MINUTES
Meeting of the Municipal Council
Wednesday, July 22, 2015
WORK SESSION AND REGULAR MEETING

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

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting Assistant City Manager Kevin Keddy and City Clerk Cindy Dye.

City Clerk Dye announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

Work Session

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, JULY 20, 2015

Acting Assistant Manager Keddy followed-up with the inquiries made at the July 20 workshop meeting.

MATTERS FROM CITY COUNCIL

Deputy Mayor Quinn send the Council's condolences to the Asbury Park Police Department and to the family of Sergeant Hill, who passed away unexpectedly.

Councilman Kendle thanked those who participated in the Family Day at the Beach. It was a successful and fun event. He offered his condolences to the Asbury Park Police Department and family of Sergeant Hill. Councilman Kendle recognized all who assisted in the planning of the funeral.

Mayor Moor stated that the Summerfield Avenue railroad crossing is now closed for repair. It is doubtful that it will be reopened. He indicated that paid parking will soon be available in the Bangs Street parking garage.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY

City Attorney Raffetto stated that there will be an added resolution to tonight's agenda. Resolution No.2015-288 "Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Granting Supplemental Conceptual Approval to Asbury Partners LLC Regarding the Proposed Construction of a Condominium Development on a Portion of Block 3205 and Referring the Matter to the Planning Board for Appropriate Approvals".

REGULAR MEETING

The City Clerk announced 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 The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

PUBLIC PARTICIPATION

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

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

The following members of the public spoke: Maureen Nevin, Werner Baumgartner, Rose Foster, Lori Ross, Rita Marano, Reggie Filman, Tom Pavinski and Don Stine.

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

F. Acceptance of Minutes:

- February 11, 2015 – Regular Meeting
- June 22, 2015 – Workshop Meeting
- June 24, 2015 – Executives Session Meeting
- June 24, 2015 – Regular Meeting
- July 6, 2015 – Workshop Meeting
- July 8, 2015 – Executive Session Meeting
- July 8, 2015 – Regular Meeting

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

G. Consent Agenda Resolutions.

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

2015-276 Approving Special Events/Wedding Applications as Presented on July 20, 2015

Resolution of the City of Asbury Park
2015-276

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on July 20, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Rotary Club of AP- Bike Foundation
2. Back to School Celebration Day
3. Fanta Sea Resorts Car n Cash Giveaway
4. AP Bell Buoy Row
5. National Night Out
6. OysterFest
7. NJ King of the Court
8. Back to School Block Party
9. Crusade for Christ Campaign
10. Shadow of the City
11. Weddings:
    Vidal/Warriner 8/15/15
    Davison/Ucles 9/25/15

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

2015-277 Approving Social Affairs Permit for the Asbury Park Chamber of Commerce for an Event on September 11 through September 13, 2015

Resolution# 2015-277

APPROVING SOCIAL AFFAIRS PERMIT FOR THE ASBURY PARK CHAMBER OF COMMERCE FOR AN EVENT ON SEPTEMBER 11 THROUGH SEPTEMBER 13, 2015

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Social Affairs Permit submitted by Jacqueline Pappas for The Asbury Park Chamber of Commerce, for an event to be held at iStar Residential owned parking lot at the corner of Ocean Avenue & Asbury Avenue, Asbury Park, on September 11 through September 13, 2015, as approved by the Chief of Police on July 6, 2015, is hereby approved.

2015-278 Approving Petition to Extend Licensed Premises for the Stone Pony Liquor License, LLC for an Event on September 19, 2015

Resolution# 2015-278

APPROVING PETITION TO EXTEND LICENSED PREMISES FOR THE STONE PONY LIQUOR LICENSE, LLC FOR AN EVENT ON SEPTEMBER 19, 2015

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a petition to extend licensed premises submitted by Stone Pony Liquor License, LLC, for an event to be held at 913 Ocean Avenue, Asbury Park, on September 19, 2015, subject to approval by the Chief of Police and Special Events Committee.

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

H. Individual Resolutions

2015-268 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing an Extension of the Option Agreement to Enter into Ground Lease with Springwood Avenue Associates, LP

Resolution 2015-268
Resolution of the City of Asbury Park

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING AN EXTENSION OF THE OPTION AGREEMENT TO ENTER INTO GROUND LEASE WITH SPRINGWOOD AVENUE ASSOCIATES, LP

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), the City of Asbury Park (the "**City**") previously designated certain parcels as an area in need of redevelopment known as the "Springwood Avenue Redevelopment Area" (the "**Redevelopment Area**"), and thereafter adopted the Springwood Avenue Redevelopment Plan (the "**Redevelopment Plan**") in accordance with *N.J.S.A.* 40A:12A-7 for the Redevelopment Area; and

WHEREAS, on September 3, 2014, the Asbury Park City Council designated The Michaels Development Company I, LP as the "Redeveloper" and authorized the execution of a Redevelopment Agreement to implement part of the Redevelopment Plan on designated parcels within the Springwood Avenue Redevelopment Area; and,

WHEREAS, the Redeveloper contemplates the Project will be developed in Phases and that each Phase of the Project will utilize a variety of funding sources, including, but not limited to, Low-Income Housing Tax Credits, New Market Tax Credits, Urban Transit Hub Tax Credits, New Jersey Housing Mortgage Financing Agency Tax Exempt Bonds and other funding, including conventional loans and soft subsidy structuring; and,

WHEREAS, for purposes of syndicating Low-Income Housing Tax Credits, the Redeveloper will form single purpose ownership entities to own and develop each discreet Project Phase and, the Redeveloper has formed "Springwood Avenue Associates, LP" a New Jersey limited partnership, to be the ownership entity for the Phase I of the Project and Lessee of this Agreement; and,

WHEREAS, by Resolution adopted on July 2, 2014 the City authorized an Option to Enter into Ground Lease and on July 16, 2014, the City, as Lessor, and Lessee and Springwood Avenue Associates, LP as Lessor have entered into an Option Agreement to Enter into Ground Lease (the "**Option Agreement**"), wherein the Lessor would exclusively lease to Lessee that certain parcel of property described therein, together with all buildings, improvements, hereditaments and appurtenances thereto, located in the City of Asbury Park (the "**Property**"), for the development of sixty-four (64) housing units to be known as Renaissance Village; and,

WHEREAS, the Option Agreement is effective until December 31, 2015, upon the end of which, in the event that Lessor and Lessee have not executed the ground lease contemplated by the Option Agreement, then said Option Agreement would be null and void unless it is extended in writing by Lessor and Lessee; and,

WHEREAS, Lessee was unsuccessful in obtaining "Second Round Sandy Funding" administered by the New Jersey Housing and Mortgage Finance Agency for Phase I of the Project and will be pursuing "Third Round Sandy Funding" and other funding sources and has requested a one (1) year extension of the Option Agreement in order to maintain site control which is required to obtain funding; and

WHEREAS, Lessor and Lessee desired to effectuate a one (1) year extension of the Option Agreement, such that said Option Agreement will remain effective until December 31, 2016 (the "**Extension Agreement**") attached hereto as **EXHIBIT A**;

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

1. The Mayor and Council hereby authorize and approve the Agreement to Extend the Option Agreement to Enter into Ground Lease, in substantially the form attached hereto as **EXHIBIT A** subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with Redevelopment Counsel.

2. The City Council hereby authorizes the Mayor, Acting City Manager, City Clerk, Redevelopment Counsel and other necessary City Officials to execute the Extension Agreement, and execute, deliver and accept the normal and customary documents in this regard and undertake all actions reasonably necessary to effectuate the aforementioned Extension Agreement and this Resolution.

3. This Resolution shall take effect immediately.

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

2015-279 Resolution Authorizing the Payment of Payroll in the Amount of $916,331.68

Resolution #2015-279
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF $916,331.68

WHEREAS, the June 30, 2015 payroll in the amount of $916,331.68, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling $916,331.68 is hereby authorized to be paid, and;

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

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member			X		

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

2015-280 Resolution Authorizing the Payment of Bills in the Amount of $1,562,696.09

Mayor Moor requested that budget account item 5-01-20-155-000-209 be tabled.

Resolution #2015-280
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $1,562,696.09

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 $1,562,696.09 to be paid and:

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

TOTAL VOUCHERS- ALL FUNDS $1,562,696.09

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

Mayor Moor abstained from budget account 5-01-23-220-000-209.

2015-281 Resolution Amending Temporary Appropriations for 2015

Resolution #2015-281
City of Asbury Park
County of Monmouth

State of New Jersey

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2015

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

WHEREAS, the previously adopted temporary budget did not provide sufficient funds for the operational costs prior to the final adoption of the 2015 budget,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2015 be adopted and a certified copy of this resolution be provided to the Borough's Chief Financial Officer and the Director of Division of Local Government Services, Department of Community Affairs, State of New Jersey.

	FROM	TO
Current Fund:		
Finance – Other Expenses	$ 40,000.00	$ 50,000.00
Liability Insurance	600,000.00	820,000.00
MCIA Lease Principal and Interest	40,213.00	651,915.00
Beach Utility Fund:		
Other Expenses	160,000.00	220,000.00

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

2015-282 Resolution Awarding a Contract to Millennium Communications Group, Inc. for Improvements to the Existing Video Camera Security System within the City

Resolution #2015-282
City of Asbury Park
County of Monmouth

State of New Jersey

RESOLUTION AWARDING A CONTRACT TO MILLENNIUM COMMUNICATIONS GROUP, INC. FOR IMPROVEMENTS TO THE EXISTING VIDEO CAMERA SECURITY SYSTEM WITHIN THE CITY.

WHEREAS, the City and the Asbury Park Board of Education ("APBOE") (collectively, the "Parties"), have determined that it would be in the best interests of the residents of the City of Asbury Park to collaborate with respect to the installation and maintenance of certain fiber optic cables related to security cameras that are part of a comprehensive video security system, along with related work (collectively the "Project"); and

WHEREAS, the City has adopted Resolution 2015-270 on July 8, 2015 authorizing a Shared Service Agreement with the APBOE in furtherance of this venture; and

WHEREAS, the APBOE will be presenting the Shared Service Agreement at their July 28, 2015 Board meeting for approval; and

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

WHEREAS, Millennium Communications Group, Inc. ("Millennium") of East Hanover, New Jersey, has been awarded New Jersey State Contract (A87720) for Data Communication Equipment and New Jersey State Contract (A88740) for Communication Wiring Services; and

WHEREAS, the Parties wish to award a contract to Millennium for the Project pursuant to the aforesaid State contract(s); and

WHEREAS, the City shall contribute the sum of $380,000.00 and the APBOE shall contribute the sum of $299,280.00 toward the overall total cost of the Project; and

WHEREAS, there are sufficient funds available per the attached Certification of Funds for the City to provide its share of funding toward the overall total cost of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey, hereby authorizes and approves the award of a contract to Millennium under New Jersey State Contract A87720 and A88740, in the total amount of $679,280.00 for the Project, contingent upon the APBOE approving the Shared Service Agreement at their July 28, 2015 meeting and also contingent upon the APBOE certifying to the availability of its share of funding toward the overall total cost of the Project.

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

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

2015-283 Resolution authorizing the purchase of Hot Mix Asphalt Materials from Stavola Construction Group

Resolution #2015-283
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PURCHASE OF HOT MIX ASPHALT MATERIALS FROM STAVOLA CONSTRUCTION MATERIAL INC. VIA STATE CONTRACT, FOR THE PAVING OF VARIOUS ROADWAYS

WHEREAS, the City requires the purchase of Hot Mix Asphalt Materials for paving of various roadways; and,

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

WHEREAS, Stavola Construction Materials Inc. of Tinton Falls, New Jersey has been awarded New Jersey State Contract A86426, for the purchase of this type of materials; and

WHEREAS, there are sufficient funds in the Current Operating Budget, various operating appropriations, as needed, to cover these costs.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State Contract A86426 with Stavola Construction Materials Inc., of Tinton Falls, New Jersey for the purchase of Hot Mix Asphalt Materials.

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

2015-284 Authorizing Change Order No. 2 Relating to the South Boardwalk Reconstruction – Phase 2

Resolution # 2015-284

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING CHANGE ORDER NO. 2
RELATING TO THE SOUTH BOARDWALK RECONSTRUCTION – PHASE 2.

WHEREAS, on January 8, 2014, the Mayor and Council of the City of Asbury Park (the "City") awarded a contract for the South Boardwalk Reconstruction to REICON Group, LLC of Staten Island, New York (the "Contractor"), in the amount of $3,525,640.00; and

WHEREAS, the Contractor has submitted Change Order No. 2 which adjusts the contract in order to prepare the east and west edges of the boardwalk between Convention Hall and the Casino Building for new boardwalk lighting, increasing the contract price by $418,000.00; and

WHEREAS, Change Order No. 2 is based on a unit price contract and the contractor will only be paid for the unit quantities utilized to complete the project; and

WHEREAS, the work included in Change Order No. 2 shall be submitted to FEMA for ninety (90%) reimbursement; and

WHEREAS, the total amount of Change Orders authorized for this project to date does not increase the original contract price for the project by more than twenty percent (20%); and

WHEREAS, the City Engineer has recommended approval of Change Order No. 2; and

WHEREAS, the City's Chief Financial Officer has certified that funds are available for this expenditure.

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

1. That Change Order No. 2 for a contract increase in the amount of $418,000.00 to REICON Group, LLC, of Staten Island, New York, is hereby approved as detailed herein.

2. That a certified copy of this Resolution shall be provided to each of the following:

   a. REICON Group, LLC;
   b. Anthony Nuccio, Acting City Manager;
   c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
   d. Christine Ballard, P.E. (T&M Associates), City Engineer; and
   e. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		

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

2015-285 Award of Contract for Regional Contribution Agreement Project (126 DeWitt Avenue-Kenneth)

Resolution # 2015-285

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, request for estimates for Regional Contribution Agreement ("RCA") project located at 126 DeWitt Avenue were received by the City Clerk on July 9, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
Anpe Corp.	$31,954
I.W.M. Builders	$32,625
Wildman Home Improvement	$35,500
Remodel America	$37,650
Staff Estimate	$32,255

WHEREAS, the homeowner has an option of selecting the contractor, contingent upon the owner paying the difference between chosen contractor and the lowest estimate received by the City.

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 126 DeWitt Avenue be awarded to Anpe Corp., for an amount not to exceed $31,945, in accordance with the selection of the property owner, Kenneth Dennis, subject of Certification of Funds from the Finance Officer.

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

Deputy Mayor Amy Quinn					
Mayor John Moor			X		

2015-286 A Resolution Authorizing the Request for Reimbursement of Costs from the Hazardous Discharge Site Remediation Fund for Remedial Investigations and Remedial Costs Incurred at the Property Located at 100-117 Lake Court, Asbury Park, Monmouth County, New Jersey Shown on the City Tax Maps as Block 1201, Lots 1-9 and 13-21 (aka 84.02, Lots 1-9; Block 84.03 Lots 1-9). The Property is Commonly Known as the Springwood Park Site

Resolution # 2015-286

City of Asbury Park
County of Monmouth
State of New Jersey

A RESOLUTION AUTHORIZING THE REQUEST FOR REIMBURSEMENT OF COSTS FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR REMEDIAL INVESTIGATIONS AND REMEDIAL COSTS INCURRED AT THE PROPERTY LOCATED AT 100-117 LAKE COURT, ASBURY PARK, MONMOUTH COUNTY, NEW JERSEY SHOWN ON THE CITY TAX MAPS AS BLOCK 1201, LOTS 1-9 AND 13-21 (AKA 84.02, LOTS 1-9; BLOCK 84.03 LOTS 1-9). THE PROPERTY IS COMMONLY KNOWN AS THE SPRINGWOOD PARK SITE

WHEREAS, the City of Asbury Park intends to redevelop properties within the Springwood Avenue Redevelopment Area which has also been designated a Brownfield Development Area; and

WHEREAS, redevelopment will be pursuant to the Springwood Avenue Redevelopment Plan which was duly adopted by the Asbury Park City Council on February 8, 2008 by Ordinance Number 2862 pursuant to N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the State of New Jersey Department of Environmental Protection ("NJDEP"), through the Hazardous Discharge Site Remediation Fund ("HDSRF"), has grant funds available for the purpose of funding environmental investigations including preliminary assessments, site investigations, remedial investigations and/or remedial actions to determine the existence or extent of contamination on properties; and

WHEREAS, the City of Asbury Park (the "City") is the record owner of certain real property known and designated as 100-117 Lake Court, Asbury Park, Monmouth County, New Jersey, shown on the City Tax maps as Block 1201, Lots 1-9 and 13-21 (aka 84.02, Lots 1-9; Block 84.03, Lots 1-9) (collectively the "Property); and

WHEREAS, the Property is located in the Springwood Avenue Redevelopment Area and is subject to the provisions of the Springwood Avenue Redevelopment Plan; and

WHEREAS, the City wishes to develop the Property as a public park containing active and passive recreational space; and

WHEREAS, the City has applied for and been selected to receive funding under the Monmouth County Municipal Open Space Grant Program for the development of the Property as a public park; and

WHEREAS, the City now seeks to submit a HDSRF grant application to the NJDEP for the reimbursement of remedial costs incurred at the Property in the amount of $33,550.55.

WHEREAS, the City has discussed with the NJDEP its intention to apply for funding from the Hazardous Site Discharge Remediation Fund (HDSRF), and believes that the NJDEP will support the City's application for funding and recommend approval for the reimbursement of costs by the Economic Development Authority under the HDSRF; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council, having considered same, now wish to authorize the request for reimbursement of costs from the Hazardous Discharge Site Remediation Fund NJDEP for remedial investigations and remedial costs incurred at the Property.

BE IT FURTHER RESOLVED, that notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.

BE IT FURTHER RESOLVED that copies of this resolution shall be provided to:

a. Anthony Nuccio, Acting City Manager
b. Richard Gartz, Acting Chief Financial Officer
c. Frederick C. Raffetto, City Attorney

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

2015-287 Resolution Authorizing the City of Asbury Park to Participate in Intra-County Mutual Aid and Assistance Agreements with Participating Units in the County of Monmouth

Resolution # 2015-287

City of Asbury Park

County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE CITY OF ASBURY PARK TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.A.S. 40A:65-1 et. Seq., ("Act") provides that any local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical services, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A:14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS"), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, and respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App. A9-33 et. Seq., provides for the health, safety and welfare of the people of the State of New Jersey during an emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Division of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. Seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. Seq.; and

WHEREAS, the Mayor and Council of the City of Asbury Park deem it to be in the best interests of the City of Asbury Park to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions, and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team ("CERT") members, Medical Reserve Corps ("MRC") members or other volunteers and other jurisdictions defined "local governments" in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 and 156.1 et seq. has authorized inter-jurisdictional mutual aid; and

WHEREAS, the Mayor and Council of the City of Asbury Park and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the City of Asbury Park and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Mayor and Council are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Mayor and Council forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and the City of Asbury Park Office of Emergency Management.

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

Resolution #: 2015-288
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, GRANTING SUPPLEMENTAL CONCEPTUAL APPROVAL TO ASBURY PARTNERS LLC REGARDING THE PROPOSED CONSTRUCTION OF A CONDOMINIUM DEVELOPMENT ON A PORTION OF BLOCK 3205 AND REFERRING THE MATTER TO THE PLANNING BOARD FOR APPROPRIATE APPROVALS

WHEREAS, the City of Asbury Park (the "**City**") adopted a Waterfront Redevelopment Plan (the "**Redevelopment Plan**") which, in part, sought to create retail and for sale housing within the Waterfront Redevelopment Area which includes the Prime Renewal Area; and

WHEREAS, Asbury Partners, LLC together with its affiliate AP at Monroe Urban Renewal LLC (the "**Developer**") proposes to construct a 34 unit condominium development, including on-site parking, on a portion of Block 3205 which totals approximately 32,170 square feet in area, is located on Heck Street between Monroe Avenue and Sewall Avenue within the Prime Renewal Area, and is known as the "**Monroe Condominiums Project**"; and

WHEREAS, by Resolution adopted on October 15, 2014, the Mayor and City Council, acting as the City's Redevelopment Entity, granted conceptual approval of the Monroe Condominiums Project, and referred the matter to the Planning Board for appropriate approvals, including but not limited to Preliminary and Final Site Plan approvals and Subdivision approval; and

WHEREAS, by Resolution adopted on December 8, 2014, the Planning Board granted Preliminary and Final Site Plan approvals and Subdivision approval; and

WHEREAS, the Developer has requested that the Council supplement its prior conceptual approval to include the following in relation to the Monroe Condominiums Project:

(1) The use of a portion of an existing storefront in Wesley Grove at the corner of Heck Street and Cookman Avenue as an off-site sales office for the Monroe Condominiums Project, and related window signage, as further detailed in **EXHIBIT A** attached hereto; and

(2) The installation of temporary painted crosswalk markings at the intersection of Cookman Avenue, Heck Street and Monroe Avenue to assist interested purchasers of condominiums of the Monroe Condominiums Project to find the off-site sales office in Wesley Grove, as further detailed in **EXHIBIT A** attached hereto; and

(3) The exclusive use of two (2) parking spaces in front of the off-site sales office in Wesley Grove on Cookman Avenue, as further detailed in **EXHIBIT A** attached hereto; and

(4) The installation of two (2) freestanding pylon signs with one (1) located at the northeast corner of Cookman Avenue and Heck Street and the other at the southwest corner of Cookman Avenue and Heck Street to assist interested purchasers of condominiums of the Monroe Condominiums Project to find the off-site sales office in Wesley Grove, as further detailed in **EXHIBIT A** attached hereto (collectively the "**Proposed Supplements**"); and

WHEREAS, the City's Technical Review Committee ("**TRC**") reviewed the Proposed Supplements at a meeting held on July 13, 2015, and issued a report of July 15, 2015 which has been received by the Mayor and Council; and

WHEREAS, the Developer presented the Proposed Supplements and reviewed the plans with the Mayor and City Council during a workshop session on July 20, 2015; and

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

(1) The use of an existing storefront in Wesley Grove at the corner of Heck Street and Cookman Avenue as an off-site sales office for the Monroe Condominiums Project and related window signage, as further detailed in **EXHIBIT A** attached hereto, is permitted by the Redevelopment Plan. The Developer submits that the revised window signage package as included in **EXHIBIT A** submitted to the Council on July 20, 2015 complies with the Redevelopment Plan and the applicable City Ordinances. The City professionals shall review the window signage package and if determined to be compliant, the Developer will not need to appear before the

Planning Board for review or further approvals, and the City hereby grants conceptual approval. However, if the City professionals determine that the window signage package is not compliant the City hereby grants conceptual approval and refers this Supplement to the Planning Board for appropriate review and approvals and design waivers and/or variances as may be required for the window signage and in accordance with the provisions of the Redevelopment Plan and the Municipal Land Use Law; and

(2) The City deferred action on the request for the installation of temporary painted crosswalk markings at the intersection of Cookman Avenue, Heck Street and Monroe Avenue to assist interested purchasers of condominiums of the Monroe Condominiums Project to find the off-site sales office in Wesley Grove, as further detailed in **EXHIBIT A** attached hereto, to consider this matter further; and

(3) The exclusive use of two (2) parking spaces in front of the off-site sales office in Wesley Grove on Cookman Avenue, as further detailed in **EXHIBIT A** attached hereto, is not addressed or governed by the Redevelopment Plan and falls within the City's general authority. The City denied this request; and

(4) Prior to the July 22, 2015 Council meeting the Developer advised the City that they are withdrawing their request for the two (2) freestanding pylon signs at northeast and southwest corners of the intersection of Cookman Avenue and Heck Street and therefore the City does not need to take action on this Supplement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that

1. A certified copy of this Resolution shall be provided to each of the following:
    a. Anthony Nuccio, Acting City Manager
    b. Frederick C. Raffetto, Esq., City Attorney
    c. Glenn F. Scotland, Esq., City Redevelopment Counsel
    d. AP at Monroe Urban Renewal LLC c/o Asbury Partners, LLC

e. Fredric Lavinthal, Esq., attorney for AP at Monroe Urban Renewal LLC/ Asbury Partners, LLC

2. This Resolution shall take effect immediately.

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

ORDINANCES

First Reading/Introduction

2015-36 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Right-Of-Way Area (Air Space) Adjacent to the Property Located At 613 Bangs Avenue (Also Known And Designated As Block 2505, Lot 2.01 On The Asbury Park City Tax Map).

Asbury Park, New Jersey
ORDINANCE NO. 2015-36

AUTHORIZING THE CITY OF ASBURY PARK TO CONVEY AN EASEMENT OVER CERTAIN PORTIONS OF THE RIGHT-OF-WAY AREA (AIR SPACE) ADJACENT TO THE PROPERTY LOCATED AT 613 BANGS AVENUE (ALSO KNOWN AND DESIGNATED AS BLOCK 2505, LOT 2.01 ON THE ASBURY PARK CITY TAX MAP).

WHEREAS, the Asbury Park Planning Board previously approved a site plan application relating to the property located at 613 Bangs Avenue, also known and designated as Block 2505, Lot 2.01 on the Asbury Park City Tax Map (the “property”), allowing the existing structure at the property (the “structure”) to be utilized for commercial office use, and

WHEREAS, the property is located in the Central Business District (CBD) Redevelopment Area; and

WHEREAS, the improvements proposed by the applicant will also include the installation of a canopy and window shields on the façade of the building facing Bangs Avenue; and

WHEREAS, the proposed canopy and window shields will encroach into the air space of the City’s right-of-way (ROW) on Bangs Avenue; and

WHEREAS, the Planning Board conditioned approval of the project on the applicant receiving approval from the Mayor and Council for this encroachment; and

WHEREAS, the applicant has indicated that the canopy and window shields are necessary due to the structure's southern exposure, and that they will provide architectural interest to the building which will compliment the applicant's overall redevelopment project; and

WHEREAS, there is precedent in the CBD Redevelopment Area for similar architectural features to encroach into the City's ROW; and

WHEREAS, the Mayor and Council have previously determined to consider such requests for encroachment on a case-by-case basis; and

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

(1) The proposed construction represents a significant project to be undertaken on Bangs Avenue within the CBD Redevelopment Area, and will foster increased pedestrian movement and activity within one of the most significant commercial corridors of the City; and

(2) The proposed construction will foster the goals and objectives of the CBD Redevelopment Plan; and

(3) The proposed construction will serve as a catalyst for investment and further development within this area of the City, which furthers the best interests and general welfare of the public; and

(4) The proposed building is similar to the existing commercial structures which are currently present within the CBD, and the building will therefore be compatible with the surrounding area; and

(5) The proposed improvements to be located within the air space of the ROW will <u>not</u> interfere with use of the ROW by the public; and

(6) The applicant is the only property owner that owns land immediately adjacent to the proposed encroachment area; and

(7) The area of the proposed encroachment is less than the minimum size required for development under the municipal Zoning Ordinance and is without any capital improvement(s) thereon; and

WHEREAS, as a result, the Mayor and Council have determined to grant approval for the within air space encroachment, for nominal consideration; and

WHEREAS, the purpose of this Ordinance is to confirm said approval and to grant the necessary easement, in accordance with the New Jersey Local Lands and Buildings Law, <u>N.J.S.A.</u>

40A:12-1, *et seq.*, and the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

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

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

1. That, pursuant to the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-13(b)(5), as well as the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, and specifically N.J.S.A. 40A:12A-8(g), the City of Asbury Park is hereby authorized to convey, for nominal consideration, an easement over certain portions of the public ROW (air space) abutting the property located at 613 Bangs Avenue, also known and designated as Block 2505, Lot 2.01 on the Asbury Park City Tax Map, as more particularly depicted upon certain design plans prepared by KNTM Architects, LLC, in order to allow for the installation of a canopy and window shields at the front of the building, facing Bangs Avenue, located on the existing front wall (façade) of the building. Copies of the design plans referenced above, which more specifically describe and depict the encroachment area, are on file in the City Clerk's Office.

2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, an Easement Agreement between the City and DJAER Properties, LLC, in a form which meets with the approval of the Municipal Attorney and City Engineer.

3. That, following property execution and notarization of the Easement Agreement, the same shall be recorded with the Monmouth County Clerk's Office.

4. That all expenses associated with this matter shall be paid by the applicant.

5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

6. 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.

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 to introduce

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

City Clerk Dye announced that public hearing will be held on August 26, 2015.

Second Reading/Public Hearing

2015-28 Amending and Supplementing Chapter VII, "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

Asbury Park, New Jersey
ORDINANCE NO. 2015-28

AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC," OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY."

WHEREAS, the Asbury Park Police Department (the "APPD") has reviewed safety and property concerns with regard to the 1200 Block of Monroe Avenue in the City of Asbury Park (the "City"); and,

WHEREAS, the APPD has determined that the two-way roadway, near the intersection of Ridge and Monroe Avenues, becomes extremely congested when vehicles are parked on both sides of the roadway; and

WHEREAS, this condition has caused numerous vehicles to be struck over the years, resulting in damage to vehicles and broken mirrors; and

WHEREAS, with the pre-school dropping off students, and routine bus traffic, both vehicular and pedestrian safety are affected and problematic; and

WHEREAS, the pre-school has asked the APPD for assistance in making this area safer for the public; and

WHEREAS, the APPD believes that, by implementing a "No Parking Zone" along one side of the roadway (north), this will permit two vehicles to safely pass each other without further risk of safety concerns, and will provide greater sight lines for pedestrian traffic; and

WHEREAS, it is therefore the recommendation of the APPD that this area be designated as a "No Parking" zone as referenced herein; and

WHEREAS, the Mayor and Council of the City now wish to implement this recommendation by amending the City Code, in accordance with the provisions 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 an area designated as the 1200 Block of Monroe Avenue, as more particularly described below, shall hereby be designated as a "No Parking" zone, in accordance with the requirements set forth in this Ordinance.

2. That the City Engineer is hereby designated to confirm that the "No Parking" zone area, 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.

3. That the City is authorized to erect appropriate signage to designate the area as a "No Parking" zone established herein and may mark the street appropriately.

4. That any signs erected or street markings employed to identify the subject area shall clearly and conspicuously state "No Parking" zone.

5. That Section 7-13, entitled "Parking Prohibited at All Times on Certain Streets," 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:

Name of Street	*Sides*	*Location*
Monroe Avenue	North	Beginning at the northeastern corner of the intersection of Monroe Avenue and Ridge Avenue, continuing easterly 142 feet along the north (westbound) curb line

6. That the City reserves the right to terminate the designation of the within area as a "No Parking" zone at the City's discretion.

7. That all other Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies.

8. That, 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.

9. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

10. That 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 Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public. All were in favor. There being no public comment, motion made by Council Member Kendle and seconded by Mayor Moor to close the public portion of the ordinance. All were in favor.

City Attorney Raffetto provided an explanation of the ordinance.

Motion to adopt Ordinance 2015-28.

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

2015-33 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement with AP at Monroe Urban Renewal LLC and Granting a Tax Exemption

Ordinance No. 2015-33
Ordinance of the City of Asbury Park

ORDINANCE OF THE CITY OF ASBURY PARK AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH AP AT MONROE URBAN RENEWAL LLC AND GRANTING A TAX EXEMPTION

WHEREAS, the *New Jersey Local Redevelopment and Housing Law*, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Act**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the City of Asbury Park (the "**City**") has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

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

WHEREAS, pursuant to the Act, including Section 8 thereof (*N.J.S.A.* 40A:12A-8), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, as all such terms are defined in the Act; and

WHEREAS, the City and Asbury Partners, LLC (the "**Master Developer**") entered into that certain "Amended and Restated Redeveloper and Land Disposition Agreement" dated October 28, 2002 (as the same may be amended and supplemented in accordance with its terms, the "**Redeveloper Agreement**"); and

WHEREAS, in accordance with the Redeveloper Agreement and the Redevelopment Plan, AP at Monroe Urban Renewal LLC (the "**Entity**") intends to develop a three- to four-story condominium building containing thirty-four (34) residential units (the **"Project"**) on property commonly known as 601 Heck Street in Asbury Park and currently identified as Block 3205, Lot 16 on the tax maps of the City and located in the Redevelopment Area (the "**Land**"); and

WHEREAS, the Entity has been qualified by the State of New Jersey to do business as an urban renewal entity under the provisions of the *Long Term Tax Exemption Law*, *N.J.S.A.* 40A:20-1 *et seq.* (the "**LTTE Law**"), and was created for the development, operation and maintenance of the Project; and

WHEREAS, in order to improve the feasibility of the construction, operation and maintenance of the Project, on May 22, 2015, the Entity made application to the City requesting a long term tax exemption and financial agreement with respect to the Land (the "**Application**") pursuant to the LTTE Law, which Application is on file with the City Clerk; and

WHEREAS, the Entity has represented to the City that the Project would not be feasible in its intended scope but for the provision of financial assistance by the City; and

WHEREAS, after review of the Application, the Acting City Manager recommended that the Application be approved on such terms as set forth in a proposed form of financial agreement (the "**Financial Agreement**") in substantially the form attached hereto as **Exhibit A**, and by this reference incorporated herein as may be modified in consultation with counsel as set forth herein; and

WHEREAS, the Municipal Council has reviewed the Application and the terms of the Financial Agreement, and wishes to approve the Application on such terms, subject to the designation of the Entity as Subsequent Developer and the execution of a Subsequent Developer Agreement and Special Assessment Agreement in accordance with the Redeveloper Agreement, which is expected to occur simultaneously herewith; and

WHEREAS, the City hereby finds that the relevant benefits of the Project from the redevelopment of the Redevelopment Area outweigh the loss, if any, of property tax revenue and, in fact, increase City revenues by granting the long term tax exemption for the Project, which relevant benefits are further described in the Application and the Financial Agreement; and

WHEREAS, the City hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance,

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

(a) The Mayor is hereby authorized to execute the Financial Agreement, substantially in the form as it has been presented to the Municipal Council, and attached hereto as **Exhibit A**, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel.

(b) The City Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section II(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.

(c) The City Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the LTTE Law.

III. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

IV. ACTION REGARDING FINANCIAL AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, City Manager, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the City.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

Motion made by Council Member Clayton and seconded by Council Member Kendle to open the meeting to the public. All were in favor. The following members of the public spoke on this ordinance: Lori Ross, Maureen Nevin, Werner Baumgartner, Rita Marano and Jerry Scarano. There being no furtherpublic comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Mike Henley, City Financial Advisor, provided an overview of the ordinance.

Council Member Woerner provided his opinion regarding the ordinance.

Motion to adopt Ordinance 2015-33.

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

2015-34 Authorizing the City of Asbury Park to Accept the Conveyance of an Easement On, Over, Under and Across a Certain Portion of the Property Located at 205-209 Bond Street, Also Known and Designated as Block 2402, Lot 5.01 on the Asbury Park City Tax Map

Asbury Park, New Jersey
ORDINANCE NO. 2015-34

AUTHORIZING THE CITY OF ASBURY PARK TO ACCEPT THE CONVEYANCE OF AN EASEMENT ON, OVER, UNDER AND ACROSS A CERTAIN PORTION OF THE PROPERTY LOCATED AT 205-209 BOND STREET, ALSO KNOWN AND DESIGNATED AS BLOCK 2402, LOT 5.01 ON THE ASBURY PARK CITY TAX MAP.

WHEREAS, Bond Galleries, LLC (the "Grantor") is the owner of certain real property in the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, which is located at 205-209 Bond Street, also known and designated as Block 2402, Lot 5.01 on the current official Tax Map of the City (the "Property"); and

WHEREAS, there is situate on the Property, beneath the arcade open area between the two buildings formerly known as 203-205-207 Bond Street and 209 Bond Street, all of which are now combined and known as the Property, a drainage pipe (the "drainage pipe") running from the rear of the Property beneath the arcade area with an outlet onto Bond Street and connecting to the manhole on Bond Street, to permit the drainage of both subsurface and above surface water collected from upstream properties to the west of the Property to flow beneath the Property and connect the storm water system maintained by the City on Bond Street where it then flows south; and

WHEREAS, as part of the Site Plan approval granted to the Grantor by the City's Planning Board (the "Board"), the Board requires that the Grantor grant an easement to the City to allow the City to enter its lands in the event the City desires to repair and/or maintain the drainage pipe, either in due course or in the case of an emergency (which determination shall be in the sole discretion of the City), at the sole cost and expense of the Grantor; and

WHEREAS, it is necessary for the City to obtain an easement over a certain portion of the Grantor's property for said purpose; and

WHEREAS, the proposed terms and conditions related to this undertaking are set forth in a draft "Agreement of Easement" (the "Agreement"), which includes a legal description and map of the affected area (also referenced as the "easement area"), a copy of which is attached hereto and made a part hereof (copies of same are on file in the City Clerk's office); and

WHEREAS, the Mayor and Council of the City of Asbury Park wish to authorize the appropriate City officials to execute the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the City Attorney and City Engineer, to effectuate the conveyance of the necessary easement to the City, for the purposes set forth herein.

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

1. That, pursuant to the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-4 and 40A:12-5, the City is hereby authorized to accept the conveyance of the above-referenced easement from Bond Galleries, LLC, for the purposes set forth herein.

2. That the Mayor is hereby authorized to execute and the City Clerk to attest the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the City Attorney and City Engineer, to effectuate the conveyance of the necessary easement to the City, for the purposes set forth herein.

3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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 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.

5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to open the meeting to the public. All were in favor. The following public member spoke regarding this ordinance: Werner Baumgartner. There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close the public portion of the ordinance. All were in favor.

City Attorney Raffetto provided a summary of the ordinance.

Motion to adopt Ordinance 2015-34.

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

2015-35 Authorizing the City of Asbury Park to Convey an Easement On, Over and Across a Certain Portion of the Right-Of-Way Behind Certain Real Property Located at 722-724 Cookman Avenue (Also Known and Designated as Block 2405, Lot 1 on the Asbury Park City Tax Map) to 722-724 Cookman Associates, LLC.

Asbury Park, New Jersey
ORDINANCE NO. 2015-35

AUTHORIZING THE CITY OF ASBURY PARK TO CONVEY AN EASEMENT ON, OVER AND ACROSS A CERTAIN PORTION OF THE RIGHT-OF-WAY BEHIND CERTAIN REAL PROPERTY LOCATED AT 722-724 COOKMAN AVENUE (ALSO KNOWN AND DESIGNATED AS BLOCK 2405, LOT 1 ON THE ASBURY PARK CITY TAX MAP) TO 722-724 COOKMAN ASSOCIATES, LLC.

WHEREAS, 722-724 Cookman Associates, LLC (the "applicant") is the owner of certain real property in the City of Asbury Park (the "City"), in the County of Monmouth and State of

New Jersey, which is located at 722-724 Cookman Avenue, also known and designated as Block 2405, Lot 1 on the current official Tax Map of the City (the "Property"); and

WHEREAS, the City's Planning Board has granted final approval to the applicant for additions and alterations (the "project") to be performed at the Property, pursuant to the plans prepared by Donald J. Passman, AIA, dated December 1, 2014, and revised through June 5, 2015; and

WHEREAS, the proposed project consists of an enclosed and secured refuse area with gates located at or near the common line with the City's right-of-way (the "Property Line"), which is located to the rear of the Property; and

WHEREAS, as a result of the proposed project at or near the Property Line, these gates (when opened) will temporarily extend over the Property Line into the public right-of-way; and

WHEREAS, there will be a temporary encroachment of said gates when they are opened and used for the pickup of refuse, which shall occur periodically; and

WHEREAS, in order to accomplish this proposed project, it is necessary for the applicant to obtain an easement on, over and across a certain portion of the City's right-of-way; and

WHEREAS, the affected area (also referenced as the "easement area") is depicted upon the Plans for Additions and Alterations, as prepared by Donald J. Passman, AIA, dated December 1, 2014, revised through June 5, 2015, copies of which are attached hereto and made a part hereof (copies of same are on file in the City Clerk's office); and

WHEREAS, the applicant is the only property owner that owns real property located immediately contiguous to the easement area; and

WHEREAS, the easement area is de minimus in size, and is less than the minimum size required for development under the applicable development regulations of the City; and

WHEREAS, there are no capital improvement(s) which have been constructed in the easement area; and

WHEREAS, the Mayor and Council of the City of Asbury Park wish to authorize the appropriate City officials to execute an Easement Agreement in a form satisfactory to the Municipal Attorney and City Engineer, in order to authorize the conveyance of the necessary easement to 722-724 Cookman Associates, LLC, for the purposes set forth above, for nominal consideration.

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

1. That, pursuant to the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-13(b)(5), the City is hereby authorized to convey the above-referenced easement to 722-724 Cookman Associates, LLC, for the purposes set forth herein, for nominal consideration.

2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, an Easement Agreement between the City and 722-724 Cookman Associates, LLC, in a form which meets with the approval of the Municipal Attorney and City Engineer.

3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

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 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.

5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

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

City Attorney Raffetto provided a summary of the ordinance.

Motion to adopt Ordinance 2015-35.

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

City Clerk Dye reminded the public that the August 10 and August 12 Council meetings have been cancelled. The next meetings will be held on August 24 and August 26.

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk