

RESOLUTIONS ADOPTED BY CITY COUNCIL JUNE 11, 2013

R136-13 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR SALE OF REAL ESTATE BETWEEN THE CITY OF LONG BRANCH AND THE ESTATE OF GERALD RUSSOMANO, JR. **(HELD OVER FROM MAY 28TH MEETING)**

R140-13 RESOLUTION GRANTING REDEVELOPMENT AGENCY APPROVAL TO AFP 104 CORP.'S CONCEPT PLANS FOR IMPROVEMENTS TO THE EAST SIDE AREAS OF THE OCEAN PLACE HOTEL **(HELD OVER FROM MAY 28TH MEETING)**

R149-13 RESOLUTION AUTHORIZING CHANGE ORDER #3 (FINAL) FOR IMPROVEMENTS TO CHERRY STREET PARK (THOR CONSTRUCTION)

R150-13 RESOLUTION REQUESTING TRANSIT VILLAGE DESIGNATION

R151-13 RESOLUTION APPROVING THE VARIOUS LIQUOR LICENSE RENEWALS FOR THE 2013/2014 LICENSE TERM

R152-13 RESOLUTION APPROVING THE INACTIVE LIQUOR LICENSE HELD BY TRE OUMINI PELATI LLC FOR THE 2013/2014 LICENSE TERM

R153-13 RESOLUTION OPPOSING THE DIVERSION OF STATE RECYCLING FUNDS

R154-13 RESOLUTION AWARDED BID CONTRACT FOR DIGITAL SIGNS, WEST END PARK, CITY HALL AND MANAHASSETT CREEK PARK

R155-13 RESOLUTION ACCEPTING GRANT FROM COUNTY OF MONMOUTH, WORKFORCE DEVELOPMENT, HURRICANE SANDY NATIONAL EMERGENCY GRANT TOTALING \$200,283.00 FOR THE YEAR 2013

R156-13 RESOLUTION – SPECIAL ITEM OF REVENUE COUNTY OF MONMOUTH WORKPLACE DEVELOPMENT GRANT (HURRICANE SANDY) \$87,371.65

R157-13 RESOLUTION RELEASING MAINTENANCE GUARANTEE (DUTCH PRIME FOODS)

R158-13 RESOLUTION AWARDED CONTRACT FOR PURCHASE OF ONE JOHN DEERE XUV 550 GATOR UTILITY VEHICLE FOR THE BEACH OPERATIONS

R159-13 RESOLUTION APPROVAL PAYMENT OF BILLS

R160-13 RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LONG BRANCH TO SIGN THE ATTACHED DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT

R# 136-13

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR SALE OF REAL ESTATE BETWEEN THE CITY OF LONG BRANCH AND THE ESTATE OF GERALD RUSSOMANO, JR.

WHEREAS, the City of Long Branch has been in negotiations with the Estate of Gerald Russomano, Jr., which property is bounded for the purchase of property located at 600 Route 36, Long Branch, Monmouth County, New Jersey, Block 252, Lot 103; and

WHEREAS, a contract of sale for real estate has been negotiated over a period of several months in the form annexed hereto and made a part hereof; and

WHEREAS, the City has previously bonded in excess of the purchase price of the property; and

WHEREAS, the Public Works Department requests this property be purchased; and

WHEREAS, the contract contains contingencies which protect the City for environmental contamination not caused by the City of Long Branch; and

WHEREAS, the contract provides for the opportunity of the City of Long Branch to reject the purchase based on environmental reports and other conditions such as title to the property.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Long Branch, that the Mayor of the City of Long Branch be and the same hereby is authorized to execute the agreement for sale of real estate in the form annexed hereto and made a part hereof for the purchase of property located

at 600 Route 36, Long Branch, Monmouth County, New Jersey, Block 252, Lot 103.

MOVED: *Pallone*
SECONDED: *Billings*

AYES: *5*
NAYES: *0*
ABSENT: *0*
ABSTAIN: *0*

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMLZ, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HERETO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 11th DAY OF JUNE 2013
Kathy L. Schmelz
MUNICIPAL CLERK, R.M.C.

RESOLUTION GRANTING REDEVELOPMENT AGENCY APPROVAL TO AFP 104 CORP.'S CONCEPT PLANS FOR IMPROVEMENTS TO THE EAST SIDE AREAS OF THE OCEAN PLACE HOTEL

WHEREAS, in 1985, the City, the Long Branch Redevelopment Agency and GEM Holding Company, Inc. entered into a "Disposition and Development Agreement between the Mayor and Council of the City of Long Branch, New Jersey; The Long Branch Redevelopment Agency and GEM Holding Company, Inc." (the "Development Agreement"), which provided for the initial construction of a hotel consisting of 250 rooms with 25,000 square feet of retail space (the "Original Project"), and granted GEM Holding Company, Inc. (and its successors and assigns) the right to further develop hotel and retail facilities; and

WHEREAS, the Original Project contemplated by the Development Agreement was completed in accordance with the terms of the Development Agreement pursuant to a Certificate of Completion issued by the City on 1/18/1991, resulting in the construction of the hotel and related retail now known as the Ocean Place Resort and Spa (the "Property"); and

WHEREAS, in 1996, the City adopted the Oceanfront-Broadway Redevelopment Plan (the "Redevelopment Plan"), which sets forth the zoning standards and requirements for redevelopment projects in the Oceanfront-Broadway Redevelopment Area (the "Redevelopment Zone"); and

WHEREAS, the Redevelopment Plan is supplemented by the Design Guidelines Handbook 1, which sets forth more detailed building and design requirements for redevelopment projects in the Redevelopment Zone; and

WHEREAS, the Redevelopment Zone was divided into sectors for planning and zoning purposes, each of which was subject to its own Design Guidelines; and

WHEREAS, the Property is located with the Hotel Campus Sector of the Redevelopment Area and is subject to the Design Guidelines Handbook 5; and

WHEREAS, the Redevelopment Plan and Design Guidelines set forth the specific building and design standards and requirements applicable to the Hotel Campus Sector of the Redevelopment Zone and govern and control development of the Property; and

WHEREAS, pursuant to a resolution adopted September 23, 2000 by the City and an agreement between GEM Holding Company, Inc. and Tiburon Ocean Place LLC, all right, title, interest and benefit in the Development Agreement, and all of the obligations and burdens of GEM Holding Company, Inc. contained therein, were assigned to, and accepted and assumed by, Tiburon Ocean Place LLC, effective October 23, 2000; and

WHEREAS, pursuant to a resolution adopted March 14, 2006 by the City and an agreement between Tiburon Ocean Place LLC, Ocean Place Development LLC (“OPD”), all right, title, interest and benefit in the Development Agreement, and all of the obligations and burdens of GEM Holding Company, Inc. contained therein, were assigned to, and accepted and assumed by, OPD effective April 25, 2006; and

WHEREAS, the rights and obligations as between the City and OPD with respect to development proposed by OPD were set forth in a certain Amended and Restated Redevelopment Agreement by and between Ocean Place Development LLC and The City of Long Branch dated August 22, 2007 (the “Amended Redevelopment Agreement”); and

WHEREAS, on February 15, 2011, OPD filed a voluntary Chapter 11 bankruptcy petition with the United States Bankruptcy Court for the District of New Jersey (the “Court”); and

WHEREAS, on or about February 16, 2012, the Court entered an Order (the “Confirmation Order”) confirming the Third Amended Plan of Liquidation Under Chapter 11 of the Bankruptcy Code Proposed by AFP 104 Corp. (the “Plan”), which became effective March 12, 2012; and

WHEREAS, pursuant to the Plan and the Confirmation Order, AFP 104 Corp. (“Owner”) on February 28, 2012, obtained fee simple title to the Property, but did not assume any of the obligations under the Development Agreement or the Redevelopment Agreement; and

WHEREAS, pursuant to a Stipulation and Consent Order, entered with the Court on April 29, 2013, the Owner caused OPD to assume and assign the Development Agreement to Owner; and

WHEREAS, pursuant to the Stipulation and Consent Order, the Owner caused OPD to reject the Amended Redevelopment Agreement; and

WHEREAS, Owner, since obtaining title to the Property, has commenced and is continuing to make substantial renovations to the Hotel; and

WHEREAS, Owner has been discussing more substantial improvements to the east side of the Property (the “Improvements”) with the City; and

WHEREAS, the current concept plans for the Improvements were presented by the Owner at the public Council workshop on May 28, 2013, copies of which concept plans are attached hereto and incorporated herein as Exhibit A; and

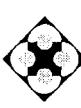
WHEREAS, in response to comments from the City Council, the Owner provided more details and was present to answer additional questions at the public Council workshop and at the regular public Council meeting on June 11, 2013; and

WHEREAS, the City Council believes that the concept design for the Improvements are consistent with the Development Agreement and the Redevelopment Plan and Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch that the City Council hereby approves the concept plan and design for the Improvements, as set forth in the attached Exhibit A, and authorizes the Owner to proceed to seek and obtain site plan approval for the Improvements from the Long Branch Planning Board.

OFFERED: Pallone
SECOND: Billings
YES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMEL, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HEREBY SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 11th DAY OF JUNE 2013
Kathy L. Schmel
MUNICIPAL CLERK, R.M.C.



TAPESTRY
LANDSCAPE
ARCHITECTURE
7 ARROYO STREET
HASKELL, NJ 07430
973.336.8888 FAX
WWW.TAPESTRYLAND.COM

ARTIST: JAMILE LARIVIERA, ARCHITECT
SHEET NO. 2008177-01-01-01-01-01

REVISIONS:

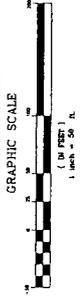
OCEAN PLACE RESORT
1 OCEAN BOULEVARD
LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY

BLOCK: 293, 294
LOT: 16-01 TRACT: 11-01
DRAWING:

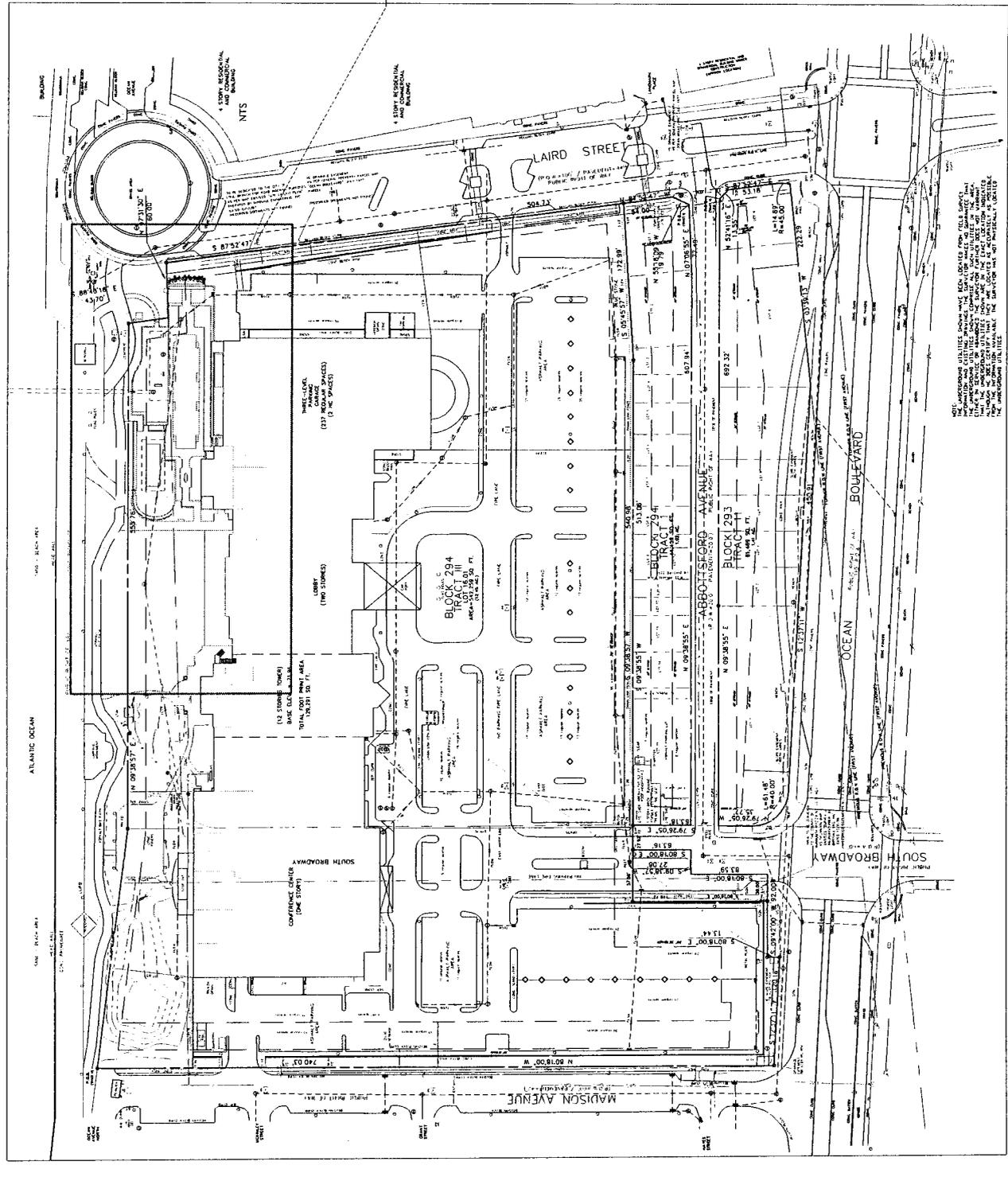
PROJECT LOCATION ON EXISTING SITE PLAN

SCALE: 1"=50'-0"
DATE: 08-29-2013
DRAWN BY: JL
DRAWING NO.: 2-08

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BRANCH ZONING ORDINANCE AND THE STATE OF NEW JERSEY PLANNING ACT.
4. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BRANCH ZONING ORDINANCE AND THE STATE OF NEW JERSEY PLANNING ACT.
5. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BRANCH ZONING ORDINANCE AND THE STATE OF NEW JERSEY PLANNING ACT.



PROJECT AREA
PROPOSED WORK SHOWN IN RED OVERLAIN ONTO EXISTING SURVEY



NOT: THE PROPOSED UTILITIES SHOWN WERE OBTAINED FROM FIELD SURVEY. THE EXISTING UTILITIES SHOWN WERE OBTAINED FROM THE CITY OF LONG BRANCH RECORDS. THE SURVEYOR HAS NOT VERIFIED THE ACCURACY OF THE UTILITIES SHOWN. THE SURVEYOR HAS NOT VERIFIED THE ACCURACY OF THE UTILITIES SHOWN.

DATE PLOTTED: 08/29/2013 10:58:11 AM. PLOTTER: HP DesignJet 2400. PLOT SCALE: 1"=50'-0". PLOT SHEET: 1 OF 1.



TAPESTRY
LANDSCAPE
ARCHITECTURE
7 ARGYLE STREET
HASKELL, NJ 07420
973.616.6896 PH
973.616.6896 FAX
WWW.TAPESTRY.NJ.COM

REVIEWED: DANIEL LANGRISH ARCHITECTS
MILL NO. 3580225 NY REG. NO. 042254

OCEAN PLACE RESORT
1 OCEAN BOULEVARD
LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY

BLOCK: 263.304 TRACT: L.I.III
LOT: 16.00
DRAWING:

LANDSCAPE PLAN

SCALE: 1" = 20'-0"
DATE: 05.29.2013
DRAWN BY: JL
DRAWING NO.: 6415

NOTES:

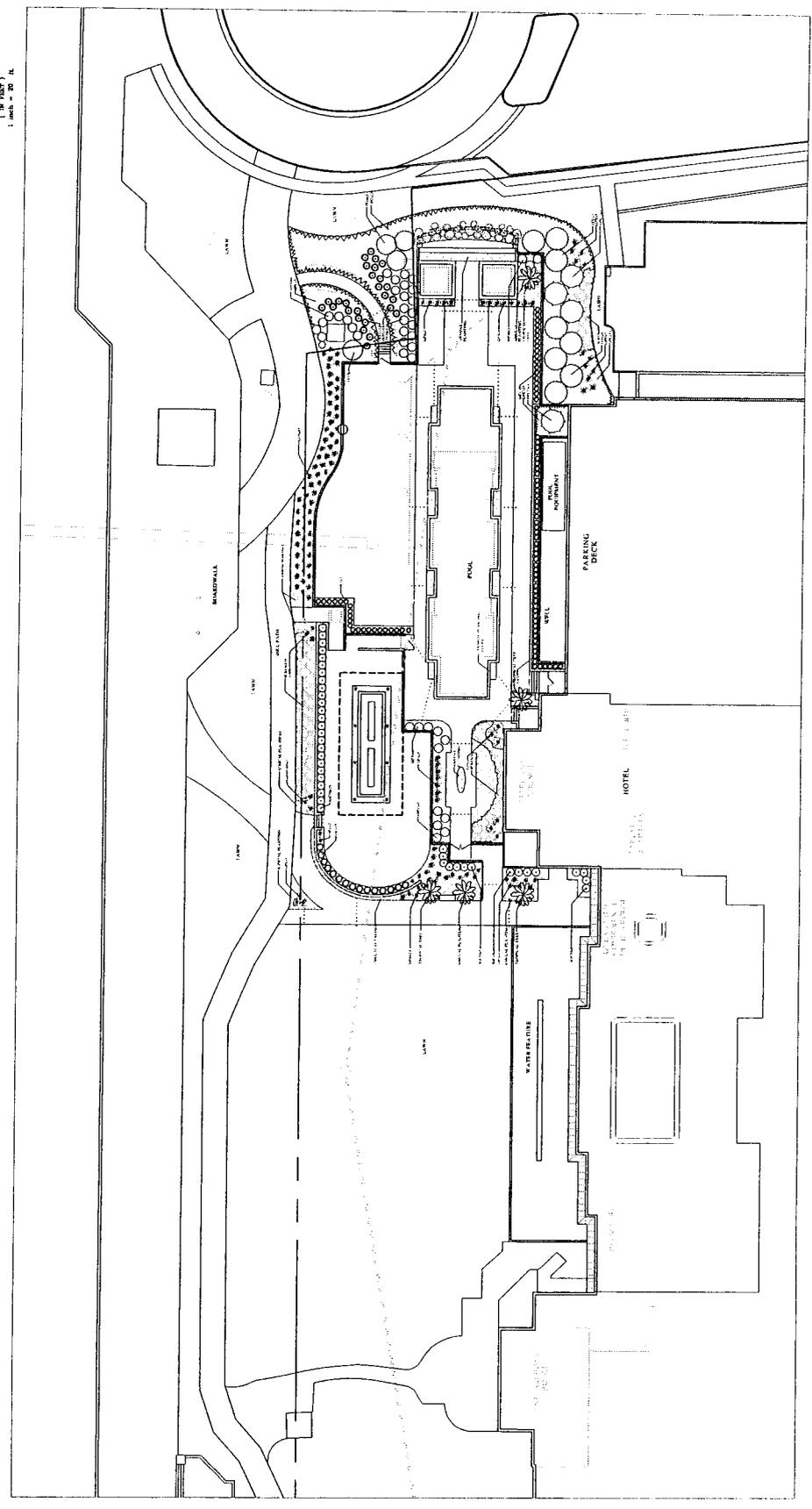
1. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR AND SHALL BE SUBJECT TO INSPECTION BY THE BOARD.
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8. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR AND SHALL BE SUBJECT TO INSPECTION BY THE BOARD.
9. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR AND SHALL BE SUBJECT TO INSPECTION BY THE BOARD.
10. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR AND SHALL BE SUBJECT TO INSPECTION BY THE BOARD.



GRAPHIC SCALE
1" = 20' 0"

Proposed Plant List

Code	Botanical Name	Common Name	Qty	Size
PL01	Platanus occidentalis	American Sycamore	24	12" x 12"
PL02	Quercus prinus	Prickly Pear Oak	24	12" x 12"
PL03	Quercus macrocarpa	Large Leaf Oak	24	12" x 12"
PL04	Quercus laevis	Swamp White Oak	24	12" x 12"
PL05	Quercus falcata	White Oak	24	12" x 12"
PL06	Quercus rubra	Red Oak	24	12" x 12"
PL07	Quercus lyrata	Live Oak	24	12" x 12"
PL08	Quercus coccinea	Scarlet Oak	24	12" x 12"
PL09	Quercus prinus	Prickly Pear Oak	24	12" x 12"
PL10	Quercus macrocarpa	Large Leaf Oak	24	12" x 12"
PL11	Quercus laevis	Swamp White Oak	24	12" x 12"
PL12	Quercus falcata	White Oak	24	12" x 12"
PL13	Quercus rubra	Red Oak	24	12" x 12"
PL14	Quercus lyrata	Live Oak	24	12" x 12"
PL15	Quercus coccinea	Scarlet Oak	24	12" x 12"
PL16	Quercus prinus	Prickly Pear Oak	24	12" x 12"
PL17	Quercus macrocarpa	Large Leaf Oak	24	12" x 12"
PL18	Quercus laevis	Swamp White Oak	24	12" x 12"
PL19	Quercus falcata	White Oak	24	12" x 12"
PL20	Quercus rubra	Red Oak	24	12" x 12"
PL21	Quercus lyrata	Live Oak	24	12" x 12"
PL22	Quercus coccinea	Scarlet Oak	24	12" x 12"
PL23	Quercus prinus	Prickly Pear Oak	24	12" x 12"
PL24	Quercus macrocarpa	Large Leaf Oak	24	12" x 12"
PL25	Quercus laevis	Swamp White Oak	24	12" x 12"
PL26	Quercus falcata	White Oak	24	12" x 12"
PL27	Quercus rubra	Red Oak	24	12" x 12"
PL28	Quercus lyrata	Live Oak	24	12" x 12"
PL29	Quercus coccinea	Scarlet Oak	24	12" x 12"
PL30	Quercus prinus	Prickly Pear Oak	24	12" x 12"



REVISIONS

THIS DRAWING IS THE PROPERTY OF TAPESTRY LANDSCAPE ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TAPESTRY LANDSCAPE ARCHITECTURE.

R# 149-13

**RESOLUTION AUTHORIZING CHANGE ORDER #3 (FINAL)
FOR IMPROVEMENTS TO CHERRY STREET PARK**

WHEREAS, on September 27, 2013, the Long Branch City Council approved Resolution #232-12 awarding a contract to Thor Construction Group LLC for improvements to Cherry Street Park in an amount not to exceed \$266,499.50; and

WHEREAS, on May 14, 2013 the Long Branch City Council approved Resolution #121-13 change order #2 for an increase of \$5,325.00; and

WHEREAS, the City Engineer has recommended that it is in the best interest of the City to approve a change order for said work, as detailed in Change Order #3 (Final) attached hereto, the net result of which is a decrease of 6,900.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby approve Change Order #3 (Final) to the contract of THOR Construction Group LLC in the amount of a 6,900.00 decrease amending the total contract amount to a sum not to exceed \$272,899.50.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary documents pursuant to said change order.

MOVED:

SECONDED:

AYES:

NAYS:

ABSENT:

ABSTAIN:

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMEL, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 12-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12 DAY OF DECEMBER, 2013
Kathy L. Schemel
MUNICIPAL CLERK, R.M.C.O.

CHANGE ORDER NUMBER - 3 Final
BSG Job No. 06544-101000

May 23, 2013

Project	<u>Improvements to Cherry Street Park</u>
Municipality	<u>City of Long Branch</u>
County	<u>Monmouth</u>
Contractor	<u>THOR Construction Group, LLC</u>

In accordance with the project Supplementary Specification, the following are changes in the contract.
 Location and Reason for Change:

- Final As-Built Quantities

Decreased Items -

<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>
A-1	Trenching & Restoration for JCP&L Wiring	-1 LS	\$ 6,900.00	\$ (6,900.00)
Total Decrease:				\$ (6,900.00)

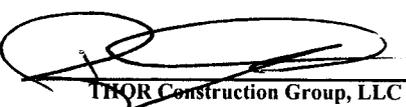
Amount of Original Contract \$ 266,499.50
 Adjusted Amount Based on Change Orders No. 1 and 2 \$ 272,899.50

Extra Supplemental Reduction Total Change \$ -6,900.00
 \$ 0.00
 \$ 0.00
 \$ -6,900.00
 Change Order No. 1 Amount \$ 7,975.00
 Change Order No. 2 Amount \$ 5,325.00

% Change in Contract 2.40%
 [(+) Increase or (-) Decrease]


 Birdsall Services Group, Inc.
 (Engineer)

5-28-13
 (Date)


 THOR Construction Group, LLC
 (Contractor)

5/24/13
 (Date)

 City of Long Branch
 (Presiding Officer)

 (Date)

R# 150-13

**RESOLUTION REQUESTING
TRANSIT VILLAGE DESIGNATION**

WHEREAS, the NJ Department of Transportation (NJDOT) has created a Smart Growth community revitalization and redevelopment program known as the Transit Village Initiative; and

WHEREAS, the Transit Village Initiative supports Smart Growth, revitalization and redevelopment within walking distance of transit for the purpose of increasing transit ridership, reducing automobile congestion and improving air quality in the State of New Jersey; and

WHEREAS, the NJDOT along with NJ TRANSIT, the Department of Community Affairs, the Department of Environmental Protection, the Redevelopment Authority, the Council on the Arts, Main Street New Jersey, the Economic Development Authority, the Office for Planning Advocacy and the Housing and Mortgage Finance Agency are partners in the Transit Village Initiative and make up the Transit Village Task Force; and

WHEREAS, the NJDOT may designate a Transit Village after the municipality has achieved the Transit Village Criteria established by the Transit Village Task Force; and

WHEREAS, once a municipality has been deemed a Transit Village, the Transit Village Task Force will provide that municipality with (1) a contact person in each of the state agencies that make up the Transit Village Task Force; (2) technical assistance from each agency; (3) up-to-date information on grants, loans, programs or other opportunities; (4) priority funding where feasible; and (5) access to special information meetings, educational programs and research information; and

WHEREAS, the governing body of the City of Long Branch desires to apply to the NJDOT for Transit Village designation.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Long Branch, in the county of Monmouth, State of New Jersey, that the City of Long Branch requests to be considered for Transit Village designation; and

BE IT FURTHER RESOLVED that the City Council of the City of Long Branch is committed to Smart Growth and is willing to accept meaningful growth in terms of jobs, housing and population within the transit village development district; and

BE IT FURTHER RESOLVED that the City Council of the City of Long Branch hereby commits to the implementation of the compact, mixed-use, transit-supportive vision as represented in the Transit Village Statement of Qualification; and

BE IT FURTHER RESOLVED that the City Council of the City of Long Branch has identified the City Administrator, who is knowledgeable in municipal planning, development and/or economic issues, to be the primary contact person to the Transit Village Task Force, and has identified Carl Turner, Assistant Director of Planning as the alternate contact person; and

BE IT FURTHER RESOLVED that if designated a Transit Village, the City Council of the City of Long Branch will commit to submitting annual updates as required by the Transit Village Task Force; and

BE IT FURTHER RESOLVED that if designated, the City Council of the City of Long Branch will continuously strive to improve the quality of the transit village district; and

BE IT FURTHER RESOLVED that in the event that the Transit Village Task Force determines that a designated Transit Village is no longer acting consistently with the Transit Village program goals, the Transit Village Task Force may suspend designation and/or withhold program benefits.

DATE: 6-12-13

OFFERED: Pallone
SECOND: Billings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMLE, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12TH DAY OF JUNE 2013
Kathy L. Schmele

R# 151-13

**RESOLUTION APPROVING THE VARIOUS
LIQUOR LICENSE RENEWALS FOR THE 2013/2014
LICENSE TERM**

WHEREAS, the Director of Public Safety, the Director of Health and the Director of Building & Development, have recommended the approval of the following liquor license:

Bricktown Realty Liquors LLC	1325-33-031-004
Boardwalk Café / Cabana Club	1325-33-073-011
Avenue / Le Club	1325-33-027-008
BAC Liquors LLC	1325-33-020-004
BAC Liquors LLC	1325-33-056-008
McLoones Pier House	1325-33-023-008

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby approve the above listed liquor license renewal for the seasonal license term of July 1, 2013 through June 30, 2014.

MOVED: *Pallone*
SECONDED: *Billings*

AYES: *5*
NAYS: *0*
ABSENT: *0*
ABSTAIN: *0*

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHMELZ, MUNICIPAL CLERK OF THE CITY OF
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MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12th DAY OF JUNE 2013
Kathy L. Schmeltz

R# 152-13

**RESOLUTION APPROVING THE INACTIVE LIQUOR LICENSE
HELD BY TRE OUMINI PELATI LLC FOR
THE 2013/2014 LICENSE TERM**

WHEREAS, Tre Oumini Pelati LLC filed a verified petition to the Director of the Division of ABC asking for a special ruling to be issued to allow the City to renew their license for the 2013/2014 license term; and

WHEREAS, the ruling determined that good cause exists for the City to consider the application; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch that they hereby approve the license held by Tre Oumini Pelati LLC state license #1325-33-034-008 for the 2013/2014 license term.

MOVED: Pallone
SECOND: Billings

AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHMELZ, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
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IN WITNESS WHEREOF, I HAVE HEREONTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 11th DAY OF JUNE, 2013
Kathy L. Schmeltz
MUNICIPAL CLERK, R.M.C.

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

LIC. NO. 1325-33-034-008

DOCKET NO. 05-13-7937

IN THE MATTER OF THE APPLICATION)
TO PERMIT THE RENEWAL OF AN)
INACTIVE LICENSE PURSUANT TO)
N.J.S.A. 33:1-12.39 FOR THE 2013-14 and)
2014-15 LICENSE TERM(S))
)
)
)
Tre Oumini Pelati LLC)
)

SPECIAL RULING

BY THE DIRECTOR:

The petitioner or licensee has filed a verified petition requesting authorization for the local issuing authority to consider a renewal application for License No. 1325-33-034-008 for the license term(s) pursuant to the provisions of N.J.S.A. 33:1-12.39.

I have reviewed the petition filed in this matter and have considered all the facts and circumstances related to the inactive status of this license. I find that the petitioner or licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the 2013-14 and 2014-15 license term(s).

Accordingly, the municipal issuing authority is hereby authorized to consider the application for renewal of the subject license for the 2013-14 and 2014-15 license term(s) and to thereupon grant or deny said application in the reasonable exercise of its discretion. This authorization does not abrogate the licensee's obligation to timely submit the license renewal application and requisite fees prior to any consideration of renewal, including obtaining a tax clearance.

Please note that the approval granted herein is conditional, and is based upon the representations set forth in the petitioner's notarized letter(s). This approval is subject to review and/or modification should the factual circumstances warrant.



MICHAEL I. HALFACRE
DIRECTOR

DATED: May 21, 2013

R# 153-13

**RESOLUTION OPPOSING THE
DIVERSION OF STATE RECYCLING FUNDS**

WHEREAS, New Jersey municipalities and counties receive significant funds to assist local recycling efforts through the Recycling Enhancement Act Fund which is generated by a \$3.00 / ton tax on all waste disposal; and

WHEREAS, monies have been taken from this fund and diverted to the general NJ State budget in past years; and

WHEREAS, this year the new State budget will be taking an amount close to the entire tax receipts for the past twelve months; and

WHEREAS, the City of Long Branch seeks an immediate end to the continued raids on these funds which are vital for offsetting the significant municipal costs incurred for the continued collection and marketing of recyclables and provide funds for planning, household hazardous waste management and regional recycling efforts.

WHEREAS, the Monmouth County Solid Waste Advisory Council (SWAC) has sent the Freeholders and Legislative delegation urging united action to stop the continued and growing raids on these recycling monies; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Long Branch that they join the Monmouth County SWAC in this battle to combat the inappropriate diversion of dedicated tax funds.

BE IT FURTHER RESOLVED that copies of this resolution be sent to State Legislators and the Monmouth County Freeholders.

SO MOVED: Pallone

SECOND: Billings

AYES: 5

NAYES: 0

ABSENT: 0

ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHMELZ, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12th DAY OF JUNE 20 13
Kathy L. Schmeltz
MUNICIPAL CLERK, E.M.C.

R# 154-13

**RESOLUTION AWARDING BID
CONTRACT FOR DIGITAL SIGNS, WEST END PARK, CITY
HALL, AND MANAHASSETT CREEK PARK**

WHEREAS, the City of Long Branch has the need to replace digital signs at West End Park, City Hall and install a new sign at Manahasset Creek Park and;

WHEREAS, through a fair and open process, the City has advertised to receive bids on April 30, 2013 for Digital Signs End Park and the following bids were received as followed:

	Base Bid
Shorelands	\$104,257.00
Forman Sign Company	\$118,479.00

WHEREAS, the bid documents were reviewed by the Purchasing Agent, and our Engineer and found to be in order; and

WHEREAS, it is the recommendation of the Engineer that it is in the City's best interest to award a contract to **SHORELANDS** as the low bidder; and

WHEREAS, the Chief Financial Officer of the City of Long Branch has certified, in accordance with the Certification of Funds form attached hereto, that funds for these contracts are available in, **Appro. #G-13-055-431, in the amount of \$ 60,000.00**
Appro. #G-13-055-422 in the amount of \$40,000.00, Appro. #G-13-055-421, in the amount of \$4,257.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch, that a contract be awarded to **SHORELANDS CONSTRUCTION COMPANY** for Digital Signs West End Park, in accordance with the bid specifications and proposal, **for a sum not to exceed \$104,257.00**

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary documents pursuant to said award.

OFFERED: Pallone
 SECOND: Billings
 AYES: 5
 NAYES: 0
 ABSENT: 0
 ABSTAIN: 0

STATE OF NEW JERSEY
 COUNTY OF MONMOUTH
 CITY OF LONG BRANCH
 I, KATHY L. SCHEMEL, MUNICIPAL CLERK OF THE CITY OF
 LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
 TO BE A TRUE, COMPLETE AND CORRECT COPY OF
 RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
 REGULAR MEETING HELD ON 6-11-13
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET
 MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
 CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
 JERSEY THIS 19th DAY OF JUNE 2013
Kathy L. Schemel

**CITY OF LONG BRANCH
OFFICE OF THE FINANCE DIRECTOR
344 BROADWAY
LONG BRANCH, NJ 07740**

CERTIFICATION OF CHIEF FINANCIAL OFFICER

As the Chief Financial Officer of the City of Long Branch, I certify that funds are available for award of the following contracts/agreements:

CONTRACT TO REPLACE WEST END PARK, CITY HALL, MANHASSETT CREEK PARK DIGITAL SIGNS

Said contract being made as follows:

SHORELANDS CONSTRUCTION \$104,257.00

Said funds being available in the form of:

**GRANT # G-13-055-431- \$60,000.00 , # G-13-055-422- \$40,000.00
#G-13-055-421- \$4,257.00**



Ronald J. Mehlhorn, Sr., C.P.A., R.M.A.
Finance Director, Chief Financial Officer

6/3/13
Date

May 22, 2013

Ms. Kathy Schmelz, Clerk
City of Long Branch
344 Broadway
Long Branch, NJ 07740

**Re: Digital Signs for West End Park
Municipal Building & Manahasset Creek Park
Recommendation of Award
Our file: LB 13-05**

Dear Ms. Schmelz:

Bids for the above referenced project were received on Wednesday, May 22, 2013. Two (2) contractors purchased bid documents and of those, two (2) contractors submitted proposals as follows:

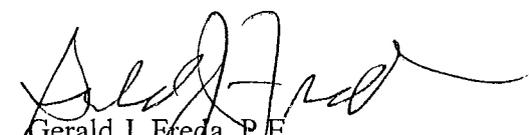
	Bidders	Bid Amount
1.	Shorelands Construction Inc.	\$104,257.00
2.	Forman Sign Company	\$118,479.00

The references for the low bidder, Shorelands Construction, Inc. of Monmouth Beach, New Jersey have been checked by this office and found to be satisfactory. We therefore, recommend that a contract be awarded to Shorelands Construction, Inc. of Monmouth Beach, New Jersey in the amount of \$104,257.00, subject to the favorable review of the bid bond by the City Attorney, and the availability of funding to complete the project.

Should you have any questions regarding this matter, please feel free to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.


Gerald J. Freda, P.E.
Consulting Engineer

DMH:mfl

cc: Howard H. Woolley, Jr. Administrator
Ronald Mehlhorn, Sr. CFO
David J. Spaulding, Jr., Purchasing Agent
Fred Migliaccio, Director of DPW

LB/13/13-05

Memo

To: Howard H. Woolley, Business Administrator
From: David Spaulding, Purchasing Agent
CC: Ronald J.Mehlhorn
Date: 5/24/2013
Re: Digital Signs for West End Park

Bid Summary DIGITAL SIGNS WEST END PARK

A bid Committee consisting of, Purchasing Agent, and Avakian Engineer's were in receipt of sealed bids which were advertised on April 30, 2013 and were received on May 22, 2013.

Shorelands Construction	\$104,257.00
Forman Sign Company	\$118,479.00

Form	Shorelands	Forman		
Stock	X	X		
Non	X	X		
Add	X	X		
Bond	X	X		
BRC	X	X		
Affirm	X	X		
Surety	X	X		
Public Works	X	X		
Subs	X	X		

Note: Shorelands Construction appears to be the apparent lowest, responsive, responsible bidder.

155-13

**RESOLUTION
ACCEPTING GRANT FROM COUNTY OF MONMOUTH, WORKFORCE
DEVELOPMENT, HURRICANE SANDY NATIONAL NATIONAL
EMERGENCY GRANT TOTALING
\$200,283.00
FOR THE YEAR 2013**

WHEREAS wishes to enter into an agreement with the Monmouth County Board of Chosen Freeholders, for the Calendar year 2013, for a Workforce Development grant, in the amount of \$200,283.00, for activities relative to Hurricane Sandy.

WHEREAS the grant provides funding for hiring unemployed individuals to help in Hurricane Sandy Storm Damage cleanup and pays for 100% of salaries and fringes associated with the new hires.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Long Branch, County of Monmouth that the governing body of the City of Long Branch hereby accepts the conditions of the above referenced grant and authorizes Mayor and City Clerk to execute any and all documents necessary to secure said funding.

OFFERED: Pallone
SECOND: Billings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHMIDT, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 10-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12th DAY OF June, 2013
Kathy Schmidt
Municipal Clerk, City of Long Branch

R# 156-13

**RESOLUTION – SPECIAL ITEM OF REVENUE
COUNTY OF MONMOUTH
WORKPLACE DEVELOPMENT GRANT
(HURRICAN SANDY)
\$87,371.65**

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 item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Long Branch hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the year 2013 in the amount of \$87,371.65, which item is now available from a County of Monmouth Workforce Development Program.

BE IT FURTHER RESOLVED that a like sum of \$87,371.65 is hereby appropriated under the caption of:

County of Monmouth
Workplace Development Grant \$87,371.65

BE IT FURTHER RESOLVED that the City Clerk forward two (2) copies of the required Department of Community Affairs form requesting permission of the Director for the inclusion of the above referenced items.

OFFERED: Pallone
SECOND: Billings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMELZ, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 11th DAY OF June 2013
Kathy L. Schemelz
MUNICIPAL CLERK, R.M.

STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES

Pursuant to N.J.S.A. 40AAA-87 I hereby certify that the following resolution has been duly adopted by the governing body of- City of Long Branch
Name of Municipality

Robert T. Lopez
Clerk's Signature

I hereby certify the City of Long Branch Name of Municipality has realized or is in receipt of written notification of the state or federal monies cited in the following resolution, which meets all statutory requirements and will be included in the 2013 Year municipal budget.

Donald M. Williams
Signature, Chief Financial Officer

Resolution Number: R156-13

Date of Adoption: June 11, 2013

Revenue Title: County of Monmouth, Workforce Development Amount: \$ 87,371.65

Appropriation Title: County of Monmouth, Workforce Development Amount: \$ 87,371.65

Local Match - Source: _____ Amount: \$ _____

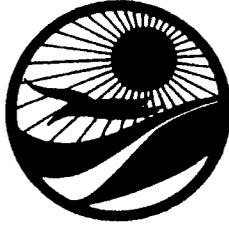
Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A. 40A: 4-87

For Director, Division of Local Government Services

by: _____ Duly Appointed Designee Date Certified _____

THIS CERTIFICATION FORM MAY BE REPRODUCED
TO BE USED FOR STATE AND FEDERAL GRANTS ONLY

FOR DCA USE ONLY	
Municode:	_____
Doc. No.	_____



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N.J. 07740 (732) 222-7000

STATEMENT OF CHIEF FINANCIAL OFFICER

June 1, 2013

Re: Special Item of Revenue
County of Monmouth, Workforce Development
\$87,371.65

As the Chief Financial Officer of the City of Long Branch, I certify the following to be true and correct:

The budget for 2013, introduced on April 24, 2013, adopted May 28, 2013, contained a grant from the County of Monmouth, Workforce Development, in the amount of \$91,311.39.

This amount had been changed by the County of Monmouth to \$112,911.35, a difference of \$21,599.96.

The City requested a Special Item of Revenue for the amount of \$21,599.96 on May 28, 2013, bringing the total anticipated amount to \$112,911.35.

We have now been informed that the total amount of the grant has been increased to \$200,283.00 (see attached Notification).

We respectfully request the addition of a Special Item of \$87,371.65 representing the change in this award, bringing the total amount to \$200,283.00.

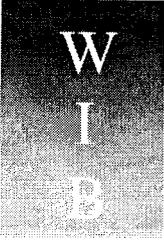
Attached is a copy of the award from the County of Monmouth.

If you should have any questions please contact me.

Respectfully Submitted,

Ronald J. Mehlhorn Sr. CPA, RMA
Director of Finance (CFO)





Monmouth County Workforce Investment Board

145 Wyckoff Road, Eatontown, NJ 07724 (732) 683-8850 Fax: (732) 544-5458

John E. Gagliano
Chairman

Eileen M. Higgins
Executive Director

May 30, 2013

Mr. Ron Velhorn, CFO
City of Long Branch
344 Broadway
Long Branch, NJ 07740

Subject: Notification of Sandy NEG Funding Extension

Dear Mr. Velhorn,

Thank you for the request to extend the City of Long Branch's existing Hurricane Sandy National Emergency Grant, Contract Number **AGREEMENT NO: HS - PY12- 21**.

Please accept this correspondence as our commitment to continue funding this project under the following conditions:

1. Positions continue to be 100% Hurricane Sandy relevant and each position has been approved by the Monmouth County Division of Workforce Development.
2. Positions are not funded in part by any other source.
3. If any position is covered under a union agreement, we will need union concurrence.

Proposed Contract Modification:

The previous contract which ended April 29, 2013*	\$ 81,879
The extension (additional) request through September 29, 2013	\$ 118,404
Revised Contract Total*	\$ 200,283

*This amount is subject to change based on actual expenditure up through 4-29-2013.

A formal contract modification will be forwarded to you for signature in the next 5 business days. If you have any questions, please do not hesitate to contact Dan Passarella, Contracts and Planning Administrator at 732-683-8850 ext 3811.

Sincerely,

Eileen Higgins
Executive Director

R# 157-13

RESOLUTION RELEASING MAINTENANCE GUARANTEE

PROJECT: Dutch Prime Foods
BLOCK: 492
LOT: 20

WHEREAS a maintenance guarantee has been posted for the above referenced project, and,

WHEREAS the project is complete and the maintenance period has run.

WHEREAS the applicant has request the release of said guarantee, and,

WHEREAS the two years Maintenance Guaranty period has expired.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Long Branch, County of Monmouth, that the Director of Finance is hereby authorized to refund the amount of \$651.48, plus additional accrued interest if applicable, to :

Dutch Prime Foods
PO Box 660
Long Branch, NJ 07740

BE IT FURTHER RESOLVED that the Standby Letter of Credit No: JS1286303, issued September 5, 2001, in the amount of \$8,849.85 is hereby released.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the above referenced address.

OFFERED: Pallone
SECOND: Bullings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMELZ, MUNICIPAL CLERK OF THE CITY OF LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE, COMPLETE AND CORRECT COPY OF RESOLUTION ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY THIS 12th DAY OF June 20 13
Kathy L. Schemelz
MUNICIPAL CLERK, R.T.C.

R# 158-13

**RESOLUTION AWARDING CONTRACT FOR
PURCHASE OF ONE JOHN DEERE XUV 550 GATOR UTILITY
VEHICLE FOR THE BEACH OPERATIONS**

WHEREAS, the City has the need to purchase a John Deere Utility Vehicle for use by its Beach Operations; and

WHEREAS, in accordance with NJAC 52:34-6.2(b) (3), the City may award a contract without publicly advertising for bids when purchasing under a National Cooperative Agreement; and

WHEREAS, the National Joint Powers Alliance through a fair and open process, has awarded a contract for purchase of a John Deere XUV 550 Gator Utility (Contract # 081209-JDE) from John Deere, Incorporated, Moline, IL for a cost **not to exceed \$7,610.69**, in accordance with the documents annexed hereto, and it is the recommendation of the Public Works Director that this equipment will meet the Department of Beach Operations, and that it is in the City's best interest to award a contract to this company for said equipment, which will provide a **savings of \$796.10** ; and

WHEREAS, the Chief Financial Officer of the City of Long Branch has certified, in accordance with the Certification of Funds Form attached hereto, that funds are available for this purchase from, **Appro. Line Item #T-14-250-008, in an amount not to exceed \$7,610.69**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch that a contract be awarded to **John Deere, Incorporated**, for purchase of a John Deere XUV 550 Gator Utility Vehicle, in accordance with the terms and conditions of National Joint Powers Alliance contract #081209-JDE, **for a cost not to exceed \$7,610.69.**

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary document pursuant to said award and advertise by law.

OFFERED: Pallone
SECOND: Billings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMZ, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 6-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 11th DAY OF JUNE 2013
Kathy L. Schmez
MUNICIPAL CLERK, R.R.

**CITY OF LONG BRANCH
OFFICE OF THE FINANCE DIRECTOR
344 BROADWAY
LONG BRANCH, NJ 07740**

CERTIFICATION OF CHIEF FINANCIAL OFFICER

As the Chief Financial Officer of the City of Long Branch, I certify that funds are available for award of the following contracts/agreements:

EQUIPMENT BEACH OPERATIONS

Said contract being made as follows:

JOHN DEERE INCORPORATED \$7,610.69

Said funds being available in the form of:

APPRO. # T-14-250-008 \$7,610.69



Ronald J. Mehlhorn, Sr., C.P.A., R.M.A.
Finance Director, Chief Financial Officer

6/5/13
Date



JOHN DEERE

Selling Equipment



Quote Id: 8190661

Customer Name:

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

POWER PLACE, INC.
319 US HWY 46
ROCKAWAY, NJ 078663833
973-627-8005

JOHN DEERE XUV 550 Green & Yellow

Hours:

Stock Number:

Contract: National Purchasing Partners (NPP) Utility Vehicles

Selling Price *

\$ 7,610.69

Price Effective Date: June 3, 2013

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
5160M	XUV 550 Green & Yellow	1	\$ 8,199.00	16.00	\$ 1,311.84	\$ 6,887.16	\$ 6,887.16
Standard Options - Per Unit							
0202	US / CANADA	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
1001	Yellow Steel Wheels Ancla M-T Extreme Terrain Tire	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
2001	Bench Seat - Yellow	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
3003	Manual Lift	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
4000	OPS	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
5110	Less Utility and Protection Package	1	\$ 0.00	16.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market							
BM23373	OPS Full No-Scratch Windshield	1	\$ 531.79	16.00	\$ 85.09	\$ 446.70	\$ 446.70
BM23397	OPS Poly Roof - Black	1	\$ 329.56	16.00	\$ 52.73	\$ 276.83	\$ 276.83
Dealer Attachments Total			\$ 861.35		\$ 137.82	\$ 723.53	\$ 723.53
Suggested Price							\$ 7,610.69
Total Selling Price			\$ 9,060.35		\$ 1,449.66	\$ 7,610.69	\$ 7,610.69

CONFIDENTIAL

R# 159-13

RESOLUTION
APPROVAL PAYMENT OF BILLS

WHEREAS, the City Council of the City of Long Branch have examined the bills and the vouchers therefore that are contained on the attached list.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Long Branch that the payment of bills set forth on the attached list are hereby approved.

MOVED: Pallone
SECONDED: Billings
AYES: 5
NAYES: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEELE, MUNICIPAL CLERK OF THE CITY OF
LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING
TO BE A TRUE, COMPLETE AND CORRECT COPY OF
RESOLUTION ADOPTED BY THE CITY COUNCIL AT A
REGULAR MEETING HELD ON 12-11-13
IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE
CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW
JERSEY THIS 12th DAY OF June 2013
Kathy L. Scheele
Municipal Clerk, N.J.C.

PUBLIC NOTICE

Notice is hereby given that the following bills will be submitted for payment approval as of June 11, 2013. The original bills are on file in the Office of the Director of Finance of the City of Long Branch between the hours of 8:30 and 4:30 P.M. Monday through Friday.

279 Broadway Assoc.	Rent for Municipal Court - June 2013	9,107.11	*
A.R. Communications	Cables for New ATV's	175.00	
Action Flag Co.	American Flags - Recreation Dept.	220.50	
Apruzzese, McDermott, Mastro & Murphy	Legal Services Rendered - General Matters - April 2013	6,921.05	Pymt #4
Atlantic Plumbing Supply Corp.	Plumbing Materials for Various Locations - DPW	359.08	
B & H Photo	Computer Supplies - Finance Dept. / Police Dept.	1,176.21	
Birdsall Services Group, Inc.	Engineering Services Rendered - General - April 2013	310.00	Pymt #4
Builders' General Supply Co.	Lumber/Materials for Morris Avenue & Beachfront	1,433.42	
Bullet Lock & Safe Co.	Misc. Keys/Locks - April & May 2013 - Traffic Dept. / DPW	49.00	
Central Office Products, Inc.	Copier Maintenance - Various Depts.	5,644.10	
Circle Chevrolet	Misc. Parts - PD #003 - DPW	235.00	
City of Long Branch Clearing Account	Reimburse Clearing Account	303,693.99	*
City of Long Branch Clearing Account	Reimburse Clearing Account	11,153.59	*
City of Long Branch Clearing Account	Reimburse Clearing Account	848,439.92	*
City of Long Branch Payroll Agency Account	Payroll Dated 5/24/13	35,516.39	*
City of Long Branch Payroll Agency Account	Payroll Dated 5/24/13	812,923.53	*
Coast Hardware Co.	Misc. Hardware - DPW	129.85	
Comcast Online	Internet Provider Service - 5/16-6/15/13 - Various Depts.	268.73	*
Continuing Academics for Accountants	CPE Courses - Finance Director	313.50	*
CWA Local 1038	Dental / Vision - June 2013	4,900.00	*
D.W. Smith Assoc.	Engineering Services Rendered - MCP Turf Field Assessment - April & May 2013	10,245.00	Pymt #1
Dearborn National Life Insurance Co.	Life Insurance - June 2013	1,203.30	*
Dell Marketing, L.P.	Computer Equipment - Police Dept.	1,862.24	
Edwards Tire Co.	Tires - PW #128 - DPW	805.34	
Freehold Dodge, Inc.	Misc. Parts - FP #035 - DPW	15.94	
Garden State Bobcat, Inc.	Misc. Parts - PD #541 - DPW	101.16	
Gerald Carroll	Reimbursement for E-mail Services for City Network - IT-Administration	44.97	
Global Gov't./Education Solutions, Inc.	Computer Equipment - DPW	702.58	
Gloria Winnick	Reimbursement for Purchase of Supplies for Ribbon Cutting Ceremony at Beach - Mayor's Office	93.27	
Great America Financial Services	Copier Lease - June 2013 - Various Depts.	1,043.57	*
Hilsen Pest Control, LLC.	Integrated Pest Control at Various Locations & Inspection of Lake Takanassee - Health Dept.	1,170.00	
Horizon Blue Cross Blue Shield of NJ	Health Benefits - June 2013	448,348.09	*
Horizon Blue Cross Blue Shield of NJ	Dental Benefits - June 2013	14,290.99	*
Inavas Medical, Inc.	First Aid Kits for Beachfront - Recreation Dept.	764.99	
International Code Council, Inc.	Membership Renewal - S. Midose - Building Dept.	100.00	*
Isis Soriano-Lopez	Elementary School Memorial Day Essay Contest Winner - Veterans/Administration	100.00	*
Jasmine Hoagland	Middle School Memorial Day Essay Contest Winner - Veterans/Administration	100.00	*

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Jersey Elevator co.
 Jersey Shore Medical Center
 Jesco, Inc.
 Johnny On The Spot
 John's Auto & Truck Repair
 Kylie Benetsky
 Liberty Paper & Janitorial Supply
 Matthew Bender & Co.
 McKenna, DuPont, Higgins & Stone
 Monmouth County Regional Health Comm.
 Monmouth County Regional Health Comm.
 Moore Medical
 Mr. John
 N.J. Gravel & Sand Co.
 National Construction Rentals, Inc.
 Naval Surface Warfare Center
 NJSCPA Ed Foundation, Inc.
 Office Basics, Inc.
 Party Fair
 Paul Marino
 Provantage Corp.
 Quality Communications Systems
 Riggins, Inc.
 Samzi's Uniforms
 Santa Cruz Gunlocks, LLC.
 Seaboard Welding Supply, Inc.
 Sharp Electronics Corp. c/o Shore Business Solutions
 Skip's Sports
 Skylands Area Fire Equipment & Training, LLC.
 Specialty Graphics
 St. James' Church
 State Treasurer Dept. of Local Gov't. Services
 Stavola Asphalt Co.
 Storr Tractor Co.
 Talco Business Systems
 The Link News
 Thompson Design Group, Inc.
 Thomson Reuters - West
 Thomson West
 Tracker Software Corp.
 Treasurer, State of NJ - Division of Revenue
 Uline, Inc.
 Verizon Wireless
 Verizon Wireless
 Virtual F/X, LLC.

Annual Pressure Test on Elevator at City Hall - DPW
 (12) CPR Recertification's for Lifeguards - 5/15/13 - Recreation Dept.
 Misc. Parts - PW #104 - DPW
 Barricade Fence Panels for Ocean Blvd. - May 2013
 Alignment - PD #47 & 2004 Dodge Durango - DPW
 High School Memorial Day Essay Contest Winner - Veterans/Administration
 Janitorial Supplies for Manahasset Park & Beachfront - DPW
 NJ Admin. Code Title 4A Renewal - April 2013 / March 2014 - Police Dept.
 Legal Services Rendered - Conflict Attorney - March & April 2013
 Interlocal Service Agreement - Epidemiologist & Specialized Health Services - July/Dec. 2012
 Interlocal Service Agreement - Epidemiologist & Specialized Health Services - Jan. /June 2013
 Gloves - Police Dept.
 Port-A-John's - Various Locations - April 2013 - Recreation Dept.
 Infield Mix for Atlantic & Truax Fields - DPW
 Barricades for Beachfront
 Night Vision Goggle/Thermal Camera Agreement - August 2013 / August 2014 - Police Dept.
 Registration - Seminar - 5/22/13 - Finance Director
 Copier Paper - To Replenish Central Supply
 Supplies for Various Events in May 2013 - Senior Affairs
 Entertainment - Art in the Park - 5/26/13 - L.B. Arts Council
 Computer Equipment - Various Depts.
 Radio Equipment - Fire Dept.
 Unleaded Gasoline & Diesel Fuel - May 2013 - DPW
 Cloth Badges - Police Dept.
 Rifle Setup - Police Dept.
 Welding Supplies & Industrial Gases - April 2013 - DPW
 Copier Rental - May 2013 - Recreation Dept.
 Uniforms for Beachfront Staff - Recreation Dept.
 Thermal Image Charger - Truck #25-2-75 - Fire Dept.
 2013 Uniform Allowance - DPW
 Full Page Ad in Journal for Centennial Celebration - Mayor's Office
 Certification Renewal - D. Talerico - City Clerk's Office
 Road Maintenance Materials - DPW
 Misc. Parts for Tractor - DPW
 Annual Maintenance Contract Renewal for Cash Register in Records - Police Dept.
 Calendar - March 2013 - City Clerk's Office
 Professional Services Rendered - General - May 2013
 NJ Stat T40A - Purchasing Dept.
 NJ Stat 2013 Pocket Parts - Administration
 Annual Support & Maintenance for Software - DPW
 Site Remediation ISRP Annual Fee - DPW
 Cable Ties - Recreation Dept.
 Laptop Service - Bill Dated 5/12/13 - Various Depts.
 Cell Phone Service - Bill Dated 5/16/13 - Various Depts.
 Lettering for New ATV's - Recreation Dept.

370.00
 60.00
 1,090.81
 1,350.00 Pymt #5
 179.90
 100.00
 1,621.85
 66.00
 137.50 Pymt #2
 1,488.00 Final Pymt
 8,537.00 Pymt #1
 359.76
 312.10
 1,908.00
 2,875.00
 600.00
 135.00
 780.00
 294.61
 750.00
 663.30
 385.00
 38,917.97
 1,490.00
 997.05
 105.50
 198.05
 3,009.62
 615.00
 23,877.00
 165.00
 50.00
 91.72
 407.26
 168.00
 250.00
 624.58 Pymt #3
 64.00
 448.00
 3,520.00
 2,300.00
 82.97
 960.25
 2,215.59
 495.00

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Vision Service Plan
W.B. Mason Co.
W.W. Grainger, Inc.

Vision - June 2013
Various Office Supplies - Various Depts.
Misc. Equipment - DPW

* 1,181.81
1,179.14
383.47

TOTAL CURRENT

2,631,822.22

Atlantic Flooring, Inc.
Avalon Carpet Tile & Flooring
Birdsall Services Group, Inc.
CDWG
City of Long Branch Clearing Account
City of Long Branch Clearing Account
Johnson's Restaurant Supply, Inc.
Pfeister Consulting Services, LLC.
Provantage Corp.
Thor Construction Group, LLC.

Vinyl Tile/Adhesive for Manahassett Park - DPW
Floor Tiles for Pavilion Kitchen, Bathrooms & Meeting Room - Community Dev.
Engineering Services Rendered - Improvements to Cherry Street Park - March 2013
Computer Equipment - IT/City Network
Reimburse Clearing Account
Reimburse Clearing Account
Various Items for Pavilion Kitchen at Manahassett Creek Park - Community Dev.
Replace Fortigate Firewall - Police Dept.
Computer Equipment - IT/City Network
Improvements to Cherry Street Park - May 2013

* 5,125.14
5,693.65
543.74 Pymt #12
1,075.00
54,149.52
5,125.14
580.31
1,500.00
1,365.00
12,880.51 Final Pymt

TOTAL CAPITAL

88,038.01

City of Long Branch Clearing Account
City of Long Branch Clearing Account
City of Long Branch Clearing Account
City of Long Branch Payroll Agency Account
City of Long Branch Payroll Agency Account
Dearborn National Life Insurance Co.
Horizon Blue Cross Blue Shield of NJ
Horizon Blue Cross Blue Shield of NJ
Lou's Uniforms
Verizon Wireless
Vision Service Plan

Reimburse Clearing Account
Reimburse Clearing Account
Reimburse Clearing Account
Payroll Dated 5/24/13
Payroll Dated 5/24/13
Life Insurance - June 2013
Health Benefits - June 2013
Dental Benefits - June 2013
Uniform for Animal Control Officer M. Lograsso - Health Dept.
Cell Phone Service - Bill Dated 5/16/13 - Animal Control
Vision - June 2013

* 1,107.90
* 116.09
* 6,474.50
* 461.83
* 6,012.67
* 1.96
* 3,246.63
* 109.45
* 111.00
* 116.09
* 20.32

TOTAL DOG

17,778.44

City of Long Branch Clearing Account
City of Long Branch Clearing Account
City of Long Branch Clearing Account
City of Long Branch Payroll Agency Account
City of Long Branch Payroll Agency Account
Coast Hardware Co.

Reimburse Clearing Account
Reimburse Clearing Account
Reimburse Clearing Account
Payroll Dated 5/24/13
Payroll Dated 5/24/13
Misc. Hardware - Community Dev.

* 8,635.38
* 4,600.00
* 6,199.15
* 445.85
* 5,753.30
208.42

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Dearborn National Life Insurance Co.	Life Insurance - June 2013	9.80	*
Great America Financial Services	Copier Lease - June 2013 - Community Dev.	112.62	*
Horizon Blue Cross Blue Shield of NJ	Health Benefits - June 2013	4,358.05	*
Horizon Blue Cross Blue Shield of NJ	Dental Benefits - June 2013	155.40	*
Mr. John	Port-A-John's - Manahasset Park - April 2013 - Community Dev.	633.00	*
Perry's Trophy Co.	Plaques for Jerry Morgan Park & Memorial Park - Community Dev.	320.00	*
Sea Coast Chevrolet, Inc.	2001 Chevy Impala - Community Dev.	4,600.00	*
Vision Service Plan	Vision - June 2013	27.74	*

TOTAL HUD

36,058.71

Actien Holding, Inc.	Tax Sale Premium	4,600.00	*
City of Long Branch Clearing Account	Reimburse Clearing Account	34,500.77	*
City of Long Branch Clearing Account	Reimburse Clearing Account	42,630.63	*
City of Long Branch Clearing Account	Reimburse Clearing Account	93,148.99	*
City of Long Branch Payroll Agency Account	Unemployment - May 2013	709.88	*
City of Long Branch Payroll Agency Account	Payroll Dated 5/24/13	2,844.30	*
City of Long Branch Payroll Agency Account	Payroll Dated 5/24/13	90,289.39	*
Culmac Investors, Inc.	Tax Sale Premium	3,500.00	*
Dearborn National Life Insurance Co.	Life Insurance - June 2013	0.98	*
H.R. Marcus Investors, LLC.	Tax Sale Premium	4,900.00	*
Horizon Blue Cross Blue Shield of NJ	Health Benefits - June 2013	2,317.35	*
Horizon Blue Cross Blue Shield of NJ	Dental Benefits - June 2013	77.70	*
Inna & Jack Gelin	Tax Sale Premium	500.00	*
Inna & Jack Gelin	Tax Sale Premium	1,700.00	*
Joy Anderson, Esq.	Assigned Council - St. vs. Cutler - Municipal Court	200.00	*
Level G Assoc.	Professional Services Rendered - Pier Village III - April 2013	700.00	*
McManimon, Scotland & Baumann, LLC.	Legal Services Rendered - Pier Village III - April 2013	6,593.81	*
New Jersey Dept. of Labor	Unemployment - Quarter Ending March 2013	35,875.52	*
Ridgeback Ventures, LLC.	Tax Sale Premium	900.00	*
Specialty Graphics	Return of Bid Deposit	176.30	*
US Bank Cust For Tower DBW	Tax Sale Premium	12,900.00	*
Virgo Muni Finance Fund, L.P.	Tax Sale Premium	200.00	*
Virgo Muni Finance Fund, L.P.	Tax Sale Premium	100.00	*
Vision Service Plan	Vision - June 2013	13.87	*
W.B. Mason Co.	Office Supplies - Community Dev.	200.37	*

TOTAL TRUST OTHER

339,579.86

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

R# 160-13

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LONG BRANCH TO SIGN THE ATTACHED DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT

BE IT RESOLVED, that the City Council of the City of Long Branch hereby authorizes the Mayor of the City of Long Branch to sign the attached deed of dedication and perpetual storm damage reduction easement.

MOVED: Pallone
SECONDED: Billings

AYS: 5
NAYS: 0
ABSENT: 0
ABSTAIN: 0

STATE OF NEW JERSEY
COUNTY OF MONMOUTH
CITY OF LONG BRANCH
I, KATHY L. SCHEMELZ, MUNICIPAL CLERK OF THE CITY OF LONG BRANCH, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE, COMPLETE AND CORRECT COPY OF RESOLUTION ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING HELD ON 6-11-13

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND AFFIXED THE OFFICIAL SEAL OF THE CITY OF LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY, THIS 11th DAY OF June, 2013
Kathy L. Schemelz
MUNICIPAL CLERK, R.M. 0

Prepared by:

DEED OF DEDICATION AND PERPETUAL STORM

DAMAGE REDUCTION EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT is made this _____ day of _____ 2013 BY AND

BETWEEN City of Long Branch

whose address is

344 Broadway, Long Branch, New Jersey 07740

referred to herein as Grantor,

AND

THE CITY OF LONG BRANCH, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 344 Broadway, Long Branch, New Jersey 07740, **AND THE STATE OF NEW JERSEY** referred to herein collectively as the Grantees

WITNESSETH

WHEREAS, Grantor is the owner of that certain tract of land, located in the City of Long Branch, County of Monmouth, State of New Jersey, and identified as **Block 298, Lots 4.03 and 1.02**, and all associated riparian rights as shown on the official tax map of the City of Long Branch and the descriptions and drawings annexed hereto and made a part hereof, hereinafter the "Property," and Grantor holds the requisite interest to grant this Deed of Easement; and

WHEREAS, the Grantees recognize that the beach at Long Branch, New Jersey is subject to constant erosion and degradation, thereby destroying a valuable natural resource and threatening the safety and property of the Grantor and of all of the citizens of the State; and,

WHEREAS, the Grantees desire to participate with each other and the United States Army Corps of Engineers to construct the Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet, Section I Sea Bright to Ocean Township, Beach Erosion Control Project, as defined in the July 30th, 1992 Local Cooperation Agreement between the Department of the Army and the State of New Jersey, hereinafter "Project"; and,

WHEREAS, in order to accomplish part of the Project, Grantees need a Perpetual Storm Damage Reduction Easement on portions of said Property herein described; and,

WHEREAS, the United States Army Corps of Engineers and/or State of New Jersey will not participate in the Project unless

the Grantees acquire the real property interest herein described in all real property needed for the Project; and,

WHEREAS, the City of Long Branch shall consider this Deed of Easement in establishing the full assessed value of any lands subject to such restrictions; and,

WHEREAS, the Grantor desires to cooperate in allowing the Project to take place on a portion of said Property; and,

WHEREAS, the Grantor acknowledges that it will benefit from the successful implementation of the Project; and,

WHEREAS, the Grantor acknowledges that after successful implementation of the Project the beach is still subject to the forces of nature which can result in both erosion and accretion of the beach; and,

WHEREAS, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of the beach and ocean.

NOW, THEREFORE, in consideration for the benefits to be received by the Grantor from the successful implementation of the Project, the Grantor grants and conveys to Grantees an irrevocable, assignable, perpetual and permanent easement as set forth herein:

GRANT OF EASEMENT: A perpetual and assignable easement and right-of-way for the Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet, Section I Sea Bright to Ocean Township, Beach Erosion Control Project in, on, over and across that land of the Property described as Block 298 Lots 4.03 and 1.02 and all associated riparian rights as shown on the City of Long Branch official tax maps and the maps and descriptions annexed hereto for the Blocks and Lots listed above for use by the State of New Jersey and the City of Long Branch, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand, to accomplish any alterations of the contours on said land, to construct berms, and to nourish and re-nourish periodically;
- b. Move, temporarily store and remove equipment and supplies;
- c. Erect and remove temporary structures;
- d. Perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Sandy Hook to Barnegat Inlet, Section II Asbury Park to Manasquan, Beach Erosion Control Project together with the right of public use and access;
- e. Post signs on said berms;
- f. Erect, maintain, and remove silt screens and snow fences;

g. Trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures, and obstacles within the limits of the easement;

h. Implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of the beach and ocean.

The easement reserves to the Grantor, the Grantor's heirs, successors and assigns the right to construct a private overwalk structure in accordance with any applicable Federal, State, or local laws or regulations, provided that such structure shall not violate the integrity of the berm in shape, dimension, or function. Prior approval of the plans and specifications for such structures must be obtained from the City of Long Branch and the State of New Jersey. Such structures are to be considered subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project. The easement reserves to the Grantor, the Grantor's heirs, successors, and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets. Grantor hereby expressly agrees not to grade or excavate within the easement area or to place therein any structure or material other than a walkover as referenced above without prior approval of the plans and specifications for said activities from the City of Long Branch, the State of New Jersey and/or any applicable Federal agency, as required.

Duration of Easement: The easement granted hereby shall be in perpetuity, and in the event that the City of Long Branch or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the land.

Municipality to Maintain Beach: The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to cause the beach area abutting Grantor's lands to be maintained, consistent with any applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey, Department of Environmental Protection or the United States Army Corps of Engineers to maintain the beach area.

Character of Property: Notwithstanding the foregoing, nothing herein is intended or shall be deemed to change the overall character of the Property as private property; nothing herein shall be deemed to grant to the Grantees or otherwise permit the Grantees or any other person to cross over or use any part of the Property which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property.

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Lands

burdened by the easement herein described shall not be excluded from the calculation of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

Miscellaneous:

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantees of such term or of any subsequent violation or of any of Grantees' rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.

2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.

3. If any provision of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocating party shall notify the other, in writing.

5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signatures on the date at the top of the first page.

Accepted by the
PROPERTY OWNER, GRANTOR

Witnessed by:

GRANTOR

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

Date _____

Accepted by the
CITY OF LONG BRANCH, GRANTEE

Witnessed by:

BY: _____
Adam Schneider
Mayor

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

Date _____

Accepted by the
STATE OF NEW JERSEY, GRANTEE

Witnessed by:

BY: _____
Dave Rosenblatt
Administrator
Office of Engineering & Construction

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

Date _____

STATE OF NEW JERSEY, COUNTY OF _____ SS.:

I CERTIFY that on _____ 2013,

personally came before me and this person acknowledged under oath, to my satisfaction that this person (or if more than one, each person);

- 1) is named in and personally signed this Deed of Easement;
- 2) signed, sealed and delivered this Deed of Easement as his or her act and deed;
- 3) holds the requisite ownership interest and authority to execute this Deed of Easement; and
- 4) made this Deed of Easement for the full and actual consideration as set forth herein.

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

