

WORKSHOP SESSION

CITY COUNCIL

FEBRUARY 27, 2007

6:00 P.M.

1. PRESENTATION : BROADWAY ARTS
2. COOL CITIES/SIERRA CLUB
3. EXAMINATION OF MASTER PLAN
WATERFRONT MIX/RESIDENTIAL MODIFICATION/ACCESSORY USE
ORDINANCE/CARL TURNER
4. SCHEDULED PARKING/BRANCHPORT AVENUE/DIRECTOR RICHARDS
5. REVIEW OF REGULAR AGENDA

ADMINISTRATIVE AGENDA

CITY COUNCIL

CITY OF LONG BRANCH

FEBRUARY 27, 2007

ROLL CALL:

DR. MARY JANE CELLI, COUNCILWOMAN
ANTHONY GIORDANO, COUNCILMAN
BRIAN UNGER, COUNCILMAN
DAVID G. BROWN, COUNCIL VICE-PRESIDENT
MICHAEL DESTEFANO, COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE

CERTIFICATION BY CLERK:

I HEREBY CERTIFY THAT THIS MEETING HAS BEEN PUBLISHED IN THE NEWSPAPER IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT AND POSTED AS REQUIRED BY LAW.

*Irene A. Joline, RMC
City Clerk*

8:00 PM - BROADWAY ARTS PRESENTATION

READING AND APPROVAL OF PREVIOUS MINUTES

FEBRUARY 13, 2007

**CONSIDERATION OF ORDINANCES:
PUBLIC HEARING AND FINAL CONSIDERATION**

NONE

ORDINANCES FOR INTRODUCTION: (PUBLIC HEARING SCHEDULED FOR MARCH 13, 2007)

#3-07 ORDINANCE AUTHORIZING LAND ACQUISITION OF BLOCK 222 LOTS 2 & 3 IN THE CITY OF LONG BRANCH THROUGH NEGOTIATIONS AND EMINENT DOMAIN PROCEEDINGS IF NECESSARY

#4-07 ORDINANCE AMENDING CHAPTER 5 "ADMINISTRATION OF GOVERNMENT", 5-17 "PUBLIC RECORDS" OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO CIVIL UNION CERTIFICATE FEES AND CHAPTER 224, "MARRIAGE", 22-4-1 TO INCLUDE A FEE FOR CIVIL UNION APPLICATION AND CIVIL UNION LICENSE

#5-07 ORDINANCE AMENDING CHAPTER 5 "ADMINISTRATION OF GOVERNMENT", 5-17 "PUBLIC RECORDS" OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO BURIAL PERMIT FEES

PUBLIC PARTICIPATION (ALL COMMENTS)

RESOLUTIONS

R48-07 RESOLUTION AMENDING RESOLUTION 46-07, RESOLUTION DESIGNATING PIER VILLAGE APPLIED LWAG LLC AS REDEVELOPER FOR CERTAIN PROPERTIES IN THE CITY OF LONG BRANCH AND AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO THE REDEVELOPMENT AGREEMENT FOR PIER VILLAGE AND COMMENCEMENT OF CONDEMNATION PROCEEDINGS AGAINST BLOCK 222 LOT 1

R49-07 RESOLUTION AUTHORIZING SURPLUS EQUIPMENT TO BE DONATED TO THE FATIMA PORTUGAL FIRE DEPARTMENT

R50-07 RESOLUTION OF THE COUNCIL OF THE CITY OF LONG BRANCH, ACTING AS REDEVELOPMENT ENTITY, APPROVING PLANS SUBMITTED BY BROADWAY ARTS CENTER, LLC FOR PHASE I AND PHASE II OF BROADWAY ARTS REDEVELOPMENT PROJECT

R51-07 RESOLUTION AUTHORIZING SETTLEMENT BETWEEN THE CITY OF LONG BRANCH AND ST. PAUL INSURANCE COMPANY

R52-07 RESOLUTION REGARDING MOSQUITO CONTROL

R53-07 RESOLUTION TO CANCEL OPEN TAXES DUE TO THE PROPERTY BEING OWNED BY THE CITY OF LONG BRANCH (BLOCK 302 LOT 18)

R54-07 RESOLUTION AMENDING RESOLUTION R31-07 ADOPTED FEBRUARY 13, 2007 RESOLUTION TO REFUND OVERPAYMENT OF 2006 TAXES DUE TO TAX EXEMPT STATUS NJSA 54:4-3.30

R55-07 RESOLUTION APPOINTING THOMAS FISH AS A MEMBER OF THE LONG BRANCH ZONING BOARD OF ADJUSTMENT

R56-07 RESOLUTION APPOINTING RAYMOND BILLINGS AS AN ALTERNATE (# 1) MEMBER OF THE LONG BRANCH ZONING BOARD OF ADJUSTMENT FOR THE UNEXPIRED TERM OF THOMAS FISH

R57-07 RESOLUTION APPOINTING MICHAEL SIRIANNI AS AN ALTERNATE (# 2) MEMBER OF THE LONG BRANCH ZONING BOARD OF ADJUSTMENT FOR THE UNEXPIRED TERM OF RAYMOND BILLINGS

R58-07 RESOLUTION TO REFUND OVERPAYMENT OF 2007 TAXES

R59-07 RESOLUTION TO REFUND OVERPAYMENT OF 2007 TAXES

R60-07 RESOLUTION AWARDDING BID FOR DUMP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS **(TENTATIVE) (TO BE GIVEN OUT AND POSTED TUESDAY EVENING)**

R61-07 RESOLUTION APPROVAL PAYMENT OF BILLS

APPLICATIONS

1. APPROVAL OF RAFFLE LICENSE FOR HOLY TRINITY CHURCH
2. APPROVAL OF RAFFLE LICENSE FOR PTO LONG BRANCH COUNCIL
3. APPROVAL OF (4) RAFFLE LICENSES FOR FRIENDS OF MONMOUTH COUNTY CHILD ADVOCACY
4. APPROVAL OF RAFFLE LICENSE FOR OUR LADY STAR OF THE SEA CHURCH
5. APPROVAL OF RAFFLE LICENSE FOR NEW JERSEY REPERTORY COMPANY

REDEVELOPMENT AGENCY:

UPDATE / MR. AARON (TENTATIVE)

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

ADJOURNMENT:

CITY OF LONG BRANCH
ORDINANCE NO. 3-07

**ORDINANCE AUTHORIZING LAND ACQUISITION OF BLOCK 222 LOTS 2 & 3 IN
THE CITY OF LONG BRANCH THROUGH NEGOTIATIONS AND EMINENT
DOMAIN PROCEEDINGS IF NECESSARY**

WHEREAS, the City of Long Branch (the "City") entered into that certain Amended and Restated Agreement between the City of Long Branch and Pier Village. L.L.C. (the "Original Redeveloper") for the Redevelopment Area designated as Pier Village dated as of February 22, 2000 (the "Original Redevelopment Agreement") pursuant to which Original Redeveloper agreed to develop a project in the Redevelopment Area consisting of 420 residential units and approximately 104,000 gross square feet of retail space ("the Project");

WHEREAS, the City amended the Original Redevelopment Agreement by First Amendment to Amended and Restated Agreement dated October 9, 2003 to permit the development of the Project in two phases and to consent to the assignment of the rights of Original Redeveloper to develop the first phase to two wholly-owned subsidiaries, Pier Village I and Pier Village II, and the rights to develop the second phase to an affiliate, Pier Village LWAG, LLC (the "Phase Two Redeveloper").

WHEREAS, the first phase was to originally consist of 320 residential units and 104,000 square feet (which was increased to 111,000 square feet as permitted by the City and the Planning Board) of retail space and the second phase was to consist of 100 residential units.

WHEREAS, the City and the Phase Two Redeveloper entered into the Second Amendment to the Agreement dated as of June 8, 2005, which permitted the Phase Two Redeveloper to construct an additional 130 residential units and approximately 12,500 gross square feet of retail space ("Phase Two").

WHEREAS, the Project and the City would benefit greatly from additional public parking for Phase Two along Melrose Terrace and Ocean Avenue.

WHEREAS, the City desires to acquire, through negotiations and if necessary its powers of eminent domain, the parcel known as Lots 2 & 3 in Block 222 on the Tax Maps of the City of Long Branch for the purpose of assembling the land necessary to provide additional parking available for the public and for residents of Phase Two.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Long Branch as follows:

That the City Attorney or his designees be and the same hereby is authorized to acquire property known as Lots 2 & 3 in Block 222 on the tax map of the City of Long Branch through negotiations according to Statute N.J.S.A. 20:1-1 et seq. and by proceeding eminent domain if necessary pursuant to said statute.

BE IT FURTHER ORDAINED that the City Official is hereby authorized to take whatever action is legally necessary to effectuate the intent and purpose of this Ordinance.

Ordinance No. 4-07

ORDINANCE AMENDING CHAPTER 5 "ADMINISTRATION OF GOVERNMENT", § 5-17 "PUBLIC RECORDS" OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO CIVIL UNION CERTIFICATE FEES AND CHAPTER 224 "MARRIAGE", § 224-1 TO INCLUDE A FEE FOR A CIVIL UNION APPLICATION AND CIVIL UNION LICENSE.

WHEREAS, the New Jersey marriage statutes have been revised to include language for civil unions and to reflect changes to the marriage process; and

WHEREAS, as a result of these revisions to State statute, which are found at N.J.S.A. 37:1-1, et seq., the City of Long Branch is desirous of amending its fee ordinance, §5-17(2)(a), as amended and adopted on December 26, 2006 by Ordinance 39-06, to include a fee for a civil union certificate; and

WHEREAS, pursuant to these revisions of New Jersey State Statute, the City of Long Branch is also desirous of amending its ordinance governing marriage licenses, specifically § 224-1, to include a fee for the processing of a civil union application and issuance of a civil union license;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Long Branch that § 5-17(2)(a) of the Code of the City of Long Branch and Ordinance 39-06 be and is hereby amended to include a \$10 fee for a copy of a civil union certificate; and

BE IT FURTHER ORDAINED by the Council of the City of Long Branch that § 224-1 of the Code of the City of Long Branch be and is hereby amended to read as follows:

§ 224-1. Fee.

A fee of \$28 shall be charged by the City of Long Branch for the processing of a marriage license and civil union license application and issuing of a marriage license and civil union license. Marriage license and civil union license applications shall be processed and licenses shall be issued by the City of Long Branch Department of Health.

INTRODUCED:

ADOPTED:

ATTEST:

CITY OF LONG BRANCH

IRENE JOLINE, CITY CLERK

ADAM SCHNEIDER, MAYOR

Ordinance No. 5-07

**ORDINANCE AMENDING CHAPTER 5 "ADMINISTRATION OF GOVERNMENT", § 5-17
"PUBLIC RECORDS" OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO
BURIAL PERMIT FEES.**

WHEREAS, the existing Ordinance regarding burial permit fees reflects a fee of \$5 each; and

WHEREAS, the City of Long Branch wishes to amend its fee ordinance with regard to burial permit fees to reflect what the City of Long Branch has been charging consistent with State law.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Long Branch that Ordinance, § 5-17(2)(a) is hereby amended to include a burial permit fee of \$1 each.

INTRODUCED:

ADOPTED:

ATTEST:

CITY OF LONG BRANCH

IRENE JOLINE, CITY CLERK

ADAM SCHNEIDER, MAYOR

ANSELL ZARO
GRIMM & AARON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
1500 LAWRENCE AVENUE
CN 7807
OCEAN, N.J. 07712
17321 952-4000

R # 78-07

**RESOLUTION AMENDING RESOLUTION 46-07, RESOLUTION
DESIGNATING PIER VILLAGE APPLIED LWAG LLC AS
REDEVELOPER FOR CERTAIN PROPERTIES IN THE CITY OF LONG
BRANCH AND AUTHORIZING EXECUTION OF A THIRD AMENDMENT TO
THE REDEVELOPMENT AGREEMENT FOR PIER VILLAGE AND
COMMENCEMENT OF CONDEMNATION PROCEEDINGS AGAINST BLOCK
222 LOT 1**

WHEREAS, the Council of the City of Long Branch adopted Resolution 46-07, a Resolution designating Pier Village Applied LWAG LLC as Redeveloper for certain properties in the City of Long Branch and authorizing execution of a third amendment to the redevelopment agreement for Pier Village and commencement of condemnation proceedings against Block 222 Lot 1; and

WHEREAS, the matter has come before the Council on February 13, 2007; and

WHEREAS, there was an error in the lot number; and

WHEREAS, the correct lot numbers are lots 2 & 3

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Long Branch that Resolution 46-07 be and the same hereby is amended by changing the lot number to lots 2 & 3

BE IF FURTHER RESOLVED that all other terms and conditions of the Resolution 46-07 be and remain in full force and effect.

MOVED:

SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

R# 49-07

**RESOLUTION AUTHORIZING SURPLUS EQUIPMENT TO BE DONATED TO THE
FATIMA PORTUGAL FIRE DEPARTMENT**

WHEREAS, the Fire Department of the City of Long Branch has previously donated surplus fire equipment to Fatima Portugal in 2006; and

WHEREAS, whereas, the City of Long Branch maintains a longstanding and close relationship with the Portuguese Community; and

WHEREAS, the Fire Department of the City of Long Branch has been recently approached by individuals from the Fatima Fire Department who have requested that the City of Long Branch supply to them any surplus fire hose that they City of Long Branch no longer needs; and

WHEREAS, the Long Branch Fire Department has a surplus of fire hose that is stored in the Fire Police Bay on Third Avenue in the City of Long Branch; and

WHEREAS, the hose that is so stored is useable but was taken out of service due to the Long Branch Fire Department switching over to the Large Diameter Hose (LDH) which is five inches in diameter; and

WHEREAS, the City of Long Branch Fire Department is currently awaiting delivery of two-thousand feet of Large Diameter Hose that will be placed on the Atlantic and Branchport Engines; and

WHEREAS, that delivery will provide the City of Long Branch with an additional two thousand feet of surplus three inch hose; and

WHEREAS, the old hose that is being taken out of service will be deemed un-auctionable and valueless; and

WHEREAS, the City' s purchasing agent has stated that the City would not receive any monetary value for the hose that is taken out of service; and

WHEREAS, the hose does have a value to the Fatima Fire Department; and

WHEREAS, the City of Long Branch Fire Department, through Chief Anthony Tomaine as concurred that the City of Long Branch can safely donate the older surplus three inch hose to the Fatima Fire Department of Portugal at no added cost to the Long Branch Fire Department budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Long Branch that the Fire Department of the City of Long Branch be and the same hereby is authorized under the direction of William Richards, the Director of Public Safety, to arrange to transfer to, at no additional cost to the City, any and all surplus three inch fire hose that is no longer in service in the City of Long Branch to the FATIMA Portugal Fire Department.

MOVED:
SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLE CALL:

AYES:
NAYES:
ABSENT:
ABSTAIN:

RESOLUTION NO. 50-01

RESOLUTION OF THE COUNCIL OF THE CITY OF LONG BRANCH, ACTING AS REDEVELOPMENT ENTITY, APPROVING PLANS SUBMITTED BY BROADWAY ARTS CENTER, L.L.C. FOR PHASE I AND PHASE II OF BROADWAY ARTS REDEVELOPMENT PROJECT

WHEREAS, by Ordinance 15-96 adopted on May 16, 1996, the City Council of the City of Long Branch ("City") approved the Oceanfront-Broadway Redevelopment Plan, including Design Guidelines, which have been amended and supplemented as the City's goals and objectives have developed ("Redevelopment Plan"), and the Redevelopment Plan provides for the redevelopment of Block 283 (Lots 1 through 21), Block 284 (Lots 1, 2, 3, 4.01, 4.02, 5, 6 and 7), Block 274 (Lot 1), Block 275 (Lot 1), Block 282 (Lots 1.01 and 1.02), Block 282.01 (Lot 1) and Block 311 (Lots 1 through 29) ("Broadway Arts /Downtown Residential Redevelopment Area"); and

WHEREAS, the City has determined, pursuant to N.J.S.A. 40A:12A-4, that the City will exercise the powers granted to it relating to redevelopment, acting in the capacity of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f and conveying property to the redeveloper in conjunction with the redevelopment plan under N.J.S.A. 40A:12A-8.g; and

WHEREAS, by resolution adopted on June 28, 2005, the City designated Broadway Arts Center, L.L.C. ("Broadway Arts Center") as the redeveloper of the Broadway Arts /Downtown Residential Redevelopment Area and approved the Redevelopment Agreement between the City and Broadway Arts Center ("Redevelopment Agreement"); and

WHEREAS, the Redeveloper has submitted site plans dated January 2007 for Phase I and Phase II of the Project (referred to herein as "Phase I Site Plans," "Phase II Site Plans," and collectively as "Phase I and II Site Plans"), which plans are the product of the Redeveloper having worked collaboratively with the City's Planning Professionals to produce a Project which would be consistent with the Redevelopment Plan, and would satisfy other planning objectives of the City; and

WHEREAS, the City Council, acting in its capacity as redevelopment entity, finds that it is appropriate to approve the Phase I and Phase II Site Plans, subject to adoption of an amendment to the Redevelopment Plan for certain aspects of Phase II; and

WHEREAS, the Phase I Site Plans are consistent with the terms of the Redevelopment Plan and Design Guidelines and therefore the Redeveloper may proceed as soon as practicable to a hearing on those plans for site plan approval by the Planning Board subject to the Planning Board accepting jurisdiction; and

WHEREAS the Phase II Site Plans, while consistent in most respects with the Redevelopment Plan, will require certain modifications to the Redevelopment Plan, which are supported by the City's Planning Staff and Architectural and Planning Consultants, administration and professionals; and

WHEREAS, the Phase II Site Plans will allow the City to achieve not only the multiple objectives that the City has set forth in its Redevelopment Plan, but also certain additional objectives, namely the incorporation of affordable housing in a manner that is fully integrated into the project, the maximization of view corridors, and the inclusion of plans for a Parking Garage that will be greater than originally anticipated by the Redeveloper due to the fact that parking requirements for the Project are greater than would have been the case if shared parking opportunities were greater; and

WHEREAS, the Council finds that the uses and social purposes of Phases I and II of the Project are laudable and will help to make it an important part of the social fabric of this diverse City, providing opportunities for people of all incomes and backgrounds to live and work in the City, and therefore the City finds that it is appropriate to designate the Phase I and Phase II Site Plans as the revised Exhibit E attached to the Redevelopment Agreement; and

WHEREAS, the City has requested and the Redeveloper hereby agrees to the attached new Time Line for redevelopment of the Phases I and II of the Project.

NOW, THEREFORE, BY THIS RESOLUTION, the Mayor and City Council of the City of Long Branch hereby take the following actions:

1. The City, acting as redevelopment entity, does hereby approve the Phase I and Phase II Site Plans, subject to the amendment of the Redevelopment Plan for the Phase II Site Plans, and subject to the approval of the Phase I and II Site Plans by the Planning Board of the City and any conditions imposed by the Planning Board; and
2. The City does hereby require that the Redeveloper proceed with its application pending before the Planning Board for hearing as soon as practicable, but no later than the dates set forth on the Time Line attached hereto for approval of Phase I Site Plans; and
3. The City does hereby require that the Redeveloper proceed with its application to the Planning Board for Phase II as soon as practicable after amendment of the Redevelopment Plan, but no later than the number of days set forth on the Time Line attached hereto; and
4. The City does hereby authorize the City's Planner and Architectural and Planning Staff to prepare and forward to the Planning Board recommendations for amendment of the Redevelopment Plan to permit the construction of for Phase II of the Project consistent with the plans hereby approved by the City, acting as a redevelopment entity; and
5. The City does hereby establish the dates set forth on the Time Line attached hereto as the requirements for the Redeveloper with respect to Phases I and II of the Project; and

6. The City does hereby adopt the findings set forth in the Whereas clauses set forth above; and

7. The City hereby authorizes the Mayor or his designee to execute all necessary and/or appropriate document to effectuate the purposes of this Resolution.

MOVED:

SECONDED:

AYES:

NAYES:

ABSENT:

ABSTAIN:

I, Irene A. Joline, RMC, City Clerk do hereby certify that the above resolution was adopted by the City Council of the City of Long Branch at a meeting held on _____.

Irene A. Joline, RMC, City Clerk

Dated: _____

TIME LINE

PHASE I	DATES BY WHICH ACTION IS TO BE TAKEN
Submission of Site Plans to the Planning Board	April 2007 – (Plans have been filed, to be heard by Planning Board on March 20, 2007) or as soon as practical by the Planning Board
Submission of evidence of Institutional Financing	One year from approval by City, acting as redevelopment entity, of Phase I and II Site Plans.
Date by which all properties in Phase I must either be acquired or condemnation commenced.	90 days after approval by City, acting as redevelopment entity, of Plans for Phases I & II.
Conveyance of Title to the Paramount Theatre to Crossroads Theatre Company	One year after approval by City, acting as redevelopment entity, of Phase I and II Site Plans, unless otherwise subsequently extended by written agreement from Crossroads.

PHASE II	DATES BY WHICH ACTION IS TO BE TAKEN
City will transmit recommended amendments to the Redevelopment Plan consistent with Site Plans for Phase II approved by City, acting as redevelopment entity.	90 days after approval by City, acting as redevelopment entity, of Phase I and II Site Plans
Redeveloper will submit applications for Site Plan approval for Phase II	60 days after approvals of Ordinance amending the Redevelopment Plan for Phase II
Submission of evidence of Institutional Financing	18 months after approval by City, acting as redevelopment entity, of Phase I and II Site Plans
Date by which all properties in Phase II must either be acquired or condemnation commenced.	90 days after approvals of Ordinance amending the Redevelopment Plan for Phase II

R# 51-07

RESOLUTION AUTHORIZING SETTLEMENT BETWEEN THE CITY OF LONG BRANCH AND ST. PAUL INSURANCE COMPANY

WHEREAS, the City of Long Branch was sued by Cottage Emporium and Kevin Brown;
and

WHEREAS, the City of Long Branch sought insurance coverage from St. Paul Fire and Marine Insurance Company; and

WHEREAS, the City of Long Branch was able to defend successfully and dismiss upon inception of the case all but one count of the Complaint; and

WHEREAS, the City of Long Branch sought through Ansell, Zaro, Grimm & Aaron, through a Third Party Complaint coverage from St. Paul Fire and Marine Insurance Company to the extend of moneys spent by the City of Long Branch to defend the actions of the plaintiffs, Cottage Emporium and Kevin Brown; and

WHEREAS, a settlement has been proposed that provides return to the City of Long Branch of \$17,685.28, the entire defense costs to date as paid by the City of Long Branch and in addition, in the event that Plaintiff's file an appeal from the Court's December 19, 2006 Summary Judgment ruling, St. Paul Insurance Company will reimburse 25% of the City of Long Branch's reasonable and necessary attorneys fees going forward; and

WHEREAS, said settlement is in the best interest of the citizens of the City of Long Branch..

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Long Branch be and the same is hereby authorized to execute the Settlement Agreement in the form annexed hereto and made a part hereof which is consistent with the terms of this Resolution.

MOVED:

SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLL CALL VOTE:

AYES:

NAYS:

ANSELL ZARO
GRIMM & AARON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
1500 LAWRENCE AVENUE
CH 2802
OCEAN, N.J. 07712
(732) 922-1000

ABSENT:
ABSTAIN:

FAUSERS\Long Branch\Resolutions\2007\Reso.Auth. West.End.Con.doc

ANSELL ZARO
GRIMM & AARON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
1540 LAWRENCE AVENUE
CN 7807
OCEAN, N.J. 07712
TEL: 732-992-1000

HARDIN, KUNDLA, MCKEON & POLETTO

COUNSELLORS AT LAW

A PROFESSIONAL CORPORATION

673 MORRIS AVENUE

P.O. BOX 730

SPRINGFIELD, NEW JERSEY 07081-0730

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James R. Greene
jgreene@hkmp.com

CERTIFIED CIVIL TRIAL ATTORNEY

February 13, 2007

VIA E-MAIL AND U.S. MAIL

Phyllis Barker, Esq.
Ansell, Zaro, Grimm & Aaron
1500 Lawrence Avenue
CN 7807
Ocean, NJ 07712

**RE: Cottage Emporium v. City of Long Branch v. St. Paul
Fire & Marine Insurance Company
Docket No. MON-L-1786-06**

Dear Ms. Barker:

This confirms the settlement of the Third Party Complaint of City of Long Branch and Mayor and Council for the City of Long Branch ("Third Party Plaintiffs") against St. Paul Fire & Marine Insurance Company.

Within thirty (30) days of your agreement to the terms of this letter, St. Paul will send to your attention a settlement draft in the amount of \$17,685.28 as reimbursement of the Third Party Plaintiffs' past defense fees and expenses in the above matter. St. Paul will have no other obligation to pay for or fund the defense of this case, with the following exception. If the Plaintiffs file an appeal from the court's December 19, 2006 summary judgment ruling, St. Paul will reimburse 25% of the Third Party Plaintiffs' reasonable and necessary attorney fees and expenses in opposing that appeal.

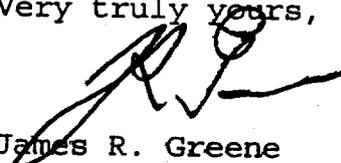
In consideration of the foregoing, Third Party Plaintiffs agree to dismiss, with prejudice, all allegations of the Third

Page 2
February 13, 2007

Party Complaint, with the exception of that aspect of Count I (Declaratory Judgment) seeking a declaration that St. Paul is obligated to indemnify Third Party Plaintiffs, which allegation is dismissed without prejudice. A proposed Stipulation of Dismissal reflecting this is enclosed.

Kindly signify your clients' agreement to these terms by signing and returning a copy of this letter. Please also sign and return the Stipulation of Dismissal, which I will file with the court once the settlement payment has been delivered to your firm.

Very truly yours,



James R. Greene

JRG:bab
Enclosure

THESE TERMS OF SETTLEMENT ARE AGREED TO BY CITY OF LONG BRANCH AND BY MAYOR AND COUNCIL FOR THE CITY OF LONG BRANCH.

BY: _____
Phyllis Barker, Esq.
Ansell, Zaro, Grimm & Aaron
1500 Lawrence Avenue
CN 7807
Ocean, NJ 07712
Attorneys of Record

DATED: _____

HARDIN, KUNDLA, MCKEON & POLETTO
COUNSELLORS AT LAW

A PROFESSIONAL CORPORATION

673 MORRIS AVENUE

SPRINGFIELD, NEW JERSEY 07081

(973) 912-5222

Attorneys for Third Party Defendant St. Paul Fire and Marine
Insurance Company, improperly pleaded as St. Paul Fire and Marine
Insurance Company dba St. Paul Travelers

COTTAGE EMPORIUM, INC. T/a : SUPERIOR COURT OF NEW JERSEY
RAINBOW LIQUORS, GOPAL PANDAY, : LAW DIVISION: MONMOUTH COUNTY
KAVITA PANDAY, THE LIGHTHOUSE : Docket No. MON-L-1786-06
INSTITUTE FOR EVANGELISM d/b/a :
THE LIGHTHOUSE MISSION, REVEREND : Civil Action
KEVIN BROWN, and JOHN DOE :
PLAINTIFFS A-Z, : STIPULATION DISMISSING THIRD
PARTY COMPLAINT

Plaintiffs, :

vs. :

BROADWAY ARTS CENTER, L.L.C., a :
New Jersey Limited Liability :
Company, CITY OF LONG BRANCH, a :
municipal Corporation of the :
State of New Jersey, MAYOR AND :
COUNCIL FOR THE CITY OF LONG :
BRANCH, STATE OF NEW JERSEY, :
and JOHN DOE DEFENDANTS A-Z, :

Defendants. :

CITY OF LONG BRANCH, a Municipal :
Corporation of the State of New :
Jersey; MAYOR AND COUNCIL FOR :
THE CITY OF LONG BRANCH, :

Third Party Plaintiffs, :

vs. :
ST. PAUL FIRE AND MARINE :
INSURANCE COMPANY dba ST. PAUL :
TRAVELERS, :
Third Party Defendant. :

The matters in difference between Third Party Plaintiffs and Third Party Defendant having been resolved, it is hereby stipulated and agreed by and between the attorneys for Third Party Plaintiffs City of Long Branch and Mayor and Council for the City of Long Branch, and Third Party Defendant St. Paul Fire & Marine Insurance Company, as follows:

1. Count I of the Third Party Complaint is dismissed without prejudice and without costs, in connection with Third Party Plaintiffs' allegation seeking a judgment declaring that Third Party Defendant is obligated to indemnify Third Party Plaintiffs against the claims alleged by the Plaintiffs.

2. All other aspects of Count I of the Third Party Complaint are dismissed with prejudice and without costs.

3. All other counts of the Third Party Complaint are dismissed with prejudice and without costs.

ANSELL ZARO GRIMM & AARON, P. C.
Attorneys for Third Party
Plaintiffs City of Long Branch and
Mayor and Council for the City of
Long Branch

By: _____
Phyllis Barker, Esq.

DATED: February____, 2007

HARDIN, KUNDLA, MCKEON & POLETTO,
P.A.
Attorneys for Third Party Defendant
St. Paul Fire and Marine Insurance
Company, improperly pleaded as St.
Paul Fire and Marine Insurance
Company dba St. Paul Travelers

By: _____
James R. Greene, Esq.

DATED: February _____, 2007

R# 52-07

RESOLUTION REGARDING MOSQUITO CONTROL

WHEREAS, the Federal Aviation Regulations requires the Monmouth County Mosquito Extermination Commission to obtain written approval from local governing bodies for its Aerial Spray Program; and

WHEREAS, said commission anticipates the resumption of its Aerial Spray Program on or about March 15, 2007 and continuing through November 30, 2007 and will notify the local police prior to every application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby authorize the Monmouth County Mosquito Extermination to apply pesticides from aircraft to control mosquitoes over portions of the City, only those which have significantly high mosquito populations to be either a nuisance or health hazard.

MOVED:
SECONDED:

AYES:
NAYS:
ABSENT:
ABSTAIN:

R# 53-01

**RESOLUTION TO CANCEL
OPEN TAXES DUE TO THE
PROPERTY BEING OWNED
BY THE CITY OF LONG BRANCH**

BE IT RESOLVED, by the City Council of Long Branch that upon the recommendation of the Tax Collector, the 2006 taxes shown below be cancelled due to the property being owned by the City of Long Branch and,

NOW THEREFORE BE IT RESOLVED, that the Tax Collector is hereby authorized to cancel the taxes shown below in the total amount of \$1,018.90 and charge 2006 taxes.

BLOCK	LOT	Address	AMOUNT
302	18	37 OCEAN TERR.	1,018.90

R# 54-01

RESOLUTION AMENDING
RESOLUTION R31-07
ADOPTED FEBRUARY 13, 2007
RESOLUTION TO REFUND
OVERPAYMENT OF 2006 TAXES
DUE TO TAX EXEMPT STATUS
NJSA 54:4-3.30

BE IT RESOLVED, by the City Council of the City of Long Branch that upon the recommendation of the Tax Assessor, the taxes paid on the property shown below, due to tax exempt status under NJSA 54:4-3.30, et seq., for the tax year 2006 (from 7/17/06 to 12/31/06) be refunded and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue individual check(s) to the taxpayers(s) shown below and charge 2006 taxes in the total amount of \$1,789.91.

BLOCK	LOT	OWNER	AMOUNT
387 180 Avenel Blvd.	2	Mack, Charles J & Margaret M. 180 Avenel Blvd. Long Branch, NJ 07740	1,789.91

R# 55-07

**RESOLUTION APPOINTING THOMAS FISH AS A MEMBER OF THE LONG
BRANCH ZONING BOARD OF ADJUSTMENT**

BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby appoint Thomas Fish as a member of the Long Branch Zoning Board of Adjustment for a term to expire on December 31, 2010.

MOVED:
SECONDED:

AYES:
NAYS:
ABSENT:
ASBSTAIN:

R# 56-07

**RESOLUTION APPOINTING RAYMOND BILLINGS AS AN ALTERNATE (#1)
MEMBER OF THE LONG BRANCH ZONING BOARD OF ADJUSTMENT FOR THE
UNEXPIRED TERM OF THOMAS FISH**

BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby appoint Raymond Billings as an alternate member (#1) of the Long Branch Zoning Board of Adjustment for the unexpired term of Thomas Fish to expire on December 31, 2008.

MOVED:
SECONDED:

AYES:
NAYS:
ABSENT:
ASBSTAIN:

R# 57-07

**RESOLUTION APPOINTING MICHAEL SIRIANNI AS AN ALTERNATE (#2)
MEMBER OF THE LONG BRANCH ZONING BOARD OF ADJUSTMENT FOR THE
UNEXPIRED TERM OF RAYMOND BILLINGS**

BE IT RESOLVED, by the City Council of the City of Long Branch that they hereby appoint Michael Sirianni as an alternate member (#2) of the Long Branch Zoning Board of Adjustment for the unexpired term of Raymond Billings to expire on December 31, 2007.

MOVED:
SECONDED:

AYES:
NAYS:
ABSENT:
ASBSTAIN:

R# 58-01

**RESOLUTION TO REFUND
OVERPAYMENT OF
2007 TAXES**

BE IT RESOLVED, by the City Council of the City of Long Branch, that upon the recommendation of the Tax Collector, a refund be made to the taxpayer(s) shown on the attached sheet due to an overpayment of 2007 taxes and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue individual check(s) to the taxpayer(s) shown on the attached sheet(s) and charge 2007 taxes in the total amount of \$16,057.38.

BLOCK	LOT	NAME	AMOUNT
49	4	Americas Servicing Co. Account of: Demytrk, Mark c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,246.03
242	Cummings Ave		
87	7.0312	Fifth Third Bank Account of: De Lustro, F. & M. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,206.35
675	Ocean Ave		
160	4.01	World Savings Account of: Dasilva, C. R. & A. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,606.83
455	Ricky Lane		
168	2	First Horizon Account of: Pizzonia, R. & J. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,137.97
670	Morford Ave		
175	6	World Savings Account of: Castro, J. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,521.98
419	Bath Ave		
192	7	Litton Loan Servicing Account of: De Carvalho, U. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	907.21
338	Chelsea Ave		
301.01	1.418	Citi Mortgage Account of: Hagelgans, R. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,691.09
33	Cooper Ave		
301.02	1.101	Citi Mortgage Account of: Barone, F. & J. c/o FARETS PO Box 961250 Fort Worth, TX 76161-9887	1,365.08
11	Cooper Ave		
301.02	1.409	Countrywide Account of: Mike-Mayer, F. & F. PO Box 5012 Woodland Hills, CA 91365-5012	1,765.57
11	Cooper Ave		

315	21	Countrywide	890.71
201 Rockwell Ave		Account of: Gribben, L.	
		PO Box 5012	
		Woodland Hills, CA 91365-5012	
337	2	ABN-AMRO	1,258.85
466 Joline Ave		Account of: Macias, V. & Y.	
		c/o FARETS	
		PO Box 961250	
		Fort Worth, TX 76161-9887	
449	11	Countrywide	1,459.71
163 Atlantic Ave		Account of: Hendrickson, R.	
		PO Box 5012	
		Woodland Hills, CA 91365-5012	

R# 59-01

**RESOLUTION TO REFUND
OVERPAYMENT OF
2007 TAXES**

BE IT RESOLVED, by the City Council of the City of Long Branch, that upon the recommendation of the Tax Collector, a refund be made to the taxpayer(s) shown on the attached sheet due to an overpayment of 2007 taxes and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue individual check(s) to the taxpayer(s) shown on the attached sheet(s) and charge 2007 taxes in the total amount of \$5,374.89.

BLOCK	LOT	OWNER	AMOUNT
1 2 Garfield Rd.	6	Bailey-Horovits, Michele 1100 East 7 th Street Brooklyn, NY 11230	4,666.10
333 115 Seventh Ave	14	J R Management, LLC PO Box 949 Lakewood, NJ 08701	708.79

R# 61-07

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:

SECONDED:

AYES:

NAYES:

ABSENT:

ABSTAIN:

I hereby certify the foregoing to be a true copy of a resolution adopted by the City Council at their Regular meeting held on

_____.

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 ____ day of _____, 2007

Irene A. Joline, RMC
City Clerk

PUBLIC NOTICE

Notice is hereby given that the following bills will be submitted for payment approval as of February 27, 2007. 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.

4 Connections, LLC	Monthly Lease of Dark Fiber - February 2007 - IT Dept.	*	1,500.00
A T & T	Utilities - Telephones - 1/21-1/28/2007 - Various Locations	*	190.19
A T & T	Utilities - Telephones - 1/31/2007 - Various Locations	*	1,340.90
All Shore Services	Supply & Install Openers for Garage Door at OEM Building	*	2,500.00
Audio Outfitter	Microphone Cable - L.B. Cable Commission	*	36.76
Bollinger Insurance	Youth Basketball Accident Renewal - Recreation Dept.	*	696.00
Century Office Products	Copier Maintenance - 1/1-3/31/2007 - Various Depts.	*	7,306.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	749,231.64
City of Long Branch Clearing Account	Reimburse Clearing Account	*	2,942,619.45
City of Long Branch Current Account	Transfer of Funds	*	7,000,000.00
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	29,975.48
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	719,256.16
Continental Fire & Safety	(5) Helmets - Fire Dept.	*	1,040.00
County of Monmouth	County Open Space Taxes - Due 2/15/2007	*	142,773.25
County of Monmouth	County Open Space Taxes - Due 2/15/2007	*	233,843.42
County of Monmouth	County Open Space Taxes - Due 2/15/2007	*	2,484,947.20
County of Monmouth	County Open Space Taxes - Due 2/15/2007	*	13,719.71
Edwin Hennelly	Reimbursement for Meals - On Going Investigation - 1/14-1/18/2006 - Police Dept.	*	194.21
First Due Emergency Supply	Misc. Equipment - Fire Dept.	*	1,649.78
Gannett Satellite Information Network	Legal Advertising - 11/27-12/31/2006 - City Clerk	*	4,263.48
Hungry Puppy	Dog Food for K-9's - Police Dept.	*	437.88
Jersey Central Power & Light	Utilities - Electric - 12/2/2006-1/30/2007 - Various Locations	*	13,456.53
Jersey Central Power & Light	Utilities - Electric - 12/2/2006-2/5/2007 - Various Locations	*	6,839.96
Joann Fabrics & Crafts	Supplies for Various Classes - Senior Affairs	*	418.96
McDonalds Restaurant	Prisoner Meals - November / December 2006 - Police Dept.	*	11.62
Michael A. Irene Jr.	Legal Services Rendered - Zoning Board Attorney - December 2006	*	37.50
Moore Medical Corp.	Medical Supplies for EMT Units - Police Dept.	*	758.00
Motor Vehicle Services	(2) Motor Vehicle Titles - DPW	*	40.00
Motorola C & E	Computer Software to Program Radios - Police Dept.	*	449.00

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

New Jersey Natural Gas	Utilities - Gas - 1/2-1/30/2007 - Various Locations	*	693.06
NJ American Water	Utilities - Water - 12/27/2006-2/6/2007 - Various Locations	*	14,147.60
NorthWind Mechanical Systems	Service Call on Heater at OEM Building - DPW		90.00
Office Depot	Office Supplies - Various Depts.	*	187.44
Professional Tennis Registry	Tennis Instructor Fee - Recreation Dept.	*	325.00
Randi Burdick	Reimbursement - (3) Planters Disposed by Public Works Employee	*	250.00
Realty Appraisal Co.	Property Reassessment Appraisals - January 2007	*	36,000.00
Red The Uniform Tailor	Replacement Uniform - Damaged in Line of Duty - Police Dept.	*	259.45
Robert Sama	Reimbursement - Camcorder Cassette Tapes - Police Dept.	*	18.62
Satellite Self Storage	Storage Fees - Delores Smith - February 2007 - Community Dev.	*	478.50
Shared Technologies	Telephone Maintenance - 1/16-4/16/2007 - Various Depts.	*	3,213.63
Staples	Office Supplies - Purchasing Dept.		21.66
Sunrise Suites Hotel	Temporary Housing - Delores Smith - 1/26/2007-2/8/2007 - Community Dev.	*	595.00
Tanner North Jersey	Office Equipment - Purchasing Dept.		165.28
Verizon	Utilities - Telephones - 2/1 & 2/5/2007 - Various Locations	*	1,786.71
Video Direct Electronics	(2) Microphones - L.B. Cable Commission		279.90
W.B. Mason	Office Supplies - DPW / Building Dept.		845.67
William Bahamonde	Reimbursement - Book for IT Course at Brookdale - Administration	*	99.00

TOTAL CURRENT 14,418,989.60

City of Long Branch Clearing Account	Reimburse Clearing Account	*	478.50
Lawmen Supply Co. Of NJ	(100) Holsters for New Pistols - Police Dept.		8,642.00
Satellite Self Storage	Storage Fees - Delores Smith - February 2007 - Community Dev.	*	478.50
Sunrise Suites Hotel	Temporary Housing - Delores Smith - 1/26/2007-2/8/2007 - Community Dev.	*	595.00

TOTAL CAPITAL 10,194.00

City of Long Branch Clearing Account	Reimburse Clearing Account	*	4,648.11
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	331.92
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	4,316.19
NJ Dept. of Health & Senior Services	Dog License Report - January 2007	*	909.60

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

TOTAL DOG

City of Long Branch Clearing Account	Reimburse Clearing Account	*	4,910.44
City of Long Branch Clearing Account	Reimburse Clearing Account	*	5,750.00
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	350.79
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	4,559.65
Flowers By Vanbrunt	Flowers for Martin Luther King Ceremony - 1/15/2007 - Community Dev.		235.00

10,205.82**TOTAL HUD**

American Tax Funding	Tax Sale Premium	*	19,600.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	13,297.68
City of Long Branch Clearing Account	Reimburse Clearing Account	*	108,440.00
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	263.55
City of Long Branch Payroll Agency	Payroll Dated 2/9/2007	*	13,034.13
GT Kennedy	RCA Home Improvement - 399 Spring Street - Community Dev.	*	13,425.00
Hermilo Lopez-Garcia	Relocation - 107 Seventh Ave. - Broadway Art Center - Community Dev.	*	4,500.00
Molchor Lopez-Lopez	Relocation - 163 Franklin Ave. - Broadway Art Center - Community Dev.	*	4,440.00
Paul X. Escandon Esq.	Assigned Counsel - St. vs. Samantha Lopez - 11/15/2006 - Municipal Court	*	200.00
Thompson Design Group	Urban Design & Planning Services - Broadway Arts - October / December 2006	*	50,000.00
Thompson Design Group	Planning & Urban Design for General Services - October / December 2006	*	29,900.00

15,805.88**TOTAL TRUST OTHER****257,100.36**

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE