



Agenda
Meeting of the Municipal Council
Wednesday, September 28, 2016

I. Executive Session – 5:00 p.m.

Resolution 2016-385 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Sale of portion of Overlook Park a/k/a Kennedy Park
2. 1101 Ocean Avenue Financial Agreement/Redevelopers Agreement
3. Madison Asbury Retail, LLC – 5th Avenue Pavilion Parking Agreement

II. Regular Meeting – 7:00 p.m.

- A. Clerk to Call Meeting to Order/Roll Call.
- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag
- D. **(Announcement by City Clerk):** As to comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.
- E. Matters from City Council
- F. Matters from City Manager
- G. Matters from City Attorney
- H. Public Participation **(Announcement by City Clerk):**
- I. Minutes
- September 12, 2016 – Workshop Meeting
 - September 14, 2016 – Executive Session
 - September 14, 2016 – Regular meeting

J. Consent Agenda Resolutions.

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

- 2016-386 Approving Special Events/Wedding Applications as Presented on September 26, 2016.
- 2016-387 Resolution Authorizing the Payment of Payroll in the Amount of \$1,026,071.00
- 2016-388 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing an Increase to Clerk's Change Fund
- 2016-389 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 2016 Budget of the City of Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159)
- 2016-390 Resolution to Refund Overpayment of Taxes (Block 9000, Lot 1)
- 2016-391 A Resolution Ratifying a Contract with the House of Independents for the "Meet The Candidates" Forum

K. Individual Resolutions

- 2016-392 Resolution Authorizing the Payment of Bills in the Amount of \$575,189.37
- 2016-393 Resolution to Join the New Jersey Intergovernmental Insurance Fund (NJIFF)
- 2016-394 Authorizing a Contact with the Canning Group LLC to Conduct Police Department Management Training
- 2016-395 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding an Agreement Regarding the Use of Certain Parking Spaces Walkways and Boardwalk Areas with Madison Asbury Retail, LLC for Construction Staging Areas for the Construction Work on the Fifth Avenue Pavilion on Block 4502, Lot 1.16
- 2016-396 Resolution of the City of Asbury Park Making Application to the New Jersey Local Finance Board Pursuant to N.J.S.A. 40A:3-1 et seq. and Previous Approvals by Said Board
- 2016-397 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a State Aid Agreement with the State of New Jersey (Department of Environmental Protection), in Order to Facilitate the Proposed Wesley Lake Stormwater Outfall Repair Project

L. Ordinances:

1. Introduction:

- | | |
|---------|--|
| 2016-39 | An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations”, by Adding Subsection 20-1.7 “Private Catch Basin Retrofitting” of the “Revised General Ordinances of the City of Asbury Park, New Jersey |
| 2016-40 | Bond Ordinance Providing for Various Communication System Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,500,000 Therefor and Authorizing the Issuance of \$1,428,571 Bonds or Notes of the City to Finance Part of the Cost Thereof |
| 2016-41 | Authorizing the City of Asbury Park to Convey a Perpetual Staging Area Easement and Right-Of-Way Over the Property Located at Block 4402, Lot 1 to the State of New Jersey (Department of Environmental Protection), and to Execute Necessary Documents in Connection Therewith, in Order to Facilitate the Proposed Wesley Lake Stormwater Outfall Repair Project |

M. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, September 28, 2016
REGULAR MEETING

City Clerk Dye called the meeting to order at 7:00 p.m.

The following Council Members were present: Council Member Eileen Chapman, Council Member Yvonne Clayton, Council Member Jesse Kendle, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, City Manager Michael Capabianco and City Clerk Cindy Dye.

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

MATTERS FROM CITY COUNCIL

Council Member Clayton stated that there will be HUD meeting for the community on September 29 regarding the \$500,000 grant the City received.

Council Member Kendle expressed concerns regarding the taxi drivers.

MATTERS FROM CITY MANAGER

City Manager Capabianco updated the residents regarding the sound system for the Council meetings.

MATTERS FROM THE CITY ATTORNEY - None

PUBLIC PARTICIPATION

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

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

The following members of the public spoke: Rita Marano, Lori Ross, Jerry Scarano, Rev. John Brantley, Bob Alfori and Tracy Rogers.

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

A. Minutes

- September 12, 2016 – Workshop Meeting
- September 14, 2016 – Executive Session
- September 14, 2016 – Regular meeting

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

Consent Agenda Resolutions.

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

2016-386 Approving Special Events/Wedding Applications as Presented on
September 26, 2016.

Resolution # 2016-386

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

WHEREAS, at work session meeting of the Mayor and Council held on September 26, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. AP Homecoming Parade
 2. Harvest Fest
 3. RunAPalooza(date only)
 4. Columbus Day Reenactment
 5. AP AYP Pep Rally
- 1.

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

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

2016-387 Resolution Authorizing the Payment of Payroll in the Amount of \$1,026,071.00

**Resolution #2016-387
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$1,026,071.00

WHEREAS, the September 15, 2016 payroll in the amount of \$1,026,071.00 has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$1,026,071.00 is hereby authorized to be paid, and;

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

2016-388 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing an Increase to Clerk's Change Fund

**Resolution #2016-388
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION OF THE CITY OF ASBURY PARK,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING AN INCREASE TO CLERKS CHANGE FUND**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth, New Jersey the City Clerk change fund of \$25.00 be increased to \$200.00.

2016-389 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 2016 Budget of the City of Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159)

**Resolution #2016-389
City of Asbury Park
County of Monmouth
State of New Jersey**

**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 2016 BUDGET OF THE CITY OF ASBURY PARK
PURSUANT TO N.J.S.A. 40A:4-87(CHAPTER 159)**

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 City 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 2016 in the sum of \$39,118.83 which is now available from the State of New Jersey Clean Communities.

BE IT FURTHER RESOLVED that a like sum of \$39,118.83 is hereby appropriated under the following caption:

General Appropriations:

Operations Excluded from "CAPS":

Public & Private Programs Offset by Revenues:

Clean Communities Grant \$39,118.83

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the City Clerk be and 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's Chief Financial Officer and City Auditor.

2016-390 Resolution to Refund Overpayment of Taxes (Block 9000, Lot 1)

**Resolution #2016-390
Resolution of the City of Asbury Park
RESOLUTION TO REFUND OVERPAYMENT OF TAXES
WHEREAS**, an overpayment of 2013 taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
9000	1	Verizon – NJ	\$87,342.69

C/O Duff & Phelps
Various Properties

WHEREAS, the following amounts have been paid by Verizon payable to the City of Asbury Park:

\$28,176.52 paid on 1/25/13,
\$28,176.52 paid on 4/19/13, and
\$30,989.65 paid on 7/23/13

BE IT RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to refund Verizon- NJ in the amount of \$87,342.69 for 2013 overpayment of taxes.

2016-391 A Resolution Ratifying a Contract with the House of Independents for the
 “Meet The Candidates” Forum

Resolution # 2016-391

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

**A RESOLUTION RATIFYING A CONTRACT WITH THE HOUSE OF
INDEPENDENTS FOR THE ‘MEET THE CANDIDATES’ FORUM**

WHEREAS, the City Clerk conducted an e-mail poll on September 21, 2016 to award a time sensitive contract in the amount of \$800.00 to the House of Independents to host the ‘Meet the Candidates’ event on October 17, 2016; and

WHEREAS, this Resolution ratifies the telephone poll; and

WHEREAS, the contract is attached to this Resolution; and

WHEREAS, the City’s CFO has certified that funds are available in the following account: 6-01-20-162-000-299; and

WHEREAS, the City of Asbury Park authorizes the City Manager to sign any and all contracts and paperwork associated with this award.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that the telephone poll is hereby ratified for the contract awarded to the House of Independents to host the ‘Meet the Candidates’ forum.

**County of Monmouth
State of New Jersey**

WHEREAS, the Municipal Council of the City of Asbury Park (hereinafter the “Local Unit”) has determined that MEMBERSHIP IN THE New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), is in the best interest of the municipality.

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

SECTION 1. The City of Asbury Park hereby agrees to continue as a member in the “Fund” for a period commencing on **01/01/2017** and terminating on **12/31/2019** for the following types of insurance coverage:

- ☒ a) Workers Compensation and Employers Liability
- ☒ b) General Liability (including Police Professional & Public Officials Liability);
- ☒ c) Motor Vehicle and Equipment Liability Coverage;
- ☒ d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- ☒ e) Environmental Impairment Liability

SECTION 2. Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs City of Asbury Park to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements if the Fund.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

SECTION 4. The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

SECTION 5. Inconsistent Resolutions. All resolutions, or parts thereof that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

SECTION 6. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

SECTION 7. Effective Date. This Resolution shall take effect upon its passage.

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

City Manager Capabianco explained the training program to the residents.

Resolution # 2016-394

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

**AUTHORIZING A CONTRACT WITH THE CANNING GROUP LLC TO CONDUCT
POLICE DEPARTMENT MANAGEMENT TRAINING**

WHEREAS, the Mayor and Council of the City of Asbury Park has a desire to ensure that staff is well trained; and

WHEREAS, the City insurance carrier, the New Jersey Intergovernmental Insurance Fund (NJiIF) has been working with City staff and the City's appointed Risk Manager to identify areas where training could reduce further liability while ensuring a highly trained workforce; and

WHEREAS, the NJiif is proposing providing the City funding for management training for the Police Department in the amount of \$8,000.00 as part of the insurance renewal for 2017 – 2019; and

WHEREAS, the State Fiscal Monitor agrees that this training would be advantageous to the City; and

WHEREAS, the N.J.S.A 40A:11-5(1)(a) allows for a extraordinary unspecifiable service not to be bid if the governing body states in the Resolution the rationale for not bidding a contract; and

WHEREAS, the rationale for this contract is that the Temporary Purchasing Agent has been unable to locate another firm experienced in New Jersey law, regulations and New Jersey Civil Service rules that provides this management training; and

WHEREAS, the Canning Group LLC. proposal and schedule are hereby attached to this Resolution; and

WHEREAS, as per N.J.A.C 5:30-5.5(d) only that the work completed in each respective fiscal year shall be charged to that fiscal years; and

WHEREAS, the Temporary Purchasing Agent states that there is no impact on the FY16 budget; and

WHEREAS, the impact on the FY17 budget will be approximately \$10,000.00 but no work may be completed unless the CFO has certified that funds are available in the Temporary or Regular budget; and

WHEREAS, the contract shall only be signed upon receipt of the signed Waiver as required of the Memorandum of Understanding with the State of New Jersey and the renewal of the NJiif contract in which they will contribute \$8,000.00 to the cost; and

WHEREAS, the City Manager is authorized to sign any and all documents related to this services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that the Canning Group LLC is awarded a contract to provide police training services pending the signing of the Waiver by the State of New Jersey’s fiscal monitor and funding provided by the NJiif.

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

2016-395 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding an Agreement Regarding the Use of Certain Parking Spaces Walkways and Boardwalk Areas with Madison Asbury Retail, LLC for Construction Staging Areas for the Construction Work on the Fifth Avenue Pavilion on Block 4502, Lot 1.16

Resolution # 2016-395
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING AN AGREEMENT REGARDING THE USE OF CERTAIN PARKING SPACES WALKWAYS AND BOARDWALK AREAS WITH MADISON ASBURY RETAIL, LLC FOR CONSTRUCTION STAGING AREAS FOR THE CONSTRUCTION WORK ON THE FIFTH AVENUE PAVILION ON BLOCK 4502, LOT 1.16

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

WHEREAS, by Resolution # 2016-354 adopted on August 10, 2016, the Mayor and City Council, accepted the Letter-Agreement from MA Retail dated August 10, 2015 in satisfaction of condition 3(v) of Resolution # 2016-331, regarding certain free public events in the bandshell space; and

WHEREAS, MA Retail obtained preliminary and final site plan approval for the Project from the Planning Board on the evening of September 19, 2016; and

WHEREAS, MA Retail by letter of September 20, 2016 requested approval from the City, as required by the Planning Board, to use certain parking spaces on Ocean Avenue adjacent to the 5th Avenue

Pavilion, the walkway to the east of the Pavilion and certain areas on the Boardwalk adjacent to Pavilion, for construction staging areas; and

WHEREAS, the City desires to enter into an agreement setting forth their approval and conditions of the use of the construction staging areas,

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:

I. GENERAL

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

II. EXECUTION OF AGREEMENT AUTHORIZED

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

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

III. DETERMINATION OF MATTERS IN CONNECTION WITH THE AGREEMENT

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

IV. SEVERABILITY

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

V. AVAILABILITY OF THE RESOLUTION

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

VI. EFFECTIVE DATE

This Resolution shall take effect immediately.

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

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

2016-396 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 # 2016-396

**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 \$1,428,571 (the "Bonds") and notes in anticipation thereof, in order to finance various communication system improvements by and in 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, *nunc pro tunc*, and ratified 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.

Section 4. This Resolution shall take effect immediately upon its adoption.

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

2016-397 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a State Aid Agreement with the State of New Jersey (Department of Environmental Protection), in Order to Facilitate the Proposed Wesley Lake Stormwater Outfall Repair Project

**Resolution # 2016-397
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING THE EXECUTION OF A STATE AID AGREEMENT WITH THE STATE OF NEW JERSEY (DEPARTMENT OF ENVIRONMENTAL PROTECTION), IN ORDER TO FACILITATE THE PROPOSED

WESLEY LAKE STORMWATER OUTFALL REPAIR PROJECT.

WHEREAS, the City of Asbury Park (the “City”) is the owner of certain land situated in the City which is more particularly known and designated as Block 4402, Lot 1 on the Tax Map of the City (the “Property”), which property is located immediately adjacent to the Wesley Lake; and

WHEREAS, in order to facilitate a proposed stormwater outfall repair of the Wesley Lake (the “Project”), the City has requested State aid assistance;

WHEREAS, the parties have reached a mutual understanding as to the terms and conditions associated with the State aid assistance to be provided to the City relating to the Project; and

WHEREAS, said terms and conditions are set forth in more detail in the attached State Aid Agreement (the “Agreement”) between the parties; and

WHEREAS, the Mayor and City Council believe that it is in the City’s best interests to execute the attached Agreement, signifying their approval of the terms and conditions contained therein.

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

1. That the City hereby authorizes the execution of the attached Agreement, or one which is substantially similar thereto and meets with the approval of the City Attorney and City Engineer.
2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached Agreement, or one which is substantially similar thereto and meets with the approval of the City Attorney and City Engineer.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) State of New Jersey
Department of Environmental Protection
Engineering & Construction
Attn: William T. Dixon, Manager, Bureau of Coastal Engineering
 - (b) Michael Capabianco, City Manager;
 - (c) Michele Alonso, Director of Planning and Redevelopment;
 - (d) William McClave, Superintendent of Public Works
 - (e) Christine Ballard, P.E. (T&M Associates), City Engineer; and
 - (f) Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman	X		X		

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

K. Ordinances:

1. Introduction:

2016-39 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations”, by Adding Subsection 20-1.7 “Private Catch Basin Retrofitting” of the “Revised General Ordinances of the City of Asbury Park, New Jersey

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

Public hearing is scheduled for October 12, 2016.

2016-40 Bond Ordinance Providing for Various Communication System Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,500,000 Therefor and Authorizing the Issuance of \$1,428,571 Bonds or Notes of the City to Finance Part of the Cost Thereof

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

Public hearing is scheduled for October 12, 2016.

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

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

Public hearing is scheduled for October 12, 2016.

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

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

Public hearing is scheduled for October 12, 2016.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk