Agenda
Meeting of the Municipal Council
Thursday, September 24, 2015

<u>Executive Session – 3:00 p.m.</u>

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.

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

E. Resolution 2015-344 Authorizing a Meeting which Excludes the Public

A. <u>Personnel Matters:</u>

1. Personnel Matters – City Manager's Position (interview of candidates)

F. Adjournment.

MINUTES
Meeting of the Municipal Council
Wednesday, September 24, 2015
WORK SESSION AND REGULAR MEETING

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

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting City Manager Tony Nuccio and Deputy City Clerk Melody Hartsgrove.

Deputy City 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 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 TUESDAY, SEPTEMBER 21, 2015

Acting City Manager Nuccio followed-up with the inquiries made at the September 21 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner requested follow-up on the software for Code Enforcement and dog beach issues.

Council Member Kendle discussed having a crossing guard on 4th Avenue. He also discussed street cleaning.

Deputy Quinn announced that the City is no longer utilizing Code Red. Anyone wishing to receive emergency alerts to sign up with Nixel.

Council Member Clayton announced that the Quality of Life Committee will be holding Pride in the Park and City-wide Clean up on October 10.

Mayor Moor questioned if the City was ready for snow.

MATTERS FROM CITY MANAGER

Acting City Manager Nuccio announced that there will be a meeting date change from October 13 (workshop) and October 14 (regular) to October 7 (workshop) and October 8 (regular).

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

The Deputy City Clerk announced as in 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 Deputy Mayor Quinn and seconded by Council Member Woerner 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: Teretha Jones, Lori Ross, Maureen Nevn, Riata Marano, Rev. David Parreott, Jackie Pappas, Jerry Scarano and John Grant.

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

ACCEPTANCE OF MINUTES:

- August 24, 2015 – Workshop Meeting
- August 26, 2015 – Executive Session Meeting
- August 26, 2015 – Regular Meeting
- September 8, 2015 – Workshop Meeting
- September 9, 2015 – Executive Session Meeting
- September 9, 2015 – Regular Meeting

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

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.]

2015-329 Approving Special Events/Wedding Applications as Presented on September 21, 2015

Resolution of the City of Asbury Park
2015-329

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on September 21, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. 62nd annual Columbus Reenactment
2. AP Homecoming Parade
3. School Board Candidates Public Forum
4. Pride in the Park Volunteer Reception
5. AP Oktoberfest
6. Harvest Festival (Cross and Orange)
7. Zombie Walk
8. Harvest Festival (Triumphant Life Church)

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

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

2015-330 Resolution Authorizing the Payment of Payroll in the Amount of $981,273.91

Resolution #2015-330
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF $951,273.91

WHEREAS, the September 15, 2015 payroll in the amount of $951,273.91, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling $951,273.91 is hereby authorized to be paid, and

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

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

INDIVIDUAL RESOLUTIONS

2015-297 Approving Petition to Extend Licensed Premises for the Cookman Restaurant Group, LLC d/b/a Cross & Orange for an Event on October 24, 2015 (Rain date November 1, 2015)

Resolution# 2015-297

APPROVING PETITION TO EXTEND LICENSED PREMISES FOR THE COOKMAN RESTAURANT GROUP, LLC d/b/a CROSS & ORANGE FOR AN EVENT ON OCTOBER 24, 2015 (RAINDATE NOVEMBER 1, 2015)

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a petition to extend licensed premises submitted by Cookman Restaurant Group, LLC d/b/a Cross & Orange for an event to be held at 508 Kennedy Park, Asbury Park, on October 24, 2015 (rain date November 1, 2015) is hereby approved, subject to approval by the Chief of Police and Special Events Committee.

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

Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-331 Resolution Authorizing the Payment of Bills in the Amount of $951,273.91

Resolution #2015-331
City of Asbury Park
County of Monmouth
State of New Jersey

<u>RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $947,596.81</u>

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 $947,596.81 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 $ 947,596.81

Mayor Moor requested that purchase order 15-01792 be pulled from the bill list.

Mayor Moor abstained from line item 5-01-23-220-000-209.

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

2015-332 Accepting the 2014 Municipal Audit

Resolution # 2015-332

City of Asbury Park
County of Monmouth
State of New Jersey

ACCEPTING THE 2014 MUNICIPAL AUDIT

WHEREAS, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: Comments and Recommendations as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such Resolution of Certification shall be adopted by Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit: R.S. 52:27BB-52 – "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Asbury Park, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and required affidavit to said Board to show evidence of said compliance.

	MOTION	SECOND	AYES	NAYES	ABSTAIN

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

2015-333 Corrective Action Plan for 2014 Municipal Audit

Resolution #2015-333

RESOLUTION OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADOPTING A CORRECTIVE ACTION PLAN IN RESPONSE TO THE RECOMMENDATIONS CONTAINED IN THE 2014 AUDIT

WHEREAS, the City of Asbury Park (the "City") has had presented by its Auditor the Audit for the year ended December 31, 2014; and

WHEREAS, said Audit contained seven recommendations; and

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

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

Finding 2014-1:

Condition: Certain activities that were performed but not outlined in the Community Development Block Grant action plan or CAPER.

Criteria: Federal OMB Circular A-133 and the OMB Compliance Supplement require the City to outline each activity in its Action Plan or in its Consolidated Annual Performance and Evaluation Report.

Recommendation: That only activities that are outlined in the Action Plan or CAPER be undertaken.

Corrective Action: The Community Development Block Grant Director has been made aware of this requirement will ensure that only activities that are outlined in the Action Plan or CAPER be undertaken.

Finding: 2014-2:

Condition: Certain draw-down amounts for the Community Development Block Grant were not adequately supported by source documentation.

Criteria: Federal OMB Circular A-133 and the OMB Compliance Supplement require the City to maintain adequate supporting documentation to support all amounts requested by draw-down.

Recommendation: That every amount requested for reimbursement be supported by a lead sheet that details exactly which expenditures are being requested for reimbursement and adequate evidentiary documentation supporting each item claimed for reimbursement be maintained.

Corrective Action: The Community Development Block Grant Director has formulated a lead sheet that will be utilized for detailing all requests for reimbursement (draw-downs).

Finding 2014-3:

Condition: One instance was identified under the Community Development Block Grant where a contractor performed services for the City but did not provide the City with certified payrolls which would have enabled the City to ensure the contractor complied with the provisions of the Davis Bacon Act.

Criteria: Federal OMB Circular A-133 and the OMB Compliance Supplement require the City to comply with the prevailing wage provisions of the Davis Bacon Act and provide documentation in support of that compliance.

Recommendation: That the City requires contractors performing services costing greater than $2,000 remit certified payrolls when submitting their invoices.

Corrective Action: The Community Development Block Grant Director has been made aware of this requirement and will ensure that certified payrolls are obtained from all contractors under CDBG performing services of greater than $2,000.

Finding 2014-4:

Condition: One instance was identified under the Community Development Block Grant where the City awarded funds to a sub recipient but did not monitor the sub recipient's success in achieving the objectives of the activity.

Criteria: Federal OMB Circular A-133 and the OMB Compliance Supplement require the City to perform monitoring of a sub

	recipient's activities to determine if the objectives of the activities were met.
Recommendation:	That the City awards grants to sub recipients, the results of the sub recipients' activity be determined by the City through monitoring.
Corrective Action:	The Community Development Block Grant Director has been made aware of this requirement and will ensure that sub recipients activities are monitored.

<u>Finding 2014-5:</u>

Condition:	One instance was identified under the Community Development Block Grant where the City determined that an environmental review was not necessary, but failed to document the exemption.
Criteria:	Federal OMB Circular A-133 and the OMB Compliance Supplement require the City to maintain documentation of exemption from environmental review when it determines such a review is not warranted.
Recommendation:	That when the City exempts contractors from performing environmental reviews, they document the exemption and the criteria under which such exemption is afforded.
Corrective Action:	The Community Development Block Grant Director has been made aware of this requirement and will maintain adequate documentation when exempting contractors from performing environmental reviews and the specific criteria for such an exemption.

<u>Finding 2014-6:</u>

Condition:	Several vendors were paid in excess of $25,000.00 for which no advertisement for bids was solicited.
Criteria:	N.J.S. 40A:11-5.
Recommendation:	That competitive bids be solicited for all required goods and services.
Corrective Action:	The City has subsequently solicited bids for the items noted during the audit and will continue to properly advertise for bids as required in excess of $25,000.00.

<u>Finding 2014-7:</u>

Condition:	Material interfund balances exist between the various funds of the City.
Criteria:	Internal control.

Recommendation: That all interfunds be liquidated prior to year-end.

Corrective Action: The City has subsequently liquidated all interfunds to the extent the respective cash positions permitted and will continue to monitor on an on-going basis for liquidation as is in the normal internal control oversight.

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

1. The above corrective plan is adopted.
2. A certified copy of this resolution shall be forwarded to the Director of Local Government Services, Department of Community Affairs.
3. A certified copy of this resolution be forwarded to all interested Federal Departments required to receive one.

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

2015-334 Resolution authorizing a Parking Utility Refund Account

Resolution #2015-334

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING A PARKING UTILITY REFUND CHECKING ACCOUNT

WHEREAS, there is a need in the Parking Utility to have the ability to refund amounts to parking customers at various times when the parking meters jam, don’t issue change or for other reasons; and

WHEREAS, the City of Asbury Park desires to establish a Parking Utility Refund Checking account to be maintained in the Finance Office with the maximum amount permitted to be on hand at any one time of $500.00 with only one signature being required which shall be the Chief Financial Officer; and

WHEREAS, documentation from the parking meter such as a receipt of overpayment or similar along with a copy of a valid issued government identification (i.e. driver license) shall be collected by the Department of Public Works personnel and provided to the Finance Office for each refund to be issued; and

WHEREAS, the Finance Office upon receiving such documentation will be authorized to promptly issue refunds in a timely manner without needing any further authorization of the governing body; and

WHEREAS, the Finance Office will present to Council on a periodic basis for replenishment of the account as needed.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park that they hereby approve the establishment of a Parking Utility Refund Checking Account in the amount not to exceed $500.00.

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

2015-335 Resolution Providing for the Insertion of Special Items of Revenue in the 2015 Budget (Ch. 159 – I-Star to cover "gap" in the Boardwalk Lighting Grant)

Resolution #2015-335
City of Asbury Park
County of Monmouth
State of New Jersey

<u>RESOLUTION OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2015 BUDGET OF THE CITY OF ASBURY PARK PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)</u>

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the City of Asbury Park, in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of $130,014.00 which is now available from a private contribution from Asbury Partners.

BE IT FURTHER RESOLVED, that a like sum of $130,014.00 is hereby appropriated under the following caption:

General Appropriations:
Operations Excluded from “CAPS”:
Public & Private Programs Offset by Revenues:
Private Contribution – Asbury Partners:
Boardwalk Lighting Project:
Other Expenses $130,014.00

BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the City of Asbury Park, that the Borough Clerk be and he is hereby authorized to file said resolution in duplicate with the Director of the Division of Local Government Services and to provide a certified copy of this resolution to the City Chief Financial Officer and Borough Auditor.

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

2015-304 Resolution Awarding Bid and Contract for the Asbury Park Boardwalk Lighting

Resolution # 2015-304

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AWARDING BID FOR BOARDWALK LIGHTING FOR THE ASBURY PARK WATERFRONT DEVELOPMENT

WHEREAS, the City of Asbury Park received a Neighborhood Community Revitalization Program Grant from the NJDEA for Boardwalk Lighting for the Asbury Park Waterfront Development; and

WHEREAS, the City of Asbury Park issued a Notice to Bidders for purposes of receiving sealed bids in accordance with the Specifications, Proposal and Contract Documents prepared the City Engineer; and

WHEREAS, on July 31, 2015 six (6) bids were received by the City Clerk; and

WHEREAS, the lowest bid was received from Edward H. Gray, Inc.; however, Edward H. Cray, Inc. failed to submit a Section 3 Plan as required by the NJEDA, which is a fatal defect and therefore makes the bid invalid; and

WHEREAS, the second lowest bid was received from Sodon's Electric, Inc.; however, Sodon's Electric failed to submit "Exhibit 8" of Section 3 plan, which, according to the NJDEA, is a curable defect; and

WHEREAS, iStar Financial has agreed to pay the additional costs of the base bid that were not covered by the grant provided by the NJDEA; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park that an award is hereby issued to Soldon's Electic, Inc., with their offices located at 25 West Highland Avenue, Atlantic Highlands, NJ 07716, on their base bid of $1,024,320.00, as set forth in the bid specification for the Boardwalk Lighting at the Asbury Park Waterfront.

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

2015-336 Resolution Awarding Bid and Contract for the Springwood Avenue Improvement Project

Resolution # 2015-336

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AWARDING BID FOR SPRINGWOOD PARK IMPROVEMENTS

WHEREAS, the City of Asbury Park issued a Notice to Bidders on August 6, 2015 for the purposes of receiving sealed bids in accordance with the Specifications, Proposal and Agreement Documents prepared by Suburban Consulting Engineers, Inc.; and

WHEREAS, on September 1, 2015 the following three (3) bids were received by the City:

	Down To Earth, Inc.	Catel, Inc.	A-Tech Concrete Co.
Base Bid	$1,053,644.00	$1,065,845.44	$1,935,782.00

WHEREAS, City Officials have reviewed the bids with Suburban Consulting Engineers, Inc. and it has been determined that Down To Earth, Inc. submitted the lowest responsible base bid in accordance with the bid specifications, said bid being the amount above; and

WHEREAS, it is the desire of the governing body to award a contract Down To Earth Inc. for the Springwood Park Improvements; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that an award is hereby issued to Down To Earth, Inc., with their offices located at 706 Wright Debow Road, Jackson, NJ 08527, on their base bid of $1,053,644.00, as set forth in the bid specification for Springwood Park Improvements.

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

2015-337 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

Resolution # 2015-337

City of Asbury Park
County of Monmouth
State of New Jersey

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

WHEREAS, the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") desires to adopt a bond ordinance (the "Ordinance") providing for the issuance of one or more series of general improvement bonds of the City in the not to exceed aggregate principal amount of $2,850,000 (the "Bonds") and notes in anticipation thereof, in order to finance various capital purposes of the City; and

WHEREAS, in connection with various previous applications by the City to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (including specifically its applications in connection with certain bonds and refunding bonds issued under the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq. (the "MQBA")), the Local Finance Board has heretofore conditioned its approvals upon the undertaking by the City that, for the duration of such bond issues, all future capital authorizations shall require approval from the Local Finance Board; and

WHEREAS, the City believes that:

(a) it is in the public interest to accomplish such purpose;

(b) such purpose is in compliance with the requirements of the MQBA;

(c) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;

(d) the amounts to be expended for such purpose or improvements are not unreasonable or exorbitant and are consistent with the requirements of the MQBA; and

(e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City Council desires to make application to the Local Finance Board for (i) its approval of the adoption of the Ordinance and the capital authorizations contained therein, and (ii) its approval of the issuance of, and of the proposed maturity schedule for such Bonds, to be issued in the form of "qualified bonds" under the MQBA; and

WHEREAS, the City believes that the maturity schedules contained in the Application to the Local Finance Board are in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Application to the Local Finance Board is hereby approved, and the City's Bond Counsel, Chief Financial Officer, City Manager and Financial Advisor, along with other representatives of the City, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the City in matters pertaining thereto.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

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

2015-338 Supplemental Resolution Authorizing the Issuance of One or More Series of Additional Non-Recourse Redevelopment Area Bonds of the City of Asbury Park in an Aggregate Principal Amount Not to Exceed $2,000,000 (Waterfront Redevelopment Area Infrastructure Project) in Connection a Project Being Undertaken in the City by South Grand Urban Renewal, LLC and K. Hovnanian at Asbury Park Urban Renewal, LLC and as a Portion of Non-Recourse Redevelopment Area Bonds of the City Previously Approved Pursuant to a Resolution Duly Adopted by the City Council on February 20, 2013

Resolution #:2015-338
Resolution of the City of Asbury Park

SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF ADDITIONAL NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY OF ASBURY PARK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $2,000,000 (WATERFRONT REDEVELOPMENT AREA INFRASTRUCTURE PROJECT) IN CONNECTION A PROJECT BEING UNDERTAKEN IN THE CITY BY APAT SOUTH GRAND URBAN RENEWAL, LLC AND K. HOVNANIAN AT ASBURY PARK URBAN RENEWAL, LLC AND AS A PORTION OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY PREVIOUSLY

APPROVED PURSUANT TO A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL ON FEBRUARY 20, 2013

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

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

WHEREAS, the City has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, on June 5, 2002, the City adopted the "Asbury Park Waterfront Redevelopment Plan (Plan IV)" (as amended and supplemented from time to time, the "**Redevelopment Plan**") with respect to the "Asbury Park Waterfront Redevelopment Area," as defined in the Redevelopment Plan, and consisting of the "Prime Renewal Area" and the "Boardwalk Area", as such terms are also defined therein (collectively, the "**Waterfront Redevelopment Area**"); and

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

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

WHEREAS, as a result of the world-wide financial issues (the "**Financial Crisis**") occurring in or about 2008, an affiliate of iStar Financial Inc., as lender to Master Developer, foreclosed on a pledge of the membership interests of Master Developer, thereby succeeding to the ownership of the equity interests in the Master Developer; and

WHEREAS, during the Financial Crisis, Master Developer and the City arbitrated certain disputed issues arising under and in accordance with the requirements of the Redeveloper Agreement; and

WHEREAS, on or about July 18, 2011, arbitrator, Honorable Nicholas Politan issued an arbitrator's award (the "**Arbitrator's Award**") that determined, among other things, that the Parties should seek to work collaboratively to finance infrastructure improvements that are a critical construction condition to the development of residential housing units and other economic development activity within the Waterfront Redevelopment Area; and

WHEREAS, in order to comply with the spirit of the Arbitration Award to induce the Master Developer to proceed expeditiously with the development of residential units and other economic development activities within the Waterfront Redevelopment Area, and to determine an appropriate means to finance the cost of the infrastructure improvements, the City has determined that the cost of the infrastructure improvements should be assessed in the manner provided in *N.J.S.A.* 40:56-1 et seq. (the "**Local Improvements Law**") and/or pursuant to an assessment agreement under the Redevelopment Area Bond Financing Law pursuant to *N.J.S.A*. 40A:12A-64 et seq. (the "**RAB Law**"); and

WHEREAS, pursuant to Section 7.1 of the Redeveloper Agreement, the Master Developer is responsible for the costs of certain wastewater, stormwater, roadway, streetscape, utility and other infrastructure improvements (the **"Infrastructure Improvements"**) within the Waterfront Redevelopment Area, which Infrastructure Improvements, in whole or in part, constitute (i) redevelopment projects (collectively, the **"Infrastructure Redevelopment Project"** or the "**Project**") to be undertaken pursuant to the Redevelopment Plan in the Waterfront Redevelopment Area, all as contemplated by the Redevelopment Law and RAB Law, and (ii) local improvements within the meaning, and for the purposes set forth in the Local Improvement Law for which a special assessment may be imposed; and

WHEREAS, pursuant to the RAB Law, a municipality may issue bonds ("**RABs**") to finance redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, which RABs may be secured by, among other things, a special assessment on certain property within an area in need of redevelopment (the "**Special Assessments**"); and

WHEREAS, on February 20, 2013, the City finally adopted that certain ordinance entitled "An Ordinance of the City of Asbury Park, in the County of Monmouth, New Jersey, Providing for the Special Assessment of the Cost of Certain Wastewater, Stormwater, Roadway, Streetscape, Utility and Other Infrastructure Improvements in Portions of the Prime Renewal Area and the Boardwalk Area within the Asbury Park Redevelopment Area and Establishment of a Mechanism for Payment of the Cost Thereof" (the "**Ordinance**"), which Ordinance authorized the imposition of the Special Assessments pursuant to the statutory procedure set forth in the Local Improvements Law, *N.J.S.A.* 40:56-1 *et seq.* or pursuant to special assessment agreements (each, a **"Special Assessment Agreement"**); and

WHEREAS, as an inducement to the Master Developer to undertake the Project and in furtherance of the purposes of the Act and the RAB Law and to assist in financing the cost of the Project, the City also adopted a resolution on February 20, 2013 entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY OF ASBURY PARK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $58,000,000 (WATERFRONT REDEVELOPMENT AREA INFRASTRUCTURE PROJECT)" (the "**Bond Authorizing Resolution**") authorizing the issuance its non-recourse Redevelopment Area Bonds (Waterfront Redevelopment Area Infrastructure Project), in an aggregate principal amount not to exceed $58,000,000, in one or more series (the "**Bonds**"), which Bonds shall be secured by a pledge of the Pledged Portion of the Assessment, as defined in that certain Special Assessment Agreement executed by and between the City and the Master Developer (the **"Master Developer Special Assessment Agreement"**), and assignment of certain rights of the City with respect to the Project, including certain rights of the City under that certain Master Developer Special Assessment Agreement, and from time to time, by a Pledged Portion of the Assessment with respect to other Special Assessment Agreements or Special Assessments imposed in accordance with the Local Improvements Law, as such Special Assessment Agreements are executed and/or such Special Assessments are imposed, pursuant to a Trust Indenture dated July 1, 2013, as supplemented pursuant to supplemental trust indentures to be executed in connection with each series of Bonds, including but not limited to the First Supplemental Indenture dated July 1, 2013 (collectively, the "**Trust Indenture**") by and between the Authority and U.S. Bank National Association (the "**Trustee**"), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Bonds; and

WHEREAS, the City issued $1,055,000 aggregate principal amount of its initial non-recourse Redevelopment Area Bonds, Series 2013A (Waterfront Redevelopment Area Infrastructure Project) on July 19, 2013 (the "**Vive Bonds**") to provide funds to, among other things, finance and/or refinance part of the $1,531,092 principal amount of Infrastructure Improvements set forth in that Special Assessment Agreement dated May 15, 2013 (the "**Vive URE Special Assessment Agreement**") entered into between the City and AP Block 146 Developer Urban Renewal, LLC (the "**Vive URE**"), an affiliate of the Master Developer, with respect to, and for the benefit of, the twenty-eight (28) condominium unit housing redevelopment project constructed on property owned by Vive URE consisting of 801, 803, 805 and 807 Kingsley Street in the City (i.e., Block 3903, Lot 1 on the official tax maps of the City as a result of the consolidation of Block 3903, Lots 1, 2 and 3, the "**Vive Condominium**"); and

WHEREAS, $56,945,000 of the original $58,000,000 non-recourse Bonds authorized by the Bond Authoring Resolution remains and the City desires to to issue one or more series of additional non-recourse Bonds in an aggregate principal amount not to exceed $2,000,000 (the "**South Grand Bonds**") in connection a portion of the Project being undertaken in the City by APAT South Grand Urban Renewal, LLC And K. Hovnanian at Asbury Park Urban Renewal, LLC, to provide funding to the Master Developer for the financing of this portion of the Project, including the development of twenty-eight (28) townhomes on property identified as Block 3205, Lots 13, 14 and 15 on the Official Tax Map of the City (the "**South Grand Project**") and in accordance with the Master Developer Special Assessment Agreement, the Ordinance, and an additional Special Assessment Agreement to be entered into between the City and by APAT South Grand Urban Renewal, LLC and K. Hovnanian at Asbury Park Urban Renewal, LLC (the "**South Grand Special Assessment Agreement**"), providing, in part, for payments by the owners of the properties benefited by the South Grand Project to meet installments of interest and principal on the South Grand Bonds,

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK, NEW JERSEY, AS FOLLOWS:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Act and the RAB Law, the City hereby determines to finance the South Grand Project as a portion of the Project. In order to finance the South Grand Project, the additional Bonds in the aggregate principal amount not to exceed $2,000,000 (the "**South Grand Bonds**") are hereby authorized to be issued as Additional Bonds under and as such term is defined in the Trust Indenture, as may be amended and supplemented in connection with the issuance of the South Grand Bonds, from the original authorization of Bonds, making the remaining authorization of Bonds to be issued to be issued pursuant to the Bond Authorizing Resolution not to exceed $54,945,000 (after deducting the amount of the Vive Bonds and the not to exceed South Grand Bonds authorized hereby). The South Grand Bonds may be issued in multiple series, shall be dated, shall bear interest at such rates of interest and shall be payable as to principal, interest and premium, if any, all as is specified therein. The South Grand Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Trust Indenture, as may be amended and supplemented in connection with the issuance of the South Grand Bonds.

Section 2. Bonds to Constitute Special Limited Obligations. The South Grand Bonds, which are issued as Additional Bonds under the Trust Indenture, as may be amended and supplemented in connection with the issuance of the South Grand Bonds, shall be special limited obligations of the City, payable solely out of the Pledged Portion of the Assessment and any other moneys derived pursuant to the Master Developer Special Assessment Agreement, and the Pledged Portion of the Assessment with respect to the Special Assessment Agreement or Special Assessments imposed in accordance with the Local Improvements Law, including those imposed by the South Grand Special Assessment Agreement to be executed and/or such Special Assessments are imposed from time to time; and all such moneys are hereby pledged to the payment of the South Grand Bonds. The payment of the principal of, premium, if any, and interest on the South Grand Bonds shall be secured by a pledge and assignment of the Pledged Portion of the Assessment and certain rights of the City as provided in the Master Developer Special Assessment Agreement and those certain Special Assessment Agreements (to be executed from time to time) including the South Grand Special Assessment Agreement. Neither the members of City Council nor any person executing the South Grand Bonds issued pursuant to this resolution, the Act and the RAB Law shall be liable personally on the South Grand Bonds by reason of the issuance thereof. The South Grand Bonds shall not be in any way a debt or liability of the City other than to the limited extent set forth in the Trust Indenture, as may be amended and supplemented in connection with the issuance of the South Grand Bonds. Neither the faith and credit nor taxing power of the City is pledged to the payment of, the principal or redemption price, if any, of or interest on the South Grand Bonds.

Section 3. Authorization of Bonds. (a) The South Grand Bonds shall mature no later than 30 years from the date of issuance and shall be issued in an aggregate principal amount not exceeding $2,000,000. The South Grand Bonds shall bear interest at a rate or rates of interest which shall not exceed the maximum interest rates approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs (the "**Local Finance Board**").

(b) The Mayor or City Manager (each an **"Authorized Officer"**) are each hereby authorized and directed to execute and deliver on behalf of the City a contract of purchase for the purchase of each series of South Grand Bonds (the **"Contract of Purchase"**) with an underwriter or underwriters (the **"Underwriter"** or **"Underwriters"**) to be determined by a certificate of award executed by an Authorized Officer (the **"Award Certificate"**) as determined by an Authorized Officer in consultation with counsel, approval thereof to be evidenced by such Authorized Officer's execution thereof, for the purchase of all, but not less than all, of each series of South Grand Bonds. The South Grand Bonds may be sold pursuant to a competitive sale, negotiated sale or limited placement agency, all as determined by an Authorized Officer. A copy of the Contract of Purchase shall be filed upon execution with the records of the City.

Section 4. Execution and Authentication. The South Grand Bonds shall be executed and authenticated in accordance with the Trust Indenture, as may be amended and supplemented in connection with the issuance of the South Grand Bonds, and shall be issued in registered form qualifying for book entry registration.

Section 5. Delivery of Bonds. Following execution of the South Grand Bonds, the Authorized Officer are each hereby authorized to deliver the South Grand Bonds to the Trustee for authentication and, after authentication, to deliver the South Grand Bonds to the Underwriters against receipt of the purchase price or unpaid balance thereof.

Section 6. Approval of Offering Document. The distribution by the Underwriters of a Limited Offering Memorandum or Official Statement in preliminary form (the **"Preliminary Offering Document**") relating to the South Grand Bonds (a draft of which shall be filed with records of the City) in connection with the marketing of the South Grand Bonds, and the distribution of a final Limited Offering Memorandum or Official Statement relating to the South Grand Bonds to the purchasers of the South Grand Bonds (the **"Offering Document"**) is hereby authorized. The Authorized Officers are each hereby authorized to approve the contents of the Preliminary Offering Document with such changes therein and modifications thereto as counsel may advise and such officer of the City may approve. The Authorized Officers are each hereby authorized to approve the contents of the Offering Document and to execute the Offering Document on behalf of the City, which Offering Document shall be in substantially the form of the Preliminary Offering Document with such changes therein (including the insertion of the redemption provisions and the initial interest rates for the South Grand Bonds) and supplements thereto as counsel may advise and the officer of the City executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Authorized Officers are each hereby authorized to "deem final" the Preliminary Offering Document and to execute and deliver a certificate to the Underwriters to such effect.

Section 7. Approval of Second Supplemental Indenture. The form of the Second Supplemental Indenture presented to this meeting (a copy of which is on file with the records of the City), and all instruments to be attached thereto or executed in conjunction therewith, is hereby approved and the Authorized Officers are each hereby authorized to execute, acknowledge and deliver, and the City Clerk or Deputy City Clerk are each hereby authorized to affix and attest the seal of the City to the Second Supplemental Indenture in such form, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 8. Incidental Action. The Authorized Officers are each hereby authorized and directed to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents, including, without limitation, the Pledge and Assignment Agreement, and to take such other action as may be necessary or appropriate in order to carry out the purpose of this Resolution, including effectuating the execution and delivery of the Trust Indenture (inclusive of the Second Supplemental Indenture), the Master Developer Special Assessment Agreement and any Special Assessment Agreements, including the South Grand Special Assessment Agreement and the issuance and sale of the South Grand Bonds, all in accordance with the foregoing sections hereof.

Section 9. Prior Resolutions. All prior resolutions of the City or portions thereof inconsistent herewith are hereby replaced.

Section 10. Capitalized Terms. Capitalized terms used in this Resolution and not otherwise defined have the meaning given to such terms in the Trust Indenture.

Section 11. Construction. In case any one of more of the provisions of this resolution, the Trust Indenture (inclusive of the Second Supplemental Indenture), the Contract of Purchase, the Official Statement or the South Grand Bonds issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution of the Trust Indenture, the Contract of Purchase, the Official Statement and the South Grand Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 12. Effective Date. This Resolution shall take effect immediately upon adoption.

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

2015-339 Supplemental Resolution Authorizing the Issuance of One or More Series of Additional Non-Recourse Redevelopment Area Bonds of the City of Asbury Park in an Aggregate Principal Amount Not to Exceed $3,000,000(Waterfront Redevelopment Area Infrastructure Project) in Connection a Project Being Undertaken in the City by Monroe Urban Urban Renewal, LLC and as a Portion of Non-Recourse Redevelopment Area Bonds of the City Previously Approved Pursuant to a Resolution Duly Adopted by the City Council on February 20, 2013

Resolution #:2015-339
Resolution of the City of Asbury Park

SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF ADDITIONAL NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY OF ASBURY PARK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $3,000,000 (WATERFRONT REDEVELOPMENT AREA INFRASTRUCTURE PROJECT) IN CONNECTION A PROJECT BEING UNDERTAKEN IN THE CITY BY APAT MONROE URBAN RENEWAL, LLC AND AS A PORTION OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY PREVIOUSLY APPROVED PURSUANT TO A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL ON FEBRUARY 20, 2013

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

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

WHEREAS, the City has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, on June 5, 2002, the City adopted the "Asbury Park Waterfront Redevelopment Plan (Plan IV)" (as amended and supplemented from time to time, the "**Redevelopment Plan**") with respect to the "Asbury Park Waterfront Redevelopment Area," as defined in the Redevelopment Plan, and consisting of the "Prime Renewal Area" and the "Boardwalk Area", as such terms are also defined therein (collectively, the "**Waterfront Redevelopment Area**"); and

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

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

WHEREAS, as a result of the world-wide financial issues (the "**Financial Crisis**") occurring in or about 2008, an affiliate of iStar Financial Inc., as lender to Master Developer, foreclosed on a pledge of the membership interests of Master Developer, thereby succeeding to the ownership of the equity interests in the Master Developer; and

WHEREAS, during the Financial Crisis, Master Developer and the City arbitrated certain disputed issues arising under and in accordance with the requirements of the Redeveloper Agreement; and

WHEREAS, on or about July 18, 2011, arbitrator, Honorable Nicholas Politan issued an arbitrator's award (the "**Arbitrator's Award**") that determined, among other things, that the Parties should seek to work collaboratively to finance infrastructure improvements that are a critical construction condition to the development of residential housing units and other economic development activity within the Waterfront Redevelopment Area; and

WHEREAS, in order to comply with the spirit of the Arbitration Award to induce the Master Developer to proceed expeditiously with the development of residential units and other economic development activities within the Waterfront Redevelopment Area, and to determine an appropriate means to finance the cost of the infrastructure improvements, the City has determined that the cost of the infrastructure improvements should be assessed in the manner provided in *N.J.S.A.* 40:56-1 et seq. (the "**Local Improvements Law**") and/or pursuant to an assessment agreement under the Redevelopment Area Bond Financing Law pursuant to *N.J.S.A.* 40A:12A-64 et seq. (the "**RAB Law**"); and

WHEREAS, pursuant to Section 7.1 of the Redeveloper Agreement, the Master Developer is responsible for the costs of certain wastewater, stormwater, roadway, streetscape, utility and other infrastructure improvements (the **"Infrastructure Improvements"**) within the Waterfront Redevelopment Area, which Infrastructure Improvements, in whole or in part, constitute (i) redevelopment projects (collectively, the **"Infrastructure Redevelopment Project"** or the "**Project**") to be undertaken pursuant to the Redevelopment Plan in the Waterfront Redevelopment Area, all as contemplated by the Redevelopment Law and RAB Law, and (ii) local improvements within the meaning, and for the purposes set forth in the Local Improvement Law for which a special assessment may be imposed; and

WHEREAS, pursuant to the RAB Law, a municipality may issue bonds ("**RABs**") to finance redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, which RABs may be secured by, among other things, a special assessment on certain property within an area in need of redevelopment (the "**Special Assessments**"); and

WHEREAS, on February 20, 2013, the City finally adopted that certain ordinance entitled "An Ordinance of the City of Asbury Park, in the County of Monmouth, New Jersey, Providing for the Special Assessment of the Cost of Certain Wastewater, Stormwater, Roadway, Streetscape, Utility and Other Infrastructure Improvements in Portions of the Prime Renewal Area and the Boardwalk Area within the Asbury Park Redevelopment Area and Establishment of a Mechanism for Payment of the Cost Thereof" (the "**Ordinance**"), which Ordinance authorized the imposition of the Special Assessments pursuant to the statutory procedure set forth in the Local Improvements Law, *N.J.S.A.* 40:56-1 *et seq.* or pursuant to special assessment agreements (each, a **"Special Assessment Agreement"**); and

WHEREAS, as an inducement to the Master Developer to undertake the Project and in furtherance of the purposes of the Act and the RAB Law and to assist in financing the cost of the Project, the City also adopted a resolution on February 20, 2003 entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY OF ASBURY PARK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $58,000,000 (WATERFRONT REDEVELOPMENT AREA INFRASTRUCTURE PROJECT)" (the "Bond Authorizing Resolution") authorizing the issuance of its non-recourse Redevelopment Area Bonds (Waterfront Redevelopment Area Infrastructure Project), in an aggregate principal amount not to exceed $58,000,000, in one or more series (the "**Bonds**"), which Bonds shall be secured by a pledge of the Pledged Portion of the Assessment, as defined in that certain Special Assessment Agreement executed by and between the City and the Master Developer (the "**Master Developer Special Assessment Agreement**"), and assignment of certain rights of the City with respect to the Project, including certain rights of the City under that certain Master Developer Special Assessment Agreement, and from time to time, by a Pledged Portion of the Assessment with respect to other Special Assessment Agreements or Special Assessments imposed in accordance with the Local Improvements Law, as such Special Assessment Agreements are executed and/or such Special Assessments are imposed, pursuant to a Trust Indenture dated July 1, 2013, as supplemented pursuant to supplemental trust indentures to be executed in connection with each series of Bonds, including but not limited to the First Supplemental Indenture dated July 1, 2013 (collectively, the "**Trust Indenture**") by and between the Authority and U.S. Bank National Association appointed by the City (the "**Trustee**"), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Bonds; and

WHEREAS, the City issued $1,055,000 aggregate principal amount of its initial non-recourse Redevelopment Area Bonds, Series 2013A (Waterfront Redevelopment Area Infrastructure Project) on July 19, 2013 (the "**Vive Bonds**") to provide funds to, among other things, finance and/or refinance part of the $1,531,092 principal amount of Infrastructure Improvements set forth in that Special Assessment Agreement dated May 15, 2013 (the "**Vive URE Special Assessment Agreement**") entered into between the City and AP Block 146 Developer Urban Renewal, LLC (the "**Vive URE**"), an affiliate of the Master Developer, with respect to, and for the benefit of, the twenty-eight (28) condominium unit housing redevelopment project constructed on property owned by Vive URE consisting of 801, 803, 805 and 807 Kingsley Street in the City (i.e., Block 3903, Lot 1 on the official tax maps of the City as a result of the consolidation of Block 3903, Lots 1, 2 and 3, the "**Vive Condominium**"); and

WHEREAS, the City adopted a resolution on September 23, 2015 entitled "SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF ADDITIONAL NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY OF ASBURY PARK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $1,215,000 (WATERFRONT REDEVELOPMENT AREA INFRASTRUCTURE PROJECT) IN CONNECTION A PROJECT BEING UNDERTAKEN IN THE CITY BY APAT SOUTH GRAND URBAN RENEWAL, LLC AND K. HOVNANIAN AT ASBURY PARK URBAN RENEWAL, LLC AND AS A PORTION OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE CITY PREVIOUSLY APPROVED PURSUANT TO A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL ON FEBRUARY 20, 2013" (the "**South Grand Bond Authorizing Resolution**") authorizing the issuance one or more series of additional non-recourse Bonds in an aggregate principal amount not to exceed $2,000,000 (the "**South Grand Bonds**") in connection a portion of the Project being undertaken in the City by APAT South Grand Urban Renewal, LLC And K. Hovnanian at Asbury Park Urban Renewal, LLC, to provide funding to the Master Developer for the financing of a portion of the Project including the development of twenty-eight (28) townhomes on property identified as Block 3205, Lots 13, 14 and 15 on the official tax map of the City (the "**South Grand Project**") and in accordance with the Master Developer Special Assessment Agreement, the Ordinance, and an additional Special Assessment Agreement to be entered into between the City and by APAT South Grand Urban Renewal, LLC And K. Hovnanian at Asbury Park Urban Renewal, LLC (the "**South Grand Special Assessment Agreement**"), providing, in part, for payments by the owners of the properties benefited by the South Grand Project to meet installments of interest and principal on the South Grand Bonds; and

WHEREAS, $54,945,000 of the original $58,000,000 non-recourse Bonds authorized by the Bond Authoring Resolution remains (after deducting the amount of the Vive Bonds and the authorization of the not to exceed South Grand Bonds by the South Grand Bond Authorizing Resolution) and the City desires to issue one or more series of additional non-recourse Bonds in an aggregate principal amount not to exceed $3,000,000 (the "**Monroe Bonds**") in connection a portion of the Project being undertaken in the City by AP at Monroe Urban Renewal, LLC, to provide funding to the Master Developer for the financing of this portion of the Project including a three to four story condominium building containing thirty-four (34) residential units on property commonly known as 601 Heck Street in the City and currently identified as Block 3205, Lot 16, on the official tax map of the City (the "**Monroe Project**") and in accordance with the Master Developer Special Assessment Agreement, the Ordinance, and an additional Special Assessment Agreement to be entered into between the City and by AP at Monroe Urban Renewal, LLC (the "**Monroe Special Assessment Agreement**"), providing, in part, for payments by the owners of the properties benefited by the Monroe Project to meet installments of interest and principal on the Monroe Bonds,

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK, NEW JERSEY, AS FOLLOWS:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Act and the RAB Law, the City hereby determines to finance the Monroe Project as a portion of the Project. In order to finance the Monroe Project, the additional Bonds in the aggregate principal amount not to exceed \$3,000,000 (the "**Monroe Bonds**") are hereby authorized to be issued as Additional Bonds under and as such term is defined in the Trust Indenture, as may be amended and supplemented in connection with the issuance of the Monroe Bonds, from the original authorization of Bonds, making the remaining authorization of Bonds to be issued to be issued pursuant to the Bond Authorizing Resolution not to exceed \$51,945,000 (after deducting the amount of the Vive Bonds, the not to exceed South Grand Bonds authorized by the South Grand Bond Authorizing Resolution and the Monroe Bonds authorized hereby). The Monroe Bonds may be issued in multiple series, shall be dated, shall bear interest at such rates of interest and shall be payable as to principal, interest and premium, if any, all as is specified therein. The Monroe Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Trust Indenture, as may be amended and supplemented in connection with the issuance of the Monroe Bonds.

Section 2. Bonds to Constitute Special Limited Obligations. The Monroe Bonds, which are issued as Additional Bonds under the Trust Indenture, as may be amended and supplemented in connection with the issuance of the Monroe Bonds, shall be special limited obligations of the City, payable solely out of the Pledged Portion of the Assessment and any other moneys derived pursuant to the Master Developer Special Assessment Agreement, and the Pledged Portion of the Assessment with respect to the Special Assessment Agreement or Special Assessments imposed in accordance with the Local Improvements Law, including those imposed by the Monroe Special Assessment Agreement to be executed and/or such Special Assessments are imposed from time to time; and all such moneys are hereby pledged to the payment of the Monroe Bonds. The payment of the principal of, premium, if any, and interest on the Monroe Bonds shall be secured by a pledge and assignment of the Pledged Portion of the Assessment and certain rights of the City as provided in the Master Developer Special Assessment Agreement and those certain Special Assessment Agreements to be executed from time to time, including the Monroe Special Assessment Agreement. Neither the members of City Council nor any person executing the Monroe Bonds issued pursuant to this resolution, the Act and the RAB Law shall be liable personally on the Monroe Bonds by reason of the issuance thereof. The Monroe Bonds <u>shall not</u> be in any way a debt or liability of the City other than to the limited extent set forth in the Trust Indenture, as may be amended and supplemented in connection with the issuance of the Monroe

Bonds. Neither the faith and credit nor taxing power of the City is pledged to the payment of, the principal or redemption price, if any, of or interest on the Monroe Bonds.

Section 3. Authorization of Bonds. (a) The Monroe Bonds shall mature no later than 30 years from the date of issuance and shall be issued in an aggregate principal amount not exceeding $3,000,000. The Monroe Bonds shall bear interest at a rate or rates of interest which shall not exceed the maximum interest rates approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs (the "**Local Finance Board**").

(b) The Mayor or City Manager (each an **"Authorized Officer"**) are each hereby authorized and directed to execute and deliver on behalf of the City a contract of purchase for the purchase of each series of Monroe Bonds (the **"Contract of Purchase"**) with an underwriter or underwriters (the **"Underwriter"** or **"Underwriters"**) to be determined by a certificate of award executed by an Authorized Officer (the **"Award Certificate"**) as determined by an Authorized Officer in consultation with counsel, approval thereof to be evidenced by such Authorized Officer's execution thereof, for the purchase of all, but not less than all, of each series of Monroe Bonds. The Monroe Bonds may be sold pursuant to a competitive sale, negotiated sale or limited placement agency, all as determined by an Authorized Officer. A copy of the Contract of Purchase shall be filed upon execution with the records of the City.

Section 4. Execution and Authentication. The Monroe Bonds shall be executed and authenticated in accordance with the Trust Indenture, as may be amended and supplemented in connection with the issuance of the Monroe Bonds, and shall be issued in registered form qualifying for book entry registration.

Section 5. Delivery of Bonds. Following execution of the Monroe Bonds, the Authorized Officer are each hereby authorized to deliver the Monroe Bonds to the Trustee for authentication and, after authentication, to deliver the Monroe Bonds to the Underwriters against receipt of the purchase price or unpaid balance thereof.

Section 6. Approval of Offering Document. The distribution by the Underwriters of a Limited Offering Memorandum or Official Statement in preliminary form (the **"Preliminary Offering Document**") relating to the Monroe Bonds (a draft of which shall be filed with records of the City) in connection with the marketing of the Monroe Bonds, and the distribution of a final Limited Offering Memorandum or Official Statement relating to the Monroe Bonds to the purchasers of the Monroe Bonds (the **"Offering Document"**) is hereby authorized. The Authorized Officers are each hereby authorized to approve the contents of the Preliminary Offering Document with such changes therein and modifications thereto as counsel may advise and such officer of the City may approve. The Authorized Officers are each hereby authorized to approve the contents of the Offering Document and to execute the Offering Document on behalf of the City, which Offering Document shall be in substantially the form of the Preliminary Offering Document with such changes therein (including the insertion of the redemption provisions and the initial interest rates for the Monroe Bonds) and supplements thereto as counsel may advise and the officer of the City executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Authorized Officers are each hereby authorized to "deem final" the Preliminary Offering Document and to execute and deliver a certificate to the Underwriters to such effect.

Section 7. Approval of Third Supplemental Indenture. The form of the Third Supplemental Indenture presented to this meeting (a copy of which is on file with the records of the City), and all instruments to be attached thereto or executed in conjunction therewith, is hereby approved and the Authorized Officers are each hereby authorized to execute, acknowledge and deliver, and the City Clerk or Deputy City Clerk are each hereby authorized to affix and attest the seal of the City to the Third Supplemental Indenture in such form, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 8. Incidental Action. The Authorized Officers are each hereby authorized and directed to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents, including, without limitation, the Pledge and Assignment Agreement, and to take such other action as may be necessary or appropriate in order to carry out the purpose of this Resolution, including effectuating the execution and delivery of the Trust Indenture (inclusive of the Third Supplemental Indenture), the Master Developer Special Assessment Agreement and any Special Assessment Agreements, including the Monroe Special Assessment Agreement and the issuance and sale of the Monroe Bonds, all in accordance with the foregoing sections hereof.

Section 9. Prior Resolutions. All prior resolutions of the City or portions thereof inconsistent herewith are hereby replaced.

Section 10. Capitalized Terms. Capitalized terms used in this Resolution and not otherwise defined have the meaning given to such terms in the Trust Indenture.

Section 11. Construction. In case any one of more of the provisions of this resolution, the Trust Indenture (inclusive of the Third Supplemental Indenture), the Contract of Purchase, the Official Statement or the Monroe Bonds issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution of the Trust Indenture, the Contract of Purchase, the Official Statement and the Monroe Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 12. Effective Date. This Resolution shall take effect immediately upon adoption.

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

2015-340 Award of Contract for Regional Contribution Agreement Project (828 Dunlewy Road)

Resolution # 2015-340

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, request for estimates for Regional Contribution Agreement ("RCA") project located at 828 Dunlewy Street were received by the City Clerk on August 31, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
Wildman Home Improvement	$18,700
Taylor Brothers	$22,825
Liberty Home Improvement	$26,000
Staff Estimate	$18,440

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 828 Dunlewy Street be awarded to Wildman Home Improvement, for an amount not to exceed $18,700, in accordance with the selection of the property owner, Claudette Spicer Everett subject of Certification of Funds from the Finance Officer.

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

2015-341 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Granting Conceptual Approval to Asbury Partners LLC Regarding the Proposed 1101 Ocean Avenue Project, Formerly Known as the Esperanza, on Block 4002, Lot 1 and Referring the Matter to the Planning Board for Appropriate Approvals

Resolution #:2015-341

Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE WATERFRONT REDEVELOPMENT ENTITY, GRANTING CONCEPTUAL APPROVAL TO ASBURY PARTNERS LLC REGARDING THE PROPOSED 1101 OCEAN AVENUE PROJECT, FORMERLY KNOWN AS THE ESPERANZA, ON BLOCK 4002, LOT 1 AND REFERRING THE MATTER TO THE PLANNING BOARD FOR APPROPRIATE APPROVALS.

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

WHEREAS, Asbury Partners, LLC (the "**Developer**") proposes to construct a sixteen story mixed use building that will contain residential units, a hotel, retail, restaurant space, and accessory and public parking (the "**Project**") and is located at 1101 Ocean Avenue, Block 4002, Lot 1 within the Prime Renewal Area and is known as the "1101 Ocean Avenue" project which is the site of the former Esperanza; and

WHEREAS, under the Redevelopment Plan, the Developer's proposal is within the maximum heights and maximum unit counts for the property it proposes to develop; and

WHEREAS, the City's Technical Review Committee (the "**TRC**") reviewed the Project at a meeting held on August 18, 2015 and issued a report of August 19, 2015; and

WHEREAS, the City Director of Planning and Redevelopment has reviewed the application, and has by Memo of August 25, 2015, attached hereto as **EXHIBIT A**, recommended that the Mayor and Council, acting as Redevelopment Entity, grant conceptual approval of the Project, and further that recommendations of the TRC and her additional recommendations be incorporated; and

WHEREAS, the Developer presented the Project and reviewed the plans with the Mayor and City Council during a workshop session on September 21, 2015; and

WHEREAS, the Mayor and City Council, acting as the City's Redevelopment Entity, wish to set forth their conceptual approval of the Developer's proposal for the Project, and to refer the matter to the Planning Board for appropriate approvals, including but not limited to Preliminary and Final Site Plan approvals and consideration of the recommendations of the TRC in their report of August 19, 2015 and the recommendations of the City Director of Planning and Redevelopment in her Memo of August 25, 2015.

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

1. The Project is hereby granted conceptual approval and referred to the Planning Board for appropriate review and approvals in accordance with the provisions of the Redevelopment Plan and the Municipal Land Use Law.

2. A certified copy of this Resolution shall be provided to each of the following:
   a. Asbury Partners, LLC
   b. Asbury Park Planning Board
   c. Jack Serpico, Esq., Planning Board Attorney
   d. Antony Nuccio, Acting City Manager
   e. Michele Alonso, Director of Planning and Redevelopment
   f. Glenn F. Scotland, Esq., Waterfront Redevelopment Counsel
   g. Frederick C. Raffetto, Esq., City Attorney
   h. Fred Lavinthal, Esq., Developer's Attorney

3. This Resolution shall take effect immediately.

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

2015-342 Person-to-Person Transfer of Plenary Retail Consumption License 1303-32-038-005 from Cookman & Bond Limited Liability Company to Ohana Kitschen Company

Resolution # 2015-342

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1303-32-038-005, heretofore issued to Cookman and Bond, LLC for premises to be determined in the City of Asbury Park, New Jersey; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the City of Asbury Park City Council does hereby approve, effective September 23, 2015, the transfer of the aforesaid Plenary Retail Consumption License to Ohana Kitschen, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Ohana Kitschen Company, effective September 23, 2015.

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

2015-343 Authorizing Settlement of a Worker's Compensation Claim Captioned Charlie Lomack vs. City of Asbury Park

Resolution # 2015-343

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING SETTLEMENT OF A WORKER'S COMPENSATION CLAIM CAPTIONED CHARLIE LOMACK 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 Charlie Lomack vs. City of Asbury Park, bearing Case No. 2010-22684, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIIF"); and

WHEREAS, pursuant to an Order Approving Settlement (the "Order") entered by the Honorable Lionel Simon, III, 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 118 weeks at $227.04 per week, for a total of $26,791.13, less $16,695.00 paid = **$10,096.13. balance due**;
- Petitioner's counsel fees payable to Chamlin, Rosen, Uliano & Witherington, in the amount of $1,212.00;
- Stenographic service fees 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		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor					X

I. Ordinances:

1. First Reading/Introduction:

2015-38 Ordinance of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City") Providing for a Special Emergency Appropriation in an Amount not to Exceed $75,000 to Fund the Preparation of a Master Plan

CITY OF ASBURY PARK
ORDINANCE NUMBER 2015-38

ORDINANCE OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED $75,000 TO FUND THE PREPARATION OF A MASTER PLAN

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

SECTION 1. N.J.S.A. 40A:4-53 provides that a local unit such as the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"), may adopt an ordinance authorizing a special emergency appropriation to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State of New Jersey (the "State").

SECTION 2. The City has determined and does hereby authorize a special emergency appropriation in an amount not to exceed $75,000 to fund the engagement of special consultants for the preparation, and the preparation of a master plan or plans, as required to conform to the planning laws of the State.

SECTION 3. To finance the appropriation authorized hereunder, and described in Section 2 hereof, special emergency notes of the City (the "Notes") shall be authorized by a resolution of the City Council to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55.

SECTION 4. A certified copy of this ordinance as finally adopted will be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 5. This ordinance shall take effect as provided by law.

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

Public hearing is scheduled for October 28, 2015.

2015-39 Bond Ordinance Providing for Various 2015 Roadway and Sewer Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"); Appropriating $3,903,017 Therefor (Including Grants in the Amount of $903,017) and Authorizing the Issuance of $2,850,000 Bonds or Notes of the City to Finance Part of the Costs Thereof

CITY OF ASBURY PARK
ORDINANCE NUMBER 2015-39

BOND ORDINANCE PROVIDING FOR VARIOUS 2015 ROADWAY AND SEWER IMPROVEMENTS, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING $3,903,017 THEREFOR (INCLUDING GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF $903,017) AND AUTHORIZING THE ISSUANCE OF $2,850,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $3,903,017, which sum includes $903,017 as the amount of grants received or expected to be received from the New Jersey Department of Transportation (the "Grants") and a down payment in the amount of $150,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said $3,903,017 appropriation not provided for by application hereunder of said Grants and down payment, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount not exceeding $2,850,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding $2,850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2015 Roadway and Sewer Improvements Program (the "Program"), said Program to include, but is not limited to, improvements to the following portions of the following roadways: Steiner Place (Fourth Avenue to Fifth Avenue); Park Avenue (Sunset Avenue to Deal Lake Drive); Sunset Avenue (Bridge Street to Memorial Drive); Prospect Avenue (Washington Avenue to Asbury Avenue); Washington Avenue (Ridge Avenue to Prospect Avenue); Dunlewy Street (Fourth Avenue to Northerly Terminus); Cookman Avenue (Langford Street to Memorial Drive) and Memorial Drive (Sewell Avenue to Asbury Avenue), all within the City, which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement using Flexible Pavement as defined under the Local Bond Law, and where, and as, necessary, the sealing of pavement cracks, the removal of brick gutters, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings, sanitary sewer improvements, manhole improvements, storm sewer improvements, drainage improvements, roadway painting, landscaping and aesthetic improvements including, but not limited to, seeding and installing top soil, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $2,850,000.

(c) The estimated cost of said improvements or purposes is $3,903,017, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of $1,053,017, is comprised of the Grants in the amount of $903,017 and the down payment in the amount of $150,000 for said improvements or purposes.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $2,850,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding $625,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

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

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

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission4 (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

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

2. Second Reading/Public Hearing:

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:

1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year	9th 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 to open the ordinance to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN

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

Tracy Rogers had questions regarding the ordinance.

Motion to close the ordinance to the public.

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

Motion to adopt Ordinance 2015-27.

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

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

The meeting was adjourned.

Respectfully submitted by:

____

Cindy A. Dye, RMC, City Clerk