



Agenda
Meeting of the Municipal Council
Wednesday, June 15, 2016

I. Executive Session – 5:00 p.m.

Resolution 2016-249 Authorizing a Meeting which Excludes the Public

A. Attorney-Client Privilege

B. Contract Negotiations:

1. Interfaith Neighbors-Redevelopers Agreement (Turf Club-Springwood Avenue)
2. Asbury Partners/iStar – Bradley Cove
3. Springwood Avenue Park – Change Order Request
4. Dollar Tree-1005 Main Street
5. Madison Marquette Carousel Proposal

C. Litigation:

1. William Gray v. City of Asbury Park (Workers Compensation)
2. Benjamin Diaz v. City of Asbury Park (Workers Compensation)
3. Tyrone Smith v. City of Asbury Park (Workers Compensation)
4. Cassandra Walker v. City of Asbury Park (Workers Compensation)
5. Jason Fazio v. City of Asbury Park (Workers Compensation)
6. Camden County v. City of Asbury Park
7. Gilmour v. City of Asbury Park
8. Equal Opportunity Act. v. City of Asbury Park

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. **PROCLAMATION RECOGNIZING ASBURY PARK DAY**

F. Matters from City Council

G. Matters from City Manager

H. Matters from City Attorney

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

J. Minutes

- May 23, 2016 – Workshop Meeting
- May 25, 2016 – Executive Session
- May 25, 2016 – Regular meeting

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.]

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|----------|---|
| 2016-250 | Approving Special Events/Wedding Applications as Presented on June 13, 2016. |
| 2016-251 | Resolution Authorizing the Payment of Payroll in the Amount of \$1,090,230.53 |
| 2016-252 | Resolution Ratifying the Appointment of Tax Collector for the City of Asbury Park |
| 2016-253 | Resolution Authorizing Compensation Payment to Dianne Vajda Upon Her Separation of Employment |
| 2016-254 | Authorizing Appointments to the “Asbury Park TV Committee” |

J. Individual Resolutions

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| 2016-246 | Resolution of the Mayor and City Council of the City of Asbury Park Designating Interfaith Neighbors, Inc. as Redeveloper of the Parcel Known as the Turf Club (Block 803, Lots 1-14) in the Springwood Avenue Redevelopment Area and Approving a Redeveloper Agreement by and Between the City and Interfaith Neighbors |
| 2016-255 | Resolution Authorizing the Payment of Bills in the Amount of \$1,979,002.82 |
| 2016-256 | Resolution Authorizing the Issuance of Not to Exceed \$7,000,000 Tax Anticipation Notes of 2015 of the City of Asbury Park, in the County of Monmouth, State of New Jersey |
| 2016-257 | Resolution Authorizing Refunds for Bid Deposit |
| 2016-258 | Appointing Michael Capabianco Acting CFO |
| 2016-259 | Resolution Appointing CFO |
| 2016-260 | Appointing Phoenix Consulting to Provide Fiscal Management Services on an As-Needed Basis |
| 2016-261 | Authorizing Change Order Number 2 for Springwood Avenue Park |

2016-262	Resolution Authorizing the Execution of the Second Modification of Stronger NJ Neighborhood and Community Revitalization Program Streetscape Subrecipient Agreement
2016-264	Resolution Approving Certain Liquor Licenses for 2016-2017 Licensing Year
2016-265	Authorizing Appointments to the “Wesley Lake Commission”
2016-266	Authorizing Settlement of a Worker’s Compensation Claim Captioned <u>Benjamin Diaz vs. City of Asbury Park</u>
2016-267	Authorizing Settlement of a Worker’s Compensation Claim Captioned <u>Tyrone W. Smith vs. City of Asbury Park</u>
2016-268	Authorizing Settlement of a Worker’s Compensation Claim Captioned <u>Cassandra Walker vs. City Of Asbury Park</u>
2016-269	Authorizing an Appointment to the Housing Authority
2016-270	A Resolution of the Mayor and Council of the City of Asbury Park, Support Submission of Application for New Jersey Department of Transportation Safe Routes to School Program
2016-271	Purchase of a John Deere Tractor for the Beach Utility
2016-272	A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of Various Projects on Block 4502, Lots 1.01 Through 1.04
2016-273	Amendment to the 2016 Municipal Budget – Beach Utility

K. Ordinances:

1. Introduction:

2016-27	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.”
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2. Second Reading/Public Hearing:

2016-20	Refunding Bond Ordinance Authorizing the Issuance of Not to Exceed \$2,250,000 Aggregate Principal Amount of General Obligation Refunding Bonds by the City of Asbury Park, in the County of Monmouth, State of New Jersey, to the Monmouth County Improvement Authority (the “MCIA”) for the Purpose of Refunding Certain Bonds Heretofore Issued by the City to the MCIA
2016-21	Establishing a Restricted Parking Space for Use by Handicapped Persons at Property Located at 1310 Third 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.”
2016-22	An Ordinance Amending Chapter II Section 63 “Administration – Set Aside Program”

- 2016-24 An Ordinance Creating Chapter III Section 39 “Police Regulations – Police and Fire Alarm Systems”
- 2016-25 An Ordinance Amending And Supplementing Chapter VII “Traffic”, Subsection 7-41 “Metered Parking” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2016-26 Approving and Adopting an Amendment to the Central Business District Redevelopment Plan Relating “Review of Certain Uses Within the Central Business District Redevelopment Area for Sound Mitigation Matters”

L. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, June 15, 2016
REGULAR MEETING

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

The following Council Members were present: Council Member Eileen Chapman, Council Member Yvonne Clayton, Council Member Jesse Kendle, 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."

PROCLAMATION RECONIZING ASBURY PARK DAY – Council Member Clayton read and presented the proclamation

MATTERS FROM CITY COUNCIL

Deputy Mayor Quinn sent condolences over the events that occurred in Orlando.

Council Member Clayton stated that the opening of Springwood Avenue Park will be held on Saturday, June 18 at 12 noon.

Council Member Kendle stated that he would like to ride along with the Police Department and asked how to proceed. He also stated that the temporary public works employees are doing a great job.

MATTERS FROM CITY MANAGER

City Manager Capabianco stated that there was a special event that was accidentally overlooked for the Jersey Shore Triathlon. He requested that it be added on this tonight's special events resolution. He provided explanations for other resolutions. He indicated that Resolution 2016-256 has been pulled.

MATTERS FROM THE CITY ATTORNEY

City Attorney Raffetto stated that he forwarded an e-mail to Council regarding summer rentals. He requested that it be placed on the next workshop meeting of the Council.

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: Pam Lamberton, Michael Kushner, Polly (?), Edward Baumgarten, Melissa Williams, Linda Leahy, Annette (?); Felicia Simmons, Reggie (?), Sharon Leak, John Grant, Louis Murry, Joe Grillo, Warren Hall, Rita Marano, Ernest Mignoli and Jerry Scarano.

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

A. Minutes

- May 23, 2016 – Workshop Meeting
- May 25, 2016 – Executive Session
- May 25, 2016 – Regular meeting

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman				X	
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Consent Agenda Resolutions.

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

2016-250 Approving Special Events/Wedding Applications as Presented on
June 13, 2016.

Resolution # 2016-250

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on June 13, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Springwood Park Grand Opening
2. Community Worship Experience and Fair
3. JSRC Race Against Hugner
4. Volleyball Tournament
5. Bangs Ave Block Party
6. Thanks4giving Plunge
7. Krampus 2016
8. The Jersey Shore Triathlon
9. Weddings:
 - a. Menville/Nespor 8/27 Asbury Avenue Beach
 - b. Berardi/Perez 8/27 6th 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.

2016-251 Resolution Authorizing the Payment of Payroll in the Amount of
\$1,090,230.53

**Resolution #2016-251
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$1,090,230.53**

WHEREAS, the May 27, 2016 payroll in the amount of \$1,090,230.53, 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 \$1,090,230.53 is hereby authorized to be paid, and;

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

2016-252 Resolution Ratifying the Appointment of Tax Collector for the City of Asbury Park

Resolution # 2016-252

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

**RESOLUTION RATIFYING THE APPOINTMENT OF TAX COLLECTOR
FOR THE CITY OF ASBURY PARK**

WHEREAS, N.J.S.A. 40A:9-141 and N.J.S.A. 40A:9-142 requires the appointment of a Certified Tax Collector; and

WHEREAS, on January 11, 2016 Tyrone A. Young, CTA was hired by the City of Asbury Park as the Tax Collector; and

WHEREAS, this appointment must be ratified by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that the City Council hereby ratifies the appointment of Tyrone A. Young, CTA as Tax Collector effective January 11, 2016.

2016-253 Resolution Authorizing Compensation Payment to Dianne Vajda Upon Her Separation of Employment

Resolution # 2016-253

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

**RESOLUTION AUTHORIZING COMPENSATION PAYMENT TO DIANNE VAJDA
UPON HER SEPARATION OF EMPLOYMENT**

WHEREAS, Dianne Vajda and the City of Asbury Park have agreed on a separation and release agreement effective June 1, 2016; and

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

23.5 Sick Days	\$ 4,326.35
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WHEREAS, in accordance with N.J.A.C. 5:30-15.4 and the Fair Labor Standards Act, sufficient documentation has been provided to Acting Chief Financial Officer, Michael Capabianco 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 \$4,326.35 to Dianne Vajda upon his separation of employment effective June 1, 2016 for the above accumulated earned time to be paid on June 30, 2016.

2016-254 Authorizing Appointments to the “Asbury Park TV Committee”

Resolution # 2016-254

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

**AUTHORIZING APPOINTMENTS TO THE
“ASBURY PARK TV COMMITTEE”**

WHEREAS, pursuant to Section 2-58 of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” an Asbury Park TV Committee (the “Committee”) has been duly created in and for the City of Asbury Park (the “City”); and

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in the Section referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Asbury Park TV Committee for the term referenced:

NOW, THEREFORE, BE AND IT IS HEREBY 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 following individuals are hereby appointed to serve on the Committee:

<u>Appointee</u>	<u>Term to Expire</u>
Hannah Walker	December 31, 2016
Jill Bartlett	December 31, 2016

2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael N. Capabianco, City Manager;
 - b. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B.	X		X		

Yvonne Clayton					
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

J. Individual Resolutions

2016-246 Resolution of the Mayor and City Council of the City of Asbury Park Designating Interfaith Neighbors, Inc. as Redeveloper of the Parcel Known as the Turf Club (Block 803, Lots 1-14) in the Springwood Avenue Redevelopment Area and Approving a Redeveloper Agreement by and Between the City and Interfaith Neighbors

Resolution # 2016-246

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

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK DESIGNATING INTERFAITH NEIGHBORS, INC. AS REDEVELOPER OF THE PARCEL KNOWN AS THE TURF CLUB (BLOCK 803, LOTS 1-14) IN THE SPRINGWOOD AVENUE REDEVELOPMENT AREA AND APPROVING A REDEVELOPER AGREEMENT BY AND BETWEEN THE CITY AND INTERFAITH NEIGHBORS

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, the City of Asbury Park (the “City”) designated certain parcels therein as an area in need of redevelopment (the “Springwood Avenue Redevelopment Area”), and thereafter adopted the Springwood Avenue Plan in accordance with B.J.S.A. 40A:12-7 for the Springwood Avenue Redevelopment Area(the “Redevelopment Plan”); and

WHEREAS, the City has acquired land in the Springwood Avenue Redevelopment Area and, Interfaith Neighbors, Inc. plans to develop Block 803, Lots 1-14 (collectively the “Project Area”) with twenty (20) to twenty-four (24) owner-occupied, 1 and 2 bedroom affordable residential units with amenities and off-street parking; and

WHEREAS, The Project may be constructed in phases and will consist of approximately twenty (20) 1 and 2 bedroom residential units in a five (5) building configuration, with four (4) units per building. A minimum of 20% of the units to be constructed will be offered as deed-restricted affordable units, which percentage may increase pending the award of additional affordable housing construction subsidies to the Redeveloper. There will be ten (10) one (1) bedroom units of approximately 700-750 square feet, and ten (10) two (2) or three (3) bedroom units of approximately 1,400-1,600 square feet.; and

WHEREAS, the City has determined to designate Interfaith Neighbors, Inc. as the approved redeveloper selected by the city to implement this project in the Project Area in the Springwood Avenue Redevelopment Area and as part of, and furtherance of the Redevelopment Plan; and

WHEREAS, the City desires to see completion of the Project as soon as practicable and to see the Project succeed so the residents, businesses or property owners in Springwood Avenue Redevelopment Area may benefit because of the substantial reinvestment in the neighborhood.; and

WHEREAS, the City and Interfaith Partners, Inc. negotiated an agreement entitled (“Redevelopment and Land Disposition Agreement”) a copy of which is attached hereto as Exhibit A with respect to the Project to ensure the success of the Project and the City desires to approve the same in accordance with the Act and the Springwood Avenue Redevelopment Plan.; and

WHEREAS, the Mayor and City Council believe that the execution of the Redeveloper Agreement is in the best interest of the City and desires to approve the Redeveloper Agreement and authorize the execution of the same;

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

- (1) **Recitals**. The recitals hereto are fully incorporated herein as if set forth at length
- (2) **Designation of Interfaith Neighbors, Inc. as Redeveloper**. Upon execution of the Redeveloper Agreement, Interfaith Neighbors, Inc. shall be designated as redeveloper of the Project Area pursuant to the Act and the Redevelopment Plan
- (3) **Approval of the Redeveloper Agreement**. The Redeveloper Agreement, and the related exhibits thereto, substantially in the form attached hereto as **Exhibit A**, is hereby approved, together with any changes, insertions and omissions thereto as the City Manager, after consultation with redevelopment counsel to the City, deem in their collective discretion to be necessary or desirable for the execution thereof.
- (4) **Execution of the Redevelopment Agreement**. The City Manager of the City of Asbury Park, in the County of Monmouth (the “City Manager”) is hereby authorized and directed, upon satisfaction of all legal conditions precedent to the execution and delivery by the City of the Redeveloper Agreement, together with each of the exhibits to which the City is a signatory, in substantially the form of the draft attached hereto and such changes as may be provided in accordance with Section 3 hereof.
- (5) **Attestation and Sealing of the Redeveloper Agreement**. The Clerk of the City is hereby authorized and directed, upon the execution of the Redeveloper Agreement and required exhibits in accordance with the terms of Section 4 hereof, to attest to the signature of the City Manager upon such documents and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such documents.

- (6) **Implementation of the Redeveloper Agreement.** Upon execution and attestation and placing of the seal of the Redeveloper Agreement as contemplated by Sections 4 and 5 hereof, the City Manager and City staff and professionals are hereby authorized and directed to (i.) deliver the fully executed, attested and sealed document to the other parties thereto, (ii) perform such other actions as the City Manager deems necessary or desirable in relation to the exaction and delivery of the Redevelopment agreement and (iii) execute, deliver and accept the normal and customary documents in this regard and undertake all actions reasonably necessary to effectuate the purpose and intent of the Redeveloper Agreement and the Resolution.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-255 Resolution Authorizing the Payment of Bills in the Amount of
\$1,979,002.82

**Resolution #2016-255
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,979,002.82**

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

BE IT RESOLVED, that these vouchers payable totaling \$1,979,002.82

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	\$ 1,426,024.82
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$ 1,979,002.82

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B.			X		

Yvonne Clayton					
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-256 Resolution Authorizing the Issuance of Not to Exceed \$7,000,000 Tax Anticipation Notes of 2015 of the City of Asbury Park, in the County of Monmouth, State of New Jersey

This resolution as pulled from the agenda.

2016-257 Resolution Authorizing Refunds for Bid Deposit

Resolution # 2016-257

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

RESOLUTION AUTHORIZIING REFUNDS FOR BID DEPOSIT

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 that refunds shall be given to the following individuals who submitted a bid deposit in error: Vince Gifford - \$600.00.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-258 Appointing Michael Capabianco Acting CFO

Resolution # 2016-258

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

APPOINTING MICHAEL CAPABIANCO ACTING CFO

WHEREAS, the City of Asbury conducted a telephone poll on June 9, 2016 to appoint Mr. Michael Capabianco the acting CFO until June 30, 2016 at no additional compensation; and

WHEREAS, under State statute, the all municipalities must have a CFO in some capacity, whether full or part time or temporary or permanent in nature; and

WHEREAS, this Resolution affirms the telephone poll.

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 that Michael Capabianco is appointed acting CFO for no additional compensation until June 30, 2016.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-259 Resolution Appointing CFO

Resolution # 2016-259

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

Appointing Ms. JoAnn Boos CFO

WHEREAS, the City of Asbury, and its consultant Phoenix Consulting, conducted a search for a full-time CFO; and

WHEREAS, the Chief Financial Officer shall be appointed by the Mayor and Council pursuant to the provisions of N.J.S.A. 40A:9-140.10 and shall serve in accordance with the provisions of N.J.S.A. 40A:9-140.1 et seq.; and

WHEREAS, the CFO shall be appointed to fill the unexpired term that sunsets on 12/31/17; and

WHEREAS, the CFO shall begin another term effective 01/01/18 and shall not be eligible to receive tenure until 01/01/22.

WHEREAS, the terms of employment conditions are as follows:

- Salary of \$100,000

- The City offers up to \$5,000.00 additional salary if you waive health benefits; please advise if you wish to do so please provide proof of health coverage. The final amount is dependent on what coverage you would require
- Health benefits are offered through the State Health Benefits Plan and contributions are in accordance with Chapter 78; dental and vision are separate plans
- For 2016, one vacation day is earned per month; effective January 1, 2017 you will receive 15 vacation days
- For 2016, one sick day is earned per month; effective January 1, 2017 you will receive 15 sick days
- For 2016, one and a half personnel days; effective January 1, 2017 you will receive 3 personnel days
- Birthday are also an earned day off; if your birthday has passed for 2016, you do not receive this
- Standard benefit package covering:
 - Full health Insurance
 - NJ Pension System enrollment
- Employment start date of Friday, July 1, 2016
- \$5,000 salary increase upon attainment of the CMFO; a requirement of the position
- \$5,000 salary increase upon attainment of the CTC certification; not a requirement of the position
- \$5,000 salary increase upon attainment of the QPA certification; not a requirement of the position
- The City will pay for the coursework of obtaining the CTC and/or QPA certifications. There is a sliding scale on paying the City back if you leave before five years. There will be a 20% reduction of total due each year for the five years if employment is terminated early

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 that Ms. JoAnn Boos is named the CFO for the City of Asbury Park.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-260 Appointing Phoenix Consulting to Provide Fiscal Management Services on an As-Needed Basis”

Resolution # 2016-260

**City of Asbury Park
County of Monmouth**

State of New Jersey

**APPOINTING PHOENIX CONSULTING TO PROVIDE FISCAL MANAGEMENT
SERVICES ON AN AS-NEEDED BASIS**

WHEREAS, the City of Asbury Park is desirous of engaging a consulting firm to assist in the management of fiscal affairs on an as-needed basis; and

WHEREAS, as part of the award of Transitional Aid between the State of New Jersey's Division of Local Government Services (DLGS) and the City, the Director of DLGS is authorized to assign management, fiscal and operational specialists to assess the City's needs; and

WHEREAS, the City and DLGS have discussed the need for a this service for improved management, fiscal and operational controls and; and

WHEREAS, the Director of DLGS, the DLGS appointed Fiscal Monitor, the Mayor and Council and City Manager have determined it would be in the best interest of the City to award the contract to perform a fiscal management services to Phoenix Advisors in an amount not to exceed \$10,000 at a rate of \$150.00 an hour; and

WHEREAS, this contract period shall be between June 15, 2016 and December 31, 2016; and

WHEREAS, this contract does not require public bidding as DLGS has the power to appoint professionals and furthermore qualifies as an exemption to the Local Public Contracts Law (LPCL) under Section 40A;11-5(1).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, County of Monmouth and State of New Jersey that a contract shall be awarded to Phoenix Consulting to conduct the search for a CFO in an amount not to exceed \$10,000; and

BE IT FURTHER RESOLVED that the City Manager are hereby authorized and directed to execute the contract for the same.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton	X		X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2016-261 Authorizing Change Order Number 2 for Springwood Avenue Park

Resolution # 2016-261

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

AUTHORIZING CHANGE ORDER NUMBER 2 FOR SPRINGWOOD AVENUE PARK

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

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

WHEREAS, the project requires Changer Order #2 in the amount not to exceed seven thousand nine hundred fifteen dollars and no cents (\$7,915.00); and

WHEREAS, this change order reflects the costs of both the soil sampling (\$5,725) and, if needed, the groundwater investigation (\$2,190); and

WHEREAS, the City Engineer on the Project recommended that Change Order No. 2 be authorized to complete the Project; and

WHEREAS, the execution of Change Order No. 2 will not substantially change the quality or character of the items or work to be provided, inasmuch as such would not have been a determining factor in the original bidding; and

WHEREAS, the execution of Change Order No. 2 will not cause the originally awarded contract price to be exceeded by more than 20%; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Asbury park, County of Mayor and State of New Jersey that the this Change Order shall not exceed \$7,915.00; and

BE IT FURTHER RESOLVED that the City Manager and Borough Engineer is hereby authorized to execute Change Order No. 2 on behalf of the Governing Body; and

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

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

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

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-262 Resolution Authorizing the Execution of the Second Modification of Stronger NJ Neighborhood and Community Revitalization Program Streetscape Subrecipient Agreement

Resolution # 2016-262

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

**RESOLUTION AUTHORIZING THE EXECUTION OF THE SECOND
MODIFICATION OF STRONGER NJ NEIGHBORHOOD AND COMMUNITY
REVITALIZATION PROGRAM STREETScape SUBRECIPIENT AGREEMENT**

WHEREAS, the New Jersey Economic Development Authority (“Authority”) and the City of Asbury Park (“Subrecipient”) entered into a Stronger New Jersey Neighborhood and Community Revitalization Program Street Scape Subrecipient Agreement dated April 17, 2015 pursuant to which the Authority agreed to make available to Subrecipient HUD CDBG-DR funds in the amount not to exceed \$924,318; and

WHEREAS, in order to allow additional time for borrowers under the Stronger NJ Neighborhood and Community Revitalization Program (“Program”) to submit to the Authority all documents required for the disbursement of the proceeds, the members of the Authority, at a meeting on April 14, 2015, approved a certain amendment to the Program policies to revise the date on which all disbursements must be completed to July 1, 2016, which is evidenced by a First Modification of Stronger NJ Neighborhood and Community Revitalization Program Streetscape Subrecipient Agreement dated September 24, 2015 (“First Modification”); and

WHEREAS, at a meeting on November 13, 2015, the members of the Authority approved a certain modification to the Program, specifically regarding the extension of disbursement deadlines through delegated authority for up to twelve (12) months based on project needs in accordance with HUD regulations and funding timelines established by HUD

WHEREAS, in order to allow time for the Subrecipient to complete the entire construction project and adequately meet all required regulation, and for the Authority to process final disbursements and complete close-out tasks, the Authority approved the extension of the disbursement completion date until June 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that the City Council authorized the City Manager to execute the Second Modification of Stronger NJ Neighborhood and Community Revitalization Program Streetscape Subrecipient Agreement.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-264 Resolution Approving Certain Liquor Licenses for 2016-2017 Licensing Year

Resolution # 2016-264

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

BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park that the Alcoholic Beverage License for the period of July 1, 2016 to June 30, 2017 be granted to the following Licensees:

LICENSE NO.	NAME	ADDRESS	TRADE NAME
1303-32-001-010	PF, LLC	705-707 Main St.	Garcia's/Tapitia
1303-32-038-006	Ohana Kitschen Company	700 Cookman Ave.	Langosta Lounge/Pop's Garage
1303-33-008-010	Asbury One Liquor License LLC	Pocket License	t/b/d
1303-33-012-003	Espinosa, Inc.	715 Second Ave.	Posillipo's
1303-33-013-001	Monmouth Lodge #122, IBPOE	1101 Asbury Ave.	Monmouth Lodge
1303-33-024-010	Pettibone Paradise, LLC	101 Asbury Ave.	Paradise
1303-33-026-009	AP Restaurant II, LLC	800 Ocean Ave.	Watermark
1303-33-034-014	Bond St. Bar & Grill, LLC	208 Bond St.	Bond St. Bar & Grill
1303-33-037-008	1411 Kingsley Street, LLC	1409 Kingsley St.	t/b/d
1303-33-041-010	TBD, Inc.	632 Mattison Ave.	Taka Restaurant
1303-33-044-015	AP Resaturant IV, LLC	1000 Ocean Ave.	Langosta
1303-33-045-004	G.T.J.M., Inc.	1405 Asbury Ave.	Jimmy's Italian Rest.
1303-33-047-009	AP Thirty Property Holdings, LLC	1300 Ocean Ave.	Tiki Bar/Aqua
1303-33-048-009	George-EE, Inc.	801-812 Fifth Ave.	Georgee's
1303-33-049-010	Durango, Inc.	208 Main St.	JIMI
1303-33-056-008	McLoone's Asbury Park, LLC	1213 Boardwalk	McLoones Asbury Grille
1303-36-068-002	Empress Hotel, LLC	101 Asbury Ave.	The Empress Hotel/Paradise
1303-36-069-001	210 5 th Ave. Venture Urban Renwal, LLC	1100 Ocean Ave.	The Asbury
1303-44-011-010	AP Vines, LLC	644 Cookman Ave.	Lush

BE IT FURTHER RESOLVED that the following Alcoholic Beverage Licenses be granted for the period of July 1, 2016 to June 30, 2017 with the following special conditions imposed on each license by the City of Asbury Park Council:

1303-32-010-008	Akshay Enterprises, Inc.	1002 Main St.	*Middlebrook Bar & Spirits
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*Special Conditions: 1. The Applicant accepts the renewal of the license on condition that they will not sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle and will only sell alcoholic beverages in original containers for consumption off the licensed premises.

2. This condition is to apply to said premises as long as said premises shall be licensed for sale of alcoholic beverages.

3. All transfer or renewals of said license for said premises shall be subject to the same conditions.

1303-33-004-009	Asbury Pub, LLC	552 Cookman Ave.	*Brickwall Tavern/Goldies
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*Special Conditions: 1. One bonded licensed security agent shall be forthwith employed by the Licensee who shall be responsible for the control of the area in front of and alongside of the licensed premises on Fridays and Saturdays and the eve of Holidays including Sundays from 8:00 p.m. until closing time on those weekends

immediately preceding the last Monday in the Month of May through and including the weekend immediately preceding the first Monday in the month of September.

2. An employee be assigned to remove all bar –related litter from the outside of the premises and the area at closing time each night or earlier if necessary or as required by City Officials.
3. An additional bonded licensed security agent(s) shall be employed by the Licensee on those evenings and at those times deemed appropriate by the Police Chief after consultation with said Police Chief by the Licensee with respect to any concert/event scheduled to be held at the licensed premises throughout the year.
4. The Licensee shall be responsible to ensure that all entertainment and acts, to include bands conduct themselves in an appropriate manner. No entertainer shall be permitted to use profanity in their lyrics, songs, statements, etc., that would typically be considered offensive to families and small children. Such violations shall enable law enforcement to stop the entertainment and end the show at the sole discretion of the police department.

1303-33-053-010 Enigma Restaurant, LLC 408 Seventh Ave *Enigma Restaurant LLC

*Special Condition: 1. Liquor may be consumed but not served on the porch area.”

1303-33-058-009 Sixth Gear Enterprises, LLC 649 Mattison Ave. *The Exchange on Maddison

*Special Condition: 1. 75% of the floor space must be dedicated to food service.”

1303-33-059-010 AP Restaurant III 1213 Ocean Ave. *The Wonder Bar

*Special Condition: 1. The outside licensed area on the south side of the premises shall be as follows: 75’ in the southerly direction from the southeast corner of the premises; thence westerly 83’; thence northerly 75’ to the wall of the premises. Said outside licensed area shall be fenced in.

1303-36-066-003 Asbury F&B, LLC 1401 Ocean Ave. *The Berkely Hotel

*Special Condition: 1. The premises for which this license is issued shall continue to be operated as a bona fide Hotel or Motel of One Hundred (100) rooms or more and any transfers or renewals of said license shall be subject to the same condition.

1303-44-022-004 Robert Perez 1005 Memorial Dr. *Super-Extra Liquors

*Special Conditions: 1. Temporary signs be installed outside the premises to remind patrons not to loiter and to respect neighbors by controlling noise and smoking, and promoting the responsible consumption of alcoholic beverages. Liquor store manager or designee must clear the front of the store of all person(s) hanging out, panhandling, drinking in public, etc.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton	X		X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Resolution # 2016-265

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

**AUTHORIZING APPOINTMENTS TO THE
“WESLEY LAKE COMMISSION”**

WHEREAS, pursuant to Section 2-45 of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” a Wesley Lake Commission (the “Commission”) has been duly created in and for the City of Asbury Park (the “City”); and

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in the Section referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Wesley Lake Commission one year terms:

NOW, THEREFORE, BE AND IT IS HEREBY 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 following individuals are hereby appointed to serve on the Commission:

Eileen Chapman – City Council Representative
12/31/18

Term Expire:

2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael N. Capabianco, City Manager;
 - b. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Resolution # 2016-266

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

**AUTHORIZING SETTLEMENT OF A WORKER'S
COMPENSATION CLAIM CAPTIONED
BENJAMIN DIAZ vs. CITY OF ASBURY PARK.**

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Benjamin Diaz vs. City of Asbury Park, bearing Case No. 2008-32502, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIF"); and

WHEREAS, pursuant to an Order Approving Settlement (the "Order") entered by the Honorable Lionel Simon, III, J.W.C., the claim has been settled; and

WHEREAS, pursuant to the settlement, the following amounts must be paid by the City:

- Permanency award to the Petitioner in the amount of 210 weeks at \$370.00 per week, for a total of \$77,700.00, less \$36,144.00 paid = **\$41,556.00 balance due**;
- Medical fee payable to Dr. Frederic Brustein, in the amount of \$200.00;
- Petitioner's counsel fees payable to Shebell & Shebell, LLC, in the amount of \$4,987.00; and
- Stenographic service fees payable to John F. Trainor, Inc., in the amount of \$120.00.

WHEREAS, the Mayor and City Council believe that it is in the City's best interests to resolve this claim in accordance with the Order referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that settlement of the matter referenced above is hereby authorized in accordance with the above Order, and payment of the above amounts is hereby authorized subject to a certification of funding availability from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the attorneys assigned to represent the City's interests be and are hereby authorized to execute any and all documents necessary to effectuate this settlement.

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

- a. Eric J. Nemeth, Esq.;
- b. Michael Capabianco, City Manager; and
- c. Frederick C. Raffetto, Esq., City Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-267 Authorizing Settlement of a Worker's Compensation Claim Captioned
Tyrone W. Smith vs. City of Asbury Park

Resolution # 2016-267

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

**AUTHORIZING SETTLEMENT OF A WORKER'S
COMPENSATION CLAIM CAPTIONED
TYRONE W. SMITH vs. CITY OF ASBURY PARK.**

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Tyrone W. Smith vs. City of Asbury Park, bearing Case No. 2011-22243; and

WHEREAS, pursuant to an Order Approving Settlement (the "Order") entered by the Honorable Salvatore Martino, J.W.C., the claim has been settled; and

WHEREAS, pursuant to the settlement, the following amounts must be paid by the City:

- Temporary disability award to the Petitioner in the amount of 56 weeks at \$792.00 per week, for a total of \$44,352.00, less \$200.00 medical fee payable to Dr. Eisenstein = **\$44,152.00** due to the Petitioner;
- Medical fee payable to Dr. Lawrence M. Eisenstein, in the amount of \$200.00;
- Petitioner's counsel fees payable to The Tashjy Law Firm, LLC, in the amount of \$8,500.00; and
- Stenographic service fees payable to John F. Trainor, Inc., in the amount of

\$90.00.

WHEREAS, the Mayor and City Council believe that it is in the City's best interests to resolve this claim in accordance with the Order referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that settlement of the matter referenced above is hereby authorized in accordance with the above Order, and payment of the above amounts is hereby authorized subject to a certification of funding availability from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the attorneys assigned to represent the City's interests be and are hereby authorized to execute any and all documents necessary to effectuate this settlement.

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

- a. Eric J. Nemeth, Esq.;
- b. Michael Capabianco, City Manager; and
- c. Frederick C. Raffetto, Esq., City Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-268 Authorizing Settlement of a Worker's Compensation Claim Captioned
Cassandra Walker vs. City Of Asbury Park

Resolution # 2016-268

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

**AUTHORIZING SETTLEMENT OF A WORKER'S
COMPENSATION CLAIM CAPTIONED
CASSANDRA WALKER vs. CITY OF ASBURY PARK.**

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Cassandra Walker vs. City of Asbury Park, bearing Case No. 2000-975, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIFF"); and

WHEREAS, pursuant to an Order Approving a Section 20 Settlement (the “Order”) entered by the Honorable John Patrick Roche, J.W.C., the claim has been settled; and

WHEREAS, pursuant to the settlement, the following amounts must be paid by the City:

- Lump sum settlement payable to the Petitioner in the amount of \$35,000.00; and
- Stenographic service fees payable to John F. Trainor, Inc., in the amount of \$90.00.

WHEREAS, the City Council believe that it is in the City’s best interests to resolve this claim in accordance with the Order referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, that settlement of the matter referenced above is hereby authorized in accordance with the above Order, and payment of the above amounts is hereby authorized subject to a certification of funding availability from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the attorneys assigned to represent the City’s interests be and are hereby authorized to execute any and all documents necessary to effectuate this settlement.

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

- Eric J. Nemeth, Esq.;
- Michael Capabianco, City Manager; and
- Frederick C. Raffetto, Esq., City Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-269 Authorizing an Appointment to the Housing Authority

Resolution # 2016-269

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

**AUTHORIZING AN APPOINTMENT TO THE
HOUSING AUTHORITY**

WHEREAS, Section 2:37.2 of the Code of the City of Asbury Park provides for the Creation of the Housing Authority (also referenced as the “Authority”) in and for the City of Asbury Park; and

WHEREAS, Section 2:37.3 of the Code of the City of Asbury Park provides for five (5) members to be appointed by the City Council; and

WHEREAS, a vacancy has occurred on the Housing Authority with an unexpired term of April 27, 2021; and

WHEREAS, the Mayor and Council wish to appoint an individual to serve on the Advisory, in accordance with the provisions set forth in Section 2:37.3 of the Code of the City of Asbury Park.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to serve on the Housing Authority:

Appointee

Gregory Hopson, Sr.

Term to Expire

April 27, 2021

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2016-270 A Resolution of the Mayor and Council of the City of Asbury Park,
Support Submission of Application for New Jersey Department of
Transportation Safe Routes to School Program

Resolution # 2016-270
Resolution of the City of Asbury Park

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY
PARK, SUPPORT SUBMISSION OF APPLICATION FOR NEW JERSEY
DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM**

WHEREAS, the City of Asbury Park is applying for funding to conduct street safety improvements along the school routes for Bradley Elementary School, Barak Obama Elementary School, Thurgood Marshall Elementary School, Martin Luther King Jr. Middle School and Asbury Park High School within Asbury Park; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children, their parents and

residents; and

WHEREAS, maintenance of the improvements, once constructed, will be assumed by the City of Asbury Park with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Council of Asbury Park that it hereby supports the submission of a grant application for the *Safe Routes to School Program* within the State of New Jersey Department of Transportation and authorizes the Mayor, City Manager and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-271 Purchase of a John Deere Tractor for the Beach Utility

Resolution # 2016-271

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

PURCHASE OF A JOHN DEERE TRACTOR FOR THE BEACH UTILITY

WHEREAS, Local Finance Notice (LFN) 2012-10 provides guidance for the acceptable practice of purchasing off various purchasing cooperatives; and

WHEREAS, the National Joint Powers Alliance (NJPA) has bid out equipment and awarded said equipment purchases under contract numbers 021815-DAC which sunsets March 17, 2019; and

WHEREAS, the City of Asbury Park is desirous of purchasing a John Deere tractor as per the pricing off the NJPA contract in an amount of \$74,270.22 to Central Jersey Equipment LLC; and

WHEREAS, the Acting Chief Financial Officer has certified that funds are available in the Beach Utility Account.

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 authorize the purchase

of a John Deere tractor to be purchased from Central Jersey Equipment LLC in the amount of \$74,270.22.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-272A A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Boutique Camping Project on Block 4502, Lots 1.01 through 1.04

Resolution # 2016-272-A
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE BOUTIQUE CAMPING PROJECT ON BLOCK 4502, LOTS 1.01 THROUGH 1.04

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

WHEREAS, in furtherance of the Plan, the City and Asbury Partners, L.L.C. (“Partners”), a limited liability company formed under the laws of the State of New Jersey with offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712, entered into the Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the “Redeveloper Agreement”) pursuant to which Partners was appointed “Master Developer” for the Area; and

WHEREAS, pursuant to the Redeveloper Agreement, in order to implement the development, financing, construction, operation and management of certain areas in the Area, the City entered into a Subsequent Developer Agreement dated June 1, 2010 (the “Subsequent Developer Agreement”) with Partners and Madison Asbury Retail, LLC, a limited liability company formed under the laws of the State of Delaware, with principal offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 (“MA Retail”); and

WHEREAS, MA Retail has obtained zoning approvals for a skateboarding use, referred to as a “skate bowl” inside of the Carousel and now proposes various projects on Block 4502, Lots 1.01 through 1.04, which are generally located to the west of the Carousel and to the north of Wesley Lake, for:

- (1) boutique camping;
- (2) dry retail housed in shipping containers; and
- (3) an area for mobile retail and food vendors

(collectively the “**Proposal**”); and

WHEREAS, the City’s Technical Review Committee (the “**TRC**”) reviewed the Proposal at a meeting held on May 31, 2016 and issued a report of June 3, 2016; and

WHEREAS, the City Director of Planning and Redevelopment reviewed the application, and issued a Memo of June 13, 2016 to the Mayor and Council, which encloses the TRC report, and is attached hereto as **EXHIBIT A**; and

WHEREAS, MA Retail presented the Proposal and reviewed the plans with the Mayor and City Council during a workshop session on June 13, 2016; and

WHEREAS, subsequent to the June 13, 2016 workshop session MA Retail submitted a revised description of the Proposal dated June 14, 2016, but did not submit revised plans, and the Proposal is now for:

(1) boutique camping, as further detailed in the revised description of the Proposal dated June 14, 2016, which is generally described by MA Retail as consisting of:

- Seasonal use from May-October;
- Luxury tents available to rent by the night; first season to be limited to nine tents;
- Two tent size options: Large Tent- max occupancy is 2 adults and 2 children; Small Tent- max occupancy is 2 adults;
- Rental price for tents between \$200-\$300 per night;
- Camp site operator to pay State and Local Hotel Tax;
- Temporary restrooms to be placed on the site; shower facilities to be provided at the Asbury Welcome Center (Asbury Partners LLC owned/operated);
- Check in and coffee bar offered from vintage trailers;
- Guest/lounge areas with seating;
- Alcohol prohibited on site;
- No bonfires, campfires, etc. on site;
- Rules and regulations to be posted on site to include quiet hours, prohibited items, etc.;
- Perimeter of site to be established by revised configuration of existing beach lockers and snow fence or alternative to snow fence determined in consultation with Redevelopment Entity and/or Planning Board;
- Site will be staffed 24 hours a day;
- Parking for campers offered in adjacent parking lot;
- Phase 2 of camping contemplates extending into Future Tent Area as marked on Concept Plan;

- City access through site to Wesley Lake to be maintained.

(the “**Boutique Camping Proposal**”);

(2) dry retail housed in shipping containers, described by MA Retail as consisting of:

- MAR will site up to three, 8’x20’x8.6’, shipping containers for retail sales to be accessed from the interior of the Carousel only; first season to be limited to two containers;
- MAR will adorn the container exteriors with mural art satisfactory to the Planning Board.

(the “**Shipping Container Retail Proposal**”); and

(3) an area for mobile retail and food vendors, described by MA Retail as consisting of:

- Area for up to four travelling, mobile retail and/or food trucks or carts at a time (self-contained; no water or power on site);
- Trucks or mobile retail units to be sited at northern perimeter of area so as to not impede pedestrian traffic from adjacent parking lot;
- Proposed hours of operation for food trucks or mobile retail will be between 10 a.m. and 9 p.m. on weekdays and 10 a.m. and 10 p.m. on Fridays and Saturdays;
- Picnic tables and trash cans to be provided when in use and removed from site when no mobile food/retail in the area. Area to be maintained by MAR staff,

(the “**Mobile Retail & Food Vendor Area Proposal**”) (collectively the “**Revised Proposal**”). MA Retail requests a two (2) year approval for all of the individual proposals. The Revised Proposal was reviewed by the Mayor and City Council during a regular meeting on June 15, 2016; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to set forth their conceptual review of MA Retail’s Revised Proposal for the **Boutique Camping Proposal**,

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

1. The Mayor and Council find that the **Boutique Camping Proposal** does not constitute “hotels, lodging and conference facilities” as permitted by the Waterfront Redevelopment Plan and as advanced by MA Retail, is otherwise not a permitted use in the Plan and does not advance the goals and principals of the Plan. The Boutique Camping Proposal is not granted conceptual approval, shall not be referred to, or considered by the Planning Board and shall not be constructed and/or operated.

2. This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X		X	
Council Member Jesse Kendle				X	
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X			X	

2016-272B A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Retail Shipping Container Project on Block 4502, Lots 1.01 through 1.04

Resolution # 2016-272-B
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE RETAIL SHIPPING CONTAINER PROJECT ON BLOCK 4502, LOTS 1.01 THROUGH 1.04

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

WHEREAS, in furtherance of the Plan, the City and Asbury Partners, L.L.C. (“Partners”), a limited liability company formed under the laws of the State of New Jersey with offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712, entered into the Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the “Redeveloper Agreement”) pursuant to which Partners was appointed “Master Developer” for the Area; and

WHEREAS, pursuant to the Redeveloper Agreement, in order to implement the development, financing, construction, operation and management of certain areas in the Area, the City entered into a Subsequent Developer Agreement dated June 1, 2010 (the “Subsequent Developer Agreement”) with Partners and Madison Asbury Retail, LLC, a limited liability company formed under the laws of the State of Delaware, with principal offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 (“MA Retail”); and

WHEREAS, MA Retail has obtained zoning approvals for a skateboarding use, referred to as a “skate bowl” inside of the Carousel and now proposes various projects on Block 4502, Lots 1.01 through 1.04, which are generally located to the west of the Carousel and to the north of Wesley Lake, for:

- (1) boutique camping;
- (2) dry retail housed in shipping containers; and
- (3) an area for mobile retail and food vendors

(collectively the “**Proposal**”); and

WHEREAS, the City’s Technical Review Committee (the “**TRC**”) reviewed the Proposal at a meeting held on May 31, 2016 and issued a report of June 3, 2016; and

WHEREAS, the City Director of Planning and Redevelopment reviewed the application, and issued a Memo of June 13, 2016 to the Mayor and Council, which encloses the TRC report, and is attached hereto as **EXHIBIT A**; and

WHEREAS, MA Retail presented the Proposal and reviewed the plans with the Mayor and City Council during a workshop session on June 13, 2016; and

WHEREAS, subsequent to the June 13, 2016 workshop session MA Retail submitted a revised description of the Proposal dated June 14, 2016, but did not submit revised plans, and the Proposal is now for:

(1) boutique camping, as further detailed in the revised description of the Proposal dated June 14, 2016, which is generally described by MA Retail as consisting of:

- Seasonal use from May-October;
- Luxury tents available to rent by the night; first season to be limited to nine tents;
- Two tent size options: Large Tent- max occupancy is 2 adults and 2 children; Small Tent- max occupancy is 2 adults;
- Rental price for tents between \$200-\$300 per night;
- Camp site operator to pay State and Local Hotel Tax;
- Temporary restrooms to be placed on the site; shower facilities to be provided at the Asbury Welcome Center (Asbury Partners LLC owned/operated);
- Check in and coffee bar offered from vintage trailers;
- Guest/lounge areas with seating;
- Alcohol prohibited on site;
- No bonfires, campfires, etc. on site;
- Rules and regulations to be posted on site to include quiet hours, prohibited items, etc.;
- Perimeter of site to be established by revised configuration of existing beach lockers and snow fence or alternative to snow fence determined in consultation with Redevelopment Entity and/or Planning Board;
- Site will be staffed 24 hours a day;
- Parking for campers offered in adjacent parking lot;
- Phase 2 of camping contemplates extending into Future Tent Area as marked on Concept Plan;

- City access through site to Wesley Lake to be maintained.

(the “**Boutique Camping Proposal**”);

(2) dry retail housed in shipping containers, described by MA Retail as consisting of:

- MAR will site up to three, 8’x20’x8.6’, shipping containers for retail sales to be accessed from the interior of the Carousel only; first season to be limited to two containers;
- MAR will adorn the container exteriors with mural art satisfactory to the Planning Board.

(the “**Shipping Container Retail Proposal**”); and

(3) an area for mobile retail and food vendors, described by MA Retail as consisting of:

- Area for up to four travelling, mobile retail and/or food trucks or carts at a time (self-contained; no water or power on site);
- Trucks or mobile retail units to be sited at northern perimeter of area so as to not impede pedestrian traffic from adjacent parking lot;
- Proposed hours of operation for food trucks or mobile retail will be between 10 a.m. and 9 p.m. on weekdays and 10 a.m. and 10 p.m. on Fridays and Saturdays;
- Picnic tables and trash cans to be provided when in use and removed from site when no mobile food/retail in the area. Area to be maintained by MAR staff,

(the “**Mobile Retail & Food Vendor Area Proposal**”) (collectively the “**Revised Proposal**”). MA Retail requests a two (2) year approval for all of the individual proposals. The Revised Proposal was reviewed by the Mayor and City Council during a regular meeting on June 15, 2016; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to set forth their conceptual review of MA Retail’s Revised Proposal for the **Shipping Container Project**,

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

1. The Mayor and Council find that the **Shipping Container Retail Proposal** is generally consistent with the Plan and refers this proposal to the Planning Board for appropriate review and approvals in accordance with the provisions of the Plan and the Municipal Land Use Law. The approval of this proposal is limited to:
 - (i) one (1) year without further approval from the Mayor and Council,

(ii) a maximum of two (2) containers,

(iii) shall not be located in the City's beach access and utility easement that runs along Wesley Lake from the boardwalk to the terminus of Lake Avenue, or any other City held easement in this area, and

(iv) any murals on the containers shall be approved by the Planning Board.

2. This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton				X	
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor	X		X		

2016-272C A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Mobile Retail & Food Vendor Area Proposal on Block 4502, Lots 1.01 through 1.04

Resolution # 2016-272-C
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE MOBILE RETAIL & FOOD VENDOR AREA PROPOSAL ON BLOCK 4502, LOTS 1.01 THROUGH 1.04

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

WHEREAS, in furtherance of the Plan, the City and Asbury Partners, L.L.C. ("**Partners**"), a limited liability company formed under the laws of the State of New Jersey with offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712, entered into the Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the "**Redeveloper Agreement**") pursuant to which Partners was appointed "Master Developer" for the Area; and

WHEREAS, pursuant to the Redeveloper Agreement, in order to implement the development, financing, construction, operation and management of certain areas in the Area, the City entered into a Subsequent Developer Agreement dated June 1, 2010 (the "**Subsequent Developer Agreement**") with Partners and Madison Asbury Retail, LLC, a limited liability

company formed under the laws of the State of Delaware, with principal offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 (“**MA Retail**”); and

WHEREAS, MA Retail has obtained zoning approvals for a skateboarding use, referred to as a “skate bowl” inside of the Carousel and now proposes various projects on Block 4502, Lots 1.01 through 1.04, which are generally located to the west of the Carousel and to the north of Wesley Lake, for:

- (1) boutique camping;
- (2) dry retail housed in shipping containers; and
- (3) an area for mobile retail and food vendors

(collectively the “**Proposal**”); and

WHEREAS, the City’s Technical Review Committee (the “**TRC**”) reviewed the Proposal at a meeting held on May 31, 2016 and issued a report of June 3, 2016; and

WHEREAS, the City Director of Planning and Redevelopment reviewed the application, and issued a Memo of June 13, 2016 to the Mayor and Council, which encloses the TRC report, and is attached hereto as **EXHIBIT A**; and

WHEREAS, MA Retail presented the Proposal and reviewed the plans with the Mayor and City Council during a workshop session on June 13, 2016; and

WHEREAS, subsequent to the June 13, 2016 workshop session MA Retail submitted a revised description of the Proposal dated June 14, 2016, but did not submit revised plans, and the Proposal is now for:

(1) boutique camping, as further detailed in the revised description of the Proposal dated June 14, 2016, which is generally described by MA Retail as consisting of:

- Seasonal use from May-October;
- Luxury tents available to rent by the night; first season to be limited to nine tents;
- Two tent size options: Large Tent- max occupancy is 2 adults and 2 children; Small Tent- max occupancy is 2 adults;
- Rental price for tents between \$200-\$300 per night;
- Camp site operator to pay State and Local Hotel Tax;
- Temporary restrooms to be placed on the site; shower facilities to be provided at the Asbury Welcome Center (Asbury Partners LLC owned/operated);
- Check in and coffee bar offered from vintage trailers;
- Guest/lounge areas with seating;
- Alcohol prohibited on site;
- No bonfires, campfires, etc. on site;
- Rules and regulations to be posted on site to include quiet hours, prohibited

- items, etc.;
- Perimeter of site to be established by revised configuration of existing beach lockers and snow fence or alternative to snow fence determined in consultation with Redevelopment Entity and/or Planning Board;
- Site will be staffed 24 hours a day;
- Parking for campers offered in adjacent parking lot;
- Phase 2 of camping contemplates extending into Future Tent Area as marked on Concept Plan;
- City access through site to Wesley Lake to be maintained.

(the “**Boutique Camping Proposal**”);

(2) dry retail housed in shipping containers, described by MA Retail as consisting of:

- MAR will site up to three, 8’x20’x8.6’, shipping containers for retail sales to be accessed from the interior of the Carousel only; first season to be limited to two containers;
- MAR will adorn the container exteriors with mural art satisfactory to the Planning Board.

(the “**Shipping Container Retail Proposal**”); and

(3) an area for mobile retail and food vendors, described by MA Retail as consisting of:

- Area for up to four travelling, mobile retail and/or food trucks or carts at a time (self-contained; no water or power on site);
- Trucks or mobile retail units to be sited at northern perimeter of area so as to not impede pedestrian traffic from adjacent parking lot;
- Proposed hours of operation for food trucks or mobile retail will be between 10 a.m. and 9 p.m. on weekdays and 10 a.m. and 10 p.m. on Fridays and Saturdays;
- Picnic tables and trash cans to be provided when in use and removed from site when no mobile food/retail in the area. Area to be maintained by MAR staff,

(the “**Mobile Retail & Food Vendor Area Proposal**”) (collectively the “**Revised Proposal**”). MA Retail requests a two (2) year approval for all of the individual proposals. The Revised Proposal was reviewed by the Mayor and City Council during a regular meeting on June 15, 2016; and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to set forth their conceptual review of MA Retail’s Revised Proposal for the **Mobile Retail & Food Vendor Area Proposal**,

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

1. The Mayor and Council find that the **Mobile Retail & Food Vendor Area Proposal** is generally consistent with the Plan and refers this proposal to the Planning Board for appropriate review and approvals in accordance with the provisions of the Plan and the Municipal Land Use Law. The approval of this proposal is limited to:
 - (i) one (1) year without further approval from the Mayor and Council,
 - (ii) a maximum of four (4) mobile trucks, which may be any combination of food trucks/pop-up retail/carts, provided the total shall not exceed four (4) mobile trucks,
 - (iii) shall not be located in the City's beach access and utility easement that runs along Wesley Lake from the boardwalk to the terminus of Lake Avenue, or any other City held easement in this area, and
 - (iv) No generators of any kind.
2. This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X		X		

2016-273 Amendment to the 2016 Municipal Budget – Beach Utility

Resolution 2016-273

WHEREAS, the Local Municipal Budget for the year 2016 was approved on the 16th day of March

WHEREAS, the public hearing on said Budget has been held as advertised; and

WHEREAS, it is desirous to amend said Budget,

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

DEDICATED BEACH UTILITY BUDGET

Dedicated Revenues From Beach Utility:

Receipts from Municipal Bathing

Total Beach Utility Revenues

Appropriations for Beach Utility:

Capital Outlay:

Acquisition of Beach Tractor

Total Beach Utility Appropriations

BE IT FURTHER RESOLVED that this budget amendment be published in the Asbury Park Press at

7 o'clock P.M., at which time and place objections may be presented by taxpayers or other interested

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the office of the

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

K. Ordinances:

1. Introduction:

2016-27 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."

City Clerk Dye read by title Ordinance 2016-27.

Motion to introduce Ordinance 2016-27.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		

Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor				X	

City Clerk Dye announced that the public hearing is scheduled for June 29, 2016.

2. Second Reading/Public Hearing:

2016-20 Refunding Bond Ordinance Authorizing the Issuance of Not to Exceed \$2,250,000 Aggregate Principal Amount of General Obligation Refunding Bonds by the City of Asbury Park, in the County of Monmouth, State of New Jersey, to the Monmouth County Improvement Authority (the "MCIA") for the Purpose of Refunding Certain Bonds Heretofore Issued by the City to the MCIA

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2016-20**

**REFUNDING BOND ORDINANCE AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$2,250,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION
REFUNDING BONDS BY THE CITY OF ASBURY PARK, IN
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
TO THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (THE "MCIA") FOR THE PURPOSE OF
REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY
THE CITY TO THE MCIA**

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), on January 24, 2011, the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), had previously issued \$2,905,000 aggregate principal amount of General Obligation Bonds (the "2011 Bonds") to the Monmouth County Improvement Authority (the "MCIA") in connection with the MCIA's 2011 Pooled Governmental Loan Program; and

WHEREAS, \$1,770,000 of such 2011 Bonds are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable (the "Refunded Bonds"); and

WHEREAS, the MCIA and the City have determined that refunding bonds can be issued to defease or refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a debt service savings for the City; and

WHEREAS, the City has determined to provide for the defeasance or refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,250,000 to the MCIA, as provided in this refunding bond ordinance.

NOW, THEREFORE, 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. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the City hereby designated as General Obligation Refunding Bonds (the "Refunding Bonds") are hereby authorized to be issued to the MCIA in an aggregate principal amount not to exceed \$2,250,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the principal amount of Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium of credit enhancement fees, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed \$80,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the Refunded Bonds. Any moneys held in trust by the MCIA may be invested in accordance with law.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the City adopted prior to the issuance of the Refunding Bonds.

Section 4. The City Council hereby delegates to the Chief Financial Officer or City Manager the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The City Council hereby authorizes and delegates to the Chief Financial Officer or the City Manager, in consultation with Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel"), Acacia Financial Group, Inc., Marlton, New Jersey (the "Financial Advisor") and Wiss & Company LLP, Iselin, New Jersey (the "City Auditor"), the authority to negotiate and execute on behalf of the City any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the City, or the performance or determination thereof shall be delegated by resolution of the City to an official or officer of the City, Bond Counsel, the Financial Advisor or the City Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the City required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

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 Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the City, and, unless paid from other sources, the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the City Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the City Council, the City Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure,

investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to effect a debt service savings for the City.

Section 13. 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 bond ordinance and the said bonds and notes authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 14. 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, the Financial Advisor and the 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 Manager, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, Bond Counsel, the Financial Advisor and the 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, including, if applicable, the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Bond Counsel, the Financial Advisor and the 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 15. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law, but, if applicable, not prior to the time that the consent of the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Motion made by Council Member Kendle and seconded by Council Member Clayton to open Ordinance 2016-20 to the public. All were in favor. No one from the public spoke. Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the Ordinance 2016-20 to the public.

Motion to adopt Ordinance 2016-20.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle	X		X		

Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-21 Establishing a Restricted Parking Space for Use by Handicapped Persons at Property Located at 1310 Third 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. 2016-21

ESTABLISHING A RESTRICTED PARKING SPACE FOR USE BY HANDICAPPED PERSONS AT PROPERTY LOCATED AT 1310 THIRD 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 1802, Lot 23, on the Asbury Park City Tax Map, which handicapped parking space shall begin 277 feet west of the southwest corner of Third Avenue and New Street and extend 20 feet west; space should be 20 feet on center and located on the south side of Third Avenue; 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 1310 Third Avenue, in the City, which is also known and designated as Block 1802, Lot 23, on the Asbury Park City Tax Map, which handicapped parking space shall begin 277 feet west of the southwest corner of Third Avenue and New Street and extend 20 feet west; space should be 20 feet on center and located on the south side of Third 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>
Third Avenue	West	1310 Third Avenue, in the City, which is also known and designated as Block 1802, Lot 23, on the Asbury Park City Tax Map, which handicapped parking space shall begin 277 feet west of the southwest corner of Third Avenue and New Street and extend 20 feet west; space should be 20 feet on center and located on the south side of Third Avenue, in accordance with the requirements set forth in this Ordinance

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 made by Deputy Mayor Quinn and seconded by Council Member Kendle to open Ordinance 2016-21 to the public. All were in favor. No one from the public spoke. Motion made by Council Member Kendle and seconded by Mayor Moor to close the Ordinance 2016-21 to the public.

Motion to adopt Ordinance 2016-21.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor		X	X		

2016-22 An Ordinance Amending Chapter II Section 63 “Administration – Set Aside Program”

**AN ORDINANCE AMENDING CHAPTER II SECTION 63
“ADMINISTRATION – SET ASIDE PROGRAM”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter II “ADMINISTRATION” that Section 63 “ADMINISTRATION – SET ASIDE PROGRAM” is created within the “Code of the City of Asbury Park, New Jersey in order to add the following:

1. 2-63 MINORITY BUSINESS ENTERPRISE, VETERAN’S,
SMALL BUSINESS AND WOMEN'S BUSINESS ENTERPRISE
SET ASIDE PROGRAM.

2-63.1 Goals Established; Attainment; Allotment; Set-Aside Contracts.

a. Pursuant to N.J.S.A. 40A:11-41, the City of Asbury Park hereby establishes ~~a minority business enterprise (MBE) set-aside program and women's business enterprise (WBE)~~ set-aside program as a means of achieving goals herein adopted. The City Manager shall appoint either a Department or individual to oversee the Program. If a proper Qualified Purchasing Agent is on staff, then this individual shall be responsible for the Program. For purposes of this Ordinance, the Department or individual to oversee the Program shall be referred to as the Program Coordinator.

b. There is hereby established a goal of awarding no less than twenty-five (25%) percent of the city contracts to minority owned businesses for the purchase of goods and services. In determining compliance with the twenty-five (25%) percent goal, the aggregate cost of all such contracts within a fiscal year shall be considered.

c. There is hereby established a goal of awarding no less than 10 (10%) percent of the city contracts to women-owned businesses for the purchase of goods and services. In determining compliance with the ten (10%) percent goal, the aggregate cost of all such contracts within a fiscal year shall be considered.

d. The percentage of the dollar value of the city's total procurement to be filled by means of these set-aside programs and the process for achieving the same shall be determined by the ~~Affirmative Action Officer-Program Coordinator~~ after review by the Manager. By February 1 of each year, the ~~Affirmative Action Officer-Program Coordinator~~ shall meet with the various procurement agencies, budget director and the City Attorney to determine what aggregate procurements are to be made by the city and what contracts for goods, equipment, construction or services shall be designated for the ~~MBE and WBE~~ set-aside programs. The Manager shall make a report to the Municipal Council indicating the goods and contracts to be included in that fiscal year.

e. "Set-aside contracts" shall mean a contract for goods, equipment, construction, demolition or services which is designated as a contract for which bids are invited and accepted only from qualified minority business enterprises, as appropriate, a portion of contract when that portion has so been designated; or any other purchase of procurement so designated.

(2000 Code § 2-63.1)

2-63.2 Standards of Eligibility; Definitions.

a. A business may be eligible ~~as a minority business, a female business, or a combination of the two (2)~~ for multiple components of the Program such as being both a female and veteran business.

b. *Principal Place of Business.* In order to be eligible as a minority business or a female business, a business must both have its principal place of business in New Jersey and be independently owned and operated.

1. For purposes of this section, a business shall be deemed to have its principal place of business in New Jersey:

(a) When it has been either incorporated or registered to do business in New Jersey; and

(b) When fifty-one (51%) percent or more of its employees work in New Jersey, as evidenced by the payment of New Jersey unemployment taxes.

2. For purpose of these rules, a business shall be deemed independently owned and operated if its management is responsible for both its daily and its long-term operation, and if its management owns at least a fifty-one (51%) percent interest in the business.

c. *Minority Business.* In order to be eligible as a minority business, a business must be either a sole proprietorship, partnership or corporation at least fifty-one (51%) percent of which is owned and controlled by persons who are Black, Hispanic, Asian American, American Indian, or Alaskan natives, which are defined as follows:

1. *Black American* shall mean a person having origins in any of the black racial groups of Africa.

2. *Hispanic American* shall mean a person of Mexican, Puerto Rican, Cuban, Central or South American, Portuguese or other Spanish culture or origin, regardless of race.

3. *Asian American* shall mean a person having origins in any of the original people of the Far East, Southeast Asia and Indian subcontinent, Hawaii or the Pacific Islands.

4. *American Indian or Alaskan Native* shall mean a person having origins in any of the original peoples of North American and who maintain cultural identification through tribal affiliation or community recognition.

d. *Women's Business.* In order to be eligible as women's business, a business must be either a sole proprietorship, partnership, or corporation at least fifty-one (51%) percent of which is owned and controlled by women.

e. All minority-owned businesses and women business enterprises under this section shall be qualified in accordance with N.J.S.A. 40A:11-25.

(2000 Code § 2-63.2)

2-63.3 Registration Procedures.

a. Any business that seeks to register -to be eligible for the Program must register with the State of New Jersey's New Jersey Selective Assistance Vendor Information (NJSAVI) found under the State's contracting services. The NJSAVI is a database that identifies businesses that

are registered as a SBE and/or certified as a M/WBE with the State of New Jersey, through the Division of Revenue as a minority business and/or female business must apply to the Affirmative Action Officer. For these purposes, ~~the Affirmative Action Officer shall prepare a vendor registration form. This form shall be available from the Office of Affirmative Action and the Division of Purchasing in the Finance Department.~~

~~b. — From a compilation of these vendor registration forms, the Affirmative Action Officer shall maintain a minority business enterprise and women's business enterprise master list which shall contain all the names and addresses of all eligible businesses for the set-aside program. This list shall be updated and made current at least once a year.~~

~~c. — As a part of its application to the Affirmative Action Officer, a business shall reasonably document its principal place of business and independent status, and, as appropriate, the character of its ownership. Where available, this documentation should include appropriate forms or reports otherwise submitted to or issued by State and Federal agencies, such as employee or affirmative action reports filed with the New Jersey Department of Labor or certificates of incorporation issued by the New Jersey Department of State.~~

~~1. — If an applicant fails to complete fully the vendor registration form or to document same, its application may be delayed or rejected.~~

~~2. — If an applicant knowingly supplies incomplete or inaccurate information, the applicant shall be disqualified and may be subject to other penalties authorized by law.~~

(2000 Code § 2-63.3)

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a. 2-63.4 Notification Requirements and Procurement Process.

a. When a business is accepted by the ~~Office of Affirmative Action as a minority business or women's business, the business will be added by the Office of Affirmative Action~~State of New Jersey onto the set-aside vendors lists which shall be used in determining whether the City has fulfilled its contracting goals, and shall be used in soliciting bids or contracts set aside for minority business and/or women's businesses and other purchasing and contracting situations. There will be no limits to the number of businesses on the various minority business bidders lists. Each eligible applicant will be placed on that list or those lists for which it is qualified.

b. When a business is accepted as a minority business and/or women's business, that business may bid on contracts which are specifically set aside under this section.

be. Each contracting agency shall make good faith effort to obtain the goals established by the Administration. "Contracting agency" shall be defined as the Local Purchasing Agency, the Finance Department and any other agency involved in the total procurement process.

(2000 Code § 2-63.4)

b. 2-63.5 Award Standards and ~~Affirmative Action Officer's~~ Responsibility for Monitoring Compliance.

a. Any contract specifically set aside for minority and/or women's business must be competitively bid, either through the public advertising or through informal bidding, and may be awarded only if responsive bids from at least three (3) qualified bidders are received.

b. The specification for a set-aside contract shall clearly and conspicuously state that an award may only be made to a business duly registered ~~with an approval by the Office of Affirmative Action or have a State Certificate of Registration~~with the State of New Jersey.

c. The specification shall further state that a bidder who is not already approved may submit a bid but then must apply ~~to the Office of Affirmative Action for approval as a minority or female business enterprise as appropriate~~the State of New Jersey, no later than the bid opening date and, in order to be eligible for an award, must be approved by the ~~Office of Affirmative Action~~State of New Jersey no later than ~~thirty (30) five (5)~~ working days after the bid-opening date. The specification shall state that if, for whatever reason, there is no approval of that bidder ~~from the Office of Affirmative Action, no later than five (5) working days from the bid-opening date~~, the City shall reject that bid without any obligation or recourse to that bidder. The dates may be adjusted to comport to the award requirements in the Local Public Contracts Law.

d. ~~The Affirmative Action Officer shall have the responsibility for approving all solicitations of bid prior to their offering by the Purchasing Agent. The Affirmative Action Officer shall further indicate his approval on all contracts entered into by the Mayor, City Manager, Purchasing Agent prior to their execution by the City and/or submission of contracts to the Municipal Council for its review and approval.~~

e. All bids may be rejected on a set-aside contract and the contract may be rebid as an ordinary contract where:

1. In evaluating the female and/or minority business bids, the ~~Purchasing Agent~~Program Coordinator determines that acceptance of any of the bids would subject the City to an unreasonable expense or to a contract otherwise unacceptable pursuant to the City's contracting laws and rules; or

2. The City Clerk does not receive at least three (3) bids from qualified vendors approved as female and/or minority businesses, as appropriate; and

3. The ~~Minority Business Enterprise or Female Business Enterprise~~respondent knowingly supplied false information on the business and the contract would not otherwise have been awarded.

f. ~~Immediately after rejecting all bids, the Purchasing Agent may, without any delay, rebid the contract as an ordinary award. Female and minority business bidders may participate in this rebidding process. The rejection of bids and re-advertising of same shall be in accordance with the Local Public Contracts Law.~~

(2000 Code § 2-63.5)

2-63.6 Annual Report.

- a. The ~~Affirmative Action Officer-Program Coordinator~~ shall submit an annual report to the City Manager by January 31 of each year describing the City's efforts in attaining the set-aside goal and the percentage of the dollar value of total procurements awarded under this section.
- b. The City Clerk shall publish a list of the City's attainments under this section on March 1 of each year. ~~ach year in at least one (1) newspaper circulating in the City of Asbury Park.~~

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.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to open Ordinance 2016-22 to the public. All were in favor. No one from the public spoke. Motion made by Council Member Kendle and seconded by Council Member Clayton to close the Ordinance 2016-22 to the public.

Motion to adopt Ordinance 2016-22.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton	X		X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2016-24 An Ordinance Creating Chapter III Section 39 “Police Regulations – Police and Fire Alarm Systems”

**Asbury Park, New Jersey
ORDINANCE NO. 2016-24**

**AN ORDINANCE CREATING CHAPTER III SECTION 39
“POLICE REGULATIONS – POLICE AND FIRE ALARM SYSTEMS”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III “POLICE REGULATION” that Section 39 “POLICE AND FIRE ALARM SYSTEMS” is created within the “Code of the City of Asbury Park, New Jersey in order to add the following:

39-1. - Purpose of chapter.

The purpose of this chapter is to provide for the establishment and maintenance of an efficient, effective and uniform police and fire alarm system within the City and to provide standards and regulations for alarm equipment, devices or systems to be installed or connected with or to the police panel alarm system at police headquarters in the City, or otherwise installed or connected so as to elicit a response by the City police department or, through the police department, the fire department or other municipal agency.

39-2. - Scope of chapter.

The provisions of this chapter shall apply to any person or business who installs, connects, operates, maintains, services or owns any alarm equipment, device or system, including local and central station alarms, designed to summon the police department or, through the police department, the fire department, or the fire department directly, or other municipal agency to any location within the City in response to any type of call, signal, alarm or preprogrammed, prerecorded message.

39-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central station alarm means any type of equipment, device or system which is connected to a private alarm company monitoring station which monitors alarm activations at their subscribers' locations. Upon alarm activation, and in the event that no person can be reached at the location or the person reached fails to respond with the correct code word or number, such company will contact the police to respond to the location. See TYPES OF ALARM SYSTEMS.

Common annunciator license means the license issued by the City clerk to install and connect and to operate, control and maintain the police panel alarm system and to make all subscriber installations and connections thereto.

Digital dialer system means any type of equipment, device or system using telephone wires to activate an audible alarm at the police communication desk and provide both an information readout and a printout.

False alarm means any activation of an alarm system, whether intentional or unintentional, by failure, malfunction, accidental tripping, misoperation, misuse, inadvertence or negligence by the subscribers or their employees or agents.

Installer's license means the license issued by the chief of police of the City permitting a person to engage in, manage, conduct or carry on the business of installing, leasing, connecting, maintaining, servicing, repairing, arranging, adjusting, replacing, moving and programming, in any building, place or premises in the City, any alarm, equipment or device designed to summon the police department or, through the police department, the fire department or other municipal agency.

Local alarm means any type of equipment, device or system which, when actuated, produces a signal or alarm not connected to the police panel alarm system, such as a store, burglar or intrusion alarm actuating a bell, horn or other sounding device, for the purpose of summoning the police department or, through the police department, the fire department or other municipal agency to the location thereof and in response thereto.

Police panel alarm system means that system giving a visual or audio response, or both, on the control panel of the police console located within the confines of the police department of the City, monitored by the police department, and which includes the subscriber modules, the control modules, the control cabinets, the energy pack, and all necessary and accessory equipment, wires and connections therein and thereto.

Tape dial alarm means any type of equipment, device or system, preprogrammed or automatic, using telephone wires to transmit any alarm, message, signal or report directly through or to the police department switchboard for the purpose of summoning the police department or other municipal agency to any location within the City in response thereto.

39-4. - Penalty.

Any person found guilty in the municipal court of the City for violation of the terms of this chapter shall be subject to punishment as describe herein:

- 1st Summons: \$50
- 2nd Summons: \$100
- 3rd Summons: \$200
- 4th Summons or more: To be determined by municipal court judge

Alarm owners will not be held accountable for false alarms triggered by severe weather conditions, electrical malfunctions or phone line problems. A property owner shall have two “free” false alarms before summons are issued.

39-5. – Types of alarms:

- Central Station Alarm
The installed alarm system is connected to a private alarm company which monitors alarm activations at the subscriber’s location. When the alarm is activated, a signal is transmitted—usually over telephone lines—to the monitoring company which then calls the subscriber to verify the signal. If there is no answer or if the person who answers the telephone fails to respond with the correct code word or number, the monitoring company contacts the police who, in turn, respond to the location.
- Local Alarm
When activated, this type of alarm system produces an audible or visual signal to alert occupants, neighbors or passers-by to a detected condition but it is not connected to a monitoring company.
- Tape Dial Alarm
When activated, a pre-recorded message is transmitted by telephone directly to the police department. Use of this type of alarm is prohibited by ordinance.
- Police Panel Alarm
This type of alarm reports directly to the police and is connected to the control panel of the police console located within the department. Such systems usually do not incorporate verification capabilities to permit screening of false alarms prior to dispatch procedures being initiated. Consequently, the City of Asbury Park Police Department does not operate a police panel for direct connection of alarm systems.

39-6. - Alarm system permit or registration required.

(a) No person shall install, connect or maintain, or cause to be installed, connected or maintained, any police alarm equipment, device or system in or to the police headquarters in the City for the purpose of transmitting a signal or alarm or reporting a signal, alarm or prerecorded message to the attention of the police department for the purpose of summoning the police department or, through the police department, the fire department or other municipal agency in response thereto, without first having made application and been issued a permit therefor in accordance with the provisions of this chapter and the rules, regulations and procedures established and provided under this chapter.

(b) No person shall install, connect or maintain, or cause to be installed, connected or maintained, any local or central station alarm without first having registered the alarm with the chief of police as provided in this chapter.

(c) All applications for the issuance of a permit required under this chapter shall be made in writing to the chief of police on a form provided therefor, and shall be accompanied by the current application and processing fee.

(d) The application, among other information which may from time to time be required or prescribed by the chief of police, shall contain the name, address and telephone number of the applicant, the name, address and telephone number of each of the premises and customers or persons to be served by the proposed installation or connection, the location of the device, alarm equipment or system, the name of the installer, the type of device, alarm equipment or system, provisions relating to false alarms and testing procedures, and a list of persons to be contacted in the event of an alarm.

(e) Upon application for a permit, the chief of police shall cause an investigation and records to be made, and, thereafter, provided the applicant has complied with all of the terms of this chapter and the rules and regulations made, promulgated and adopted pursuant thereto, shall issue the permit.

(f) Permit fees for present subscribers to the existing alarm system shall be waived or those with existing alarm systems

(g) Effective August 1, 2016 the permit fee for new applications shall be a non-refundable \$50.00.

39-7. – Keeping information current:

Once your alarm system has been registered, it is important to keep the information you have on record with the police department up-to-date. Businesses should be especially diligent to ensure that their emergency contact information is always correct. Failure to keep the alarm system registration current will result in penalties as found in Section 39.4.

39-8. - Conditions of permits.

No permit shall be granted under this chapter except upon the following terms and conditions:

(1) The applicant shall furnish and complete all information required relating to the application and the alarm, equipment, device or system to be installed or connected, and data relating to prevention of false alarms and testing procedures.

(2) No person other than the applicant and the agent and employees shall exercise the privileges under the permit.

(3) The applicant shall maintain the equipment in good condition and repair.

(4) No permit shall be transferred or assigned in any manner.

(5) The permit is accepted upon the express condition the permittee shall indemnify and hold the City harmless from and on account of any and all damages arising out of the activities of the permittee, its alarm contractor, or the common annunciator licensee of the City.

(6) Each separate building, store, premises, place or location shall require a separate permit and a separate installation or connection to the police panel alarm system.

(7) The applicant or permittee, upon acceptance of such permit, thereby agrees to hold and save harmless the City and its agents or employees from any liability whatsoever in connection with any such alarm, equipment, device or system, or the operation and maintenance of the alarm, equipment, device or system, which shall be the sole responsibility of the person having had the alarm, equipment, device or system installed or connected.

39-9. - Suspension or revocation of permit.

(a) Any permit issued under the provisions of this chapter may be suspended or revoked by the chief of police for any violation of or failure to comply with the provisions of this chapter or any rule or regulation promulgated by the chief of police and approved by the City council pursuant to this chapter, including the following:

(1) The permittee, agent or employee willfully failed to and did not comply with a request by a member of the police department to proceed immediately to the location of the permittee's alarm and render necessary services.

(2) The permittee, agents or employees knowingly installed or maintained a faulty alarm device. An inordinate number of false alarms shall be prima facie evidence that such alarm device is knowingly a faulty device.

(3) The permittee has breached the terms and conditions of the permit.

(b) No permit shall be revoked or suspended without giving the permittee 30 days' notice in writing of such action and an opportunity to show cause before the chief of police why such action should not be taken. Any person aggrieved by the action or determination of the chief of police in the denial of a permit or in the suspension or revocation of any permit provided for in this chapter may appeal to the City Manager.

39-10. - Tape dial alarm devices prohibited and older systems.

No permit shall be issued for the installation, connection, operation, maintenance, service or ownership of any tape dial alarm, equipment or device. Any unauthorized equipment may be disconnected by the chief of police or the designated representative for noncompliance with this section. Any person installing or maintaining unauthorized equipment shall be prosecuted for violation of this section, and each day the equipment is in operation shall be considered a separate violation.

Older systems that cannot communicate with the Police Department do not need to be upgraded.

39-11. - Local and central station alarms.

All local and central station devices, alarms, equipment or systems shall be registered with the chief of police, and all information required with respect to such registration shall be provided and kept current by the registrant.

39-12. - Limitations of obligations of City.

(a) The City shall be under no duty or obligation to any permittee under this chapter, the common annunciator licensee or any other licensee under this chapter for any of the police panel alarm system equipment or any other equipment, device or system connected thereto, such equipment and system being maintained at will and subject to termination at any time by cancellation of the system by resolution duly adopted by the council. However, the common annunciator license provided for in this chapter shall not be revoked except upon good cause by the City council. Any individual permit or license issued may be revoked at any time by the chief of police as provided in this chapter.

(b) Notwithstanding payment of any fees or the receiving or issuance of any permit or registrations as required under this chapter, the police department of the City shall not be under any obligation whatsoever concerning the installation or connection or adequacy, operation or maintenance of the alarm, equipment, device or system so installed or connected, and the City and its authorized agents hereby assume no liability whatsoever for any failure of such alarm, equipment, device or system, failure to respond to any such alarm or transmittals or for any act of omission or commission as a result of any such alarm equipment, device or system; and the obligation for the maintenance and upkeep of such alarm equipment, device and system, except for the equipment installed in police headquarters, shall be the sole responsibility of the person having had the equipment, device or system installed or connected.

39-14. - False alarms.

(a) The subscriber shall be accountable for false alarms caused by equipment failure or malfunction of the alarm system installed by the subscriber's alarm installer or the subscriber's alarm maintenance company.

(b) A subscriber shall not be held accountable for false alarms caused by severe weather conditions, electrical malfunctions, malfunctions of the alarm console located at police headquarters, or malfunction of telephone lines used to transport the alarm signal over which the subscriber or the subscriber's alarm installer or maintenance company have no control.

(c) In the case of a false alarm by any type of device regulated in this chapter, including local and central station alarms, any person having knowledge thereof shall immediately notify the police department in a manner to be prescribed by rules and regulations made under this chapter. In addition, in the case of a false alarm, the chief of police shall cause an investigation to be made

and keep a record of such false alarms on file. For such false alarms, the following penalties are prescribed:

For the first and second false alarm in any given calendar year a warning shall be issued. For the third false alarm and each additional false alarm in the same calendar year, a fine shall be paid to the City as found in Section 39-4 Penalties. The third false alarm shall begin at the 1st Summons level.

Where an alarm device is connected to the police panel alarm system and the investigation of the police department discloses continued abuse of the privilege of such connection and a disregard of the permittee for taking remedial steps to avoid false alarms, the City council reserves the right to require disconnection from the police panel alarm system for a limited or permanent time, provided that no such permit shall be revoked or suspended without giving the permittee an opportunity to show cause before the chief of police why such action should not be taken.

(d) The permittee shall take all necessary steps to immediately ascertain the cause of any false alarm and shall alleviate the problem within 72 hours or show cause before the chief of police why the malfunction cannot be remedied within that time period. The chief shall have the discretion to grant an additional period of time within which to make the repair.

39-15. - Unauthorized connections; inspections.

Any unauthorized equipment may be disconnected by the chief of police or designated representative for noncompliance with this chapter, and any person installing or maintaining unauthorized equipment shall be prosecuted for violation of this chapter, and each and every day such equipment is in operation shall be considered a separate violation. Any permittee shall, by acceptance of the permit, be deemed to have consented to inspection of the premises on which the alarm devices are installed at reasonable hours by the chief of police or designated representative.

39-16. - Alarm installer's license.

(a) Required. No person shall engage in, manage, conduct or carry on the business of installing, leasing, connecting, maintaining, servicing, repairing, arranging, adjusting, altering, replacing, moving, programming, in or on any building, place or premises in the City, any police, fire, burglar, dial, telephone, local or automatic alarm equipment, device or system which is equipped to report or to attract the attention of the police department or fire department in order to secure a response thereto without having applied for and received from the chief of police of the City an annual license therefor. Licensed electricians, electrical contractors and their employees shall not be exempt from the provisions of this section as hereinafter set forth.

(b) Fee; term; renewal. Upon the initial filing of an application for an installer's license referred to in subsection (a) of this section, the applicant shall pay unto the chief of police a fee as set forth in the schedule of fees and charges to defray the costs of investigation, inspections, maintaining records and other administrative expenses. Each year thereafter, such installer's license may be renewed, upon the request of such licensee, at an annual renewal fee as set forth

in the schedule of fees and charges. All installer's licenses hereunder shall expire on December 31 of the year in which issued, and all licenses for renewal thereof must be submitted in writing to the chief of police on or before January 31 of the succeeding year, together with the aforesaid renewal fee.

The fee shall be \$50.

(c) Application. Upon filing an application for a license, the applicant shall complete a form provided therefor by the chief of police, which form shall include the name, address and telephone number of the applicant; the name and type of equipment, device or system to be installed and utilized; the brand name or manufacturer of the equipment, device or system; the serial number of such equipment, device or system; the person from whom the equipment, device or system was purchased; the nature of installation; the method of operation; the location of installation; and such other information as may be required from time to time under the rules and regulations promulgated by the chief of police.

(d) Investigation. The police chief shall cause an investigation to be made of the applicant for an installer's license to determine the qualifications, responsibility and reliability of such applicant and the quality and reliability of equipment, devices or systems to be installed or connected by the installer, as well as the ability of such installer to comply with the rules and regulations made and promulgated by the police chief and adopted by the City council.

(e) Records; compliance with rules and regulations. Licensed electrical contractors and their employees and installer licensees under this section shall be required to maintain complete and accurate records of all such alarm equipment, devices or systems installed, connected, maintained, leased or serviced within the City, and shall notify the police chief of such installation, connection or maintenance, and all installations and connections and all alarm equipment devices and systems shall conform to the rules and regulations made and promulgated pursuant to this chapter by the police chief and approved by the council.

39-17. - Additional rules and regulations.

(a) The chief of police may make, prescribe and promulgate supplementary rules and regulations for the installation and connection of alarm equipment, devices or systems covered by the terms of this chapter, and for the performance, maintenance and operation of alarm equipment, devices or systems as may be reasonably necessary to fulfill the purposes of this chapter.

(b) Such rules and regulations shall be made, prescribed and promulgated to sufficiently promote and ensure an effective and uniform police and fire alarm system, and proper installation and connection; provide for maintenance of records and efficient management of the alarm system, the speedy and accurate operation and reporting of alarms, minimizing mechanical failure, and minimizing false alarms and the consequential dangers of false alarms to citizens of the City; the proper monitoring of alarms, and prompt response to such alarms; and the prevention of jamming of the switchboard and the creation of nuisances or other interference or hindrance with the proper operation of duties of the police department and dispatchers.

(c) The rules and regulations and all changes thereof shall be subject to the approval of the City council.

(d) The rules and regulations shall be in writing and shall be given to each permittee or licensee at the time of the application for or issuance of the permit or license or at the time of the promulgation or amendment of such rules and regulations.

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.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to open Ordinance 2016-24 to the public. All were in favor. Rita Marano spoke from the public. Motion made by Council Member Kendle and seconded by Council Member Clayton to close the Ordinance 2016-24 to the public.

Motion to adopt Ordinance 2016-24.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-25 An Ordinance Amending And Supplementing Chapter VII "Traffic", Subsection 7-41 "Metered Parking" of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

**Asbury Park, New Jersey
ORDINANCE NO. 2016-25**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC",
SUBSECTION 7-41 "METERED PARKING" OF THE "REVISED GENERAL
ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY."**

WHEREAS, on May 13, 2015, the City Council of the City of Asbury Park adopted Ordinance 2015-11, which established subsection 7-41 "Metered Parking"; and

WHEREAS, during the codification review of the Ordinance, it was discovered that editorial revisions were necessary for consistency; and

WHEREAS, City Officials have reviewed the editorial reviews and found them to be consistent with the intent of the Ordinance.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, as follows:

1. The City Council hereby approves and adopts the editorial changes made by the City’s Codifier, which is attached hereto and made a part of this Ordinance.
2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
3. 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. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made by Council Member Clayton and seconded by Council Member Chapman to open Ordinance 2016-25 to the public. All were in favor. No one from the public spoke. Motion made by Council Member Kendle and seconded by Council Member Chapman to close the Ordinance 2016-25 to the public.

Motion to adopt Ordinance 2016-25.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-26 Approving and Adopting an Amendment to the Central Business District Redevelopment Plan Relating “Review of Certain Uses Within the Central Business District Redevelopment Area for Sound Mitigation Matters”

Asbury Park, New Jersey
ORDINANCE NO. 2016-26

APPROVING AND ADOPTING AN AMENDMENT TO THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN RELATING “REVIEW OF CERTAIN USES

**WITHIN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR
SOUND MITIGATION MATTERS”**

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.*, 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 remove barriers to further investment; and

WHEREAS, the Act sets forth the process by which amendments to any redevelopment plan shall be considered and, if appropriate, 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, a copy of the proposed amendments to the Plan, as prepared by the City’s Director of Planning and Redevelopment, are attached hereto as Exhibit “A” (the “Proposed Amendments”); and

WHEREAS, the Mayor and City Council adopted a Resolution on May 11, 2016 referring this matter to the Planning Board for its review and comment pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, on May 24, 2016 the Asbury Park Planning Board found that the Proposed Amendments are consistent with the City Master Plan, and setting forth certain findings and recommendations as attached as Exhibit A and reported to the Municipal Council; and

WHEREAS, the Mayor and the City Council have considered the recommendations of the Planning Board, and wish to incorporate the same herein; and

WHEREAS, the Mayor and City Council now wish to adopt the Proposed Amendments as set forth herein.

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

1. That the recitals hereto are hereby incorporated herein as if set forth at length.

2. That the CBD Redevelopment Plan is hereby amended in order to incorporate the Proposed Amendments as set forth in Exhibit “A,” which incorporates the Planning Board recommendations.
3. That the Proposed Amendments shall supersede the prior language of the affected sections of the Plan.
4. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
7. That this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to open Ordinance 2016-26 to the public. All were in favor. Ernest Mignoli spoke from the public. Motion made by Council Member Kendle and seconded by Deputy Mayor Quinn to closed the Ordinance 2016-26 to the public.

Motion to adopt Ordinance 2016-26.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk