Agenda
Meeting of the Municipal Council
Wednesday, August 10, 2016

I. Executive Session – 5:00 p.m.

Resolution 2016-333 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:
1. Sale of portion of Overlook Park a/k/a Kennedy Park
2. 1101 Ocean Avenue Financial Agreement/Redevelopers Agreement
3. Potential Amendment to Redeveloper Agreement with Madison Asbury Retail – 5th Avenue Pavilion

B. Potential Litigation:
1. Tax Title Liens

C. Litigation:
1. Jason Fazio v City of Asbury Park (Worker's Compensation)
2. Andre Willis v. City of Asbury Park

D. Personnel:
1. Personnel Policy

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

- July 25, 2016 – Workshop Meeting
- July 27, 2016 – Executive Session
- July 27, 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.]

2016-334	Approving Special Events/Wedding Applications as Presented on August 8, 2016.
2016-335	Resolution Authorizing the Payment of Payroll in the Amount of $1,033,566.53
2016-336	Resolution to Credit Sewer Account (1308 Langford Street, Block 202 Lot 23)
2016-337	Resolution to Credit Sewer Account (508 Fourth Avenue, Block 3401 Lot 4)

J. Individual Resolutions

2016-338	Resolution Authorizing the Payment of Bills in the Amount of $2,130,863.78
2016-339	Resolution Amending Temporary Appropriations for 2016
2016-340	Resolution Cancelling Balances of Completed General Capital Improvement Authorizations
2016-341	Resolution Delegating Authority to Determine the Form and Other Details of not to Exceed $6,450,000 Aggregate Principal Amount of General Obligation Refunding Bonds, Series 2016 of the City of Asbury Park, in the County of Monmouth, State of New Jersey and Providing for the Sale of Such Bonds to the Monmouth County Improvement Authority Pursuant to the 2016 Governmental Loan Refunding Program
2016-342	Corrective Action Plan for 2015 Municipal Audit
2016-343	A Resolution Awarding a Professional Service Contract to BRS Associates, Millennium Strategies and T&M Associates, Inc., in a Total Amount not to Exceed $20,000 for On-Call Grant Writing and Management Services
2016-344	Authorizing the Award of the "Replacement of Sunset Avenue Footbridge" Bid

2016-345	Authorizing Project Management and Construction Coordination and Inspection Services to T&M Associates for the Sunset Avenue Footbridge Project
2016-346	Authorizing the Award of the "Generator at Sewage Treatment Plant" Bid
2016-347	Authorizing the Change Order #1 a Contract Extension for the Outfall Diffuser Project
2016-348	Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendments to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to take Certain Actions Pursuant To *N.J.S.A.* 40A:12a-7(E)
2016-349	Resolution Participating in a Memorandum of Agreement with New Jersey Office of Emergency Management as the Sponsoring Agency of New Jersey Task Force One
2016-350	Resolution Approving a Joint Purchasing Agreement for Fit Testing Equipment with Borough of Deal
2016-351	Resolution Requesting New Jersey Transit to Continue the Late Night Train Service Between New York City and the City of Asbury Park
2016-352	Resolution Authorizing the Disposition of Surplus Property
2016-353	Resolution Entering into an Agreement with Asbury Partners (Commonly Referred to as iStar) for a Wastewater Treatment Study
2016-354	A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Fifth Avenue Pavilion Proposal for the Bandshell and Other Uses on the Roof on Block 4502, Lot 1.16

K. Ordinances:

1. <u>Introduction:</u>

2016-35	A Capital Ordinance Appropriating the Sum of $87,000.00 for Acquisition of Various Capital Items and Park Improvements
2016-36	An Ordinance Amending and Supplementing Chapter III "Police Regulations" by Adding Section 3-4 "Urinating and Defecating in Public" of the "Code of the City oOf Asbury Park, New Jersey."
2016-37	An Ordinance Amending and Supplementing Chapter VII "Traffic", Subsection 7-41 "Metered Parking" of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

2016-38 Establishing a Restricted Parking Space for Use By Handicapped Persons at Property Located at 4 Deal Lake Court, in the City of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, "Handicapped Parking," of Chapter VII, "Traffic," of the "Revised General Ordinances of the City Of Asbury Park, New Jersey."

2. Second Reading/Public Hearing:

2016-32 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, as Amended and Supplemented Heretofore, to Increase the Appropriation by $150,000

2016-33 An Ordinance Creating Chapter XIII Section 5 "Chapter XIII Property Improvement and Neighborhood Preservation – Rental Property"

2016-34 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

L. Adjournment.

MINUTES
Meeting of the Municipal Council
Wednesday, August 10, 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 Chapman stated that the first Sunset Lake Commission meeting will be held on August 15.

Councilwoman Clayton stated that there will be a City-wide prayer vigil at Springwood Avenue Park on August 12. On July 28 the City received grant funding for Boston Way and Renaissance Village.

Deputy Mayor Quinn stated that APTV will be holding an editing workshop on August 23 at 6:30 p.m.

Councilman Kendle stated that there were a lot of new businesses who opened up this spring and summer. He also asked for a status of the posting of the videos for the Springwood Avenue Park opening and the Recreation picnic.

MATTERS FROM CITY MANAGER

City Manager Capabianco made the following statement:

On Saturday, July 30th, Brian Cheripka of iStar provided the Asbury Park Homeowners Association an update in regards to waterfront redevelopment. Since that meeting, all the local papers have written about it and the governing body and I have received numerous inquiries on comments that were said during the presentation.

“We want to do things with the plan amendment that makes sense for the community,” he said. “I need the community to know that we are trying to move them forward and we need your help,” Cheripka stated.

On March 21st of this year, Brian was provided a draft copy of the City’s amendments. The City and iStar were scheduled to meet on Tuesday, July 26 to discuss the amendments. This meeting was canceled on Monday, the day before, by Brian because he did not like certain language. I personally spoke to both Brian and his attorney stating that there are more to the amendments than just one item, but we should, at a minimum, still meet to discuss other issues such as lot by lot development, uses, parking and circulation. But Brian refused to meet until the language was changed. For four months, Brian had the proposed amendment language and it only became an issue immediately before we are scheduled to meet.

To get iStar back to the negotiating table, the City acquiesced and changed the language so a formal negotiation took place. Yesterday, I can report, all sides met with a goal of restarting the amendment process of both the Waterfront Plan and the Master Developer’s Agreement.
Brian mentioned during the Homeowner’s Association meeting that local labor cannot meet the insurance requirements to perform construction work. Why not lessen these requirements to provide more opportunities for local labor? Also discussed was that Bradley Cove is directly linked to the moving of the sewer treatment plant. But this cannot, and will not, be decision that is made in a vacuum. The City will continue to work to ensure Bradley Cove is preserved as open space.

Speaking of local labor, during the presentation it was stated that requiring a certain amount of local jobs should be in redevelopment agreements and concentrating more on providing opportunities for businesses to perform as subcontractors. Thank you for the suggestion that the next agreement, which will probably be for 1101 Ocean, possibly require contractor insurance language that ensures local contractors can act as subs.

Out of everything that was discussed on July 30th, the comments in regards to 1101 Ocean were the most troublesome to me. It was stated that the City had received an application package for the project in May. A word was missing. That word is: completed. The statement could have been, “The City received a COMPLETED application package for 1101 Ocean a few weeks ago.” But our financial advisors are still waiting for information.

What was the second most troublesome statement? Brian discussed that the City had not approved a storage facility. I had no idea what this was concerning as in the last nine months, no one had mentioned it to me. When I inquired to Brian about it, stating the Mayor said the City did approve it, Brian responded that it was actually stuck with the attorneys and the City did indeed approve the facility. This obviously begs the question, “How important is this that for nine months no one mentioned it?” This lack of communication or moving of priority projects ensures that only one thing occurs – unrealistic expectations of the continued and future development of the City.

iStar, as a developer, is in the business to make money. The City governing body members and staff look at the City as a whole. The political silly season is upon us. Individuals and organizations begin to push their singularly focused agendas harder than ever, exactly as Brian’s presentation was meant to push the Waterfront Redevelopment activities. Additionally, we have already seen self-serving Letters to the Editor appear in the local papers. And regretfully more will come. But there was something that Brian said that is very true and must not be forgotten; they dropped the tag line “Asbury Park Waterfront” to just “Asbury Park.” Why? Because they realized the City as a whole benefits from redevelopment and not just the waterfront. And the lesson that the City be viewed as a whole must not be forgotten.

City Manager Capabianco provided an update regarding the road repaving project.

MATTERS FROM THE CITY ATTORNEY

City Attorney Raffetto made a statement regarding the lawsuit that was brought against the City and the City Clerk regarding the petitions for initiative and referendum. He stated that the lawsuit was dismissed with prejudice by the plaintiff James Famularo.

PUBLIC PARTICIPATION

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

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

The following members of the public spoke: Catherine Henna, Donna Harrison, Andrea (?), Michael Cushner, Eric Callico, Maureen Nevin, Pat Fasano, Patrick Fasacno, Peter Seagle, Sheila Brazile, Nina Summerline, Lori Ross, Joe Grillo, Rita Marano, Jerry Scarano and Tara Weldon.

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

A. Minutes

- July 25, 2016 – Workshop Meeting
- July 27, 2016 – Executive Session
- July 27, 2016 – Regular meeting

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

Consent Agenda Resolutions.

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

2016-334 Approving Special Events/Wedding Applications as Presented on August 8, 2016.

Resolution # 2016-334

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, at work session meeting of the Mayor and Council held on August 8, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. The Santa 5K Run
2. LIT Encounter
3. Prayer Vigil
4. Back to School Community Celebration
5. Levitt AMP Asbury Park Music Series
6. Serve 24
7. Greek Orthodox Holy Cross Day Celebration
8. Weddings:

Bove/Gray	9/25
Rainey/Pezzolo	10/8
Delia/Stelle	8/14

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

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

2016-335 Resolution Authorizing the Payment of Payroll in the Amount of $1,033,566.53

Resolution #2016-335
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF $1,033,566.53

WHEREAS, the July 29, 2016 payroll in the amount of $1,033,566.53, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling $1,033,566.53 is hereby authorized to be paid, and;

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

2016-336 Resolution to Credit Sewer Account (1308 Langford Street, Block 202 Lot 23)

Resolution # 2016-336

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: The Tax Collector was notified by Joshua Vallar of 1308 Langford Street, LLC, owner of the property located at 1308 Langford Street, Block 202 Lot 23 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10017007-0; and

WHEREAS, it was made certain that New Jersey American Water Company re-billed for 323,000 gallons due to a cancel rebill, and the City of Asbury Park uploaded and billed for 323,000 gallons at a rate of $1,340.45 for October 2013 – April 2016; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 323,000 gallons was previously billed and satisfied and should be billed for 2,000 gallons' usage for March 2016; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 325,000 gallons, and should have billed for 2,000 (times the rate of $4.15 per 1,000 gallons and demand charges in the amount of $80.00) at the rate of $88.30.

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 # 10017007-0 for the 2016 3rd QTR sewer billing in the amount of $1,340.45 for 323,000 gallons (times the rate of $4.15 per 1,000 gallons).

2016-337 Resolution to Credit Sewer Account (508 Fourth Avenue, Block 3401 Lot 4)

Resolution # 2016-337

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION TO TRANSFER OVERPAYMENT

WHEREAS, Pursuant to N.J.S.A 40A:5-17a(1), the governing body of a municipality may adopt a resolution authorizing the transfer of any funds from one quarter to another; and

WHEREAS: The Tax Collector was notified by Mr. James Henry, Vice President of Asbury Park Historical Society, owner of the property located at 508 Fourth Avenue, Block 3401 Lot 4 that he would like to have a credit in the amount of $3,814.42 applied to the subdivided lot 4.01 in the amount of $2,585.54 and lot 4.02 in the amount of $1,228.88; and

WHEREAS, Asbury Park Historical Society made a payment on March 28, 2016 for the 2016 1st quarter taxes in the amount of $1,922.56 (includes $30.69 paid interest) and $1,891.86 for the 2nd quarter.

WHEREAS, the Tax Assessor advised Tax Collector that lot 4 was converted into a condominium and assessed for $0 for 2016.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Asbury Park authorize the Tax Collector to transfer the amount of $3,814.42 to the subdivided lot 4.01 in the amount of $2,585.54 and lot 4.02 in the amount of $1,228.88.

	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		

<u>Individual Resolutions</u>

2016-338 Resolution Authorizing the Payment of Bills in the Amount of $2,130,863.78

Mayor Moor requested that the following purchase orders be pulled from the bill list: P.O. 16-02378, P.O. 16-00360 and P.O. 16-02352. He also indicated that he must abstain from line item 6-01-23-220-000-209.

Resolution #2016-338
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $2,130,863.78

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

BE IT RESOLVED, that these vouchers payable totaling $2,130,863.78

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

CURRENT VOUCHERS	$	1,566,825.78
BOARD OF EDUCATION	$	564,038.00
TOTAL VOUCHERS	$	2,130,863.78

	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		

2016-339 Resolution Amending Temporary Appropriations for 2016

Resolution #2016-339
City of Asbury Park
County of Monmouth
State of New Jersey

<u>RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2016</u>

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.

	FROM	TO
Current Fund:		
Bullet Proof Vest Grant	$0.00	$6,435.86
Audit Services	25,375.00	50,750.00
MCIA Lease Payments 2011	3,735.00	7,470.00

MCIA Lease Payments 2007	8,805.00	17,610.00
Bond Principal	567,750.00	582,258.00
Bond Interest	249,740.00	370,695.00
Green Acres Loan Payments	67,021.00	91,932.00
COPS in SHOPS Grant	0.00	3,000.00
Sewer Fund:		
Bond Principal	1,344,100.19	1,364,593.00
Bond Interest	210,951.25	222,234.00
MCIA Cap. Lease Interest	195,020.50	197,513.00

	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		

2016-340 Resolution Cancelling Balances of Completed General Capital Improvement Authorizations

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION CANCELLING BALANCES OF COMPLETED GENERAL CAPITAL IMPROVEMENT AUTHORIZATIONS

WHEREAS, certain General Capital Improvement Authorization balances remain dedicated to projects that have been completed or substantially completed; and

WHEREAS, it is necessary to cancel said project balances to General Capital Surplus and/or debt authorized for unfunded balances up to the amounts listed below.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Asbury Park that the following unexpended balances be cancelled up to the amounts listed below:

Ordinance Number	Description	Funded	Unfunded
2620	Demolition of Unsafe Structures		$86,500.00
2635	Upgrade and/or Closure of Underground Storage Tanks	2,849.79	224,750.00
2734	Streetscape Improv. Project	26,876.91	342.00
2771	Var. Capital Improvements	47,091.58	
2764	West Side Rec. Development	709.10	19,376.34
2848	2007 Road Improve. Program	10,242.66	0.00
	Totals	$87,770.04	$330,968.34

	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		

2016-341 Resolution Delegating Authority to Determine the Form and Other Details of not to Exceed $6,450,000 Aggregate Principal Amount of General Obligation Refunding Bonds, Series 2016 of the City of Asbury Park, in the County of Monmouth, State of New Jersey and Providing for the Sale of Such Bonds to the Monmouth County Improvement Authority Pursuant to the 2016 Governmental Loan Refunding Program

CITY OF ASBURY PARK
RESOLUTION NUMBER 2016-341

RESOLUTION DELEGATING AUTHORITY TO DETERMINE THE FORM AND OTHER DETAILS OF NOT TO EXCEED $6,450,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE 2016 GOVERNMENTAL LOAN REFUNDING PROGRAM

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), had previously issued (i) $6,405,000 General Improvement Bonds (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, Constituting P.L. 1976, as Amended) on June 25, 2009 (the "2009 Original Bonds") pursuant to a public sale; and (ii) $2,905,000 aggregate principal amount of General Obligation Bonds, on January 24, 2011 to the Monmouth County Improvement Authority (the "MCIA") in connection with the City's participation in the 2011 Pooled Governmental Loan Program (the "2011 Original Bonds" and together with the 2009 Original Bonds, the "Original Bonds"); and

WHEREAS, the City has been informed by the MCIA that all or a portion of the outstanding Original Bonds are eligible for refunding through the MCIA and that such a refunding will achieve debt service savings for the City; and

WHEREAS, $3,585,000 of such 2009 Original Bonds maturing in the years 2020 through 2028 (the "2009 Refunded Bonds") and $1,770,000 of such 2011 Original Bonds maturing in the years 2022 through 2031 (the "2011 Refunded Bonds" and together with the 2009 Refunded Bonds, the "Refunded Bonds") are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

WHEREAS, the MCIA and the City have determined that refunding bonds can be issued to refund such Refunded Bonds, which, under current market conditions, can generate gross debt service savings to the City due to the low long-term interest rate environment; and

WHEREAS, the City has determined that it is in the best interests of the City to refund all or any portion of the Refunded Bonds; and

WHEREAS, the City has determined to provide for the refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in the aggregate principal amount of not to exceed $6,450,000 to the MCIA (the "Refunding"), as provided in the refunding bond ordinances of the City entitled, "REFUNDING BOND ORDINANCE OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENT BONDS OF THE CITY DATED JUNE 25, 2009 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $4,200,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR" and finally adopted by the City Council on May 11, 2016 (the "2009 Refunding Ordinance") and "REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE CITY TO THE MCIA" and finally adopted by the City Council on June 15, 2016 (the "2011 Refunding Ordinance" and together with the 2009 Refunding Ordinance, the "Ordinance"); and

WHEREAS, to accomplish the Refunding, the MCIA requires the City to authorize, execute, attest and deliver the City's not to exceed $6,450,000 General Obligation Refunding Bonds, Series 2016 (the "Bonds"), in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law and other applicable law; and

WHEREAS, such Bonds shall be comprised of one or more series, and any portion of such Bonds attributable to any self liquidating utility shall, if applicable, in accordance with the Local Bond Law, be deductible from gross debt when such utility is self-liquidating; and

WHEREAS, section 27(a)(2) and section 59 of the Local Bond Law allow for the sale of the Bonds to the MCIA without any public offering, all under the terms and conditions set forth herein and in a Bond Purchase Agreement (as defined herein) by and between the City and the MCIA.

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The City Council hereby delegates to the Chief Financial Officer of the City, in accordance with the provisions of N.J.S.A. 40A:2-27(a)(2) and N.J.S.A. 40A:2-59, the power to sell and award the City's not to exceed $6,450,000 General Obligation Refunding Bonds, Series 2016 (collectively, the “Bonds”) to the MCIA in accordance with the provisions hereof and in accordance with the terms of a Bond Purchase Agreement by and between the City and the MCIA (the “Bond Purchase Agreement”). The Mayor of the City (the “Mayor”) or Chief Financial Officer of the City (the “Chief Financial Officer”) are each hereby authorized and directed on behalf of the City, in consultation with Bond Counsel (as hereinafter defined), to negotiate the terms of such Bond Purchase Agreement, to be dated the date of sale of the Bonds, to approve the terms of aforesaid Bond Purchase Agreement and to execute and deliver said Bond Purchase Agreement to the MCIA. The Bonds have been referred to and described in the Ordinance finally adopted at duly called and held meetings of the City Council and published as required by law. The Bonds are being issued for the purpose of (i) refunding the principal amount of the Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or prepayment, if applicable, and the redemption or prepayment price thereof, if applicable, and (ii) paying the costs of issuance relating to the Bonds, including printing, advertising, accounting, financial and legal services, rating agency fees, underwriter’s discount, and MCIA costs of issuance, which may include any of the foregoing.

Section 2. The Chief Financial Officer of the City (the "Chief Financial Officer") is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA and the terms and conditions hereof and set forth in the Bond Purchase Agreement, the following items with respect to the Bonds, except those terms and conditions which are set forth in the Bond Purchase Agreement:

(a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of $6,450,000;

(b) The name and designation of the Bonds;

(c) The maturity and principal installments of the Bonds;

(d) The date of the Bonds;

(e) The interest rates of the Bonds;

(f) The purchase price of the Bonds;

(g) The direction for the application and investment of the proceeds of the Bonds, if applicable; and

(h) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The City Council hereby determines that certain terms of the Bonds shall be as follows:

(a) The Bonds shall be issued in a single denomination and shall be numbered GOR-1 (which may be issued in one or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility fund purposes of the City);

(b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor of the City (the "Mayor") and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the City (the "City Clerk").

Section 5. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the City to comply with the requirements of the MCIA's 2016 Governmental Loan Refunding Program (the "Program"), upon the advice of Bond Counsel to the City (as defined herein);

Section 6. The law firm of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the City ("Bond Counsel"), the City Financial Advisor, the City Attorney and the City Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the Refunding for which the Bonds are issued including, but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Refunding, preparing all necessary financial information and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Refunding. The Mayor, the Chief Financial Officer and the City Clerk are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor, the Chief Financial Officer, the City Clerk and any other City representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds, including the Bond Purchase Agreement, or the undertaking of the Refunding, including an escrow deposit agreement, and each is hereby further authorized and directed to deliver same to the MCIA upon delivery of the Bonds and the receipt of payment therefor or in accordance with the Program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel to the City, in relation to the execution and delivery thereof.

Section 8. Upon the adoption hereof, the City Clerk shall forward certified copies of this resolution: (a) via facsimile, to (i) Marion Masnick of the MCIA at facsimile number 732-409-4821, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the City, at facsimile number 732-345-8420; and (b) via certified first class mail, to (i) Marion Masnick of the MCIA at The Monmouth County Improvement Authority, Hall of Records, Main Street, Freehold, New Jersey 07728, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Bond Counsel to the City at 10 Route 35, Red Bank, New Jersey 07701.

Section 9. This resolution shall take effect immediately.

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

2016-342 Corrective Action Plan for 2015 Municipal Audit

Resolution #2016-342
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION ADOPTING A CORRECTIVE ACTION PLAN IN RESPONSE TO THE RECOMMENDATIONS CONTAINED IN THE 2015 REPORT OF AUDIT

WHEREAS, the City of Asbury Park (the "City") has had presented by its Auditor the Audit for the year ended December 31, 2015; and

WHEREAS, said audit contained thirteen recommendations; and

WHEREAS, the City is obligated to agree to a corrective action plan to respond to said Recommendations; and

WHEREAS, the City has determined to provide the following corrective actions:

2015 Corrective Action Plan

Single Audit

Finding #2015-01
Criteria:
In accordance with the Uniform Guidance, the City is required to maintain adequate documentation to support all amounts requested by draw-down.
Condition:
During the testing of the CDBG major program, we identified certain draw-down amounts that were not adequately supported by source documentation.
Recommendation:
We recommend that every amount requested for reimbursement be supported by a lead sheet that details which expenditures are being requested for reimbursement and adequate evidentiary documentation supporting each item claimed for reimbursement be maintained.
Corrective Action:
Going forward all requests for draw-down amounts will be supported by adequate documentation for all expenditures made.

Finding #2015-02
Criteria:
In accordance with the Uniform Guidance, the City is required to perform monitoring of a sub-recipient's activities to determine if the objectives of the activities were met.
Condition:
We identified one instance where the City awarded funds to a sub-recipient but did not monitor the sub-recipients success in achieving the objectives of the activity.
Recommendation:
We recommend that when the City grants sub-recipients awards, the results of the sub recipient's activity be determined by the City through monitoring.
Corrective Action:
The City will implement sub-recipient monitoring.

Finding #2015-03
Criteria:
In accordance with the Uniform Guidance, the City is required to submit semiannual financial and performance reports on a periodic basis as stipulated in the grant agreements.
Condition:
We identified instances where the City failed to submit required financial and performance reports.
Recommendation:
We recommend that the City prepare and file all semiannual financial and performance reports and all final financial and performance reports on a timely basis.
Corrective Action:
The City will file all required reports.

Finding #2015-04
Criteria:
In accordance with the Uniform Guidance, the City is required to maintain written documentation of the pre and post inspections of all rehabilitation projects.
Condition:
We identified one instance where the City failed to provide written documentation of the pre and post inspection of a rehabilitation project it undertook.
Recommendation:
Corrective Action:
The City will provide written documentation of pre and post inspection of rehabilitation work.

Purchasing

Finding #2015-5
Criteria:
When the cost of any contract awarded by the contracting agent in the aggregate exceeds $25,000.00 the governing body is required to solicit competitive bids.
Condition:
Two vendors were paid in excess of $25,000.00 before December 31 2015, for which no advertisement for bids was solicited.
Recommendation:

We recommend that competitive bids be solicited for all required goods and services.
Corrective Action:
The City will advertise and solicit bids for any vendor that will exceed the $25,000.00 bid threshold.

<u>Interfunds</u>

Finding #2015-6
Criteria:
Internal Control
Condition:
Material interfund balances exist between the various funds of the City.
Recommendation:
We recommend that all interfunds be liquidated prior to year-end.
Corrective Action:
Interfunds will be reviewed prior to the close of the year and where feasible will be liquidated.

<u>Sewer Utility</u>

Finding #2015-7
Condition:
Sewer Billings for 2015 were inaccurate.
Recommendation:
We recommend that sewer billings be computed accurately.
Corrective Action:
The City will make the appropriate corrections to the 2015 sewer utility billing records and send out bills for the one month that was not billed. Going forward the Collector will use the appropriate reports provided by American Water.

Finding #2015-8
Condition:
Sewer connection fees were either not billed or paid on a timely basis.
Recommendation:
We recommend that the City enforce the provisions of its Sewer Connection Fee Ordinance.
Corrective Action:
The City will review its Sewer Connection Fee Ordinance and put in place controls to ensure that building permits are not issued to applicants without proof of payment for a sewer connection fee.

<u>Expenditures</u>

Finding #2015-9
Criteria:
New Jersey State Statute
Condition:
Several vendors did not provide Business Registration Certificates.
Recommendation:

We recommend that the City obtain Business Registration Certificates from all vendors where required.
Corrective Action
The City will implement a control ensuring that prior to any payments being made a business registration certificate is obtained where required.

Finding #2015-10
Criteria:
An encumbrance system is required by New Jersey regulation.
Condition:
Purchase orders were dated after invoice dates in several instances, indicating confirming orders.
Recommendation:
We recommend that the City encumber funds and issue purchase orders prior to acquiring goods and services.
Corrective Action
A directive will be issued to all employees responsible for entering purchase requisitions to obtain a purchase order number prior to placing an order for goods and services.

Finding #2015-11
Criteria:
Approval must be requested and approved by the State before expenditures can be made from dedicated Trust Other Reserves.
Condition:
Expenditures were made from certain Trust Other Fund reserves without proper authorization.
Recommendation:
We recommend that Dedications by Rider be obtained before expending funds from Trust Other Fund reserves.
Corrective Action
A review will be undertaken of all Trust Other Fund reserves and application for Dedication by Rider for all accounts not yet approved will be made.

Single Audit

Finding #2015-12
Criteria:
Uniform Guidance 2 CFR 200.512(a).
Condition:
The City's 2014 Data Collection Form for Reporting on Audits of States, Local Governments and Non-Profit Organizations was not filed timely.
Recommendation:
We recommend that the City's 2015 Data Collection Form SF-SAC be filed timely.
Corrective Action
Upon the receipt of an email from the Federal Audit Clearinghouse that the data collection was submitted by the Auditor the CFO will file the form in a timely manner.

Information Technology

Finding #2015-13

Criteria:
Sound internal controls.
Condition:
Multiple data servers are in use throughout the City. We found that the finance, human resource, tax and sewer applications have no offsite data backup and the City had no data disaster recovery plan in place.
Recommendation:
We recommend that the City review its data disaster recovery plan and ensure all of its data servers are backed up daily off-site.

Corrective Action

A review is being undertaken of the City's data disaster recovery plan to ensure that all data servers are backed up on a daily basis off site. A plan will be put in writing.

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

2016-343 A Resolution Awarding a Professional Service Contract to BRS Associates, Millennium Strategies and T&M Associates, Inc., in a Total Amount not to Exceed $20,000 for On-Call Grant Writing and Management Services

Resolution # 2016-343

City of Asbury Park
County of Monmouth
State of New Jersey

A RESOLUTION AWARDING CONTRACTS FOR ON-CALL GRANT APPLICATION RELATED SERVICES WITH BROWNFIELD REDEVELOPMENT SOLUTIONS, INCORPORATED, MILLENIUM STRATEGIES, LLC AND T&M ASSOCIATES

WHEREAS, the City of Asbury Park (the "City") put out a Request for Proposals in order to appoint a contractor or contractors for grant writing and management services for the City on May 26, 2016 and received proposals on June 20, 2016 through a fair and open process per N.J.S.A. 40A:11-1-et seq.; and

WHEREAS, the selected applicants shall pursue funding research and associated grant preparation and related support services (collectively referred to as the "services") on behalf of the City, pursuant to the direction of the City Manager, in accordance with the terms and conditions set forth in its proposal; and

WHEREAS, the firms of Brownfield Redevelopment Solutions, Inc. (also referenced as "BRS") of Medford, New Jersey, Millennium Solutions, LLC of Caldwell, NJ and T &M

Associates of Middletown, New Jersey submitted proposals to provide the necessary professional services to the City; and

WHEREAS, the N.J.S.A 40A:11-4 allows for the governing body to authorize the Purchasing Agent to award contracts above $17,500; and

WHEREAS, the City from time to time, has the need for grant assistance and hereby authorizes the Purchasing Agent as per N.J.S.A. 40A:11-4 to award no more than $20,000 in grant assistance work for the year August 10, 2016 to August 10, 2017 in contracts to the three firms listed in this Resolution, pending completion of a CAF from the CFO; and

WHEREAS, this contract is intended to be awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law N.J.S.A. 19:44A-20.4, *et seq*; and

WHEREAS, the anticipated term of this contract is for the remainder of 2016, to expire one year from the date of execution; and

WHEREAS, said contract may only be renewed upon further action of the City Council; and

WHEREAS, Mayor and City Council, having considered the same, hereby wish to authorize the awarding of three contracts not to exceed $20,000 collectively to Brownfield Redevelopment Solutions, Incorporated, Millennium Strategies, LLC and T&M Associates

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

1. That, subject to and contingent upon the approval of the New Jersey Department of Community Affairs (Division of Local Government Services), the firm of Brownfield Redevelopment Solutions, Inc.; Millennium Strategies LLC., and T & M Associates is hereby appointed to serve as the Grant Writer, to pursue funding research and associated grant preparation and related support services on behalf of the City, pursuant to the direction of the City Manager, in accordance with the terms and conditions set forth in proposals.

2. That the City Manager is hereby authorized to execute, and the City Clerk attest, a contract between the City and Brownfield Redevelopment Solution respondents for the aforementioned services.

3. That the anticipated term of this contract is for the remainder of 2016, to expire one year from execution.

4. That said contract is awarded as an “Fair and Open” contract in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law

5. That there shall be a cap on the total expenditure(s) associated with this contract in the amount of $20,000, without further approval of the Mayor and Council.

6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.

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

   a. BRS, Millennium Strategies, T&M Associates
   b. Michael Capabianco City Manager;
   c. Joanne Boos, Chief Financial Officer;
   d. George D. Haeuber, Fiscal Monitor; and
   f. Frederick C. Raffetto, Esq., Municipal Attorney.

	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		

2016-344 Authorizing the Award of the "Replacement of Sunset Avenue Footbridge" Bid

Resolution # 2016-344

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE AWARD OF THE "REPLACEMENT OF SUNSET AVENUE FOOTBRIDGE" BID

WHEREAS, on July 12, 2016 the City of Asbury Park received eight (8) bids for the project named "Replacement of Sunset Avenue Footbridge "; and

WHEREAS, Bird Construction, has been recommended to be awarded the bid in a letter dated August 3, 2016 written by the City Engineer:

WHEREAS, Bird Construction, is recommended to be award the base bid in the amount of $892,206.00; and

WHEREAS, Bird Construction's bid is deemed complete; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Account C-04-55-995-013-002; and

WHERAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, awards the Replacement of the Sunset Avenue

Footbridge project to Bird Construction in the amount of $892,206.00 for work to be conducted under the base bid and Alternate A-1.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Superintendent of Public Works, City Engineer and City Manager.

	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		

2016-345 Authorizing Project Management and Construction Coordination and Inspection Services to T&M Associates for the Sunset Avenue Footbridge Project

Resolution # 2016-345

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING PROJECT MANAGMENT AND CONSTRUCTION COORDINATION AND INSPECTION SERVICES TO T&M ASSOCIATES FOR THE SUNSET AVENUE FOOTBRIDGE PROJECT

WHEREAS, on August 3, 2016 the City of Asbury Park received a proposal to provide project management, construction coordination and inspection services to T&M Associates for the Sunset Avenue Footbridge Project in accordance with the 2016 contract for professional services in the amount of $64,961.20 ; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Account C-04-55-995-013-001; and

WHERAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, awards T&M Associates to provide project management, construction coordination and inspection services to T&M Associates for the Sunset Avenue Footbridge Project in accordance with the 2016 contract for professional services in the amount of $64,961.20 for work to be conducted under the base bid.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Superintendent of Public Works, City Engineer and City Manager.

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

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

2016-346 Authorizing the Award of the “Generator at Sewage Treatment Plant” Bid

Resolution # 2016-346

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE AWARD OF THE “GENERATOR AT SEWAGE TREATMENT PLANT” BID

WHEREAS, on August 3, 2016 the City of Asbury Park received two (2) bids for the project named “Replacement of Wastewater Plant Generator”; and

WHEREAS, Electro Maintenance Inc., has been recommended to be awarded the bid in a letter dated August 3, 2016 written by the City Engineer; and

WHEREAS, Electro Maintenance Inc., is recommended to be award the base bid in the amount of $337,247.00; and

WHEREAS, Electro Maintenance Inc.’s bid is deemed complete; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Account C-08-55-526-013-002; and

WHERAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, awards the Replacement of Wastewater Plant Generator project to Electro Maintenance Inc. in the amount of $337,247.00 for work to be conducted under the base bid.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Superintendent of Public Works, City Engineer and City Manager.

	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		

2016-347 Authorizing the Change Order #1 a Contract Extension for the Outfall Diffuser Project

Resolution # 2016-347

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE CHANGE ORDER #1 A CONTRACT EXTENSION FOR THE OUTFALL DIFFUSER PROJECT

WHEREAS, the City awarded a contract to TNJ Marine Inc. for repairs and rehabilitation for the project "Ocean Outfall Cleaning and Diffuser Repair," and

WHEREAS, the City Engineer has determined that an additional forty-five (45) days may be needed to complete the project and requests a formal contract change order; and

WHEREAS, there is no increase in the contract price

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey that the contract to TNJ Marine Inc. is hereby extended forty-five (45) days..

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Superintendent of Public Works, City Engineer and City Manager.

	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	

2016-348 Resolution of the Mayor and City Council of the City of Asbury Park Referring Proposed Amendments to the Central Business District Redevelopment Plan to the City of Asbury Park Planning Board, and Directing the Planning Board to take Certain Actions Pursuant To *N.J.S.A.* 40A:12a-7(E)

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to amend the resolution to only include items B, C, D and F. All were in favor.

Resolution #2016-348
Resolution of the City of Asbury Park

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

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

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

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

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

WHEREAS, the City wishes to revisit and amend the section of the redevelopment plan; and

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

WHEREAS, a copy of the proposed amendments to the Redevelopment Plan is attached hereto to as Exhibits A through G (the "Proposed Amendments") to accommodate this request; and

WHEREAS, the Mayor and City Council have reviewed the Proposed Amendments and desire to forward certain of the Proposed Amendments to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e) and to further consider certain Proposed Amendments and act upon those at a later date.

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

1. That the Mayor and Council hereby refer Proposed Amendments A, C, D and F to the Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40A:12A-7(e).

2. That the Mayor and Council desire that the Planning Board undertake a review of this matter and determine if the amendment conforms to the goals and objectives of the City's Master Plan.

3. That the Planning Board is authorized and directed to prepare a report of its recommendations (the "Planning Board Report") to the Proposed Amendment to the Plan no later than forty-five (45) days of the date hereof.

4. That the Planning Board Report shall identify any provisions within the Proposed Amendment to the Plan that are inconsistent with the City's Master Plan, the recommendations concerning those inconsistencies and any other matters the Planning Board deems appropriate.

5. That if the Planning Board Report is not transmitted to the Mayor and Council within forty-five (45) days of the date hereof, the Mayor and Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with N.J.S.A. 40A:12A-7(e).

6. That the Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e).

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

1. That the Mayor and Council hereby defer consideration of Proposed Amendments B, E and G and will further consider and act upon these Proposed Amendments at a later date. These Proposed Amendments are <u>not</u> referred to the Planning Board for review and recommendation.

BE IT FURTHER RESOLVED, that

1. That this resolution shall take effect immediately.

2. A certified copy of this Resolution shall be provided to each of the following:
   a. Michele Alonso, Director of Planning and Redevelopment;
   b. Michael Capabianco, City Manager;
   c. Karl Kemm, Esq., Redevelopment Counsel; and
   d. Frederick C. Raffetto, Esquire, City Attorney.
   e. Barbara VanWagner, Planning Board Secretary

	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		

2016-349 Resolution Participating in a Memorandum of Agreement with New Jersey Office of Emergency Management as the Sponsoring Agency of New Jersey Task Force One

Resolution # 2016-349

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION PARTICIPATING IN A MEMORANDUM OF AGREEMENT WITH NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AS THE SPONSORING AGENCY OF NEW JERSEY TASK FORCE ONE

WHEREAS, the New Jersey Office of Emergency Management (NJOEM) is the lead agency in New Jersey responsible for coordinating the State's preparedness, response and recovery operations for all hazards impacting the State; and

WHEREAS, New Jersey Task Force One (NJ-TF1) is a multi-disciplined Urban Search and Rescue (US&R) ask Force authorized and sponsored by NJOEM, responsible for search, rescue and recovery operations; and

WHEREAS, the U.S. Department of Homeland Security, acting through the Federal Emergency Management Agency (FEMA), is responsible for developing and administering the National Urban Search and Rescue Response System (the System); and

WHEREAS, the System is authorized by federal law, principally the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 through 5206 (the Stafford Act), and the applicable provisions of the Code of Federal Regulations, including 44 CFR 208.1, et seq.; and

WHEREAS, the purpose of the System is to develop and provide a national system of standardized urban research and rescue resources to respond to emergencies and major disasters that are beyond the capabilities of affected states and local governments; and

WHEREAS, the National Urban Search and Rescue Response System includes 28 Task Forces across the country; and

WHEREAS, NJ-TF1, through its Sponsoring Agency, NJOEM, is a participating Task Force in the System; and

WHEREAS, in the performances of its responsibilities, NJOEM as the Sponsoring Agency of NJ-TF1 is charged with, among other things, recruiting and organizing members of the Task Force; and

WHEREAS, NJOEM as a Sponsoring Agency, may enter into written cooperative agreements with entities designed as Participating Agencies in the Task Force Member in engaging in preparatory and response activities in support of the National Urban Search and Rescue Response System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey that the Mayor is hereby authorized to execute the attached Memorandum of Agreement between New Jersey Office of Emergency Management as the Sponsoring Agency of New Jersey Task Force One and City of Asbury Park as a Participating Agency of the Task Force on behalf of the City of Asbury park.

	MOTION	SECOND	AYES	NAYES	ABSTAIN

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

2016-350 Resolution Approving a Joint Purchasing Agreement for Fit Testing Equipment with Borough of Deal

Resolution # 2016-350

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION APPROVING A JOINT PURCHASING AGREEMENT FOR FIT TESTING EQUIPMENT WITH BOROUGH OF DEAL

WHEREAS, the City of Asbury Park Fire Department has a need to purchase fit test equipment for the safety of the firefighters; and

WHEREAS, three quotes were obtain to purchase this equipment and Nat Alexander Company was the lowest responsible quote in an amount of $9,685.00; and

WHEREAS, the Borough of Deal also has the need for the above mentioned equipment and has agreed to pay fifty percent (50%) of the total purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey hereby approves the purchase of fit testing equipment in an amount not to exceed $9,685.00, as indicated in the attached quote, conditioned upon reimbursement of $4,842.50 by the Borough of Deal.

	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		

2016-351 Resolution Requesting New Jersey Transit to Continue the Late Night Train Service Between New York City and the City of Asbury Park

Resolution # 2016-351

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION REQUESTING NEW JERSEY TRANSIT TO CONTINUE THE LATE NIGHT TRAIN SERVICE BETWEEN NEW YORK CITY AND THE

CITY OF ASBURY PARK

WHEREAS, during the summer New Jersey Transit provides late night train service from New York City to the City of Asbury Park; and

WHEREAS, the City of Asbury Park Council feels that it would be beneficial to the residents of the City of Asbury to continue the late night service year round as there is an increase in the number of millennials purchasing housing units within the City who travel between New York and the City of Asbury Park; and

WHEREAS, many millennials do not own cars and rely on public transportation to attend work or late night events, many of which do not end until after midnight; and

WHEREAS, many visitors come to the City of Asbury Park via NJ Transit; and

WHEREAS, due to lack of parking the City and its visitors rely on public transportation to come to the City; and

WHEREAS, it is the intention of New Jersey Transit to discontinue their late night train after September 8, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park hereby requests that New Jersey Transit not discontinue their late night train number 3205/4305 after September 8, 2016.

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

2016-352 Resolution Authorizing the Disposition of Surplus Property

Resolution # 2016-352

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY

WHEREAS, the City of Asbury Park has property that have exceeded their useful life and no longer serve the needs of the City of Asbury Park; and

WHEREAS, it is the desire of the Mayor and City Council to declare the property as surplus as follows:

- 2000 Ford Windstar VIN - 2FMDA514XYBA12529

- 1988 Chevy Truck VIN - 1GBHR34K9JJ12490
- Chevy Aero-Mate Bread Truck VIN - 45VXA028B8PW003584
- 1996 Chevy 4DR Truck VIN - 1G1JC5246T7268242
- Ford E450 Super Duty Senior Van VIN - 1FDXE45S86DA28692
- 1995 GMC Pickup VIN - 1GTCS1444SK518629
- 1996 Chevy Truck VIN - 1GBGC34RXTE207104
- 1996 Chevy Truck VIN - 1GCGG35Z9TF104989
- 2005 Ford CV 4 DR VIN - 2FAFP71WX5X179311
- 2006 Dodge Durango VIN – 1D4HB38N96F148915
- 2005 Jeep Grand Cherokee VIN – 1J4HR48N95C516907
- Cushman Haulster, Model #84059 VIN - 2544745
- Cushman Haulster, Model #84059 VIN - 2573865

WHEREAS, the equipment will be auctioned on GovDeals.com.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park do hereby authorize the disposition of the equipment listed above as they are no longer needed for municipal purposes and is hereby considered surplus.

	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		

2016-353 Resolution Entering into an Agreement with Asbury Partners (Commonly Referred to as iStar) for a Wastewater Treatment Study

Resolution #2016-353
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARKAUTHORIZING THE EXECUTION OF A NON-BINDING STATEMENT OF INTENT WITH ASBURY PARTNERS LLC AND THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY CONCERNING WASTEWATER TREATMENT

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

WHEREAS, Asbury Partners, LLC (the "**Master Developer**") and the City are parties to that certain Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (the "**Redeveloper Agreement**") concerning the redevelopment of the City's Waterfront Redevelopment Area; and

WHEREAS, the City owns and operates a Wastewater Treatment Plant within the Waterfront Redevelopment Area (the "**Treatment Plant**") on property commonly known as 1700 Kingsley Street and designated as Block 4304, Lot 1 on the City's tax maps; and

WHEREAS, the Master Developer had preliminary discussions with the City and the Township of Ocean Sewerage Authority ("**TOSA**") regarding the nature and extent of studies that would be necessary to determine if the Treatment Plant could be decommissioned and the City's sewerage redirected via a force main to TOSA; and

WHEREAS, the Master Developer has requested that the City enter into a non-binding statement of intent (the "**Statement of Intent**") with the Master Developer and TOSA to the effect that: (i) the City will cooperate with the studies necessary to determine if the Treatment Plant can be decommissioned and the City's sewerage redirected to TOSA via a force main: (ii) the parties to the Statement of Intent will reasonably cooperate to determine a reimbursement mechanism for the costs of the studies advanced by the Master Developer; and (iii) the City and the Master Developer will negotiate in good faith with respect to a sewer capacity allocation agreement that is consistent with the existing obligations of the City and the Master Developer under the Redeveloper Agreement; and; and

WHEREAS, execution of such Statement of Intent shall not and does not constitute a commitment by the City to ultimately decommission the Treatment Plant and redirect the City's sewerage to TOSA via a force main; and

WHEREAS, the Mayor and Council wish to authorize the City Manager to negotiate and enter into a Statement of Intent with Asbury Partners and TOSA as generally described herein,

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

1. The recitals are incorporated herein by reference.

2. The Mayor and Council hereby authorize the City Manager to negotiate and after obtaining a consensus of the Council, enter into a Statement of Intent with Asbury Partners and TOSA as generally described herein.

3. The Mayor and Council, hereby authorizes the City Manager, City Clerk and other necessary City Officials to execute, deliver and accept a Statement of Intent with Asbury Partners and TOSA as generally described herein, and all other necessary documents and undertake all actions reasonably necessary to effectuate this Resolution as deemed necessary and appropriate in consultation with counsel.

4. This Resolution shall take effect immediately.

	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		

2016-354 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Fifth Avenue Pavilion Proposal for the Bandshell and Other Uses on the Roof on Block 4502, Lot 1.16

Resolution # 2016-354
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE FIFTH AVENUE PAVILION PROPOSAL FOR THE BANDSHELL AND OTHER USES ON THE ROOF ON BLOCK 4502, LOT 1.16

WHEREAS, by Resolution # 2016-331 adopted on July 27, 2016, the Mayor and City Council, acting as the City's Redevelopment Entity, granted conceptual review with conditions of Madison Asbury Retail, LLC's, ("**MA Retail**") proposal for certain renovations to the Fifth Avenue Pavilion building which primarily includes constructing a new bandshell on the roof of the building (known as the Pryor Bandshell), and

WHEREAS, one of the conditions of approval contained in numbered paragraph 3 is:

> (v) MA Retail agreed that MA Retail in conjunction with the rooftop operator would host certain free public events in the bandshell space at their cost. As a condition of the City's approval, MA Retail shall enter into an agreement detailing the parameters of the free public events prior to the issuance of any building permits for any component or element of the Proposal ; and

WHEREAS, MA Retail has provided the Letter-Agreement dated August 10, 2015, attached hereto as **EXHIBIT A**, in satisfaction of condition 3(v),

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

1. The recitals are incorporated herein by reference.

2. The Mayor and Council hereby accept the MA Retail Letter-Agreement dated August 10, 2015, attached hereto as **EXHIBIT A**, in satisfaction of condition 3(v) in Resolution # 2016-331.

3. The Mayor and Council, hereby authorizes the City Manager, City Clerk and other necessary City Officials to execute, deliver and accept the Letter-Agreement attached hereto as **EXHIBIT A**, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel and all other necessary documents and undertake all actions reasonably necessary to

effectuate the Letter-Agreement and this Resolution.

4. This Resolution shall take effect immediately.

	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		

K. Ordinances:

1. <u>Introduction:</u>

2016-35 A Capital Ordinance Appropriating the Sum of $87,000.00 for Acquisition of Various Capital Items and Park Improvements

	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		

Public hearing is scheduled for September 14, 2016.

2016-36 An Ordinance Amending and Supplementing Chapter III “Police Regulations” by Adding Section 3-4 “Urinating and Defecating in Public” of the “Code of the City of Asbury Park, New Jersey.”

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

Public hearing is scheduled for September 14, 2016.

2016-37 An Ordinance Amending and Supplementing Chapter VII “Traffic”, Subsection 7-41 “Metered Parking” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

	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		

Public hearing is scheduled for September 14, 2016.

2016-38 Establishing a Restricted Parking Space for Use By Handicapped Persons at Property Located at 4 Deal Lake Court, 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.”

	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		

Public hearing is scheduled for September 14, 2016.

2. Second Reading/Public Hearing:

2016-32 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, as Amended and Supplemented Heretofore, to Increase the Appropriation by $150,000

CITY OF ASBURY PARK
ORDINANCE NUMBER 2016-32

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3036 (WHICH PROVIDES FOR THE RECONSTRUCTION OF A FOOTBRIDGE AT SUNSET LAKE) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 16, 2013, AS AMENDED AND SUPPLEMENTED HERETOFORE, TO INCREASE THE APPROPRIATION BY $150,000

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 bond ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), heretofore finally adopted by the City Council thereof on January

16, 2013, numbered 3036 and entitled, “Bond Ordinance Providing For Reconstruction Of Footbridge At Sunset Lake In And By The City of Asbury Park, In The County of Monmouth, New Jersey, Appropriating $450,000 And Authorizing The Issuance Of $450,000 Bonds Or Notes To Finance Part Of The Cost Thereof”, as amended and supplemented heretofore by Bond Ordinance Number 2016-01 finally adopted by the City Council on February 10, 2016 (collectively, the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of $150,000. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to $1,150,000.

SECTION 3. **(a)** The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, is equal to and remains unchanged at $1,000,000.

(b) The estimated cost of the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, is equal to $1,150,000.

SECTION 4. The Capital Budget of the City is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion made by Council Member Kendle and seconded by Council Member Clayton to open Ordinance 2016-32 to the public. There was no public comment. Motion made by Deputy Mayor Quinn and seconded by Council Member Chapman to closed Ordinance 2016-32 to the public. All were in favor.

Motion to adopt Ordinance 2016-32.

	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		

2016-33 An Ordinance Creating Chapter XIII Section 5 "Chapter XIII Property Improvement and Neighborhood Preservation – Rental Property"

Asbury Park, New Jersey
ORDINANCE NO. 2016-33

AN ORDINANCE
AMENDING AND SUPPLEMENTING CHAPTER XIII, ENTITLED "PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION," OF THE "CODE OF THE CITY OF ASBURY PARK, NEW JERSEY," IN ORDER TO CREATE A NEW SECTION 13-5 THEREOF, RELATING TO RENTAL PROPERTIES.

WHEREAS, the City of Asbury Park (also referenced as "Asbury Park" or the "City") wishes to implement the provisions of N.J.S.A. 40:48-2.12n, *et seq.*, which authorize municipalities to enact an Ordinance holding landlords of rental properties to certain standards of responsibility in the selection of tenants and supervision of the rental premises.

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, that Chapter XIII, entitled "PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION," of the "Code of the City of Asbury Park, New Jersey" is hereby amended and supplemented in order to establish a new Section 13.5 thereof as follows:

13-5 PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME THE SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT.

13-5.1 Legislative Findings.

The City Council finds, determines and declares that:

a. Asbury Park is a resort community and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants and/or vacationers by inept or indifferent landlords.

b. This section is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the municipality as a viable vacation resort for all persons and families availing themselves of the facilities in the community.

c. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals, seasonal or otherwise.

d. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12(n), *et seq.*, to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility.

13-5.2 Definitions.

For the purpose of this section, the following meanings shall apply:

Hearing Officer shall mean a licensed attorney of the State of New Jersey appointed by the Mayor and Council. The hearing officer shall not own or lease any real property within the City of Asbury Park, nor hold any interest in the assets of or profits arising from the ownership of such property.

Landlord shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, which building contains no more than four (4) dwelling units.

Seasonal rental shall mean any rental of residential accommodations for a term of less than one (1) year and including any part of the period extending from May 15 to September 15.

Substantiated complaint - shall mean a complaint which may form the basis for proceedings in accordance with the provisions of this Section.

13-5.3 Hearing, Penalty.

a. If, in any twenty-four (24) month period, two (2) or more complaints, on separate occasions, of conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the City Manager or his/her designee may institute proceedings to require the landlord of the rental premises to post a bond against the consequences of future incidents of the same character.

1. In the event a tenant is convicted of any of the conduct described in subsection a. of this section, the City Manager shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the municipality.

2. The City Manager or his/her designee shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint(s) upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building or Municipal Court, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.

c. At the hearing convened pursuant to paragraph b. above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented or offering such evidence, may present. The hearing officer may consider, to the extent deemed relevant by the hearing officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this ordinance.

d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

1. Damages likely to be caused to public or private property consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises;

2. Securing the payment of fines and penalties likely to be levied for such offenses; and

3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than five hundred ($500.00) dollars nor more than five thousand ($5,000.00) dollars. The municipality may enforce the bond thus required by an action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent

security, in satisfactory form and amount, has been deposited with the municipality.

4. Any bond or other security deposited in compliance with paragraph d, 3. above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 13-5.4 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement of security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by paragraph d. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Mayor and Council may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

13-5.4 Bond Forfeiture, Extension.

a. If during the period for which a landlord is required to give security pursuant to subsection 13-5.3 above, a substantiated complaint is recorded against the property in question, the City Manager or his/her designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which the security is required, or for an increase in the amount of security required, or for any or all of those purposes.

b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection 13-5.3d. above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection 13-5.3d. above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this action indicates the appropriateness of such change in order to effectually carry out the purposes of this ordinance. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection 13-5.3d. above.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion made by Council Member Kendle and seconded by Council Member Clayton to open Ordinance 2016-33 to the public. There was no public comment. Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to closed Ordinance 2016-3 to the public. All were in favor.

Motion to adopt Ordinance 2016-33.

	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		

2016-34 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

Asbury Park, New Jersey
ORDINANCE NO. 2016-34

AN ORDINANCE ESTABLISHING SALARIES OF CERTAIN EMPLOYEES WITHIN THE CITY OF ASBURY PARK, MONMOUTH COUNTY, NJ

WHEREAS, the City has determined that the addition of the following position is required for the efficient operation of the Planning & Redevelopment Department.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park that the following Title and Salaries be established as follows:

Title:	**Minimum**	**2016 Maximum**	**2017 Maximum**
Supervising Planner - Transportation	**$35,000**	**$90,000**	**$92,700**
Director of Social Services	**$28,000**	**$95,216**	**$98,072**

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

Motion made by Council Member Chapman and seconded by Council Member Kendle to open Ordinance 2016-34 to the public. There was no public comment. Motion made by Council Member Kendle and seconded by Council Member Chapman to closed Ordinance 2016-34 to the public. All were in favor.

Motion to adopt Ordinance 2016-34.

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk