the Year.

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

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

City Clerk Dye announced the following statement: "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 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

City Attorney Fredrick Raffetto swore in the following people as Police Chaplin: **Lyddale Akins, Daniel Correa and Mark White.**

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Woerner 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: Tracy Rogers, John Frederickson, Robert Weiner, Lee Lloyd, Felicia Simmons, Rita Marano and Jerry Scarano..

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

CONSENT AGENDA RESOLUTIONS.

City Clerk Dye made the following announcement: "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.”

2015-216 A Resolution Establishing Additional Fees Relating to Special Events
Within the City

Resolution #2015-216

Resolution of the City of Asbury Park

**A RESOLUTION ESTABLISHING ADDITIONAL FEES
RELATING TO SPECIAL EVENTS WITHIN THE CITY**

WHEREAS, Section 4-10 of the “Revised General Ordinances of the City of Asbury Park, New Jersey” governs the issuance of permits for special events within the City; and

WHEREAS, Subsection 4-10.4 of that Ordinance provides that all applicants for special events permits shall be required to pay certain fees associated with the holding of special events within the City, which fees shall be determined by the Mayor and City Council on a case by case basis, depending upon the nature and extent of the proposed event; and

WHEREAS, Subsection 4-10.4 further provides that a fee schedule shall be established by the Mayor and City Council by Resolution; and

WHEREAS, the Mayor and City Council have received a request from the Special Events Committee, submitted through the Director of Economic Development, that the existing fee schedule be amended in order cover the city costs of hosting the events; and

WHEREAS, the Mayor and City Council wish to revise the existing fee schedule in order to incorporate an application fee of \$50.00 and a \$300.00 seasonal beach use fee for beach service vendors and for any event a \$1.00 charge for each NO Parking sign required by the Asbury Park Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the existing fee schedule for special events within the City be amended as listed in the attached fee schedule.

BE IT FURTHER RESOLVED, that no other revisions to the existing fee schedule for special events are necessary at this time.

2015-223 Approving Special Events/Wedding Applications as Presented on June 8,
2015

**Resolution of the City of Asbury Park
2015-223**

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on June 8, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Garden State Equality Walk
2. Community Movie Nights
3. Asbury Park Family Day at the Beach
4. APFI Movies on the Beach

Weddings:

1. Molinari/Cappiello
2. Saad/Jaworski

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.

2015-224 Resolution of the City of Asbury Park to Approve an Extension of the
APUEZ Second-General Loan to A & J Sneaker

Resolution #2015-224

**Resolution of the City of Asbury Park
to approve an extension of the APUEZ Second –Generation Loan
to A & J Sneaker**

WHEREAS, the City of Asbury Park created the Asbury Park Zone Development Corporation on April 27, 1994: and

WHEREAS, the Asbury Park Zone Development Corporation ran a micro-loan program utilizing second-generation funds and has one current loan made to A & J Sneaker that is still outstanding, and

WHEREAS, the current loan has an outstanding balance of 3,623.11 and the loan is being serviced by NJ Community Capital, a non-profit bank that has serviced the APUEZ Micro Loan program for eleven years, and

WHEREAS, NJ Community Capital has recommended that the maturity date of the loan be extended to January 1, 2016 so the company will not have to make a balloon payment, and

WHEREAS, A & J Sneaker is a prominent business in Asbury Park and the loan is current, the City Council agreed at the May, 27, 2015 to extend the loan to January 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey has agreed to extend the APUEZ Micro Loan to A& J Sneaker in the current amount of 3,623.11 until January 1, 2016.

2015-225 Resolution of the City of Asbury Park to Approve the Dissolution of the Asbury Park Zone Development Corporation

Resolution #2015-225

**Resolution of the City of Asbury Park
to Approve the Dissolution of the
Asbury Park Zone Development Corporation**

WHEREAS, the City of Asbury Park created the Asbury Park Zone Development Corporation on April 27, 1994: and

WHEREAS, the Asbury Park Zone Development Corporation was set up to administrate the city's Urban Enterprise Zone Program, and

WHEREAS, the State of New Jersey no longer funds the current Urban Enterprise Zone Program in Asbury Park; and

WHEREAS, the Asbury Park Zone Development Corporation has been inactive for two years; and

WHEREAS, there is no reason or purpose to continue the operation of the corporation, the City Council agreed to dissolve the Asbury Park Zone Development Corporation at the May 27, 2015 City Council meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the Asbury Park Zone Development Corporation be dissolved and all funds being held in the name of the corporation be returned to the City of Asbury Park.

2015-226 Authorizing the Tax Collector To Prepare And Deliver Estimated 2015-3rd Quarter Tax Bills

Resolution #2015-226

Resolution of the City of Asbury Park

**AUTHORIZING THE TAX COLLECTOR TO PREPARE AND DELIVER ESTIMATED
2015-3RD QUARTER TAX BILLS**

WHEREAS, notwithstanding any provisions of the law, rules or regulations to the contrary, whenever a municipal governing body determines that the tax collector will be unable to complete the mailing or delivery of the final tax billing; and

WHEREAS, the municipal budget has not been adopted at this time, the city may by resolution of the governing body choose to send 3rd quarter estimated tax bills; and

WHEREAS, pursuant to 54:4-67 this 3rd quarter estimated bill shall be due 25 days from the date it was mailed; and

WHEREAS, any payment received after the 25th day shall be considered delinquent and subject to interest calculated from the statutory due date of August 1st to the date of payment, which is in accordance with New Jersey state statutes.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park to authorize the tax collector to prepare and deliver the 2015-3rd quarter estimated bills, if necessary.

2015-227 Resolution of the City of Asbury Park to Adjust Sewer Account

Resolution #2015-227
Resolution of the City of Asbury Park
TO ADJUST 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 by 908-6 AVE LLC owner of the property located at 908 Sixth Ave., Block 103 Lot 3 that New Jersey American Water Company reported the incorrect amount for usage on account 10011255-0; and

WHEREAS, after verifying with New Jersey American Water it was determined the account was over billed 1,701,000 gallons of usage in the amount of \$7,059.15 for the 3rd Qtr billing of 2014 and also over billed 1,819,000 gallons of usage in the amount of \$7,548.85 for the 1st Qtr billing of 2015;

WHEREAS, 908-6 AVE LLC has requested a correction of this error caused by an erroneous meter reading from New Jersey American Water; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to adjust sewer account 10011255-0 and deduct \$14,608 total for the affected billing periods.

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

Mayor John Moor			X		
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INDIVIDUAL RESOLUTIONS

2015-228 Resolution Authorizing the Payment of Payroll in the Amount of
\$846,989.42

Resolution #2015-228

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

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$960,754.26

WHEREAS, the May 29, 2015 payroll in the amount of \$960,754.26, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$ 960,754.26 is hereby authorized to be paid, and;

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

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

2015-229 Resolution Authorizing the Payment of Bills in the Amount of
\$2,237,559.13

Resolution #2015-229

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

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF \$2,237,559.13

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$2,237,559.13 to be paid and:

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

CURRENT VOUCHERS	\$1,695,424.13
BOARD OF EDUCATION	\$ 542,135.00
TOTAL VOUCHERS	\$ 2,237,559.13

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

2015-230 Resolution Amending Temporary Appropriations for 2015

**Resolution #2015-230
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2015

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 2015 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 2015 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:		
Administration – Other Expenses	\$ 45,000.00	\$ 58,500.00

Clerk – Other Expenses	12,900.00	17,500.00
Tax Collector – Other Expenses	13,500.00	16,500.00
Employee Group Insurance	2,625,000.00	3,100,000.00
Streets and Roads – Other Expenses	177,900.00	197,900.00
Solid Waste – Other Expenses	586,745.00	638,500.00
Parking Utility Operating Fund:		
Other Expenses	110,250.00	160,250.00
Capital Lease	155,981.00	178,264.00
Sewer Utility Operating Fund:		
Other Expenses	525,000.00	550,000.00

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

2015-231 Resolution Authorizing the Purchase of a 2015 F-250 4WD Vehicle with Utility Body and Other Options for the Department of Public Works

Resolution #2015-231

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

**RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 F-250 4WD
VEHICLE WITH UTILITY BODY AND OTHER OPTIONS FOR THE DEPARTMENT
OF PUBLIC WORKS**

WHEREAS, the City has determined that the purchase of a 2015 Ford F-250 4WD vehicle with a utility body and other options is reasonable and necessary for the Department of Public Works; and

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

WHEREAS, Beyer Ford of Morristown, New Jersey has been awarded a New Jersey State Contract (A88727) for the purchase of this type of vehicle; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 (Ordinance #3084) to purchase these vehicles, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State Contract A88727 with Beyer Ford of Morristown, New Jersey in the amount of \$36,842.50 for the purchase of a 2015 Ford F-250 4WD vehicle with a utility body and other options.

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

2015-232 Resolution Authorizing the Purchase of Two (2) 2015 F-250 4WD Vehicles with Options for the Department of Public Works

Resolution #2015-232

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

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2015 F-250 4WD VEHICLES WITH OPTIONS FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the City has determined that the purchase of two (2) 2015 Ford F-250 4WD vehicles with options is reasonable and necessary for the Department of Public Works; and

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

WHEREAS, Beyer Ford of Morristown, New Jersey has been awarded a New Jersey State Contract (A88727) for the purchase of this type of vehicle; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 (Ordinance #3084) to purchase these vehicles, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State Contract A88727 with Beyer Ford of Morristown, New

Jersey in the amount of \$63,805.00 for the purchase of two (2) 2015 Ford F-250 4WD vehicles with other options.

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

2015-233 Resolution Requesting Dedication by Rider for a Dedicated Trust for the Annual National Night Out

Resolution #2015-233

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

**A RESOLUTION REQUESTING DEDICATION BY RIDER
FOR A DEDICATED TRUST FOR THE ANNUAL NATIONAL NIGHT OUT**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a Municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and,

WHEREAS, The City of Asbury Park would like to have the ability to raise moneys through fundraisers and donations in order to have the ability to assist the annual National Night Out celebration.

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

1. The City Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39 for the exclusive purpose of depositing funds contributed through donations and fund raising efforts and expending funds for the annual National Night Out celebration.
2. The Municipal Clerk of the City of Asbury Park is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

2015-234 Authorizing Professional Engineering Services with T & M Associates for Various Projects

Resolution #2015-234

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

Authorizing Professional Engineering Services with T & M Associates for Various Projects

WHEREAS, the City of Asbury Park has determined a need to contract for the services of the City Engineer; and

WHEREAS, publicly advertised request for qualifications were advertised in the Asbury Park Press, The League of Municipalities and on the City's municipal website; and;

WHEREAS, on Thursday, December 18, 2014 proposals were publicly opened for Municipal Engineering Services - 2015; and

WHEREAS, T & M Associates has submitted a proposal, and the City of Asbury Park Mayor and Council has determined that said proposal best serves the needs of the City; and

WHEREAS, the City of Asbury Park is in need of various engineering services and T & M Associates has submitted their outline of services and costs dated April 30, 2015 for these various services; and

WHEREAS, the projects to be undertaken and the accompanying not to exceed costs associated with each project include the following:

Sewer Plant Perimeter Retaining Wall - \$6,300.00
Wastewater Treatment Facility Roof Repair - \$44,700.00
FEMA Processing Assistance - \$5,000.00

WHEREAS, there are sufficient funds available per the attached certification of funds.

NOW, THEREFORE, BE IT IS RESOLVED, by the Mayor and City Council of the City of Asbury Park authorizes T & M Associates continue with its efforts to effectuate the aforementioned services.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby instructed to forward a certified copy to the City Engineer and Chief Financial Officer.

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

2015-235 Authorizing Professional Engineering Services with T and M Associates for Sunset Park Foot Bridge Replacement

Resolution #2015-235

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

**Authorizing Professional Engineering Services with T & M Associates for
Sunset Lake Foot Bridge Replacement**

WHEREAS, the City of Asbury Park has determined a need to contract for the services of the City Engineer; and

WHEREAS, publicly advertised request for qualifications were advertised in the Asbury Park Press, The League of Municipalities and on the City's municipal website; and;

WHEREAS, on Thursday, December 18, 2014 proposals were publicly opened for Municipal Engineering Services - 2015; and

WHEREAS, T & M Associates has submitted a proposal, and the City of Asbury Park Mayor and Council has determined that said proposal best serves the needs of the City; and

WHEREAS, the City of Asbury Park is in need of engineering services for the Sunset Lake Foot Bridge Replacement and T & M Associates has submitted their outline of services and costs dated May 13, 2015 for these services; and

WHEREAS, the project to be undertaken and the accompanying not to exceed cost associated with the project for the following:

Sunset Lake Foot Bridge Replacement - \$87,500.00

WHEREAS, there are sufficient funds available per the attached certification of funds.

NOW, THEREFORE, BE IT IS RESOLVED, by the Mayor and City Council of the City of Asbury Park authorizes T & M Associates continue with its efforts to effectuate the aforementioned services.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby instructed to forward a certified copy to the City Engineer and Chief Financial Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member ayton			X		
Council Member se Kendle			X		
Council Member e Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-236 Approving the Design of New Trash Receptacles for Use in Various
Sections of the Waterfront Redevelopment Area

Resolution # 2015-236

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

**APPROVING THE DESIGN OF NEW TRASH RECEPTACLES FOR USE
IN VARIOUS SECTIONS OF THE WATERFRONT REDEVELOPMENT AREA.**

WHEREAS, the City's Waterfront Redeveloper, Asbury Partners, LLC/i-Star Financial (the "Master Developer") has proposed the use of a new type of trash/recycling receptacle in various sections of the designated "Waterfront Redevelopment Area" (the "WRA") within the City of Asbury Park (the "City"); and

WHEREAS, the proposed new receptacle is known as the "Ironsites Series Model SD-242 Recycling Station," manufactured and/or distributed by Victor Stanley, Inc.; and

WHEREAS, a depiction and description of the proposed trash/recycling receptacle to be utilized is attached hereto and made a part hereof; and

WHEREAS, the purchase and installation of the proposed new trash/recycling receptacles shall be funded entirely by the Master Developer; and

WHEREAS, the Mayor and Council have considered this request and wish to provide their consent for the same.

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

1. That the City hereby provides its consent to the Master Developer for the use of the above-referenced trash/recycling receptacle, as depicted and described in the attached, in various sections of the WRA.
2. That all costs associated with the purchase and installation of these new trash/recycling receptacles shall be the responsibility of the Master Developer.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Asbury Partners, LLC;
 - b. Anthony Nuccio, Acting City Manager;
 - c. Asbury Park Planning & Redevelopment Office;
 - d. Christine Ballard, P.E., City Engineer;
 - e. Glenn F. Scotland, Esq., Redevelopment Counsel;
 - f. Frederick C. Raffetto, Esq., Municipal Attorney; and
 - g. Fredric P. Lavinthal, Counsel to Asbury Partners, LLC/i-Star Financial.

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

2015-237 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Transfer of Block 3205, Lot 16 Located at 601 Heck Street Between Monroe Avenue and Sewall Avenue.

Resolution #:2015-237
Resolution of the City of Asbury Park

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING THE TRANSFER OF BLOCK 3205, LOT 16 LOCATED AT 601 HECK STREET BETWEEN MONROE AVENUE AND SEWALL AVENUE

WHEREAS, pursuant to the *New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”), the City of Asbury Park (“**City**”) declared an area of the eastern portion of the City as an area in need of redevelopment known as the Waterfront Redevelopment Area; and

WHEREAS, on June 5, 2002, the City adopted the “Asbury Park Waterfront Redevelopment Plan (Plan IV)” (as amended and supplemented from time to time, the “**Redevelopment Plan**”) with respect to the Waterfront Redevelopment Area; and

WHEREAS, the City has elected to exercise the redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, in furtherance of the Redevelopment Plan, the City and Asbury Partners, LLC, a New Jersey limited liability company (“**Asbury Partners**”), entered into an Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the “**Redevelopment Agreement**”), pursuant to which Asbury Partners was designated as the “Master Developer” for the Waterfront Redevelopment Area; and

WHEREAS, in accordance with the Redeveloper Agreement and the Redevelopment Plan, Monroe Urban Renewal LLC (the “**Entity**”), an Asbury Partners related entity, intends to develop Block 3205, Lot 16 located at 601 Heck Street Between Monroe Avenue and Sewall Avenue (the “**Property**”) with a building containing approximately 34 residential condominium units in accordance with a Resolution of the City Planning Board dated December 8, 2014 granting preliminary and final site plan approval and design waiver approval (the “**Project**”); and

WHEREAS, the Act and the Redevelopment Agreement require Asbury Partners to receive the approval of the City before transferring or leasing any property it owns in the Waterfront Redevelopment Area; and

WHEREAS, the City, the Entity and Asbury Partners have been negotiating the required Subsequent Developer Agreement and related documents to set forth the obligations of the City and the Entity with respect to the Project which will also authorize the transfer of the Property from Asbury Partners to the Entity; and

WHEREAS, Asbury Partners seeks to transfer title to the Property to the Entity prior to the City’s approval of the Subsequent Developer Agreement and related documents and the parties’ execution of the same in order to proceed with obtaining approval from the State of New Jersey to create a residential condominium regime for the Project; and

WHEREAS, the City wishes to authorize the transfer of the Property to the Entity for the limited purpose of proceeding with obtaining approval from the State of New Jersey to create a residential condominium regime for the Project and upon the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AS FOLLOWS:

1. The foregoing recitals are incorporated herein as though fully set forth at length.
2. The transfer of the Property to the Entity is authorized subject to and conditioned upon the following terms and conditions:
 - a. The Subsequent Developer Agreement and related documents to set forth the obligations of the City and the Entity with respect to the Project shall be finalized, approved by City Council, executed and delivered by and among the City, the Entity and Asbury Partners not later than December 31, 2015.

- b. Nothing herein shall be construed or interpreted to grant or bestow subsequent redeveloper status or other similar benefit to the Entity.
 - c. Nothing herein shall be construed or interpreted to require the City to agree to, or approve a Subsequent Developer Agreement and related documents to set forth the obligations of the City and the Entity with respect to the Project.
 - f. Nothing herein shall be construed or interpreted to release Asbury Partners from the terms and conditions of the Redevelopment Agreement or the Redevelopment Plan.
 - g. A duly recorded copy of the Deed transferring the Property from Asbury Partners to the Entity shall be promptly provided to the City and the City Redevelopment Counsel.
3. The Mayor, Acting City Manager, City Redevelopment Counsel and other necessary City officials and representatives are authorized to carry out all actions reasonably necessary to effectuate this Resolution.
 4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
 5. This Resolution shall take effect immediately.
 6. A certified copy of this Resolution shall be provided to each of the following:
 - a. Anthony Nuccio, Acting City Manager
 - b. Frederick C. Raffetto, Esq., City Attorney
 - c. Glenn F. Scotland, Esq., City Redevelopment Counsel
 - d. Fredric Lavinthal, Esq., counsel to Asbury Partners and the Entity

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

2015-238 Authorizing the Execution of a License Agreement Between the City of Asbury Park and Jersey Central Power & Light Company

Resolution # 2015-238

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

**AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT
BETWEEN THE CITY OF ASBURY PARK AND**

JERSEY CENTRAL POWER & LIGHT COMPANY.

WHEREAS, the City of Asbury Park (the “City”) wishes to utilize space within certain premises owned by Jersey Central Power & Light Company (“JCP&L”) located at 312-324 Hume Street, in the Borough of Allenhurst, for the specific purpose of storing certain fire apparatus and/or equipment of the City’s Fire Department; and

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

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

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

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

ORDINANCES

First Reading/Introduction:

2015-32 Amending and Supplementing Chapter VII, Entitled “Traffic,” of the
“Revised General Ordinances of the City of Asbury Park, New Jersey,”
in Order to Implement a Stop Sign at the Intersection of Sunset Avenue
and Memorial Drive

The Clerk read by title Ordinance 2015-32.

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

Public hearing is scheduled for June 24, 2015.

Second Reading/Public Hearing:

2015-05 An Ordinance Amending And Supplementing Chapter XXX, Entitled “Land Development Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Article VII, Entitled “Requests to Amend a Redevelopment Plan -- Application Procedure and Escrow Establishment.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXX,
ENTITLED “LAND DEVELOPMENT REGULATIONS,” OF THE “REVISED
GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY,”
IN ORDER TO ESTABLISH A NEW SECTION THEREOF TO BE KNOWN AS
ARTICLE VII, ENTITLED “REQUESTS TO AMEND A REDEVELOPMENT PLAN --
APPLICATION PROCEDURE AND ESCROW ESTABLISHMENT.”**

WHEREAS, from time to time, the City of Asbury Park (the “City”) receives requests to amend its redevelopment plans from various developers; and

WHEREAS, said amendments must be performed by Ordinance, and the process not only involves action by the Mayor and Council, but also a review by the Planning Board; and

WHEREAS, said process entails staff review of the proposed amendments to the redevelopment plan itself, along with involvement by the Municipal Attorney by way of drafting Resolutions and Ordinances, as well as Planning Board expenses; and

WHEREAS, to date, the City has paid for the professional expenses involved with this process out of its own budget; and

WHEREAS, the City now seeks to have the developers requesting amendments to the redevelopment plans (the “applicants”) pay for all expenses incurred by the City during the process; and

WHEREAS, the proposed process shall require that said applicants shall first establish an escrow account to cover any and all expenses incurred by the City, and pay an application fee, prior to any review; and

WHEREAS, it is the intention of this Ordinance to establish and codify said process.

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, that Chapter XXX, entitled “Land Development Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to establish a new Section thereof to

be known as Article VII, Entitled “Requests To Amend A Redevelopment Plan --Application Procedure and Escrow Establishment,” as follows:

CHAPTER XXX

LAND DEVELOPMENT REGULATIONS

ARTICLE VII

Requests To Amend A Redevelopment Plan – Application Procedure and Escrow Establishment

30-81 APPLICATION.

30-81.1 Application Process.

The owner of any real property located within a redevelopment area in the City of Asbury Park may submit an application to the Mayor and Council of the City of Asbury Park requesting an amendment to a redevelopment plan for its real property. A "developer," as that term is used in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or “redeveloper”, as that term is used in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., may submit an application for an amendment to a redevelopment plan, provided that such application is submitted with the written consent of the owner of the affected property. Within the Waterfront Redevelopment Area, the owner, developer, or redeveloper shall also provide the written consent of the Master Developer of the Waterfront Redevelopment Area.

30-81.2 Required Submissions.

- a. Each application for an amendment to a redevelopment plan shall include all required fees and escrows and twenty-four (24) copies of the following:
 1. Completed Application Form;
 2. A precise, written description of the proposed amendment to the redevelopment plan, including proposed uses, and the nature of any deviations from the redevelopment plan requested; and
 3. Conceptual plans to describe the amendment requested and any other deviations required. These can include a sketch site plan and floor plans. Plans need not be prepared by a licensed professional, but must be of sufficient detail to describe the amendment proposed.
- b. The Mayor and Council, City staff, and Planning Board may request additional information that is found necessary to complete their review.

30-81.3 Distribution.

Upon receipt of all required submissions, the Director of Planning and Redevelopment shall distribute twelve (12) of the twenty-four (24) copies of the application to the Mayor and Council and appropriate professionals. The remaining twelve (12) copies shall be distributed to the Planning Board Secretary for distribution to the Planning Board and Planning Board

professionals, which distribution shall only occur if and when the proposed amendment is referred to the Planning Board by the Mayor and Council.

30-81.4 Procedure.

The procedure to amend a redevelopment plan shall be as specified in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

30-81.5 Application Fee.

An application fee, in the non-refundable amount of Five Hundred Dollars (\$500.00), shall be paid at the time that an application is filed.

30-81.6 Escrow Deposit.

- a. Escrow fees, in the amount of Three Thousand Dollars (\$3,000.00), shall also be deposited at the time that an application is filed. Applicants shall supplement the escrow deposit, as required, to cover the cost of professional services provided in the review of the application.
- b. Any escrow funds not needed to pay outstanding invoices of professionals who have provided professional services for the application shall be returned to the applicant within a reasonable time after the application is concluded.
- c. If an escrow account contains insufficient funds at any time to enable the City and/or the approving authority(ies) to perform the required application reviews or inspections, the City will provide the applicant with a notice of the amount of insufficient funds. Said notice will also provide that in order for work to continue on the application the deficiency must be paid within the time frame set forth in the notice. If the applicant does not comply with the terms of the notice all work on the application will cease until such time as the applicant complies with the terms of the notice.

30-81.7 Professional Services Covered by Escrow Deposits.

Professional services contemplated hereunder shall include, but not be limited to the following:

- a. Director of Planning and Redevelopment.
- b. Zoning Officer.
- c. Assistant City Planner.
- d. Attorneys engaged by the Mayor and Council or Planning Board.
- e. Professional planners, consultants, and advisors to the Mayor and Council or Planning Board.
- f. Any other professional or consultant hired or engaged by the Mayor and Council or Planning Board to aid and assist them in reviewing, evaluating and acting upon the application, including the hiring of experts for reports and testimony, if deemed appropriate and necessary.

- g. Professional Court Reporter/Stenographer.
- h. Planning Board Secretary.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to open the meeting to the public. All were in favor. There being no public comments, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2015-05

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

2015-18 An Ordinance Governing Care, Maintenance, Security and Upkeep of Vacant and Abandoned Properties in Foreclosure, and Amending and Supplementing Chapter XIII, Entitled Property Maintenance of the Revised General Ordinances of the City of Asbury Park, New Jersey

**Asbury Park, New Jersey
ORDINANCE NO. 2015-18**

**AN ORDINANCE GOVERNING THE CARE, MAINTENANCE, SECURITY AND
UPKEEP OF VACANT AND ABANDONED PROPERTIES IN FORECLOSURE,
AND AMENDING AND SUPPLEMENTING CHAPTER XIII, ENTITLED
“PROPERTY MAINTENANCE,” OF THE “REVISED GENERAL
ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City of Asbury Park regulates the maintenance of commercial and residential property within the City by and through Chapter XIII of the City Code, “Property Maintenance”; and

WHEREAS, the City of Asbury Park seeks to enforce the provisions of N.J.S.A.46:10B-51, in order to ensure for the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed; and

WHEREAS, the Legislature and the Governor of the State of New Jersey have enacted P.L. 2014, c.35, hereinafter “the Act”, which amended N.J.S.A.46:10B-51 and supplemented N.J.S.A. 40:48 (the umbrella state statute dealing with code enforcement); and

WHEREAS, the Act authorizes the City to adopt an ordinance for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed a summons and complaint in an action to foreclose; and

WHEREAS, the Act authorizes the designated City officer to issue notices to creditors that have filed a summons and complaint in an action to foreclose, if the public officer determines that the property is vacant and abandoned and that the creditor has failed to provide for the care, maintenance, security, and upkeep of the exterior of the property; and

WHEREAS, the Act authorizes the City to impose monetary fines and penalties for each violation of this ordinance and its respective provisions in the City Code; and

WHEREAS, the City wishes to amend the City Code to enact the provisions of P.L. 2014, c.35, and to supplement its Ordinances pertaining to Vacant and Abandoned properties; and

WHEREAS, the Mayor and Council of the City of Asbury Park find that it is in the best interests of the City to establish and codify said process and to amend the City Code as hereinafter provided to enact the provisions of P.L. 2014, c.35.

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:

The City Code, Article XIII, “Property Maintenance” shall be amended and a new chapter, Chapter 13-3 shall hereinafter be adopted to provide as follows:

13-3 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE.

13- 3.1 Definitions.

A. “Creditor” shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, mortgage loan servicers.

B. “Public officer” shall mean the Director of Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director, in writing.

13-3.2 Creditor Responsibility for Vacant and Abandoned Properties.

A. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the City shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.

B. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor’s behalf for the purpose of satisfying the requirements of Paragraph A of this Section. Notice of said representative or agent shall be provided to the City clerk and the Municipal Officer (as defined in Section 13-3.1 (B)), in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the “Save New Jersey Homes Act of 2008”), and shall further include the full name and contact information of the in-State representative or agent.

C. All foreclosing creditors, and, in the case of an out-of-state foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the City of Asbury Park relating to vacant and/or abandoned property, in the same manner as those ordinances pertain to the title owners of such vacant and/or abandoned property.

13-3.3 Notice.

A. The City’s public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the City, if the public officer determines that the Creditor has violated this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 13- 3.2 of this Chapter and the Save New Jersey Homes Act of 2008.

B. The notice referenced in Paragraph A of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

C. The issuance of a notice pursuant to Paragraph A of this Section shall constitute proof that a residential property is “Vacant and Abandoned” for the purposes of this Chapter.

13.3.4 Violations and Penalties.

A. A Creditor subject to this Chapter that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement

to correct a “care, maintenance, security, or upkeep violation” cited in a notice issued pursuant to this Chapter, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this sub-section shall commence 31 days following the Creditor’s receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

B. An out-of-state Creditor subject to this Chapter that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. No less than one hundred percent (100 %) of any money collected pursuant to this Ordinance shall be utilized by the City of Asbury Park for purposes relating to its municipal code enforcement purposes.

BE IT FURTHER ORDAINED, that Chapter XIII, entitled “Property Maintenance,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented to incorporate the above.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made by Council Member Woerner and seconded by Council Member Kendle to open the meeting to the public. All were in favor. The members of the public who spoke are: Werner Baumgartner. There being no further public comments, motion made by Mayor Moor and seconded by Council Member Kendle to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2015-18

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

Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-29 Adopting a Code of Ordinances of the City of Asbury Park in the County of Monmouth, State of New Jersey

**Asbury Park, New Jersey
ORDINANCE NO. 2015-29**

**ADOPTING A CODE OF ORDINANCES OF THE
CITY OF ASBURY PARK
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY.**

WHEREAS, the City Council of the City of Asbury Park in the County of Monmouth, New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a codification known as "The Code of the City of Asbury Park, 2015."

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

1. That the ordinances of the City of Asbury Park in the County of Monmouth, New Jersey, of a general and permanent nature, as codified, Chapters I to XXX, which were prepared, codified and published by Coded Systems LLC, 608 Highway 71, Spring Lake Heights, New Jersey, are hereby adopted and ordained as "The Code of the City of Asbury Park, 2015."
2. That all of the provisions of "The Code of the City of Asbury Park, 2015" shall be in force and in effect on and after the effective date of this ordinance.
3. That all ordinances or parts of ordinances of a general and permanent nature adopted and in force on April 22, 2015, which are inconsistent with the ordinances in "The Code of the City of Asbury Park, 2015" are hereby repealed to the extent of such inconsistency as of the effective date of this ordinance. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. All Code references to City employee positions and appointments shall adhere to the organizational structure as prescribed in Chapter II, Administration, and shall be as determined by the Mayor and Council. Any position or title which is not provided for in Chapter II, Administration, may be retitled and/or assigned or reassigned to the administrative structure as the Mayor and Council deem appropriate.
4. That the repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
 - b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
 - c. Any right or franchise conferred by the City;
 - d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the City;
 - e. Any ordinance of the City providing for laying out, opening, altering, widening, relocating, straightening, accepting or vacating of any street, road or highway within the City;
 - f. Any ordinance or resolution of the City promising or guaranteeing the payment of money by or for the City or authorizing the issuing of bonds or other evidence of the City's indebtedness, or any contract or obligation assumed by the City;
 - g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
 - h. The administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of this Code;
 - i. Any ordinance or resolution of the City Council fixing compensation or salaries of the City officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Code and which are not in conflict or inconsistent therewith;
 - j. Any ordinance or resolution of the City Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;
 - k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic, parking and metered parking on the public streets or highways and in metered parking lots of the City;
 - l. Any ordinances adopted by the Board of Health of the City of Asbury Park;
 - m. Any ordinances adopted by the Shade Tree Commission of the City of Asbury Park;
 - n. Any ordinances of the City Council adopted upon final passage after the 22nd day of April, 2015.
5. That the ordinances of the City have been substantially revised, edited, amended, supplemented and rearranged to establish Chapters I through XXX of the "Code of the City of Asbury Park, 2015."

6. That a copy of "The Code of the City of Asbury Park, 2015" has been filed in the office of the Municipal Clerk of the City of Asbury Park and shall remain there for the use and examination of the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Municipal Clerk in the City of Asbury Park by impressing thereon the seal of the City of Asbury Park, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the City of Asbury Park to be made available to persons desiring to examine the same during all times while the Code is in effect.
7. That any and all additions, amendments and supplements to the Code when passed and adopted in such form as to indicate the intent of the City Council to make them a part thereof shall be deemed to be incorporated into such Code so that reference to "The Code of the City of Asbury Park, 2015" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Code as amended and supplemented thereto.
8. That it shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Code of the City of Asbury Park, 2015," required to be filed in his or her office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.
9. That the Municipal Clerk of the City of Asbury Park, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the City of Asbury Park. Sufficient copies of "The Code of the City of Asbury Park, 2015" shall be maintained in the office of the Municipal Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Code for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.
10. That each section of "The Code of the City of Asbury Park, 2015," and every part of each section is an independent section or part of a section and the holding of any section or part thereof deemed to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
11. That this ordinance shall take effect thirty (30) days after its final passage and publication thereof, pursuant to N.J.S.A. 40:69A-207d.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to open the meeting to the public. All were in favor. The members of the public who spoke are: Werner

Baumgartner. There being no further public comments, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

City Attorney Raffetto researched the rates for the police and fire for special duty. The police raised their fee, but the fire department did not. He is recommending that the rates go back to the original amount and, should Council wish to adopt new rates, they could do so at a later date.

Motion to amend Ordinance 2015-29 changing the special duty rates back to their original amount made by Mayor Moor. The motion was seconded by Council Member Woerner. All were in favor.

Motion to adopt Ordinance 2015-29

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

2015-30 An Ordinance Amending and Supplementing Section 4-20, Currently Entitled “Vending on the Beachfront,” of Chapter IV, “General Licensing,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-30**

**AMENDING AND SUPPLEMENTING SECTION 4-20, CURRENTLY
ENTITLED “VENDING ON THE BEACHFRONT,” OF CHAPTER IV,
“GENERAL LICENSING,” OF THE
“REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City of Asbury Park (the “City”) previously entered into an Amended and Restated Redeveloper and Land Disposition Agreement (the “Redeveloper’s Agreement”) with Asbury Partners, L.L.C. (the “Master Developer”), which Redeveloper Agreement was adopted by Ordinance on October 28, 2002; and

WHEREAS, pursuant to Section 3.3 of the Redeveloper’s Agreement and for the benefit of the retail development of the City’s Boardwalk (the “Boardwalk”), the Master Developer is to have exclusive rights to vendor permits on the Boardwalk, with the City to issue and charge a reasonable and customary fee. The Master Developer is to give preference to the City’s residents for vendor status. No other such permits are to be issued in the Prime Renewal Area (as defined in the Redeveloper’s Agreement), except in conjunction with City sponsored or authorized street festivals and sanctioned events other than on the Boardwalk and then only for the duration of the festival or event; and

WHEREAS, similar provisions are contained in the Subsequent Developer Agreement between the City and Madison Asbury Retail, LLC and Asbury Partners, LLC, dated May, 2010; and

WHEREAS, the “Revised General Ordinances of the City of Asbury Park, New Jersey,” previously prohibited all vending on the Boardwalk; and

WHEREAS, in 2008, the Mayor and City Council determined that the interests of the residents of the City would be best served if amendments were made to the City Code in order to permit vending on the Boardwalk; and

WHEREAS, the Mayor and City Council previously adopted Ordinances which permitted vending on the boardwalk, under specific terms and conditions, for a limited time period; and

WHEREAS, the most recent Ordinance, No. 3046, which is codified in the City Code at Section 4-20 thereof, expired on November 30, 2014; and

WHEREAS, the Mayor and City Council believe that it would be in the best interests of the citizens of the City to retain the provisions contained within Section 4-20 of the City Code as currently written, but to remove the sunset/expiration date pertaining thereto.

NOW, THEREFORE, BE IT 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 Section 4-20, entitled “Vending on the Beachfront,” of Chapter IV, entitled “General Licensing” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER IV

GENERAL LICENSING

4-20 VENDING ON THE BEACHFRONT.

~~4-20.9 Termination of Provisions.~~

~~This section shall terminate on November 30, 2014 and may continue thereafter only upon approval by the Mayor and Council of the City of Asbury Park.~~

~~4-20.10 Removal of Structures.~~

~~Any and all temporary kiosks or concession stands, or other temporary structures, constructed in furtherance of the vending permitted under this section shall be removed no later than November 30, 2014, or by such extended date as may be approved by the Mayor and Council.~~

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
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 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.
4. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made by Council Member Woerner and seconded by Council Member Clayton to open the meeting to the public. All were in favor. The members of the public who spoke are: Werner Baumgartner and Jerry Scarano. There being no further public comments, motion made by Council Member Kendle and seconded by Council Member Clayton to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2015-30

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

A motion was made to adjourn the meeting made by Deputy Mayor quinn and seconded by Council Member Kendle. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk