



Agenda
Meeting of the Municipal Council
Wednesday, September 9, 2015

Revised: 9.8.15

I. Executive Session – 4:30 p.m.

Resolution 2015-314 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

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

B. Contract Negotiations:

1. Lake Group SP, LLC – Overlook Park (Block 3105, Lot 1) Proposed Property Transfer
2. Carter Sackman - Savoy Theater
3. Cross River Fiber, LLC – Rights-of-Way Use Agreement
4. Insurance Broker
5. Finance Advisor

C. Litigation:

1. Abbot v. City of Asbury Park (Eric Nemeth, Esquire)
2. Lomack v. City of Asbury Park (Eric Nemeth, Esquire)
3. Hollo v. City of Asbury Park (Eric Nemeth, Esquire)
4. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Tuesday, September 8, 2015.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

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

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

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

F. **PROCLAMATION RECOGNIZING DR. THOMAS DANIELS**

- G. Adoption of 2015 Municipal Budget

PUBLIC HEARING ON MUNICIPAL BUDGET AMENDMENT

2015-315 Adoption of the 2015 Municipal Budget

- H. 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.]

2015-316 Approving Special Events/Wedding Applications as Presented on September 8, 2015

2015-317 Resolution Authorizing the Payment of Payroll in the Amount of \$1,947,269.97

- I. Individual Resolutions

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

- 2015-318 Resolution Authorizing the Payment of Bills in the Amount of \$1,468,992.37
- 2015-319 Resolution Approving Liquor Licenses for 2015-2016 Licensing Year
- 2015-320 Resolution Awarding Bid for Supplying Liquid Sodium Hypochlorite to the Waste Water Treatment Plant
- 2015-321 Authorizing the Execution of Commodity Resale Agreement with the County of Monmouth
- 2015-322 Resolution Authorizing the Purchase of Two (2) 2016 Ford Transit 150 Low Roof Cargo Vans with Options for the Department of Public Works
- 2015-323 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial Participation in the Project, Authorization of the Signing and Execution of all Required Documents, and Indicates its Readiness to Proceed with the Project in Terms of Matching Funds for Application to the Monmouth County Municipal Open Space Grant Program for Acquisition Funds
- 2015-324 Resolution of the Mayor and City Council of the City of Asbury Park Endorsing Partial Concept Development for the NJ Route 71 Pavement Rehabilitation Project in the City of Asbury Park
- 2015-325 A Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Fourth Avenue Improvements Project
- 2015-326 A Resolution Authorizing a Memorandum of Understanding by and Between Monmouth County and the City of Asbury Park

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, September 9, 2015
WORK SESSION AND REGULAR MEETING

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

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting City Manager Kevin Nuccio 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 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 8, 2015

Acting City Manager Nuccio and Acting Deputy City Manager Keddy followed-up with the inquiries made at the September 8 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner spoke about the Monmouth County mating funds grant resolution and rewording the application. He also made some recommendations on the Route 71 road diet resolution.

Deputy Mayor Quinn requested that the Acting City Manager look into complaints regarding Code Enforcement.

Council Member Kendle requested that the Acting City Manager request that Code Enforcement start looking into cleaning up Main Street. He requested that all City Hall employees be provided with their job descriptions. He requested additional patrols around Monroe Avenue and Sewell and Pine.

Mayor Moor read a letter regarding placing and Asbury Park property on the Historical Society list.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

The 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.

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: Robert Weiner, Rita Marano, Werner Baumgartner, Ketsia Beaubrun and Jerry Scarano

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

PROCLAMATION RECOGNIZING DR. THOMAS DANIELS

Acting City Manager Nuccio read the proclamation for Dr. Thomas Daniels.

The City Clerk read the following statement regarding Initiative Petitions.

On August 14, 2015, I received initiative petitions to place four questions on the general/municipal election ballot on November 3, 2015, pursuant to the initiative and referendum provisions of the Faulkner Act, N.J.S.A. 40:69A-184-196. Thereafter, I undertook due diligence to review the petitions to determine whether they were prepared and submitted in accordance with all relevant statutory requirements. Following my review, I have determined that all four petitions must be rejected at this time due to the fact that they were not submitted in a timely manner in order for the proposed questions to be placed on the November 3, 2015 general/municipal election ballot. Additionally, the petitions were rejected at this time due to the fact that there were an insufficient number of valid signatures identified for each of the proposed questions, therefore rendering them to be disqualified. With insufficient signatures, the petitions would not qualify to be on the ballot for the November 3, 2015 election or any election thereafter, if necessary. The petitioners were provided with a copy of my written decision concerning this matter on September 4, 2015.

G. Adoption of 2015 Municipal Budget

PUBLIC HEARING ON MUNICIPAL BUDGET AMENDMENT

Motion made by Council Member Kendle, seconded by Council Member Woerner, all were in favor.

Rita Marano asked questions regarding the budget. Chief Financial Officer Gartz responded to those questions.

2015-315 Adoption of the 2015 Municipal Budget

	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		

H. 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.]

2015-316 Approving Special Events/Wedding Applications as Presented on September 8, 2015

**Resolution of the City of Asbury Park
2015-316**

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on September 8, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. 1st Annual Women's Weekend NJ

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.

2015-317 Resolution Authorizing the Payment of Payroll in the Amount of
\$1,947,269.97

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$1,947,269.97**

WHEREAS, the August 14, 2015 payroll in the amount of \$1,009,860.90, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

WHEREAS, the August 28, 2015 payroll in the amount of \$937,409.07, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$1,947,269.97 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 Kandle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

I. Individual Resolutions

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

**AUTHORIZING AN APPOINTMENT TO THE
ZONING BOARD OF ADJUSTMENT**

WHEREAS, on July 21, 2015, Gregory Brewington resigned from the Zoning Board of Adjustment; and

WHEREAS, Mr. Brewington held the position as Alternate 1 with a term expiring December 31, 2016; and

WHEREAS, the Mayor and Council wish to appoint an individual to serve on the Zoning Board of Adjustment, Alternate 1 position, with a term expiring December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to serve to the Zoning Board of Adjustment, Alternate 1 position:

Appointee

Term to Expire

Ketsia Beaubrun

December 31, 2016

	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		

2015-318 Resolution Authorizing the Payment of Bills in the Amount of
\$1,468,992.37

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,468,992.37**

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

BE IT RESOLVED, that these vouchers payable totaling \$1,468,992.37
to be paid; and

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

CURRENT VOUCHERS	\$ 916,014.37
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$1,468,992.37

	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		

2015-319 Resolution Approving Liquor Licenses for 2015-2016 Licensing Year

Resolution # 2015-319

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

BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park that the Alcoholic Beverage License for the period of July 1, 2015 to June 30, 2016 be granted to the following Licensees:

<u>LICENSE NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>TRADE NAME</u>
1303-32-038-005	Cookman & Bond Ltd. Liability Co.	700 Cookman Ave.	None on file
1303-32-001-010	PF, LLC	705-707 Main St.	Garcia's/Tapitia
1303-33-008-010	Asbury One Liquor License LLC	Pocket License	t/b/d
1303-33-012-003	Espinosa, Inc.	715 Second Ave.	Posillipo's
1303-33-013-001	Monmouth Lodge #122, IBPOE	1101 Asbury Ave.	Monmouth Lodge
1303-33-014-005	Cookman Restaurant Group, LLC.	Pocket	t/b/d
1303-33-016-006	Asbury Lanes, LLC	209-211 Fourth Ave.	Asbury Lanes
1303-33-021-006	AP Restaurant I	800 Ocean Ave.	Stella Marina
1303-33-024-010	Pettibone Paradise, LLC	101 Asbury Ave.	Paradise
1303-33-026-009	AP Restaurant II, LLC	800 Ocean Ave.	Watermark
1303-33-029-007	1112-1114 Main License, LLC	1114 Main St.	La Sierra Oaxaca
1303-33-034-013	Bond St. Bar & Grill, LLC	208 Bond St.	Bond St. Bar & Grill
1303-33-037-008	1411 Kingsley Street, LLC	1409 Kingsley St.	t/b/d
1303-33-041-010	TBD, Inc.	632 Mattison Ave.	Taka Restaurant
1303-33-042-006	Rasbury Moon, Inc.	517 Lake Ave.	Moonstruck Rest & Lounge
1303-33-045-004	G.T.J.M., Inc.	1405 Asbury Ave.	Jimmy's Italian Rest.
1303-33-044-015	AP Resaturant IV, LLC	1000 Ocean Ave.	Langosta
1303-33-047-009	AP Thirty Prop. Holdings, LLC	1300 Ocean Ave.	Tiki Bar/Aqua
1303-33-048-009	George-EE, Inc.	801-812 Fifth Ave.	Georgee's
1303-33-049-010	Durango, Inc.	208 Main St.	JIMI
1303-33-055-003	Asbury Equities Liquors, LLC	601- Bangs Ave.	Pascal & Sabine
1303-33-056-008	McLoone's Asbury Park, LLC	1213 Boardwalk Supper	Club/Salt Water Cafe
1303-44-011-010	AP Vines, LLC	644 Cookman Ave.	Lush
1303-44-039-007	Sri Sarawati, Inc.	1506 Main St.	Mak on Main

BE IT FURTHER RESOLVED that the following licenses have special conditions imposed on the license by the City of Asbury Park Council:

1303-32-010-008 Akshay Enterprises, Inc. 1002 Main St. *Main Liquors

*Special Conditions: 1. The Applicant accepts the renewal of the license on condition that they will not sell for consumption on the licensed premises any alcoholic beverages by the glass or other open receptacle and will only sell alcoholic beverages in original containers for consumption off the licensed premises.

2. This condition is to apply to said premises as long as said premises shall be licensed for sale of alcoholic beverages.

3. All transfer or renewals of said license for said premises shall be subject to the same conditions.

1303-32-060-015 John Teza 601-603 Mattison Ave, *Press Room & Fish

*Special Condition: 1. 75% of floor space must be dedicated to food service.

1303-33-004-009
Tavern/Goldies

Asbury Pub, LLC

522 Cookman Ave.

***Brickwall**

*Special Conditions: 1. Security personnel shall be provided by the Licensee at the premises on Thursday, Friday and Saturday evenings from 10:00 p.m. until closing. All such personnel shall wear an official shirt so that they are distinguished from the patrons of the restaurant.

2: Temporary signs be installed outside the premises to remind patrons to respect neighbors by controlling noise and smoking, and promoting the responsible consumption of alcoholic beverages.

3. Temporary stanchions shall be installed outside the doorway of the residence at 522 Cookman Ave. to deter patrons of the premises from gathering in that area. Temporary stanchions shall also be positioned to create boundaries around the outdoor dining area associated with the premises, in accordance with City's recently adopted Sidewalk Café Ordinance.

4. The Licensee shall employ a qualified professional manager to oversee all aspects of the restaurant operation, including the outside dining area, until closing every night of the week. The manager shall be responsible for training all management and staff, with specific training dedicated to A.B.C. regulations and crowd management.

5. The Licensee shall ensure that carpeting is placed under the equipment utilized by all performers at the premises, in an effort to reduce the noise volume from such equipment.

6. The Licensee shall have management work with the Asbury Park Police Department for their assistance regarding education in decibel level management and in noise reduction.

1303-33-006-009

Cookmain, LLC

162-166 Main Street

***Brando's**

*Special Condition: 1. 75% of the floor space must be for food service.

1303-33-009-007

Asbury Music Co., Inc.

601 Main St.

***The Saint**

*Special Condition: 1. The licensee provide for a bonded licensed security agent at the licensed premises on Friday and Saturday evenings from Memorial Day thru Labor Day.

1303-33-017-012

Steinbach Liquor Lic. LLC 541 Cookman Ave. "Seafood Bonney Read"

*Special Condition: 1. 75% of floor space is to be used for food service.

1303-33-025-005

1211 Main St. LLC

1213 Main St.

***Cameo**

Special Conditions: 1. The Licensee shall maintain video surveillance of the interior of the premises and shall make copies of said video surveillance upon request of the Police Department or upon the authority or request of the City Council within 7 days of the date of any occurrence for which there is a request for a copy of the video surveillance records.

2. The Licensee shall maintain a video surveillance of the immediate exterior front of the premises as indicated in the above paragraph for the same purposed in order to provide a record of the conduct of patrons entering and leaving premises.

3. The Licensee agrees to police the exterior front of the premises to be sure it is free of trash and debris at the end of each business day.

1303-33-027-009 Stone Pony Liquor License, LLC 901, 909, 913 Ocean Ave.

***The Stone Pony**

*Special Conditions: 1. One bonded licensed security agent shall be forthwith employed by the Licensee who shall be responsible for the control of the area in front of and alongside of the licensed premises on Fridays and Saturdays and the eve of Holidays including Sundays from 8:00 p.m. until closing time on those weekend immediately preceding the last Monday in the month of May thru and including and including the weekend immediately preceding the first Monday in the month of September.

2. An employee be assigned to removal all bar-related litter from the outside of the premises and the area at closing time each night or earlier if necessary or as required by City Officials.

3. An additional bonded licensed security agent(s) shall be employed by the Licensee on those evenings and at those times deemed appropriate by the Police Chief after consultation with said Police Chief by the Licensee with respect to any concert/event scheduled to be held at the licensed premises throughout the year.

4. The Licensee shall be responsible to ensure that all entertainment and acts, to include bands conduct themselves in an appropriate manner. No entertainer shall be permitted to use profanity in their lyrics, songs, statements, etc., that would typically be considered offensive to families and small children. Such violations shall enable law enforcement to stop the entertainment and end the show at the sole discretion of the police department.

1303-33-046-013 Porta at Asbury Park, LLC 911-915 Kingsley St.

***Porta**

Special Conditions: 1. The Licensee shall hire two (2) off-duty police officers November, December, January, February and March on Friday and Saturday nights from 10:30 p.m. until 2:30 a.m.

2. The Licensee hire four (4) off-duty police officers November, December, January, February and March when special events have been advertised or larger crowds are expected; example: the Wednesday prior to Thanksgiving from 10:30 p.m. until 2:30 a.m.

3. The Licensee hire six (6) off-duty police officers during the months April through October on Friday and Saturday nights from 10:00 p.m. until 3:00 a.m.

4. The Licensee shall hire twenty-four (24) security guards on Friday and Saturday nights.

5. The Licensee direct private security and/or off duty police officers to patrol block(s) west of Porta at the end of the night as patrons move to their cars and cabs.

6. The Licensee eliminate 16 oz. mixed drinks from the club menu and serve mixed drinks in glass sizes no larger than 12 oz.

7. Security and bar staff shall clean sidewalks and curbs adjacent to Porta property nightly after club nights and in the morning following club nights.

1303-33-051-009 D.B. Ventures, LLC 206-208 Main Street *Johnny Mac's

*Special Condition: 1. 75% of floor space is to be used for food service."

1303-33-053-010 Enigma Restaurant, LLC 408 Seventh Ave *Hotel Tides

*Special Condition: 1. Liquor may be consumed but not served on the porch area."

1303-33-054-007 House of Independents, LLC 550-572 Cookman Ave. *Biergarten

*Special Condition: 1. 75% of floor space is to be used for food service."

1. The Licensee shall hire one (1) off-duty police officers November, December, January, February and March on Friday and Saturday nights from 10:00 p.m. until 3:00 a.m.

2. The Licensee hire two (2) off-duty police officers November, December, January, February and March when special events have been advertised or larger crowds are expected; example: the Wednesday prior to Thanksgiving from 10:00 p.m. until 3:00 a.m.

3. The Licensee hire two (2) off-duty police officers during the months April through October on Friday and Saturday nights from 10:00 p.m. until 3:00 a.m.

The above conditions (1, 2, 3) are being imposed because of the number of disorderly patrons from this establishment during the late night hours. Complaints range from loud noise, trash cans being knocked over, drunk and disorderly patrons causing a nuisance on the public street.

1303-33-058-009 Sixth Gear Enterprises, LLC 649 Mattison Ave. *The Exchange on Maddison

*Special Condition: 1. 75% of the floor space must be dedicated to food service."

1303-33-059-010 AP Restaurant III 1213 Ocean Ave. *Lance & Debbie's Wonder

*Special Condition: 1. The outside licensed area on the south side of the premises shall be as follows: 75' in the southerly direction from the southeast corner of the premises; thence westerly 83'; thence northerly 75' to the wall of the premises. Said outside licensed area shall be fenced-in.

1303-36-066-003 Asbury F&B, LLC 1401 Ocean Ave. *The Berkely Hotel

*Special Condition: 1. The premises for which this license is issued shall continue to be operated as a bona find Hotel or Motel of One Hundred (100) rooms or more and any transfers or renewals of said license shall be subject to the same condition.

1303-36-068-001 Empress Hotel, LLC 101 Asbury Ave. The Empress Hotel/Paradise

*Special Conditions: 1. Any outside music, live or amplification must direct their speakers and volume so as not to destroy the quiet enjoyment of the neighbors. The Licensee must comply with the nuisance ordinance or suffer the removal of all outside entertainment and or music in addition to the issuance of ordinance violations.

1303-44-022-004 Robert Perez 1005 Memorial Dr. Super-Extra Liquors

*Special Conditions: 1. Temporary signs be installed outside the premises to remind patrons not to loiter and to respect neighbors by controlling noise and smoking, and promoting the responsible consumption of alcoholic beverages. Liquor store manager or designee must clear the front of the store of all person(s) hanging out, pan-handling, drinking in public, etc.

	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		

2015-320 Resolution Awarding Bid for Supplying Liquid Sodium Hypochlorite to the Waste Water Treatment Plant

RESOLUTION AWARDING BID FOR SUPPLYING LIQUID SODIUM HYPOCHLORITE TO THE WASTE WATER TREATMENT PLANT

WHEREAS, the City of Asbury Park duly advertised on August 6 , 2015 and August 7, 2015 for the receipt of bids for supplying liquid sodium hypochlorite to the Waste Water Treatment Plant; and

WHEREAS, the following bids were received on August 26, 2015 and reviewed by the Chief Financial Officer and Qualified Purchasing Agent:

	Year 1	Year 2
Univar USA Inc.	\$44,100.00	\$47,400.00
Miracle Chemical Company	\$31,140.00	\$31,140.00

WHEREAS, the Chief Financial Officer and the Qualified Purchasing Agent reviewed the bids and it has been determined that Miracle Chemical Company submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amounts above; and

WHEREAS, it is the desire of the governing body to award a contract for supplying liquid sodium hypochlorite to the Waste Water Treatment Plant for a period of two years; and

WHEREAS, there are sufficient funds in the Sewer Operating Budget to cover the cost of this contract for 2015 and funds will be provided for in future budgets as needed.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby awards a contract to Miracle Chemical Company for supplying liquid sodium hypochlorite to the Waste Water Treatment Plant for a period of two years.

	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		

2015-321 Authorizing the Execution of Commodity Resale Agreement with the County of Monmouth

**AUTHORIZING THE EXECUTION OF A
COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH**

WHEREAS, *N.J.A.C. 5:34-7.15* authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of the City of Asbury Park to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Asbury Park that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		

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

2015-322 Resolution Authorizing the Purchase of Two (2) 2016 Ford Transit 150 Low Roof Cargo Vans with Options for the Department of Public Works

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2016 FORD TRANSIT 150 LOW ROOF CARGO VANS WITH OPTIONS FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the City has determined that the purchase of two (2) 2016 Ford Transit 150 Low Roof Cargo Vans with options is reasonable and necessary for the Department of Public Works; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the New Jersey Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

WHEREAS, DFFLM, LLC., T/S Ditschman/Flemington Ford of Flemington, New Jersey has been awarded a New Jersey State Contract (A88211) for the purchase of this type of vehicle; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 (Ordinance #3084) to purchase these vehicles, as per the attached Certification 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 hereby ratifies and approves the use of New Jersey State Contract A88211 with DFFLM, LLC., T/A Ditschman/Flemington Ford of Flemington, New Jersey in the amount of \$40,468.00 for the purchase of two (2) 2016 Ford Transit 150 Low Roof Cargo Vans with other options.

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

2015-323 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial Participation in the Project, Authorization of the Signing and Execution of all Required Documents, and Indicates its Readiness to Proceed with the Project in Terms of Matching Funds for

Application to the Monmouth County Municipal Open Space Grant
Program for Acquisition Funds

**APPROVAL OF THE BRADLEY COVE OPEN SPACE PROJECT, AUTHORIZATION
OF THE ASBURY PARK'S FINANCIAL PARTICIPATION IN THE PROJECT,
AUTHORIZATION OF THE SIGNING AND EXECUTION OF ALL REQUIRED
DOCUMENTS, AND INDICATES ITS READINESS TO PROCEED WITH THE
PROJECT IN TERMS OF MATCHING FUNDS FOR APPLICATION TO THE
MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM FOR
ACQUISITION FUNDS.**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Asbury Park desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund Bradley Cove (North Ocean Avenue Street bed); and

WHEREAS, the total cost of the acquisition project including all matching funds is approximately 1.37 million dollars; and

WHEREAS, the City of Asbury Park is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY ASBURY PARK MUNICIPAL COUNCIL THAT:

1. Anthony Nuccio, Acting City Manager or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The City of Asbury Park is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Anthony Nuccio, Acting City Manager or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. 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		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-324 Resolution of the Mayor and City Council of the City of Asbury Park
Endorsing Partial Concept Development for the NJ Route 71 Pavement
Rehabilitation Project in the City of Asbury Park

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK ENDORSING PARTIAL CONCEPT DEVELOPMENT FOR THE NJ ROUTE 71 PAVEMENT REHABILITATION PROJECT IN THE CITY OF ASBURY PARK

WHEREAS; The New Jersey Department of Transportation is under final design for the NJ Route 71 Pavement Rehabilitation Project (the “Project”) in the City of Asbury Park, Neptune Township, Loch Arbour Village, and Allenhurst Borough, Monmouth County; and

WHEREAS; the overall purpose of the Project is to rehabilitate the pavement along Route 71 along with converting the existing four lane cross section of Route 71 within Asbury Park to a three lane cross section including a single twelve-foot wide travel lane in each direction with adjoining five-foot wide bicycle lanes, eight-foot wide parking stalls and a twelve-foot wide center two-way left turn lane; and

WHEREAS; on September 18, 2013 the municipal Council of Asbury Park endorsed the Concept development for the NJ Route 71 Pavement Rehabilitation project, but did not provide a decision time on whether or not a road diet should be constructed, but will provide its decision after further study and presentation of findings to the City by the NJ Department of Transportation; and

WHEREAS; in addition in 2013, the Mayor and Council request coordination between the Project and the City of Asbury Park Engineering Department to replace the City’s existing sewer system beneath Route 71.; and

WHEREAS; on August 1, 2015 NJ Department of Transportation and Hatch Mott McDonald presented a Final Design Briefing to the Mayor, City Manager and Department Heads of the municipal government; and

WHEREAS; the municipality at that meeting asked for more information pertaining to basis for design, crash data, traffic counts, truck loading capacity, emergency pre-emption; sidewalk paving; and

WHEREAS; Main Street has an emergency vehicle pre-emption system currently and the municipality would like to see such a system be replaced in kind.

WHEREAS; representatives of the municipality including the Mayor, City Manager, Director of Public Work, the Fire Official, and the Police chief, all knowledgeable about local conditions expressed their concerns regarding road capacity and its effects on local business; and

WHEREAS; the municipality believes that there could have been more outreach and input from residents and business owners; and

WHEREAS; the officials of the municipality believe in road and pedestrian safety and want the best roadway for the residents and visitors to Asbury Park without reducing economic vitality; and

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

1. The Mayor and Council endorse a repaving and pedestrian safety enhancement for the NJ Route 71 Pavement Rehabilitation Project, but retaining two travel lanes for each direction of traffic.
2. The Mayor and Council do not support changing the traffic pattern from two lanes in each direction to one lane in each direction and strongly advocate for their retention. Their position is based upon economic development and safety concerns from the Municipal Professionals including the Police Department, the Fire Department, the Department of Public Works, and the Office of Emergency Management as well as from local businesses on Main Street.
3. The Mayor and Council would like to see as part of the repaving project, curb extensions for all the intersections, bike lanes or sharrows, accessibility curbs and sidewalk, new traffic signals with ADA compliant equipment.
4. In addition, the Mayor and Council would like to see full sidewalk replacement, an enhanced concrete color and paving pattern, and tree pits provided for future tree plantings, emergency response pre-emption system installed, the connection of sump pumps into the State's drainage system and coordination with the City regarding the City's sanitary sewer system improvements.
5. The Mayor and Municipal Council would like to see crash data that formed the basis for the proposed lane reductions.

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

- a. Ray Thomzack, NJ Department of Transportation
- b. Michele Alonso, Director of Planning and Redevelopment;
- d. Anthony Nuccio, Acting City Manager; and
- e. Frederick C. Raffetto, Esquire, Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member		X	X		

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

2015-325 A Resolution Authorizing Approval To Submit A Grant Application And
Execute A Grant Agreement With The New Jersey Department Of
Transportation For The Fourth Avenue Improvements Project

**A RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT
APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE FOURTH AVENUE
IMPROVEMENTS PROJECT**

WHEREAS, the New Jersey Department of Transportation (NJDOT) is accepting applications for FY2016 Municipal Aid projects, and NJDOT will provide financial assistance to municipalities for transportation infrastructure improvements which are selected through the grant application process; and

WHEREAS, Fourth Avenue roadway is in need of improvements resulting from the increased traffic from the Sunset Bridge detour; therefore, the City of Asbury Park will submit a Municipal Aid Grant Application for the Fourth Avenue Improvements project, which will extend from Pine Street to Ridge Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of Asbury Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as (enter here the application ID from NJDOT SAGE) to the New Jersey Department of Transportation on behalf of the City of Asbury Park.

BE IT FURTHER RESOLVED that Mayor and City Manager are hereby authorized to sign the grant agreement on behalf of City of Asbury Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Mayor Moor explained the 2015-2016 repaving project.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member			X		

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

2015-326 A Resolution Authorizing a Memorandum of Understanding
by and Between Monmouth County and the City of Asbury Park

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN MONMOUTH COUNTY AND THE CITY OF ASBURY PARK**

WHEREAS, certain events have promoted Monmouth County (“County”) desire to strengthen its preparedness and response capabilities in the area of Specialized Rescue and Hazardous Material Responses to preserve and protect the health, safety and welfare of the populace of the County; and

WHEREAS, these emergencies include such events as natural disasters, technological hazards, man-made disasters, civil emergencies, community disorder, insurgencies and enemy attacks; and

WHEREAS, the County agencies and Participating Unit (s) intend that a well-equipped and trained unit operating in partnership with each other have agreed to join together and form the Monmouth County Technical Operations Unit (“MCTOU”) to collectively and collaboratively work together in preparing for, responding to, recovering from and mitigating against incidents requiring Specialized Rescue or Response Skills; and

WHEREAS, an emergency situation may require the County to mobilize resources and coordinate a response and/or provide other services to aid in the handling of the emergency; and

WHEREAS, the County’s ability to meeting such an emergency will be improved by pre-arranging and expediting the County’s access to resources supplied by the County and Participating Unit (s) to include training, personnel and equipment, combined marking up the MCTOU; and

WHEREAS, Emergency Support Function (“ESF”) 9 of the Monmouth County Emergency Operations Plan, establishes the Office of Emergency Manage as the lead planning entity.

NOW THEREFORE, BE IT RESOLVED by the City of Asbury Park Council, County of Monmouth, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the Memorandum of Understanding on behalf of the City of Asbury Park.

I, Cindy Dye, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2015-326,

which was finally adopted by the City Council at a meeting held on the 9th day of September, 2015.

	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		

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