



Agenda
Meeting of the Municipal Council
Wednesday, September 14, 2016
REGULAR MEETING

I. Executive Session - 5:00 p.m.

- A. Attorney-Client Privilege
- B. Contract Negotiations
- C. Litigation

II. Regular Meeting - 7:00 p.m.

- B. Silent Prayer/Moment of Reflection
- C. Salute to the Flag
- D. Announcement - Open Public Meetings Act

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
- I. Minutes
- J. 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



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item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.

2016-233 APPOINTING MEMBERS TO THE ZONING BOARD OF
ADJUSTMENT

2016-229 Resolution authorizing the payment of payroll in the amount of \$

2016-228 Resolution Of The City Of Asbury Park Making Application To The New
Jersey Local Finance Board Pursuant To N.J.S.A. 40A:3-1 et seq. And
Previous Approvals By Said Board

2016-227 Payment of Bills

K. Individual Resolutions

2016-232 Resolution Of The Mayor And City Council Of The City Of Asbury Park
Authorizing The Execution Of A State Aid Agreement With The State Of
New Jersey (Department Of Environmental Protection), In Order To
Facilitate The Proposed Wesley Lake Stormwater Outfall Repair Project

2016-231 A Resolution Of The Mayor And Council Of The City Of Asbury Park,
Acting As The Redevelopment Entity, Regarding An Agreement
Regarding The Use Of Certain Parking Spaces Walkways And Boardwalk
Areas With Madison Asbury Retail, LLC for Construction Staging Areas
For The Construction Work On The Fifth Avenue Pavilion On Block
4502, Lot 1.16

2016-230 Authorizing A Contract With The Canning Group LLC To Conduct Police
Department Management Training

L. Ordinances

1. Introduction

2. Second Reading/Public Hearing

M. Adjournment



MINUTES
Meeting of the Municipal Council
Wednesday, September 14, 2016
REGULAR MEETING

Deputy City Clerk Hartsgrove 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 Barry M. Capp, City Manager Michael Capabianco and Deputy City Clerk Hartsgrove.

Deputy Clerk Hartsgrove announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

PROCLAMATION RECOGNIZING CHILDHOOD CANCER AWARENESS MONTH-
Council Member Chapman read proclamation.

PROCLAMATION RECOGNIZING MONMOUTH CONSERVATION FOUNDATION-
Council Member Clayton read and presented proclamation.

PROCLAMATION RECONGIZING REVEREND GILBERT CALDWELL-
Deputy Mayor Quinn read and presented proclamation.

MATTERS FROM CITY COUNCIL

Councilwoman Chapman wanted to thank city employees and lifeguard for a great summer and keeping our many visitors and residents safe.

Councilwoman Clayton stated that Meridian Health was offering free mammograms and free diagnostics and free transportation the referral form to sign up will be in the lobby of city hall and the program will run through March of 2017.

Deputy Mayor Quinn stated that all members of the community are invited to join a planting of 49 trees to honor the 49 victims of the Pulse night club shootings in Orlando, and to thank the Sunshine Girls Charities, Asbury Park DPW, Hotel Tides, Asbury Hotel and Michele Alonzo, Shade Tree Commission and volunteers are still needed and please bring a shovel.

Councilman Kendle stated he wanted to thank everyone for a great summer music festival at the Springwood Avenue Park and is looking forward to next year.

MATTERS FROM CITY MANAGER

City Manager Capabianco stated that over the last couple of meetings there have been some ordinances and resolutions passed authorizing the refund of some of our outstanding debt and we anticipated an approximate savings if \$415,000 dollars over the next 15 years and we have blown through that and our now at approximately \$490,000 dollars in savings over the next 15 years with a \$45,000 reduction in our debt service for next year.

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.

Deputy City Clerk Hartsgrove 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: Bill Stucky, Patrick Fasano, Roy Helfrich, Jennifer Serwa, Dolly Sterninski, Dan Harris, Rita Marano, Jerry Scarano, Douglas McQueen, Patrick Brian, Terika Jones, Polly(?)

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

Minutes

- August 8, 2016 – Workshop Meeting
- August 10, 2016 – Executive Session
- August 10, 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		

Adoption of 2016 Municipal Budget

2016-355 Resolution to Amend 2016 Calendar Year Budget* see attached

	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		

2016-356 Adoption of the 2016 Municipal Budget

	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.]

2016-357 Approving Special Events/Wedding Applications as Presented on September 12, 2016.

Resolution # 2016-357 City of Asbury Park County of Monmouth State of New Jersey

WHEREAS, at work session meeting of the Mayor and Council held on September 12, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. The Bier Run
2. Wedding:
 - a. Swigon & Osborne 6th Avenue Beach

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

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

*At the request of the City Council the Zombie Fest was removed from the special events resolution#2016-357 and voted on separately. The Zombie Fest was approved with the following conditions set forth:

- Rolling closures on Cookman will not begin until 4pm.
- Merchants Park will be barricaded off and security present.
- Press Plaza will also be barricaded off.
- No parking signs will be placed on the 500-700 block of Cookman 48 hours prior to the event.

2016-358 Resolution Authorizing the Payment of Payroll in the Amount of \$2,095,491.67

**Resolution #2016-358
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$2,095,491.67**

WHEREAS, the August 15, 2016 payroll in the amount of \$1,067,660.18 and the August 30, 2016 payroll in the amount of \$1,027,831.49, have been approved by the Chief Financial Officer and have subsequently been audited and found correct; and

BE IT RESOLVED, that the payrolls payable totaling \$2,095,491.67 are hereby authorized to be paid, and;

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

2016-359 Resolution Cancelling Balances of Reserve for Unappropriated Grants

**Resolution #2016-359
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION CANCELLING BALANCES OF RESERVE FOR UNAPPROPRIATED GRANTS

WHEREAS, certain unappropriated grant balances remain on the books which are duplicates from prior years; and

WHEREAS, it is necessary to cancel said unappropriated grant balances to fund balance.

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

<u>Grant</u>	<u>Amount</u>
NJDOT – North Beach Boardwalk	
Local Aid	\$50,000.00
EDA- Bikeway Grant	7,875.00
Redeveloper Contribution – Special Police	<u>75,000.00</u>
Total	\$132,875.00

2016-360 A Resolution Authorizing the Acceptance of the “Cops in Shops” Summer Shore Initiative 2016

Resolution # 2016-360

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

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE “COPS IN SHOPS” SUMMER SHORE INITIATIVE 2016

WHEREAS, the City of Asbury Park Police Department has applied for the “COPS IN SHOPS” Summer Shore Initiative 2016 Grant from the Division of Alcoholic Beverage Control; and

WHEREAS, the State has awarded a grant to the City of Asbury Park in the amount of \$3,000.00; and

WHEREAS, the grant will allow officers to conduct details at cooperative plenary retail distribution licenses;

NOW, THEREFORE BE IT RESOLVED on this 14th day of September, 2016, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that:

The Mayor and Council accept the Grant from the State of New Jersey.

2016-361 A Resolution Authorizing the Acceptance of the “Drunk Driving Enforcement Grant”

Resolution # 2016-361

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

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE “DRUNK DRIVING
ENFORCEMENT GRANT”**

WHEREAS, the City of Asbury Park Police Department has applied for the Drunk Driving Enforcement Grant; and

WHEREAS, the Department of Law and Public Safety has awarded a grant to the City of Asbury Park in the amount of \$2,328.67; and

WHEREAS, the grant will allow the police department to conduct DWI Checkpoints; and

NOW, THEREFORE BE IT RESOLVED on this 14th day of September, 2016, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that the Mayor and Council accept the Grant from the Department of Law and Public Safety

2016-362 A Resolution Authorizing the Acceptance of the “Bulletproof Vest Partnership

Resolution # 2016-362

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

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE “BULLETPROOF VEST
PARTNERSHIP**

WHEREAS, the City of Asbury Park Police Department has applied for the Bulletproof Vest Partnership; and

WHEREAS, the U.S. Department of Justice has awarded a grant to the City of Asbury Park in the amount of \$6,435.86; and

WHEREAS, the grant will allow the police department to purchase bulletproof vests;

NOW, THEREFORE BE IT RESOLVED on this 14th day of September, 2016, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that the Mayor and Council accept the Grant from the U.S. Department of Justice.

2016-363 A Resolution Requesting Permission for the Dedication by Rider for Revenues Derived from Donations Required By N.J.S.A. 40A:5-29 (Senior Center)

Resolution # 2016-363

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

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR REVENUES DERIVED FROM DONATIONS REQUIRED
BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for the acceptance of donations for Senior Citizens Center in the amount of \$1,397.00 and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the donations collected is hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Senior Citizen Center out from donations collected as per N.J.S.A. 40:5-29.
2. The Clerk of City of Asbury Park, County of Monmouth, State of New Jersey is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

2016-364 A Resolution Requesting Permission for the Dedication by Rider for Revenues
Derived from Donations Required By N.J.S.A. 40A:5-29 (National Night Out)

Resolution # 2016-364

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

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATIONBY RIDER FOR REVENUES
DERIVED FROM DONATIONS REQUIRED
BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government

Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for the acceptance of donations for national night out in the amount of \$5,300.00 and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the donations collected is hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

3. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for national night out from donations collected as per N.J.S.A. 40:5-29.

The Clerk of City of Asbury Park, County of Monmouth, State of New Jersey is hereby directed to forward two certified copies of this Resolution to the Director of the Division

2016-365 A Resolution Requesting Permission for the Dedication by Rider for Revenues Derived from Donations Required by N.J.S.A. 40A:5-29 (Police Community Relations)

**Resolution # 2016-365
City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATIONBY RIDER FOR REVENUES
DERIVED FROM DONATIONS REQUIRED
BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for the acceptance of donations for police community relations in the amount of \$8,088.56 and,

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the donations collected is hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

4. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for police community relations from donations collected as per N.J.S.A. 40:5-29.

The Clerk of City of Asbury Park, County of Monmouth, State of New Jersey is hereby directed to forward two certified copies of this Resolution to the Director of the Division

2016-366 Authorizing Compensation Payment to Brian Migliorisi Upon His Separation of Employment

**Resolution # 2016-366
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING COMPENSATION PAYMENT TO BRIAN MIGLIORISI
UPON HIS SEPARATION OF EMPLOYMENT**

WHEREAS, Brian Migliorisi and the City of Asbury Park have agreed on a separation and release agreement effective July 25, 2016; and

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

11 ½ Vacation Days	\$ 5,291.15
18 ¼ Compensatory Hours	\$ 841.32
Total Amount Due	<u>\$ 6,132.47</u>

WHEREAS, in accordance with N.J.A.C. 5:30-15.4 and the Fair Labor Standards Act, sufficient documentation has been provided to Chief Financial Officer, JoAnn Boos for the above accumulated earned time.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the payment of \$6,132.47 to Brian Migliorisi upon his separation of employment effective July 25, 2016 for the above accumulated earned time to be paid on September 30, 2016.

2016-367 Resolution to Credit Sewer Account (1011 Monroe Avenue, Block 505 Lot 20)

**Resolution # 2016-367
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: The Tax Collector was notified by Bernard Figueroa, owner of the property located at 1011 Monroe Avenue, Block 505 Lot 20 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 10292005-0; and

WHEREAS, it was made certain that New Jersey American Water Company re-billed for 57,000 gallons due to a cancel rebill, and the City of Asbury Park uploaded and billed for 57,000 gallons at a rate of \$316.55 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 57,000 gallons was previously billed and satisfied and should be billed for 3,000 gallons' usage for April & May 2016; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 57,000 gallons, and should have billed for 10,000 (times the rate of \$4.15 per 1,000 gallons and demand charges in the amount of \$80.00) at the rate of \$121.50; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10292005-0 for the 2016 3rd QTR sewer billing in the amount of \$195.05 for 47,000 gallons (times the rate of \$4.15 per 1,000 gallons).

2016-368 Resolution to Terminate Sewer Account Billing (408 Third Avenue, Block 3405 Lot 3)

**Resolution # 2016-368
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO TERMINATE SEWER ACCOUNT BILLING

WHEREAS, Pursuant to N.J.S.A 40A: 5-17 the governing body of a Municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account, and;

WHEREAS, Mr. Hollingsworth, the owner of 408 Third Avenue, also known as Block 3405 Lot 3 notified the Tax Collector that he capped his sewer line when the house was demolished in 2012; and

WHEREAS, the property owner provided information that was verified by the Deputy Director of Department of Public Works; and

WHEREAS, the Tax Collector has verified this with the NJ American Water's billing records and they confirmed the property is no longer receiving service for account # 10675504-0 related to Block 3405 Lot 3;

THEREFORE, LET IT BE RESOLVED, that the Mayor and Council for the City of Asbury Park Authorize the Tax Collector to cancel the amount of \$80.00 for the quarterly demand charge and label this account as inactive

2016-369 Resolution to Terminate Sewer Account Billing (412 Fifth Avenue, Block 3504 Lot

**Resolution #2016-369
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO TERMINATE SEWER ACCOUNT BILLING

WHEREAS, Pursuant to N.J.S.A 40A: 5-17 the governing body of a Municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account; and

WHEREAS, The Construction Official notified the Tax Collector that 412 Fifth Avenue, also known as Block 3504 Lot 2 was demolished in as of 8/12/2016; and

WHEREAS, the Tax Collector has verified this with the NJ American Water's billing records and they confirmed the property is no longer receiving service for account # 10731758-0 related to Block 3504 Lot 2.

THEREFORE, LET IT BE RESOLVED, that the Mayor and Council for the City of Asbury Park Authorize the Tax Collector to cancel the amount of \$80.00 for the quarterly demand charge and label this account as inactive

2016-370 Award of Contract for Regional Contribution Agreement Project (705 Sunset Avenue)

**Resolution # 2016-370
City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement ("RCA") project located at 705 Sunset Ave. were received by the City Clerk on May 18, 2016; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
Anpe Corp.	\$27,300

Extreme Building Makeovers Corp.	\$58,375
Staff Estimate	\$20,784

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 705 Sunset Avenue be awarded to Anpe Corp., for an amount not to exceed \$27,300, in accordance with the selection of the property owner, David Zirwes, subject of Certification of Funds from the Finance Officer.

2016-371 A Resolution Authorizing the Refund of Security Deposit Paid by Ted Johnson for a Lease at he Transit Center

**Resolution # 2016-371
City of Asbury Park
County of Monmouth
State of New Jersey**

A RESOLUTION AUTHORIZING THE REFUND OF SECURITY DEPOSIT PAID BY TED JOHNSON FOR A LEASE AT THE TRANSIT CENTER

WHEREAS, a security deposit was paid for a security deposit for a lease at the Transit Center by Ted Johnson. in the amount of \$500.00; and

WHEREAS, a new lease has been entered into for 2016 which includes a security deposit. The prior lease required a refund of the security deposit upon the expiration of the lease agreement previously signed thereby necessitating a reimbursement of the security deposit;

NOW, THEREFORE BE IT RESOLVED on this 14th day of September, 2016, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that the Chief Financial Officer be and herby is authorized to issue a check in the amount of \$500.00 as follows:

Ted Johnson
111 Main St.
Asbury Park, N.J. 07712

BE IT FURHTER RESOLVED by the Council that a copy of this resolution be forwarded to the Chief Financial Officer and the applicant.

2016-372 A Resolution Authorizing the Refund of Security Deposit Paid by TOPS Taxi Inc. for Lease at he Transit Center

**Resolution # 2016-372
City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION AUTHORIZING THE REFUND OF SECURITY DEPOSIT PAID BY
TOPS TAXI INC. FOR LEASE AT THE TRANSIT CENTER**

WHEREAS, a security deposit was paid for a security deposit for a lease at the Transit Center by Tops Taxi Inc. in the amount of \$1,800.00; and

WHEREAS, a new lease has been entered into for 2016 which includes a security deposit. The prior lease required a refund of the security deposit upon the expiration of the lease agreement previously signed thereby necessitating a reimbursement of the security deposit;

NOW, THEREFORE BE IT RESOLVED on this 14th day of September, 2016, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that the Chief Financial Officer be and hereby is authorized to issue a check in the amount of \$1,800.00 as follows:

Tops Taxi, Inc.
Transportation Center
1 Municipal Plaza
Asbury Park, N.J. 07712

BE IT FURTHER RESOLVED by the Council that a copy of this resolution be forwarded to the Chief Financial Officer and the applicant.

	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		

Individual Resolutions

2016-373 Resolution Authorizing the Payment of Bills in the Amount of \$3,953,775.69

An T&M Associates voucher has been pulled on noted on the filed bill list.

**Resolution #2016-373
City of Asbury Park**

**County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$3,953,775.69**

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 \$3,953,775.69

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	\$ 3,389,737.69
BOARD OF EDUCATION	\$ 564,038.00
TOTAL VOUCHERS	\$ 3,953,775.69

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

2016-374 Authorizing an Application for Non-Federal Cost Share Program

**Resolution # 2016-374
City of Asbury Park
County of Monmouth
State of New Jersey**

AUTHORIZING AN APPLICATION FOR NON-FEDERAL COST SHARE PROGRAM

WHEREAS, The New Jersey Department of Community Affairs (DCA), Sandy Recovery Division is issuing a Request for Application for the Non-Federal Cost Share Program that will be available to assist local municipalities, counties, and school districts with assistance for eligible Superstorm Sandy disaster recovery costs related to Categories A (Debris Removal) and B (Emergency Protective Measures); and

WHEREAS, the program is intended to provide funding for some or all of the FEMA Public Assistance (PA) required ten percent (10%) non-Federal match; and

WHEREAS, the Mayor and Council of the City of Asbury Park hereby wishes to see the 10% local reimbursement on Categories A and B through the Program in an approximate eligible amount of \$80,000.00; and

WHEREAS, it is understood that this application does not guarantee funds and that DCA may reduce the request at their discretion; and

WHEREAS, the City Manager is hereby authorized to sign any grant agreements in regards to this Program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Asbury park, County of Mayor and State of New Jersey that the City shall apply for funds from the Non-Federal Cost Share Program in an approximate amount of \$80,000; and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any and all paperwork with this grant application and award; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the City Manager, OEM Coordinator and Deputy OEM Coordinator.

	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		

2016-375 Authorizing One Year Extension for Private Collection of Municipal Court Debt

**Resolution # 2016-375
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING ONE YEAR EXTENSION FOR PRIVATE COLLECTION OF
MUNICIPAL COURT DEBT**

WHEREAS, on April 23, 2015 the City of Asbury Park entered into an agreement with GILA LLC d/b/a Municipal Services Bureau for the collection of outstanding debt for the City's Municipal Court; and

WHEREAS, the existing contract is hereby attached as Attachment A; and

WHEREAS, this extension is for a one year period ending on October 28, 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, that a one year extension to sunset on October 28, 2017 is hereby granted for the private collection of municipal court debt.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Court Administrator, City Attorney, Municipal Judge 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		

2016-376 Resolution to Join New Jersey Sustainable Energy Joint Meeting

**Resolution # 2016-376
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting ; and

WHEREAS, the governing body of the City of Asbury Park has determined that membership in the Joint Meeting is in the best interest of the City of Asbury Park.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that the City of Asbury Park is hereby designated to represent the Local Unit as a member of the Statement Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial membership Fee of \$150 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

	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		

2016-377 Authorizing the Acquisition, Support and Maintenance of Proprietary Software

**Resolution # 2016-377
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE ACQUISITION, SUPPORT AND MAINTENANCE OF
PROPRIETARY SOFTWARE**

WHEREAS, on August 19, 2016 the Temporary Purchasing Agent solicited a proposal from The Canning Group LLC for acquisition, support and maintenance of their proprietary software for metrics and workflow process; and

WHEREAS, this purchase is exempt from public bidding as per N.J.S.A 40A:11-5(1)(dd) Exceptions; and

WHEREAS, the proposal is attached to this Resolution and is hereby named Attachment A; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Account C-06-04-55-998-162-005 in the amount of \$12,010.00; and

WHEREAS, 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, authorizes the purchase of The Canning Group LLC's proprietary software in the amount of \$12,010.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO 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		

2016-378 Authorizing Change Order Number 3 for Springwood Avenue Park

**Resolution # 2016-378
City of Asbury Park
County of Monmouth
State of New Jersey**

AUTHORIZING CHANGE ORDER NUMBER 3 FOR SPRINGWOOD AVENUE PARK

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

WHEREAS, the original contract amount approved by the City Council was in the sum of Nine Hundred Fourteen Thousand Seven Hundred Fifty-One Dollars and 60/100 cents (\$914,751.60); and

WHEREAS, the project requires Changer Order #3 in the amount not to exceed Forty Three Thousand and Sixty Hundred and Fifty Dollars and no cents (\$43,650.00); and

WHEREAS, this change order reflects the costs activities as attached in Appendix A which is a letter from Down To Earth Landscaping on August 25, 2016 outlining the scope and cost of services; and

WHEREAS, the City Engineer (Suburban Consulting) on the Project recommended that Change Order No. 3 be authorized to complete the Project; and

WHEREAS, the execution of Change Order No. 3 will not substantially change the quality or character of the items or work to be provided, inasmuch as such would not have been a determining factor in the original bidding; and

WHEREAS, the execution of Change Order No. 3 will not cause the originally awarded contract price to be exceeded by more than 20%; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Asbury park, County of Mayor and State of New Jersey that the this Change Order shall not exceed \$43,650.00; and

BE IT FURTHER RESOLVED that the City Manager and Borough Engineer is hereby authorized to execute Change Order No. 3 on behalf of the Governing Body; and

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

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

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

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

2016-379 Resolution of the City of Asbury Park Authorizing the Execution of, and a Modification to, the Cooperation Agreement by and between the City of Asbury Park and the Housing Authority of the City of Asbury Park and Affirming that Properties and Projects of the Housing Authority of the City of Asbury Park Remain Governed by the Cooperation Agreement.

**Resolution # 2016-379
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION OF THE CITY OF ASBURY PARK AUTHORIZING THE
RE-EXECUTION OF, AND A MODIFICATION TO, THE**

**COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF
ASBURY PARK AND THE HOUSING AUTHORITY OF THE CITY OF
ASBURY PARK AND AFFIRMING THAT PROPERTIES AND
PROJECTS OF THE HOUSING AUTHORITY OF THE CITY OF
ASBURY PARK REMAIN GOVERNED BY THE COOPERATION
AGREEMENT**

WHEREAS, Section 36 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”), provides in pertinent part that “[a]ll projects and other properties of a . . . housing authority are . . . declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof”; and

WHEREAS, Section 40 of the Redevelopment Law further provides that, in connection with any housing project designed to provide living accommodations for persons of low and moderate income, a municipality “may agree with a housing authority . . . that a certain sum, in no event to exceed the amount equal to 10% of the amount received by that authority, or that no sum, shall be paid by that authority . . . in lieu of taxes for any year or period of years”; and

WHEREAS, the City of Asbury Park (the “**City**”) and the Housing Authority of the City of Asbury Park (the “**Housing Authority**”) heretofore entered into a cooperation agreement dated January 31, 1986 (the “**Cooperation Agreement**”); and

WHEREAS, the Cooperation Agreement provides for a payment in lieu of taxes (the “**PILOT**”) for all projects and property of the Housing Authority; and

WHEREAS, the Housing Authority received approval from the U.S. Department of Housing and Urban Development (“**HUD**”) to substantially rehabilitate 215 senior residential units in buildings known as Dr. Robinson Towers, Charles Lumley Homes and Comstock Court (collectively, the “**Improvements**”) through HUD’s Rental Assistance Demonstration Program (the “**RAD**”), such Improvements located respectively on properties identified on the City’s tax maps as Block 304, Lot 2, more commonly known as 1000 3rd Avenue, Block 304, Lot 4, more commonly known as 1004 Comstock Street, and Block 404, Lot 1, more commonly known as 1018 First Avenue (collectively, the “**Land**”; together with the Improvements, the “**Project**”); and

WHEREAS, the Housing Authority intends to enter into a ground lease for the Land with a for-profit entity (the “**Entity**”), which Entity has, as a member, a single-purpose entity that is created and controlled by the Housing Authority; and

WHEREAS, in order to facilitate financing for the rehabilitation and in accordance with the Housing Authority’s RAD approval by HUD, the Housing Authority will transfer fee title of the Improvements to the Entity for the syndication of low-income housing tax credits, and which Entity will contract with the Housing Authority to conduct the rehabilitation and to manage the Project upon completion; and

WHEREAS, the Project will continue to meet the definition of “project” in the Cooperation Agreement as (a) low-rent housing (b) developed by the Housing Authority and (c) subject to a contract with HUD for loans and annual contributions, following the ground lease of the Land and the transfer of title of the Improvements; and

WHEREAS, the parties now desire to re-execute the Cooperation Agreement, modify said Cooperation Agreement and affirm that properties and projects of the Housing Authority are to remain governed by the Cooperation Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ASBURY PARK AS FOLLOWS:

1. The aforementioned recitals are incorporated by reference as if fully set forth herein.

2. Council authorizes the Mayor to re-execute the Cooperation Agreement.

3. Council finds and determines that the Project will remain governed by the terms of the Cooperation Agreement following the rehabilitation and transfer of fee title of the Improvements and the ground lease of the Land to the Entity. As such, the Housing Authority will be required to continue to make payments in lieu of tax to the City of Asbury Park calculated in accordance with Section 3 of the Cooperation Agreement.

4. The Council hereby further authorizes the Mayor to execute a modification to the Cooperation Agreement, subject to HUD approval if necessary, as follows:

(a) The definition of Shelter Rent shall be restated as follows:

“Shelter Rent” shall mean the total of all charges paid by all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), excluding any and all rental subsidies received by the Local Authority from the Government on behalf of either the Property or any individual Property tenant, and less the cost to the Local Authority of all dwelling and nondwelling utilities as defined in the Agreement.

(b) Section 10 of the Cooperation Agreement shall be restated as follows:

So long as any contract between the Local Authority and the Government for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the Government in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the

Government. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as a (a) Government Use Agreement, (b) Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy or Financing, (c) Deed Restriction and Regulatory Agreement, or (d) any such similar document recorded against such Project in favor of the Government, the Local Authority, or any other public body or governmental agency, authorized by law to engage in the development or administration of low-rent housing projects as may be applicable. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the Government, the provisions hereof shall inure to the benefit of and may be enforced by such other public body or government agency, including the Government.

Notwithstanding the above, to the extent the modification is not executed, the Cooperation Agreement dated January 31, 1986, shall remain in full force and effect.

4. 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		

2016-380 A Resolution ratifying the Fire Chief's acceptance on behalf of the Asbury Park Fire Department a Staffing for Adequate Fire and Emergency Response ("SAFER") grant from the Department of Homeland Security/Federal Emergency Management Agency

Resolution #2016-380

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

**A RESOLUTION RATIFYING THE FIRE CHIEF'S ACCEPTANCE ON BEHALF OF
THE ASBURY PARK FIRE DEPARTMENT A STAFFING FOR ADEQUATE FIRE
AND EMERGENCY RESPONSE ("SAFER") GRANT FROM THE DEPARTMENT OF
HOMELAND SECURITY/FEDERAL EMERGENCY MANAGEMENT AGENCY**

WHEREAS, the Department of Homeland Security/Federal Emergency Management Agency has awarded a grant to the Asbury Park Fire Department under the FY 2015 Staffing for

Adequate Fire and Emergency Response (“SAFER”) grant program in the amount of \$269,310 ; and

WHEREAS, the SAFER grant may be used to hire or retain personnel to ensure the Fire Department has adequate resources to respond and safely perform at incidents, providing protection from fire and fire-related hazards for the City; and

WHEREAS, acceptance of said SAFER grant will benefit the City and its residents; and

WHEREAS, the SAFER grant required prompt acceptance by the City prior to adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Asbury Park, New Jersey, that the Fire Chief’s agreement with the Department of Homeland Security/Federal Emergency Management Agency on behalf of the Asbury Park Fire Department for acceptance of a grant under the FY 2015 Staffing for Adequate Fire and Emergency Response (“SAFER”) grant program in the amount of \$269,310 is hereby ratified retroactively as of the date of acceptance, August 25, 2016. The City reserves all rights relating to implementation of the grant.

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

2016-381 Appointing Members to the Zoning Board of Adjustment

**Resolution # 2016-381
City of Asbury Park
County of Monmouth
State of New Jersey**

APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to N.J.S.A. 40:55D-69, et seq., and Section 30-22, *et seq.*, of the Asbury Park City Code, a Zoning Board of Adjustment has been established within the City consisting of seven (7) regular members and two (2) alternate members; and

WHEREAS, per Section 30-22.1 of the City Code, all regular and alternate members of the Zoning Board of Adjustment are to be appointed by the Mayor and Council; and

WHEREAS, pursuant to N.J.S.A. 40:55D-69, the terms of all members first appointed to the Zoning Board of Adjustment shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; and

WHEREAS, thereafter, the term of each regular member shall be for four (4) years, and the term of each alternate member shall be for two (2) years; and

WHEREAS, with the above in mind, the Mayor and Council wish to make the following appointments to the Zoning Board of Adjustment, effective as of January 1, 2016.

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, effective immediately, the following resident(s) of the City of Asbury Park is/are hereby appointed as **regular member(s)** of the Zoning Board of Adjustment, for a term of December 31, 2018:

Giuseppe Grillo

	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		

2016-382 Resolution Authorizing In Rem Foreclosure Proceedings Relating to Certain Real Properties Located within the City of Asbury Park, New Jersey

**Resolution # 2016-382
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING IN REM FORECLOSURE PROCEEDINGS RELATING TO CERTAIN
REAL PROPERTIES LOCATED WITHIN
THE CITY OF ASBURY PARK, NEW JERSEY.**

WHEREAS, on July 13, 2016, the Mayor and Council of the City of Asbury Park (the "City") adopted Resolution No. 2016-310, authorizing in rem foreclosure proceedings relating to real property located at 1411 Memorial Drive in the City, more commonly known and designated as Block 103, Lot 4 on the Official Tax Map of the City; and

WHEREAS, the City has determined that it also wishes to proceed with in rem foreclosure proceedings relating to the remaining properties set forth on the attached list (the "Properties").

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

1. That the Tax Certificates now held by the City, relating to those real properties set forth on the attached list (the "Properties"), be foreclosed by summary process in rem as described in N.J.S.A.

54:5-104.29, *et seq.*, as amended, and pursuant to the rules of Civil Practice of the Superior Court of New Jersey.

2. That the City Attorney, and all relevant City officials and/or employees, are hereby authorized and directed to undertake all efforts necessary in order to effectuate in rem tax foreclosure proceedings relating to the Properties.

	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		

2016-383 Resolution Authorizing a Lien

**Resolution # 2016-283
City of Asbury Park
County of Monmouth
State of New Jersey**

AUTHORIZING A LIEN ON TWO PROPERTIES

WHEREAS, the property on Block 2402 Lot 2, commonly known as approximately 720 Mattison Avenue, the Kinmouth Building, and Block 2702 Lot 16, commonly known as Johnny Mack's House of Spirits has created a situation where the City has become involved; and

WHEREAS, the two property owners have engaged in litigation in regards to the possible underpinning of 720 Mattison Avenue from construction work at the adjacent property; and

WHEREAS, the property owners have not come to a remedy on their own in regards to possible damage and have now involved the City; and

WHEREAS, the City shall make every effort to recoup its expenditures in this private matter split evenly between the two parties; and

WHEREAS, it is now authorized the City Attorney is hereby authorized to work with City staff and file a lien on the properties in the true and accurate cost the City's expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey authorize the City Attorney to lien the properties located on Block 2402 Lot 2 and Block 2702 Lot 16.

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

2016-384 Rescinding Resolution 2016-289 and Adopting this Resolution for Award of
Generator for Municipal Complex
Resolution # 2016-384

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

**RESCINDING RESOLUTION 2016-289 AND ADOPTING THIS RESOLUTION FOR
AWARD OF GENERATOR FOR MUNICIPAL COMPLEX**

WHEREAS, the City is in need of a generator for the Municipal Complex and

WHEREAS, the City awarded a contract to Warshauer Generator, LLC. via Resolution 2016-289 and the Contract had yet to be signed; and

WHEREAS, during the writing of the contract it was determined that the existing conditions did not match the permits that were on file and therefore resulting in a cost increase; and

WHEREAS, the City has obtained the attached updated quote from GSA Contract Holder Warshauer Generator, LLC, contract number 07F-179CA in the amount of \$252,500.00 which is an increase of \$22,500.00 from the original award; and

WHEREAS, the City of Asbury Park is desirous of awarding a contract to Warshauer Generator, LLC in the amount of \$252,500.00; and

WHEREAS, the Acting Chief Financial Officer has certified that funds are available in the following account: C-04-55-998-162-005.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey authorize the purchase of a generator for the Municipal Complex to Warshauer Generator, LLC in the amount of \$230,000.00.

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

Ordinances:

Second Reading/Public Hearing:

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

Asbury Park, New Jersey

ORDINANCE NO. 2016-35

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$87,000.00 FOR ACQUISITION OF VARIOUS CAPITAL ITEMS AND PARK IMPROVEMENTS

BE IT ORDAINED, by the City Council of the City of Asbury Park in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvements described in Section 2 of this Ordinance are hereby respectively authorized as general improvements to be made by the City of Asbury Park, New Jersey, for the said improvements or purposes stated in Section 2, there is hereby appropriated the sum of money therein stated as the appropriation made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made thereof and amounting in the aggregate to \$87,000.00 which is now available in capital surplus.

SECTION 2. The City of Asbury Park, in the County of Monmouth, State of New Jersey, is hereby authorized to provide for the following:

- Park Improvements to Springwood Park in the amount of \$36,000.00.
- Acquisition of various furniture and equipment in the amount of \$50,000.00:
 - Clerk - Licensing Software \$15,000.00
 - Tax Collector - Folding Machine \$14,000.00
 - Finance - Computer Desks, Office Equipment and Shelving \$21,000.00
- Allowable Section 2:20 costs in an amount not to exceed \$1,000

SECTION 3. It is hereby determined and stated:

(a) That said purposes are not a current expense. That the same are improvements which the municipality may lawfully make and that no part of the cost of said improvements has been or shall be specifically assessed on properties specifically benefited.

(b) It is not necessary to finance said appropriations by the issuance of obligations by the City of Asbury Park pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriations thereof shall be available from capital surplus in the amount of \$87,000.00.

SECTION 4. The Capital Budget of the City of Asbury Park is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary Capital Budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$87,000.00 is hereby appropriated for the aforementioned purposes.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriations, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage

Motion made by Mayor Moor and seconded by Council Member Kendle to open Ordinance 2016-35 to the public. Rita Marano spoke regarding ordinance 2016-35 Motion made by Council Member Kendle and seconded by Council Member Chapman to close Ordinance 2016-35 to the public. All were in favor.
Motion to adopt Ordinance 2016-35

	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		

2016-36 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.”

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III “Police Regulations, by adding Section 3-4 “Urinating and Defecating in Public” of the “Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

**CHAPTER III
POLICE REGULATIONS**

3-4 URINATING AND DEFECATING IN PUBLIC

It shall be unlawful and shall be a public nuisance for any person: To urinate or defecate in public places or streets, or on the lawns or yards of private homes and residences, or in the public view. Any person violating the provisions of this section shall, upon conviction, be liable for a minimum fine of \$400 and a maximum fine of \$1,000

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, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect immediately rather than twenty (20) days after its final passage, so that the Ordinance may be implemented as soon as possible.

Motion made by Mayor Moor and seconded by Council Member Kendle to open Ordinance 2016-36 to the public. No public comment regarding Ordinance 2016-36 Motion made by Council Member Kendle and seconded by Council Member Chapman to close Ordinance 2016-36 to the public. All were in favor. Motion to adopt Ordinance 2016-36

	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		

2016-37 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.”

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

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

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

1. In addition to the current hourly parking rates in the following zones we are adding an option of \$10 flat rate a day in Zone 1 (not Ocean Ave), 2, 3 not 4(CBD).
2. All zones shall have 30 minute parking which shall be one-half of the sixty minute parking rate but never less than fifty cents
3. 300 Block Resident parking All year; Between 5:00PM and 8:00AM; Specific blocks of North side of First Avenue, Third Avenue, Fourth Avenue between Bergh and Heck Street; South Side of Fifth Avenue between Bergh and Heck Street; North Side of Sunset,

Eighth Avenue between Webb and Park between the hours of 5:00 PM and 8:00 AM subject to the following:

- a. The fee schedule for residential permits is as follows: \$90/year (Permit #1); \$120/year (Permit #2); \$150/year (Permit #3); and \$180/year (Permit #4, which is only permitted in approved extenuating circumstances, such as where there exist more than two resident drivers with cars per dwelling unit, subject to City verification);
- b. Residential parking permits shall be in the form of hang tags, stickers, or license plate recognition (LPR);
- c. Residential parking permits shall be limited to one (1) per dwelling unit unless the owner demonstrates a lack of garage and/or driveway area, subject to City verification. In such cases, there shall be a limit of two (2) per dwelling unit. In circumstances where additional resident drivers with cars occupy a dwelling unit, or in other approved extenuating circumstances, then up to two (2) additional permits can be awarded subject to City verification;
- d. Legal proof of residence or employment shall be required for all permits. In addition, proof that the vehicle is associated with the particular dwelling unit shall be

Motion made by Mayor Moor and seconded by Council Member Kendle to open Ordinance 2016-37 to the public. No public comment regarding Ordinance 2016-37 Motion made by Council Member Kendle and seconded by Council Member Chapman to close Ordinance 2016-37 to the public. All were in favor. Motion to adopt Ordinance 2016-37

	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		

2016-38 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."

ORDINANCE NO. 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."**

WHEREAS, the City of Asbury Park (the “City”) has been requested to create a an additional handicapped parking space adjacent to property located at 4 Deal Lake Court, in the City, on the Asbury Park City Tax Map, which handicapped parking space shall begin 105 feet East of the Southeast corner of Deal Lake Drive and Park Avenue and extend 20 feet East. Space should be 20 feet on center and located on the South side of Deal Lake Drive; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.5, a municipality may, by Ordinance, establish restricted parking space(s) in front of residences, schools, hospitals and other public buildings, and in shopping and business districts, for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, the Asbury Park Police Department has reviewed and approved this request; and

WHEREAS, the City therefore wishes to designate an additional restricted parking space for use by handicapped person(s) at the aforesaid property, and to amend and supplement Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” accordingly.

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

1. There is hereby established an additional restricted parking space adjacent to the property located at 4 Deal Lake Court, on the Asbury Park City Tax Map, which handicapped parking space shall begin 105 feet East of the Southeast corner of Deal Lake Drive and Park Avenue and extend 20 feet East. Space should be 20 feet on center and located on the South side of Deal Lake Drive, in accordance with the requirements set forth in this Ordinance.

2. The City Engineer is hereby designated to determine whether or not the said parking space and the erection of any signs associated therewith conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing parking spaces and signs, and shall certify his approval of the same to the Commissioner of Transportation in accordance with the requirements of N.J.S.A. 39:4-8.1.

3. The City is authorized to erect appropriate signage to designate the handicapped parking space established herein and may mark the street appropriately.

4. Any signs erected or street markings employed to identify the subject parking space shall clearly and conspicuously state “Parking for Handicapped Persons Only.”

5. Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Deal Lake Drive	South	4 Deal Lake Court, on the Asbury Park City Tax Map, which handicapped parking space shall begin 105 feet East of the Southeast corner of Deal Lake Drive and Park Avenue and extend 20 feet East. Space should be 20 feet on center and located on the South side of Deal Lake Drive

6. On or before January 15th of every year (or the first weekday thereafter), the applicant shall provide proof to the City of Asbury Park Police Department that the handicapped parking space is still needed at the

subject property. A failure to do so may result in the City's termination of the designated handicapped parking space.

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

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

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

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

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

Motion made by Mayor Moor and seconded by Council Member Kendle to open Ordinance 2016-38 to the public. Tereka Jones regarding Ordinance 2016-38 Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to close Ordinance 2016-38 to the public. All were in favor. Motion to adopt Ordinance 2016-38

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

Adjournment.

The meeting was adjourned.

Respectfully submitted by:

Melody Hartsgrove