



Agenda
Meeting of the Municipal Council
Wednesday, July 13, 2016

I. Executive Session – 5:30 p.m.

Resolution 2016-300 Authorizing a Meeting which Excludes the Public

A. Anticipated Litigation:

1. Potential Veterans Tax Exemption Challenge

B. Contract Negotiations:

1. Amendment to Subsequent Developers Agreement
2. Sale of portion of Overlook Park a/k/a Kennedy Park
3. Asbury Partners/iStar – Bradley Cove

C. Attorney-Client Privilege

II. Regular Meeting – 7:00 p.m.

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

B. Silent Prayer/Moment of Reflection.

C. Salute to the Flag

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

E. Matters from City Council

F. Matters from City Manager

G. Matters from City Attorney

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

I. Minutes

- June 29, 2016 – Executive Session
- June 29, 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.]

- 2016-302 Resolution Authorizing the Payment of Payroll in the Amount of \$986,147.06
- 2016-303 Resolution to Credit Sewer Account (601 Lake Avenue, Block 2404 Lot 9)
- 2016-304 Award of Contract for Regional Contribution Agreement Project (1027 First Avenue)

J. Individual Resolutions

- 2016-301 Approving Special Events/Wedding Applications as Presented on July 11, 2016
- 2016-305 Resolution Authorizing the Payment of Bills in the Amount of \$8,622,548.87
- 2016-306 Sustainable Land Use Pledge
- 2016-307 Resolution Endorsing the Adoption of Green Building Practices for Civic, Commercial and Residential Buildings
- 2016-308 Resolution Authorizing the Place-to-Place Transfer (Expansion of Premises) of Plenary Retail Consumption License 1303-33-047-009 for AP Thirty Property Holdings, LLC
- 2016-309 A Resolution Approving a Liquor License with Special Conditions for 1112-1114 Main License LLC d/b/a Cascada for the 2016-2017 Licensing Year
- 2016-310 Resolution Authorizing In Rem Foreclosure Proceedings Relating to Real Property Located at 1411 Memorial Drive (Block 103, Lot 4)
- 2016-311 Resolution Amending Temporary Appropriations for 2016
- 2016-312 Resolution Authorizing Refunds for Special Event Reimbursement

K. Ordinances:

1. Introduction:

- 2016-31 An Ordinance Amending and Supplementing Section 7-16, Entitled "Angle Parking," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

2. Second Reading/Public Hearing:

- 2016-28 Bond Ordinance Providing For 4th Avenue Improvements, By And In The City Of Asbury Park, In The County Of Monmouth, State Of New Jersey; Appropriating \$2,700,000 Therefor (Including A Grant Expected To Be Received From The New Jersey Department Of Transportation In The

Amount Of \$342,247) And Authorizing The Issuance Of \$2,700,000 Bonds Or Notes Of The City To Finance Part Of The Cost Thereof

- 2016-29 Establishing a Restricted Parking Space for Use By Handicapped Persons at Property Located at 1109 Grand Avenue, Designated as Block 3401, Lot 8, 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."
- 2016-30 An Ordinance Amending and Supplementing Subsection 12-8.1, Entitled "Summer Rental Defined," of Section 12-8 "Summer Rental Regulations," of Chapter XII, "Building and Construction," of the "Code of the City of Asbury Park, New Jersey."

L. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, July 13, 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."

MATTERS FROM CITY COUNCIL

Councilwoman Clayton stated that Mayo was Older American Month. There was an event at the Senior Center with the theme "Blaze the Trail" and recognized the attendees. On July 12 there was a meeting with various representatives of the City to speak about unity within our community. There will be a vigil at 6 p.m. on Friday.

Councilman Kendle speak about the summer programs and stated that the money raised by the Mayor's Rodeo is going a long way. He thanked all who attends the band concerts on Monday evening at the Springwood Avenue Park.

Deputy Mayor Quinn spoke about the information located in the tax bill. She also stated that there is an app for beach badges.

MATTERS FROM CITY MANAGER

City Manager Capabianco stated that bids were received for the Sunset Avenue Footbridge replacement. Bids were higher than expected. He is requesting that the bond ordinance be increased to accommodate the increased amount. He reminded the Council that FEMA will be reimbursing 90 percent of the cost.

The City appeared before the Local Finance Board regarding the 4th Avenue Repaving Bond. It was unanimously approved. The Local Finance Board commended the City for being the only City that had all their Financial Disclosure Statements filed.

City Manager Capabianco is recommending tabling the summer CO ordinance as it is incomplete. He explained the resolutions that were added on after publication of the agenda. He provided an update regarding long lines at the beach for beach badges.

MATTERS FROM THE CITY ATTORNEY

None.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Chapman 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, Linda Phillips, Maureen Nevins, Werner Baumgartner, Kirsten (?), Tracy Rogers, Rita Marano, Jerry Scarano and Phyllis Cappucci.

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

- June 29, 2016 – Executive Session
- June 29, 2016 – Regular meeting

	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		

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.]

2016-302 Resolution Authorizing the Payment of Payroll in the Amount of
\$986,147.06.

**Resolution #2016-302
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$986,147.06**

WHEREAS, the June 30, 2016 payroll in the amount of \$986,147.06, 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 \$986,147.06 is hereby authorized to be paid, and;

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

2016-303 Resolution to Credit Sewer Account (601 Lake Avenue, Block 2404
Lot 9)

Resolution #2016-303

Resolution of the City of Asbury Park

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: The Tax Collector was notified by Lake and Sea, LLC, owner of the property located at 601 Lake Avenue, Block 2404 Lot 9 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10525000-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 69,000 gallons, and the City of Asbury Park billed for 101,000 gallons at a rate of \$1219.15 for 2015 3rd quarter; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 69,000 gallons should be billed at a rate of \$686.35; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 51,000 gallons, and the City of Asbury Park billed for 1,498,000 gallons at a rate of \$7,016.70; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 51,000 gallons should be billed at a rate of \$611.65; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10525000-0 for the 2015 3rd QTR and 2016 2nd QTR sewer billing in the amount of \$6,937.85 for 1,479,000 gallons (times the rate of \$4.15 per 1,000 gallons and demand charges in the amount of \$400.00; \$80.00 and \$320.00).

2016-304 Award of Contract for Regional Contribution Agreement Project (1027 First Avenue)

Resolution # 2016-304

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

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1027 First Ave. were received by the City Clerk on May 18, 2016; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
Kings Control Co.	\$16,750
Anpe Corp.	\$18,400
Staff Estimate	\$16,750

WHEREAS, Kings Control Co. failed to itemize work write-up and is disqualified.

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

1. The contract for the RCA project located at 1027 First Avenue be awarded to Anpe Corp., for an amount not to exceed \$18,400, in accordance with the selection of the property owner, Ethel Beasley, subject of Certification of Funds from the Finance Officer.

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

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

J. Individual Resolutions

2016-301 Approving Special Events/Wedding Applications as Presented on July 11, 2016

Resolution # 2016-301

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on July 11, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. APFI Annual Free Movies on the Beach
2. Surfing for Vision
3. AP Historical Society Art on the Boardwalk
4. AP Sunset Mind Travel “Silent” Piano Concert
5. Run for the Arts 5K Run
6. AP Global Mala Yoga Festival
7. March of Dimes Bark for Babies

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.

	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		
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2016-305 Resolution Authorizing the Payment of Bills in the Amount of
\$8,622,548.87

Mayor Moor requested that PO 16-01834 be pulled from the bill list.

Councilwoman Chapman requested to abstain from line item 6-05-55-502-000-201

**Resolution #2016-305
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$8,622,548.87**

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

BE IT RESOLVED, that these vouchers payable totaling \$8,622,548.87

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

CURRENT VOUCHERS	\$ 7,904,777.87
BOARD OF EDUCATION	\$ 717,771.00
TOTAL VOUCHERS	\$ 8,622,548.87

	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		

2016-306 Sustainable Land Use Pledge

Resolution # 2016-306

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

Sustainable Land Use Pledge

WHEREAS, the City of Asbury Park pledges to aspire to sustainable Land Use to the greatest extent possible; and

WHEREAS, the City of Asbury Park pledges Regional Cooperation through regular communication with officials of neighboring municipalities, the County and the State of New Jersey and seek to combine services where logical and economically feasible. Also, the municipality will consider development impacts on a regional scale; and

WHEREAS, the City pledges better transportation choices with a Complete Streets approach, offering access to all modes of transportation and creating connectivity among them. The City will consider parking requirements with the goal of limiting the amount of required parking spaces and promoting shared parking between multiple users and integration with multimodal transportation; and

WHEREAS, the City pledges to preserve, protect and plan for open space for its ecological, recreational, and agricultural value and avoid or mitigate development impacts to natural resources because as the most densely populated state in the nation, open space in New Jersey is at a premium. The City will promote efficient use of water and appropriate reuse and recharge into the local environment as well as efficient use of energy and the opportunity for renewable energy generation and use; and

WHEREAS, the City pledges to continue to promote a mix of land-use types (e.g., retail and housing options together) to promote walkability and more convenient access to housing, jobs, and amenities, reducing dependence on the automobile by allowing people to use other modes of transportation and reduce trip frequency and length; and

WHEREAS, the City pledges to allow for a diverse mix of housing types and locations, including both single- and multi-family, for-sale and rental options, affordable to households at a range of income levels. This will allow residents and their families to live and work in the municipality throughout their lives; and

WHEREAS, the City pledges to incorporate the principles of green design and renewable energy generation by establishing a green buildings policy for municipal, commercial, and residential buildings. Green Design strategies not only improve the environmental performance of buildings; the strategies also lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, increased recycling, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting, and conservation of environmentally-sensitive landscape features; and

WHEREAS, the City pledges to consider factors such as walkability, access to transit, proximity to other uses, and opportunities for alternative energy sources when siting new or relocating municipal facilities. These municipal actions can set a positive precedent and encourage other public and private-sector entities to consider sustainable land-use practices when locating their own facilities.

NOW, THEREFORE, BE IT RESOLVED BY ASBURY PARK MUNICIPAL COUNCIL THAT the City of Asbury Park pledges to practice sustainable land use when feasible through policy, practice, and design.

	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		

2016-307 Resolution Endorsing the Adoption of Green Building Practices for Civic, Commercial and Residential Buildings

Resolution # 2016-307

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

**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES
FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS**

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the City of Asbury Park's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings; and

WHEREAS, the City desires to set a leadership example in the area of green building to the municipal building stock, continued procurement practice such as improve water conservation, reduce light pollution, increase construction waste recycling.

NOW, THEREFORE, BE IT RESOLVED that the City of Asbury Park hereby implements a Green Building Policy that will consider opportunities to incorporate green building

measures into the design, construction, operation and maintenance of municipal facilities and municipal codes and ordinances.

	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		

2016-308 Resolution Authorizing the Place-to-Place Transfer (Expansion of Premises) of Plenary Retail Consumption License 1303-33-047-009 for AP Thirty Property Holdings, LLC

RESOLUTION #2016-308

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

RESOLUTION AUTHORIZING THE PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) OF PLENARY RETAIL CONSUMPTION LICENSE 1303-33-047-009 FOR AP THIRTY PROPERTY HOLDINGS, LLC

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1303-33-047-009, for the purpose of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

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

NOW THEREFORE BE IT RESOLVED by the City Council of Asbury Park City that Asbury Park City hereby approve, effective immediately, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 1300 Ocean Avenue, Asbury Park City, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

	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		

2016-309 A Resolution Approving a Liquor License with Special Conditions for
1112-1114 Main License LLC d/b/a Cascada for the 2016-2017 Licensing
Year

Resolution # 2016-309
Resolution of the City of Asbury Park

**A RESOLUTION APPROVING A LIQUOR LICENSE WITH SPECIAL CONDITIONS
FOR 1112-1114 MAIN LICENSE LLC D/B/A CASCADA FOR THE 2016-2017
LICENSING YEAR**

WHEREAS, 1112-1114 Main License LLC doing business as Cascada (the “**Licensee**”) located at 1114 Main Street is the holder of Liquor License Number: 1303-33-029-007 (the “**License**”); and

WHEREAS, the Licensee has applied for a License renewal for the 2016-2017 Licensing Year; and

WHEREAS, Police Chief Salerno issued a Memo dated June 1, 2016 reporting on the annual license renewals for the City, including recommendations for special conditions on certain licenses and specifically on the Licensee’s License; and

WHEREAS, on July 5, 2016 the Licensee met with the Chief to discuss changes in the Licensee’s operation to address the issues which formed the basis of the Chief’s recommendation in his report of June 1, 2016, his letter of June 9, 2016 as well as other issues of concern. As a result of that meeting, the Chief and the Licensee agreed to the following additional special conditions, which the Chief recommends to the Mayor and Council:

1. The Licensee shall submit a security plan to the Chief not later than August 1, 2016.
2. The Licensee shall employ only Techniques of Alcohol Management (a.k.a. “**TAM**”) certified bartenders and/or ensure that bartenders attend the next available TAM course.
3. The Chief shall have the discretion to relax the foregoing conditions after consultation with, and approval of, the Mayor and Council and City Manager.

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

A. The License renewal be granted for the period of July 1, 2016 to June 30, 2017 with the following special conditions:

1. The Licensee shall submit a security plan to the Chief not later than August

1, 2016.

2. The Licensee shall employ only Techniques of Alcohol Management (a.k.a. “**TAM**”) certified bartenders and/or ensure that bartenders attend the next available TAM course.
3. The Chief shall have the discretion to relax the foregoing conditions after consultation with, and approval of, the Mayor and Council and City Manager.

B. 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	X		
Mayor John Moor			X		

2016-310 Resolution Authorizing In Rem Foreclosure Proceedings Relating to Real Property Located at 1411 Memorial Drive (Block 103, Lot 4)

Resolution # 2016-310

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

**RESOLUTION AUTHORIZING IN REM FORECLOSURE PROCEEDINGS
RELATING TO REAL PROPERTY LOCATED AT
1411 MEMORIAL DRIVE (BLOCK 103, LOT 4).**

WHEREAS, the City of Asbury Park (the “City”) holds a Tax Certificate relating to real property owned by Fore-Kast Sales Co., Inc., located at 1411 Memorial Drive in the City, more commonly known and designated as Block 103, Lot 4 (the “Property”) on the Official Tax Map of the City; and

WHEREAS, the Mayor and Council of the City have determined that said Tax Certificate shall be foreclosed by summary proceedings in rem.

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

1. That the Tax Certificate now held by the City, relating to real property owned by Fore-Kast Sales Co., Inc., located at 1411 Memorial Drive in the City, more commonly known and designated as Block 103, Lot 4 (the “Property”) on the

Official Tax Map of the City, be foreclosed by summary process in rem as described in N.J.S.A. 54:5-104.29, *et seq.*, as amended, and pursuant to the rules of Civil Practice of the Superior Court of New Jersey.

2. That the City Attorney, and all relevant City officials and/or employees, are hereby authorized and directed to undertake all efforts necessary in order to effectuate in rem tax foreclosure proceeding relating to the Property.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Michael Capabianco, City Manager;
 - b. Erick Aguiar, Tax Assessor;
 - c. Tyrone Young, Tax Collector; and
 - d. 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		

2016-311 Resolution Amending Temporary Appropriations for 2016

**Resolution #2016-311
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2016

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

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2016 be adopted and a certified copy of this resolution be provided to the Borough's Chief Financial Officer and the Director of Division of Local Government Services, Department of Community Affairs, State of New Jersey.

Budget Amt. Amend Amt.

General Administration:		
: Salaries and Wages	252,000.00	126,000.00

: Other Expenses	213,200.00	106,600.00
Human Resources:		
: Other Expenses	72,000.00	36,000.00
Mayor and Council:		
: Salaries and Wages	38,000.00	19,000.00
: Other Expenses	4,900.00	2,450.00
Central Functions:		
: Other Expenses	24,000.00	12,000.00
Municipal Clerk:		
: Salaries and Wages	160,000.00	80,000.00
: Other Expenses	64,000.00	32,000.00
Director of Communications:		
: Salaries and Wages	52,500.00	26,250.00
: Other Expenses	10,000.00	5,000.00
Financial Administration:		
: Salaries and Wages	343,500.00	171,750.00
: Other Expenses	120,000.00	60,000.00
Audit Services:		
: Other Expenses	50,750.00	25,375.00
Tax Collection:		
: Salaries and Wages	260,000.00	130,000.00
: Other Expenses	22,700.00	11,350.00
Tax Assessors:		
: Salaries and Wages	95,000.00	47,500.00
: Other Expenses	94,450.00	47,225.00
Legal Services:		
: Salaries and Wages	12,000.00	6,000.00
: Other Expenses	310,000.00	155,000.00

Computerized Data Processing:		
: Other Expenses	80,000.00	40,000.00
Cable TV Advisory Committee:		
: Other Expenses	25,000.00	12,500.00
Planning Board:		
: Salaries and Wages	192,200.00	96,100.00
: Other Expenses	28,000.00	14,000.00
Zoning Board of Adjustment:		
: Salaries and Wages	26,500.00	13,250.00
: Other Expenses	28,000.00	14,000.00
Engineering Services:		
: Other Expenses	200,000.00	100,000.00
Code Enforcement:		
: Salaries and Wages	415,000.00	207,500.00
: Other Expenses	42,300.00	21,150.00
Insurance:		
: Health Insurance Opt Out	55,000.00	27,500.00
: Unemployment Insurance	150,000.00	75,000.00
: Liability Insurance	920,000.00	460,000.00
: Worker's Compensation Insurance	1,900,000.00	950,000.00
: Employee Group Insurance	5,585,500.00	2,792,750.00
Senior Citizen:		
: Salaries and Wages	128,000.00	64,000.00
: Other Expenses	59,000.00	29,500.00
Police Department:		
: Salaries and Wages	9,250,000.00	4,625,000.00
: Other Expenses	451,799.00	225,899.50
Fire Department:		

: Salaries and Wages	5,100,000.00	2,550,000.00
: Other Expenses	191,250.00	95,625.00
Municipal Prosecutor's Office:		
: Salaries and Wages	30,000.00	15,000.00
: Other Expenses	3,000.00	1,500.00
Streets and Roads Maintenance:		
: Salaries and Wages	1,300,000.00	650,000.00
: Other Expenses	387,400.00	193,700.00
Solid Waste Collection:		
: Salaries and Wages	126,000.00	63,000.00
: Other Expenses	1,303,000.00	651,500.00
Buildings and Grounds:		
: Salaries and Wages	279,000.00	139,500.00
: Other Expenses	71,600.00	35,800.00
Social Services:		
: Salaries and Wages	140,000.00	70,000.00
: Other Expenses	22,800.00	11,400.00
Recreation Services:		
: Salaries and Wages	159,000.00	79,500.00
: Other Expenses	123,706.00	61,853.00
Municipal Court:		
: Salaries and Wages	283,000.00	141,500.00
: Other Expenses	53,200.00	26,600.00
Public Defender:		
: Salaries and Wages	23,500.00	11,750.00
Construction Code:		
: Salaries and Wages	410,000.00	205,000.00
: Other Expenses	35,000.00	17,500.00

Library:		
: Salaries and Wages	341,772.00	170,886.00
: Other Expenses	125,000.00	62,500.00
Sewer Utility Operating:		
: Salaries and Wages	573,000.00	286,500.00
: Other Expenses	1,115,000.00	557,500.00
: NJEIT DEP & Admin Fee	19,485.00	9,742.50
Sewer Debt Service:		
: Payment of Bond Principal	1,364,593.00	1,015,322.19
: Payment of BAN & Capital Notes	20,000.00	10,000.00
: Interest on Bonds	222,234.00	96,719.25
: Interest on Notes	22,217.00	11,108.50
: Payment of MCIA Lease Prin.	1,675,000.00	837,500.00
: Payment of MCIA Lease Int.	197,513.00	98,756.50
Sewer Statutory Expenditures:		
: Social System System (OASI)	43,850.00	21,850.00
Beach Utility Operating:		
: Salaries and Wages	812,000.00	406,000.00
: Other Expenses	420,000.00	210,000.00
Beach Statutory Expenditures:		
: Social System System (OASI)	62,200.00	27,700.00
: Unemployment Comp. Insurance	35,000.00	17,500.00
Parking Utility Operating:		
: Salaries and Wages	325,000.00	162,500.00
: Other Expenses	720,000.00	360,000.00
Parking Debt Service:		
: Interest on Notes	4,068.00	4,068.00
Parking Statutory Expenditures:		

: Social System System (OASI)	25,000.00	12,500.00
: Unemployment Comp. Insurance	15,000.00	7,500.00

TOTAL AMENDMENTS:

\$ 20,274,530.44

	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		

2016-312 Resolution Authorizing Refunds for Special Event Reimbursement

Resolution # 2016-312

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

**RESOLUTION AUTHORIZING REFUNDS FOR SPECIAL EVENT
REIMBURSEMENT**

WHEREAS, the City of Asbury has determined that the Deliverance Temple Church should be reimbursed \$600 for special event fees paid

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 reimbursement shall be given to Deliverance Temple Church.

	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:

2016-31 An Ordinance Amending and Supplementing Section 7-16, Entitled “Angle Parking,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey.”

City Clerk Dye read by title Ordinance 2016-31.

Motion to introduce Ordinance 2016-31.

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

City Clerk Dye announced that the public hearing is scheduled for July 27, 2016.

2. Second Reading/Public Hearing:

2016-28 Bond Ordinance Providing For 4th Avenue Improvements, By And In The City Of Asbury Park, In The County Of Monmouth, State Of New Jersey; Appropriating \$2,700,000 Therefor (Including A Grant Expected To Be Received From The New Jersey Department Of Transportation In The Amount Of \$342,247) And Authorizing The Issuance Of \$2,700,000 Bonds Or Notes Of The City To Finance Part Of The Cost Thereof

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2016-28**

**BOND ORDINANCE PROVIDING FOR 4TH AVENUE
IMPROVEMENTS, BY AND IN THE CITY OF ASBURY
PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY; APPROPRIATING \$2,700,000 THEREFOR
(INCLUDING A GRANT EXPECTED TO BE RECEIVED
FROM THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION IN THE AMOUNT OF \$341,247) AND
AUTHORIZING THE ISSUANCE OF \$2,700,000 BONDS OR
NOTES OF THE CITY TO FINANCE PART OF THE COST
THEREOF**

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Asbury

Park, in the County of Monmouth, State of New Jersey (the “City”). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$2,700,000, which sum includes a grant expected be received from the New Jersey Department of Transportation in the amount of \$341,247 (the “Grant”). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3 hereof, as such project is expected to be funded by the Grant.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the \$2,700,000 appropriation and until said Grant is received, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$2,700,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$2,700,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Upon the City’s receipt of the Grant, the bonds and notes authorized by this Section 2 hereof shall be reduced by the Grant in accordance with Section 4 hereof.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is various improvements to 4th Avenue in the City, including but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement of the roadway and various sanitary sewer improvements and replacements, and where necessary, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings and drainage grates or improvements thereto, drainage work, roadway painting, landscaping and aesthetic improvements, including but not limited to, seeding and installing top soil, trees, bushes or other landscaping, and also including all engineering and design work, surveying, construction planning,

preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,700,000. Upon the City's receipt of the Grant, the maximum amount of bonds or notes issued for said improvement or purpose shall be reduced by such amounts in accordance with Section 4 hereof.

(c) The estimated cost of said improvement or purpose is \$2,700,000.

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

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

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

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

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

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,700,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

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

Motion made by Council Member Kendle and seconded by Council Member Clayton to open Ordinance 2016-28 to the public. All were in favor. Werner Baumgartner, Maureen Nevins, Tracy Rogers and Rita Marano spoke from the public. Motion made by Council Member Kendle and seconded by Council Member Chapman to close the Ordinance 2016-28 to the public.

Motion to adopt Ordinance 2016-28.

	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		

2016-29 Establishing a Restricted Parking Space for Use By Handicapped Persons at Property Located at 1109 Grand Avenue, Designated as Block 3401,

Lot 8, 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. 2016-29

**ESTABLISHING A RESTRICTED PARKING SPACE
FOR USE BY HANDICAPPED PERSONS AT PROPERTY LOCATED AT
1109 GRAND AVENUE, DESIGNATED AS BLOCK 3401, LOT 8,
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 1109 Grand Avenue, in the City, which is also known and designated as Block 3401, Lot 8, on the Asbury Park City Tax Map, which handicapped parking space shall begin 57 feet South of the Southwest corner of Grand Avenue and Fourth Avenue and extend 20 feet South. Space should be 20 feet on center and located on the West side of Grand 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 1109 Grand Avenue, in the City, which is also known and designated as Block 3401, Lot 8, on the Asbury Park City Tax Map, which handicapped parking space shall begin 57 feet South of the Southwest corner of Grand Avenue and Fourth Avenue and extend 20 feet South.

Space should be 20 feet on center and located on the West side of Grand 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>
Grand Avenue	West	1109 Grand Avenue, in the City, which is also known and designated as Block 3401, Lot 8, on the Asbury Park City Tax Map, which handicapped parking space shall begin 57 feet South of the Southwest corner of Grand Avenue and Fourth Avenue and extend 20 feet South. Space should be 20 feet on center and located on the West side of Grand Avenue

6. On or before January 15th of every year (or the first weekday thereafter), the applicant shall provide proof to the City of Asbury Park Police Department that the handicapped parking space is still needed at the subject property. A failure to do so may result in the City's termination of the designated handicapped parking space.

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

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

9. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

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

Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to open Ordinance 2016-29 to the public. All were in favor. No one spoke from the public. Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the Ordinance 2016-29 to the public.

Motion to adopt Ordinance 2016-29.

	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		

2016-30 An Ordinance Amending and Supplementing Subsection 12-8.1, Entitled “Summer Rental Defined,” of Section 12-8 “Summer Rental Regulations,” of Chapter XII, “Building and Construction,” of the “Code of the City of Asbury Park, New Jersey.”

Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to table Ordinance 2016-30. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk