



Revised: 8.26.15

Agenda
Meeting of the Municipal Council
Wednesday, August 26, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-289 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. City Manager Position
2. Director of Communications Position
3. Director of Commerce Position
4. Chief of Police Position
5. Director of Public Works

B. Contract Negotiations:

1. Lake Group SP, LLC – Overlook Park (Block 3105, Lot 1) Proposed Property Transfer
2. Board of Education Sale of Park Avenue Firehouse Property - Update
3. Financial Advisor
4. Insurance Broker

C. Litigation:

1. Gerald Cox vs. Asbury Park (Eric Nemeth, Esquire)
2. Brian Darling vs. City Of Asbury Park (Eric Nemeth, Esquire)
3. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, August 24, 2015.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

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

- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag
- D. **(Announcement by City Clerk):** As to 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.
- E. Public Participation **(Announcement by City Clerk):**

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

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

- F. Acceptance of Minutes:
- February 25, 2015 – Regular Meeting
 - March 9, 2015 – Workshop Meeting
 - March 11, 2015 – Regular Meeting
 - March 25, 2015 – Regular Meeting
 - April 8, 2015 – Regular Meeting
 - July 20, 2015 – Workshop Meeting
 - July 22, 2015 – Executive Session Meeting
 - July 22, 2015 – Regular Meeting

- 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.]

- | | |
|----------|---|
| 2015-290 | Approving Special Events/Wedding Applications as Presented on August 24, 2015 |
| 2015-291 | Resolution Authorizing the Payment of Payroll in the Amount of \$1,968,994.02 |
| 2015-292 | Resolution Amending Temporary Appropriations for 2015 |
| 2015-293 | Resolution Ratifying the Payment of Bills in the Amount of \$3,780,144.69 |
| 2015-294 | Resolution Ratifying the Authorizing the Disposition of Surplus Vehicles and Property |

- 2015-295 Resolution Ratifying the Application for a Catering Permit for West End Entertainment
- 2015-296 Resolution Approving an Application for a Social Affair Permit for the Monmouth County SPCA
- 2015-298 Resolution Authorizing the Submission of the 2016-2019 Multi-Purpose Senior Center Grant
- 2015-299 Authorize Submission of a Grant Application to the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, Under the Drive Sober or Get Pulled Over 2015 Statewide Labor Day Crackdown Grant
- 2015-300 Authorize Submission of a Grant Application to the State of New Jersey Division of Criminal Justice under the 2015 State Body Armor Replacement Fund Program

H. Individual Resolutions

- 2015-302 Resolution Authorizing the Payment of Bills in the Amount of \$1,474,380.78
- 2015-303 Authorizing an Amendment to the 2015 Municipal Budget
- 2015-305 A Resolution Authorizing the City Engineer to Advertise, Receive Bids and Perform Construction Administration for the Wastewater Treatment Plant Outfall Diffuser Repairs
- 2015-306 Resolution Authorizing Engineering Services with T&M Associates for Various Projects
- 2015-308 Award of Contract for Regional Contribution Agreement Project (1603 Bangs Avenue)
- 2015-309 Referring Proposed Amendments to the City's Land Development Regulations (Specifically Concerning Escrow Fees and Deposits, Escrow Procedure, Application Procedures and Front Yard Fences) to the Planning Board for Review and Comment Pursuant to the New Jersey Municipal Land Use Law
- 2015-310 Authorizing Advertisement for Request for Proposals from Interested Vendors Specializing in Marketing/Event Management Services to Create, Plan, Market and Operate the 25th Asbury Park Jazz Festival to be held on June 25 And June 26, 2016 in Sunset Park
- 2015-311 Authorizing an Appointment to the Zoning Board of Adjustment
- 2015-312 Authorizing Settlement of a Worker's Compensation Claim Captioned Gerald Cox vs. City Of Asbury Park
- 2015-313 Authorizing Settlement of a Worker's Compensation Claim Captioned Brian Darling vs. City Of Asbury Park

I. Ordinances:

1. First Reading/Introduction:

- 2015-37 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

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).

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

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, August 26, 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 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. Council Member Jesse Kendle was absent

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, AUGUST 24, 2015

Acting City Manager Nuccio followed-up with the inquiries made at the August 24 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner provided the public with a status of the City Manager's search. He also noted that the Council is looking at other positions as well to make the City more efficient. He thanked the Recreation Department and Committee for the summer programs. He provided an update on Bradley Cove. The County is working with the City in matching funds for Green Acres.

Council Member Clayton announced that there will be a City-wide Clean-up "Pride in the Park" on October 10 and October 17. They are looking for volunteers and contractors to assist with donations. Coastal Clean-up will be held on September 19.

Deputy Mayor Quinn stated that the Back-to-School party will be held on August 29. The City is currently accepting CDBG applications. She thanked the Chamber for a great Jazz Festival.

Mayor Moor stated that he is working with the County to join with them in Workforce Development. He presented a check that the City received from our former telephone provided for overcharges.

MATTERS FROM CITY MANAGER

Acting City Manager Nuccio sadly announced the passing of Dr. Thomas Daniels. Mr. Nuccio read a statement regarding Dr. Daniels and all of his accomplishments.

MATTERS FROM CITY ATTORNEY - None

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: Jada Armstead, Jonis Hughes, Tomasina Shanks; Felicia Simmons, Mark Clark, Robert Knotz, Sandy Dow, Sheila Brazile, Pat Fasano, Rita Marano, Mr. Rodriguez, Jerry Scarano, Werner Baumgartner.

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

Mayor Moor recognized the Recreation Department and Committee for the wonderful summer programs.

F. Acceptance of Minutes:

- February 25, 2015 – Regular Meeting
- March 9, 2015 – Workshop Meeting
- March 11, 2015 – Regular Meeting
- March 25, 2015 – Regular Meeting
- April 8, 2015 – Regular Meeting
- July 20, 2015 – Workshop Meeting
- July 22, 2015 – Executive Session Meeting
- July 22, 2015 – Regular Meeting

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

Jesse Kendle					
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.]

2015-290 Approving Special Events/Wedding Applications as Presented on August 24, 2015

Resolution of the City of Asbury Park
2015-290

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on August 24, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Walking in her Shoes
2. Summer Carnival
3. Coast 2 Coast 4 Cancer
4. Greek Orthodox Holy Cross Celebration
5. Bond Street Bar (September 4, 2015 only)
6. Indian Summer
7. Wedding: Radel/Zackman Wedding
8. City date request: Fishing Club (Convention Hall) – Hold date of March 13, 2016 (only) at this time; further review and approval of this application is required

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.

BE IT FURTHER RESOLVED, that the provisions of Section 3-35.2 of the City Code, which prohibit persons from sleeping on the beach between the hours of 12:00 midnight and 8:00 a.m. and which also prohibit persons from setting up tents for the purpose of overnight camping on the beach, shall hereby be temporarily suspended to allow for the Indian Summer event (as referenced above) to take place. The afore-said Ordinance provisions

are only being suspended for this particular event, at the specific location and during the specific time period(s) referenced in the Indian Summer Special Event application. The afore-said Ordinance provisions shall continue to remain in full force and effect throughout the rest of the City during that time period.

2015-291 Resolution Authorizing the Payment of Payroll in the Amount of \$1,968,994.02

**Resolution #2015-291
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$1,968,994.02

WHEREAS, the July 15, 2015 payroll in the amount of \$994,206.80, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

WHEREAS, the July 30, 2015 payroll in the amount of \$974,787.22, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$1,968,994.02 is hereby authorized to be paid, and;

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

2015-292 Resolution Amending Temporary Appropriations for 2015

**Resolution #2015-292
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2015

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

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

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

	<u>FROM</u>	<u>TO</u>
Current Fund:		
Human Resources – Other Expenses	\$ 36,000.00	\$ 54,000.00
Planning Board – Other Expenses	34,000.00	39,000.00
Employee Group Insurance	3,500,000.00	3,850,000.00
Police Departments – Other Expenses	250,800.00	280,800.00
Fire Department – Other Expenses	140,000.00	150,000.00
Streets and Roads – Other Expenses	227,900.00	257,900.00
Solid Waste – Other Expenses	788,500.00	928,000.00
Buildings & Grounds – Other Expenses	50,000.00	55,000.00
Light, Heat & Power	200,000.00	225,000.00
Street Lighting	150,000.00	175,000.00
Gasoline	130,000.00	160,000.00
Municipal Court – Other Expenses	32,000.00	36,500.00
Beach Utility Operating Fund:		
Social Security	17,500.00	37,500.00
Parking Utility Operating Fund:		
Other Expenses	210,250.00	260,250.00
Sewer Utility Operating Fund:		
Other Expenses	620,000.00	740,000.00

2015-293 Resolution Ratifying the Payment of Bills in the Amount of \$3,780,144.69

**Resolution #2015-293
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION RATIFYING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$3,780,144.69**

WHEREAS, it was the desire of the City Council to cancel the first meeting in August due to summer vacations; and

WHEREAS, bills and vouchers need to be paid in a timely manner; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park acknowledge that bills must be paid in a timely manner and agreed to ratify the payment of bills that would have been acted on at the August 12, 2015 Council meeting.

BE IT FUTHER RESOLVED, that these vouchers payable totaling \$3,780,144.69 to be paid and:

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

CURRENT VOUCHERS	\$3,227,166.69
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$3,780,144.69

2015-294 Resolution Ratifying the Authorizing the Disposition of Surplus Vehicles and Property

Resolution # 2015-294

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

**RESOLUTION AUTHORIZING THE DISPOSITION OF
SURPLUS VEHICLES AND PROPERTY**

WHEREAS, the City of Asbury Park has several vehicles and 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 vehicles and property as surplus as follows:

- 1) Ford Van VIN # 1FMDA31U1VZC14947
- 2) Express Trailer VIN # 1E9ES1624SC103230
- 3) Grumman Box truck VIN # 1GBHP32K0K3316003; and

WHEREAS, the vehicles and equipment will be discarded/recycled as there is no value to these items.

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

2015-295 Resolution Ratifying the Application for a Catering Permit for West End Entertainment

Resolution# 2015-295

**RATIFYING APPROVAL FOR CATERING PERMIT FOR WEST END
ENTERTAINMENT D/B/A THE BRIGHTON BARD FOR AN
EVENT ON AUGUST 23, 2015**

WHEREAS, West End Entertainment d/b/a The Brighton Bar applied before the City Clerk for a catering permit for an event on August 23, 2015; and

WHEREAS, as there were no Council meetings scheduled from the time the City Clerk received the application and the time of the event, the Mayor authorized the City Clerk to release the permit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Catering Permit submitted by **West End Entertainment** d/b/a The Brighton Bar for an event held at the Asbury Park Brewery, 809 Monroe Avenue, Asbury Park, on August 23, 2015, as approved by the Chief of Police on August 4, 2015, is hereby ratified.

2015-296 Resolution Approving an Application for a Social Affairs Permit for the Monmouth County SPCA

Resolution# 2015-296

APPROVING SOCIAL AFFAIRS PERMIT FOR MONMOUTH COUNTY SPCA FOR AN EVENT ON AUGUST 29, 2015

NOW, THEFORE, 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 **Monmouth County SPCA** for an event to be held at the parking lot of 105 2nd Avenue, Asbury Park, on August 29, 2015, as approved by the Chief of Police on August 14, 2015, is hereby approved.

2015-298 Resolution Authorizing the Submission of the 2016-2019 Multi-Purpose Senior Center Grant

Resolution # 2015-298

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

RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2016-2019 MULTI-PURPOSE SENIOR CENTER GRANT

WHEREAS, The Monmouth County Board of Chosen Freeholders through the Monmouth County Department Of Human Services, Division on Aging, Disabilities and Veteran's Services has released a Request for Proposals to develop programs to serve elderly and disabled persons within Monmouth County; and

WHEREAS, The funding for one year period commencing January 1, 2016, with two (2) one year renewable options; and

WHEREAS, this three year grant requires a twenty-five percent cash match in each of the three years of the contract; and

WHEREAS, the City of Asbury Park wishes to continue to provide services to its senior population through its Multi-Purpose Senior Citizen Center for 2016, 2017, and 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park do hereby authorize City Manager or his designee to apply for such grant funding for the continued operation of the City's Multi-Purpose Senior Citizen Center.

2015-299 Authorize Submission of a Grant Application to the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, Under the Drive Sober or Get Pulled Over 2015 Statewide Labor Day Crackdown Grant

**Resolution of the City of Asbury Park
RESOLUTION #2015-299**

AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, UNDER THE DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE LABOR DAY CRACKDOWN GRANT

WHEREAS, the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, has posted the availability of funds for the Drive Sober Or Get Pulled Over 2015 Statewide Labor Day Crackdown Grant, requiring no matching funds. The available amount of funding to the City of Asbury Park is \$5000, which will be reimbursed to the City of Asbury Park at the conclusion of the enforcement period; and

WHEREAS, the City of Asbury Park Police Department desires to apply for the purposes of participating in a statewide impaired driving enforcement program from August 21, 2015 through September 7, 2015;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park that, the Mayor, the Chief Financial Officer and the Acting Chief of Police, be and is hereby authorized to submit an application for funding to the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety;

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Acting Chief of Police are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the City Manager, Chief Financial Officer, and the Acting Chief of Police of the City of Asbury Park.

2015-300 Authorize Submission of a Grant Application to the State of New Jersey Division of Criminal Justice under the 2015 State Body Armor Replacement Fund Program

**RESOLUTION OF THE CITY OF ASBURY PARK
RESOLUTION #2015-300**

**AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY
DIVISION OF CRIMINAL JUSTICE UNDER THE 2015 STATE BODY ARMOR
REPLACEMENT FUND PROGRAM**

WHEREAS, the State of New Jersey Division of Criminal Justice, has posted the availability of grant funds for the 2015 State Body Armor Replacement Fund Program, requiring no matching funds. The program was established to make grant funding available to local law enforcement agencies, the Division of State Police, the Department of Corrections, the Division of Criminal Justice, the Juvenile Justice Commission, the State Parole Board and the Administrative Office of the Courts for the purchase of body armor for troopers, investigators, law enforcement officers, corrections officers, juvenile corrections officers, parole officers and probation officers.

WHEREAS, the City of Asbury Park Police Department desires to apply for this program for the purpose of purchasing body armor designed to be worn on the body for protection against blunt force trauma associated either with the impact of a firearm projectile or from a knife or other pointed instrument.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, County of Monmouth, State of New Jersey hereby authorizes the submission of a 2015 Body Armor Replacement Program grant application.

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Acting Chief of Police are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the State of New Jersey; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the City Manager, Chief Financial Officer, and the Acting Chief of Police of the City of Asbury Park.

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

H. Individual Resolutions

2015-302 Resolution Authorizing the Payment of Bills in the Amount of \$1,474,380.78

**Resolution #2015-302
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,483,098.32**

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 \$1,483,098.32 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

\$ 1,483,098.32

Mayor Moor requested that Purchas Order 15-02405 be held and that he will abstain from line item 5-01-23-220-000-209.

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

2015-303 Authorizing an Amendment to the 2015 Municipal Budget

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

2015-305 A Resolution Authorizing the City Engineer to Advertise, Receive Bids and Perform Construction Administration for the Wastewater Treatment Plant Outfall Diffuser Repairs

Resolution #2015-305

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

**A RESOLUTION AUTHORIZING THE CITY ENGINEER TO ADVERTISE, RECEIVE BIDS
AND PERFORM CONSTRUCTION ADMINISTRATION FOR THE WASTEWATER
TREATMENT PLANT OUTFALL DIFFUSER REPAIRS**

WHEREAS, the City of Asbury Park (hereinafter referred to as the “City”) is in need to make repairs to the City of Asbury Park Wastewater Treatment Plant Outfall Diffuser due to damage from Hurricane Sandy; and

WHEREAS, the City of Asbury Park Council wishes to proceed with the repair and has requested that the City Engineer provide estimates for the needed repairs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the City Engineer is hereby authorized to perform the following:

- a. Finalize specifications and to solicit and receive bids for the above-described project;
 - b. The Mayor, the City Clerk and the City Engineer are hereby authorized to execute any documents and to otherwise perform any other tasks required for the City of Asbury Park Wastewater Treatment Plant Outfall Diffuser.
- 25.
- c. The City Engineer is hereby authorized to perform construction administration services and oversee construction of said improvements.

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

2015-306 Resolution Authorizing Engineering Services with T&M Associates for Various Projects

**Resolution #2015-306
City of Asbury Park
County of Monmouth
State of New Jersey**

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

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

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

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

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

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

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

Contract and Inspection Services (Reicon C.O.) - \$50,000.00
Lighting Prime Contractor Work - \$30,012.00
FEMA Processing Assistance - \$5,000.00

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

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

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

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

2015-308 Award of Contract for Regional Contribution Agreement Project (1603 Bangs Avenue)

Resolution # 2015-308

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

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1603 Bangs Avenue were received by the City Clerk on July 6, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
All County Exteriors	\$19,656
Anpe Corp.	\$21,800

Staff Estimate	\$22,600

WHEREAS, All County Exteriors estimate was disqualified as they failed to list line by line items on the work write-up, did not obtain the owner's signature on the Certification of Inspection and the estimate was received after 10 a.m. on the due date.

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 1603 Bangs Avenue be awarded to Anpe Corp., for an amount not to exceed \$21,800, in accordance with the selection of the property owner, George Stephens, subject of Certification of Funds from the Finance Officer

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

2015-309 Referring Proposed Amendments to the City's Land Development Regulations (Specifically Concerning Escrow Fees and Deposits, Escrow Procedure, Application Procedures and Front Yard Fences) to the Planning Board for Review and Comment Pursuant to the New Jersey Municipal Land Use Law

Resolution # 2015-309

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

**REFERRING PROPOSED AMENDMENTS TO THE
CITY'S LAND DEVELOPMENT REGULATIONS (SPECIFICALLY CONCERNING
ESCROW FEES AND DEPOSITS, ESCROW PROCEDURE, APPLICATION
PROCEDURES AND FENCES AND RETAINING WALLS) TO THE PLANNING
BOARD FOR REVIEW AND COMMENT
PURSUANT TO THE NEW JERSEY MUNICIPAL LAND USE LAW, AND ALSO
REFERRING PROPOSED AMENDMENTS TO THE CENTRAL BUSINESS DISTRICT
("CBD") REDEVELOPMENT PLAN TO THE PLANNING BOARD FOR REVIEW AND**

**COMMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND
HOUSING LAW.**

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, specifically at N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Governing Body must refer any proposed development regulation, or any potential revision or amendment to an existing development regulation, to the Planning Board for its review and comment; and

WHEREAS, it is desired that the staff to the municipal planning board research and review proposed amendments to the City's Land Development Regulations, specifically relating to escrow fees and deposits, escrow procedure, application procedures and fences and retaining walls, and make recommendations to the Governing Body for potential Ordinance amendments; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Governing Body wishes to refer this request to the Planning Board for its review and comment prior to introduction of an Ordinance to enact proposed amendments; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26a, the Planning Board shall have thirty-five (35) days to prepare and transmit to the Governing Body a report concerning the proposed amendments, including the Board's recommendations and any other matters as the Board deems appropriate; and

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, specifically at N.J.S.A. 40A:12A-7e, the Governing Body must refer any proposed revision or amendment to an existing redevelopment plan to the Planning Board for its review and comment; and

WHEREAS, it is desired that the staff to the municipal planning board research and review proposed amendments to the City's existing Central Business District ("CBD") Redevelopment Plan (also referenced as the "Plan"), specifically relating to setbacks and any other issues that the Planning Board deems appropriate, and make recommendations to the Governing Body for potential amendments to the Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7e, the Governing body wishes to refer this request to the Planning Board for its review and comment prior to introduction of an Ordinance to enact proposed amendments to the Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7e, the Planning Board shall have forty-five (45) days to prepare and transmit to the Governing Body a report concerning the proposed amendments to the Plan, including the Board's recommendations and any other matters as the Board deems appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, that they hereby request the Planning Board to research and review potential changes to the existing development regulations contained within the City Code regarding escrow fees and deposits, escrow procedure, application procedures and fences and retaining walls, and

make recommendations back to the Governing Body for potential Ordinance amendments, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40:55D-26a, the Planning Board is requested to prepare and transmit its report to the Governing Body within thirty-five (35) days, concerning the proposed amendments, including its recommendations and any other matters as the Board deems appropriate.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby also request the Planning Board to research and review potential amendments to the City's existing Central Business District ("CBD") Redevelopment Plan, specifically relating to setbacks and any other issues that the Planning Board deems appropriate, and make recommendations to the Governing Body for potential amendments to the Plan.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-7e, the Planning Board is requested to prepare and transmit its report to the Governing Body within forty-five (45) days, concerning the proposed amendments to the Plan, including the Board's recommendations and any other matters as the Board deems appropriate.

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

- a. City of Asbury Park Planning Board;
- b. Jack Serpico, Planning Board Attorney;
- c. Michele Alonso, Director of Planning and Redevelopment;
- d. Anthony Nuccio, Acting City Manager; and
- e. Frederick C. Raffetto, Esquire, Municipal Attorney.

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

2015-310 Authorizing Advertisement for Request for Proposals from Interested Vendors Specializing in Marketing/Event Management Services to Create, Plan, Market and Operate the 25th Asbury Park Jazz Festival to be held on June 25 And June 26, 2016 in Sunset Park

Resolution # 2015-310

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

**AUTHORIZING ADVERTISEMENT FOR REQUEST FOR
PROPOSALS FROM INTERESTED VENDORS SPECIALIZING IN
MARKETING/EVENT MANAGEMENT SERVICES
TO CREATE, PLAN, MARKET AND OPERATE
THE 25TH ASBURY PARK JAZZ FESTIVAL
TO BE HELD ON JUNE 25 AND JUNE 26, 2016
IN SUNSET PARK**

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors specializing in marketing and/or event management services to create, plan, market and operate the 25th Asbury Park Jazz Festival (the “Jazz Festival”), to be held on June 25 and June 26, 2016 in Sunset Park; and

WHEREAS, the Mayor and Council believe that the Jazz Festival will promote tourism and create revenues for the City, and therefore, the Mayor and Council believe that holding this event is in the best interests of the City; and

WHEREAS, the services which are being sought from marketing/event management firms are original, artistic and creative in character; and

WHEREAS, in order to procure a vendor to perform these services, the City wishes to advertise a “Request for Proposals” under the competitive contracting process specified in New Jersey “Local Public Contracts Law,” N.J.S.A. 40A:11-4.1, *et seq.*, [specifically, N.J.S.A. 40A:11-4.1(i)].

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

1. That the City hereby authorizes the preparation and advertising of a “Request for Proposals” to procure a marketing/event management firm to create, plan, market and operate the 25th Asbury Park Jazz Festival (the “Jazz Festival”), to be held on June 25 and June 26, 2016 in Sunset Park.
2. That all relevant City officials are hereby authorized and directed to undertake all actions that are necessary in order to implement the intentions of this Resolution.
3. That, following the receipt and ranking of the proposals received, the Mayor and Council may make an award of a contract to the firm whose proposal is deemed most advantageous to the City, price and other factors considered. Such action will take place at a future Council meeting.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Anthony Nuccio, Acting City Manager;
 - b. Thomas Gilmour, Director of Commerce;
 - c. Richard J. Gartz, CPA RMA CMFO, CFO; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

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

2015-311 Authorizing an Appointment to the Zoning Board of Adjustment

Mayor Moor requested that this resolution be held until the next meeting.

2015-312 Authorizing Settlement of a Worker's Compensation Claim Captioned Gerald Cox vs. City Of Asbury Park

Resolution # 2015-312

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

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

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Gerald Cox vs. City of Asbury Park, bearing Case Nos. 1999-35720 and 1999-35724, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIF"); and

WHEREAS, pursuant to an Order Approving a Section 20 Settlement (the "Order") entered by the Honorable Eugene Mulvaney, J.W.C., the claim has been settled; and

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

- Lump sum settlement to the Petitioner in the amount of \$25,000.00;
- Payment of medical bills to Dr. Spitalny, in the amount of \$2,500.00; and
- Stenographic service fees payable to John F. Trainor, Inc. in the amount of \$270.00.

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

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

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

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

- a. Eric J. Nemeth, Esq
- b. Anthony Nuccio, Acting City Manager
- c. Richard J. Gartz, CPA, RMA, CMFO, CFO
- d. Frederick C. Raffetto, Esq., City Attorney

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

2015-313 Authorizing Settlement of a Worker's Compensation Claim Captioned
Brian Darling vs. City Of Asbury Park

Resolution # 2015-313

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

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

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Brian Darling vs. City of Asbury Park, bearing Case No. 2010-5995, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIFF"); and

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

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

- Permanency award to the Petitioner in the amount of 413 weeks at \$169.54 per week, for a total of \$70,020.02, less \$46,297.98.00 paid = **\$23,722.04.00 balance due**;
- Petitioner's counsel fees payable to Shebell & Shebell, LLC, in the amount of \$8,400.00;
- Fees payable to Dr. Floyd Kregel in the amount of \$200.00;
- Fees payable to Dr. Vin Gooriah in the amount of \$200.00; and
- Stenographic service fees payable to John F. Trainor, Inc. in the amount of \$90.00.

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

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

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

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

- a. Eric J. Nemeth, Esq
- b. Anthony Nuccio, Acting City Manager
- c. Richard J. Gartz, CPA, RMA, CMFO, CFO
- d. Frederick C. Raffetto, Esq., City Attorney

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

I. Ordinances:

1. First Reading/Introduction:

2015-37 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

Ordinance No. 2015-37

Ordinance of the City of Asbury Park

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 General Office 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: Traffic Signal Electrician
Salary Steps:

1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year	9 th Year
\$46,828	\$49,647	\$52,467	\$55,286	\$58,105	\$60,925	\$63,744	\$66,564	\$69,383

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

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

City Clerk Dye announced that public hear will be held on September 23, 2015.

2. Second Reading/Public Hearing:

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 not 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, N.J.S.A. 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 made by Council Member Woerner and seconded by Council Member Clayton, all were in favor, to open the meeting to the public.

The following members of the public spoke: Rita Marano. City Attorney Raffetto responded to her inquiry.

Motion made by Council Member Woerner and seconded by Council Member Clayton, all were in favor, to close the meeting to the public.

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

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk