

WORKSHOP SESSION

CITY COUNCIL

OCTOBER 14, 2008

6:00 P.M.

1. HISTORIC PRESERVATION ORDINANCE/MARK AIKENS, ESQ.
2. WEST END WATERFRONT/DENNIS SHERMAN
3. TREE ORDINANCE
4. PARKING ORDINANCE/DIRECTOR RICHARDS
5. LIQUOR LICENSE ORDINANCE
6. BOARD OF EDUCATION RESOLUTION
7. ADA & CHANGE ORDER RESOLUTION
8. RC1 ZONE
9. REVIEW OF REGULAR AGENDA

EXECUTIVE SESSION

CONTRACT NEGOTIATIONS

1. ESTATE OF RUSSOMANO/JAMES AARON, ESQ.

LITIGATION

1. PANDAY/JAMES AARON, ESQ.

ADMINISTRATIVE AGENDA

CITY COUNCIL

CITY OF LONG BRANCH

OCTOBER 14, 2008

ROLL CALL:

DAVID G. BROWN, COUNCILMAN
ANTHONY GIORDANO, COUNCILMAN
BRIAN UNGER, COUNCILMAN
DR. MARY JANE CELLI, 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*

READING AND APPROVAL OF PREVIOUS MINUTES

SEPTEMBER 9, 2008 & SEPTEMBER 23, 2008

CONSIDERATION OF ORDINANCES:

PUBLIC HEARING AND FINAL CONSIDERATION:

#20-08 ORDINANCE OF THE CITY OF LONG BRANCH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, VACATING A 10' INGRESS AND EGRESS EASEMENT (PARK AVENUE) (INTRODUCED: SEPTEMBER 9, 2008)

ORDINANCES FOR INTRODUCTION: (PUBLIC HEARING SCHEDULED FOR OCTOBER 28, 2008)

#21-08 ORDINANCE OF THE CITY OF LONG BRANCH COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OR HIS DESIGNEE TO SUSPEND TEMPORARILY PARKING RESTRICTIONS WHEN APPROPRIATE FOR THE PUBLIC SAFETY (TENTATIVE)

#22-08 ORDINANCE AMENDING CHAPTER 103, ALCOHOLIC BEVERAGES, SECTION 4, LIMITATIONS ON LOCATION OF THE CODE OF THE CITY OF LONG BRANCH **(TENTATIVE)**

#23-08 ORDINANCE – HISTORIC PRESERVATION **(TENTATIVE)**(TO BE GIVEN OUT TUESDAY EVENING)

PUBLIC PARTICIPATION (ALL COMMENTS)

RESOLUTIONS

R308-08 RESOLUTION AUTHORIZING A CANCELLATION OF MORTGAGE OF JEFFREY V. BROWN – 13 EASTWOOD AVENUE, LONG BRANCH, NEW JERSEY

R309-08 RESOLUTION TO REFUND NEW JERSEY HOMEOWNER REBATE RECEIVED BY THE CITY OF LONG BRANCH (BLOCK 171 LOT 17, BLOCK 267, LOT 3)

R310-08 RESOLUTION TO REFUND OVERPAYMENT OF 2008 TAXES (BLOCK 223 LOT 2, BLOCK 224.01, LOT 1.01, BLOCK 298, LOT 4.02)

R311-08 RESOLUTION TO REFUND TO PLYMOUTH PARK TAX SERVICES-LIEN HOLDER OVERPAYMENT OF TAXES PAID IN ERROR (BLOCK 10, LOT 4)

R312-08 RESOLUTION SPECIAL ITEM OF REVENUE DRUNK DRIVING ENFORCEMENT FUND \$11,154.59

R313-08 RESOLUTION AWARDDING BID FOR PURCHASE OF ONE RUBBER TRACK-TYPE EXCAVATOR

R314-08 RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LONG BRANCH TO EXECUTE A FOURTH AMENDMENT TO AGREEMENT TO EXCHANGE PROPERTIES WITH THE LONG BRANCH BOARD OF EDUCATION **(TENTATIVE)**

R315-08 RESOLUTION APPROVAL PAYMENT OF BILLS

R316-08 RESOLUTION AWARDDING BID FOR CONCRETE FOUNDATION AND FLOOR INSTALLATION FOR OCED BUILDING

R317-08 RESOLUTION AUTHORIZING CHANGE ORDERS IN A CONTRACT ENTERED INTO WITH ALBERT MARINE CONSTRUCTION FOR CONSTRUCTION OF A BARRIER FREE ACCESS RAMP AT OCEAN AVENUE AND MATILDA TERRACE

APPLICATIONS:

1. APPROVAL OF CITY ACTIVE AND STATE ACTIVE MEMBERSHIP IN THE BRANCHPORT HOSE CO. # 3 FOR FRANK R JOHANTGEN
2. APPROVAL OF CITY HONORABLE AND STATE ACTIVE MEMBERSHIP IN THE INDEPENDENT ENGINE & TRUCK CO. FOR MATTHEW L DURLAND
3. APPROVAL OF RAFFLE LICENSE FOR POLICE UNITY TOUR, INC.
4. APPROVAL OF RAFFLE LICENSE FOR A CHILD'S PLACE SCHOLARSHIP FUND, INC.

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

ADJOURNMENT:

ORDINANCE NO. 20-08

**ORDINANCE OF THE CITY OF LONG BRANCH,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
VACATING A 10' INGRESS AND EGRESS EASEMENT**

WHEREAS, the governing body of the City of Long Branch has been requested to vacate all the right, title and interest of the municipality in all of an ingress and egress easement located on property known and designated as Block 29, Lot 1.02 and Block 16, Lot 1.02; and

WHEREAS, the governing body makes a determination that the public will not be adversely affected by the vacation of the municipality's interest in all of the existing easement as set forth on **Schedule A**; and

WHEREAS, a new beach access ingress and egress easement to the public will be granted pursuant to a New Jersey Department of Environmental Protection Costal Area Facility Review Act Permit No. 1325-07-0006.1 CAF 070001 ("CAFRA Permit").

NOW, THEREFORE BE IT ORDAINED, by the governing body of the City of Long Branch, County of Monmouth, State of New Jersey that there is hereby vacated all the right, title and interest of the municipality and the public for all public usages and purposes in and to all of the easement as set forth on **Schedule A**, which is attached hereto and made a part hereof, as recorded in Book 4744, Page 373 in the Office of the Monmouth County Clerk.

BE IT FURTHER ORDAINED that a new ingress and egress will be granted to the public, pursuant to the CAFRA Permit, over a portion of proposed Block 29, Lots 1.03 and 1.05 as shown on the plan entitled "Sketch Plat Minor Subdivision Lots 1, 1.01 & 1.02 Block 29, Lots 1.02, 12, & 13, Block 16 City of Long Branch, Monmouth County, New Jersey", prepared by Zenon T. Grybowski, dated March 27, 2008, filed or to be filed in the office of the Monmouth County Clerk.

BE IT FURTHER ORDAINED that in accordance with the CAFRA Permit, the property owner, At Last, LLC, shall be responsible for the perpetual maintenance of the new beach ingress and egress easement area to be located on a portion of proposed Block 29, Lots 1.03 and 1.05 and that the perpetual maintenance shall be binding upon all heirs, assignees, and subsequent purchasers of At Last, LLC.

INTRODUCED:

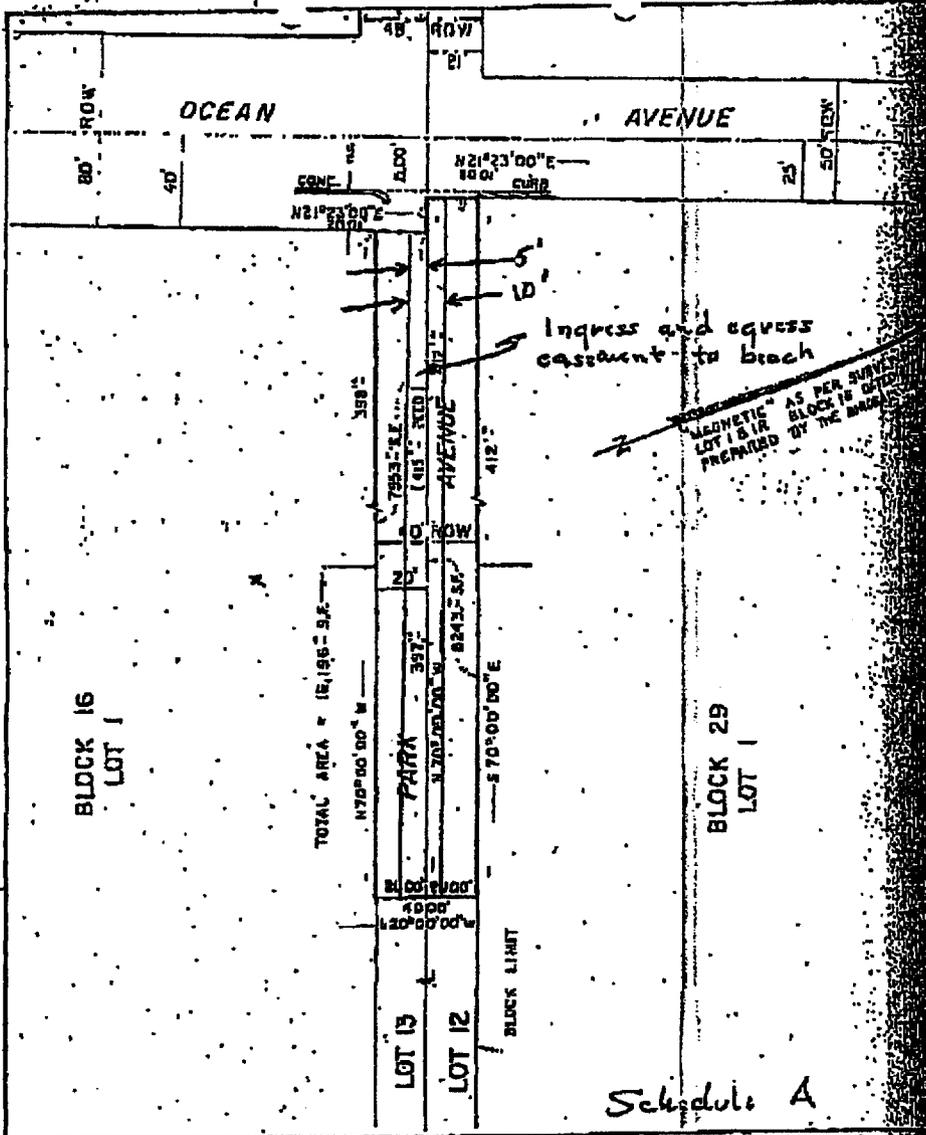
ADOPTED:

Irene A. Joline, RMC, City Clerk

Adam Schneider, Mayor

SCHEDULE A

(Easement to be Vacated)



Schedule A

Title: PLAN OF PROPOSED ROAD VACATION
 "PARK AVENUE"
 IN THE
 CITY OF LONG BRANCH
 MONMOUTH COUNTY NEW JERSEY

Lot, Block & Map
 CITY OF LONG BRANCH TAX MAP
 SHEET NO 3

Certified To:

REVISIONS

084744-0378

TBC THE BIRDSELL CORPORATION
 SOUTH BELMAR, N.J.
 Professional Engineers, Land Surveyors
 Professional Planners

Robert L. Farry Date 5/1/04
 ROBERT L. FARRY, P.E. LIC. NO. 13444

ORDINANCE NO. 21-08

**ORDINANCE OF THE CITY OF LONG BRANCH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY OR HIS DESIGNEE
TO SUSPEND TEMPORARILY PARKING RESTRICTIONS
WHEN APPROPRIATE FOR THE PUBLIC SAFETY**

WHEREAS, the governing body of the City of Long Branch has previously adopted ordinances restricting parking on public streets in the City of Long Branch; and

WHEREAS, the governing body of the City of Long Branch determines that the citizens of Long Branch and the public at large will benefit from the temporary suspension of those parking restrictions in certain circumstances where the public safety and convenience so require; and

WHEREAS, the governing body determines that the Director of Public Safety or his designee can best determine at what times, for what duration, in what areas, and under what circumstances the parking restrictions should be temporarily suspended.

NOW, THEREFORE BE IT ORDAINED, by the governing body of the City of Long Branch, County of Monmouth, State of New Jersey, that the Director of Public Safety, or his designee, is hereby authorized to suspend parking restrictions temporarily in the City of Long Branch under circumstances, for durations, in areas, and at times, as the Director, or his designee, deems, in his discretion, appropriate and in the interests of public safety.

BE IT FURTHER ORDAINED that the suspension of the parking restrictions by the Director of Public Safety or his designee shall not last for a period of time greater than 72 hours.

BE IT FURTHER ORDAINED that this Ordinance shall in no way permit the Director of Public Safety or his designee to lift, suspend, or in any way modify those parking restrictions governed by Title 39 of the New Jersey Statutes Annotated.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

INTRODUCED:

ADOPTED:

Irene A. Joline, RMC, City Clerk

Adam Schneider, Mayor

Ordinance No. 22-08

**ORDINANCE AMENDING CHAPTER 103, ALCOHOLIC BEVERAGES, SECTION 4,
LIMITATIONS ON LOCATION OF THE CODE OF THE CITY OF LONG BRANCH**

WHEREAS, Ordinance 103-4 of the Code of the City of Long Branch as it currently exists regulates the location of premises utilizing liquor licenses within the City of Long Branch; and

WHEREAS, according to Ordinance 103-4 as it currently exists, no license for the retail sale for alcoholic beverages for consumption may be granted or transferred to another premises within 1,000 feet of an existing license premises, with the exception of the C1, C3, C4, RC1 and RC2 zones; and

WHEREAS, the original purpose for these types of ordinances was to prevent so-called "red light" districts or was a way to cap the number of licenses a municipality could issue; and

WHEREAS, there are owners of liquor licenses within the City of Long Branch who wish to activate their inactive licenses but are unable to do so because of this restriction; and

WHEREAS, the proposed amendment to Ordinance 103-4 would serve the best interests of the City and its residents by providing a balance between the City's concern about the clustering of bars and its desire to provide more restaurant options for the community; and

WHEREAS, the governing body of the City of Long Branch wishes to relax Ordinance 103-4 by making an exception to the 1000 foot restriction for restaurants, or those establishments where a considerable percentage of the premises is devoted to food service:

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Long Branch that Ordinance 103-4 be and is hereby amended to add the following:

B. Proximity to existing license location. A license for the retail sale of alcoholic beverages for consumption on or off the licensed premises, accepting renewal licenses for the same premises which have been previously licensed and transferred from

person to person, shall be granted or transferred to other premises within 1000 feet of any existing licensed premises except in the C1, C3, C4, RC1 and RC2 zones, within which the One Thousand (1000) foot restriction shall not apply. Notwithstanding the foregoing, in the event that the licensee which operates as a bar as opposed to a restaurant and only the licensee shall desire to transfer his license to another premises, he, she, it may be permitted to do so at the discretion of the Council but the transfer of the new license to a new premises shall be limited to a distance of not more than Three Hundred (300) Feet from the licensed premises from which the transfer is sought. That exception shall not be construed to authorize any other transfer except in compliance with the 1000 foot distance limitation aforementioned. The distances shall be measured in the same manner as that required by statute for the measuring of businesses between licensed premises, schools and churches.

C. Exceptions.

- (1) An exception to the 1000 foot distance requirement shall apply to "restaurants". "Restaurants" shall be defined in accordance with the definition found in Section 103-5(G);
- (2) The following requirements shall apply to restaurants for purposes of this exception:
 - a. The total number of seats at the bar shall not exceed 15% of the total number of seats in the restaurant for the service of meals;
 - b. At a minimum, 75% of the floor useable area of the premises must be devoted to the service of meals;
 - c. No alcoholic beverages may be removed from the restaurant premises by any patron at any time, and no package good sales are permitted.
 - d. The restaurant shall contain separate restroom facilities for men and women;
 - e. The restaurant must be a full service restaurant furnishing complete meals, i.e., dinners with appetizers, main entrée and dessert;
 - f. The sale of alcoholic beverages shall only be permitted between the hours of 11:00 a.m. and 1:00 a.m. prevailing time, and no consumption shall be permitted within the restaurant after 1:30 a.m. and prior to 11:00 a.m., prevailing

time, and notwithstanding the above, only during those hours when the service of food is available;

- g. There shall be no separate and exclusive exterior entrances to the bar. Access to the bar shall be through the restaurant premises;
- h. All regulations of the alcoholic beverage control authority shall remain applicable to the restaurant.

BE IT FURTHER ORDAINED that a copy of this Ordinance, upon adoption, shall be forwarded to the City of Long Branch Planning Board, Zoning Department, City Engineer, City Planner and City Attorney upon adoption.

INTRODUCED:

ADOPTED:

ATTEST:

CITY OF LONG BRANCH

IRENE JOLINE, CITY CLERK

ADAM SCHNEIDER, MAYOR

**RESOLUTION AUTHORIZING CANCELLATION OF MORTGAGE OF
JEFFREY V. BROWN
13 EASTWOOD AVENUE, LONG BRANCH, NEW JERSEY**

WHEREAS, the City of Long Branch has provided to Jeffrey V. Brown of 13 Eastwood Avenue, a mortgage in the amount of \$14,870.00 which was executed on January 9, 2006 and recorded July 17, 2006 in Mortgage Book OR-8578, Page 9745; and

WHEREAS, was related to an RCA Participation Lien; and

WHEREAS, pursuant to communications received by City attorney from Tonya Medina, Housing Technician from the City of Long Branch, Office of Community & Economic Development on September 23, 2008 that certified that Jeffrey V. Brown has paid the terms of the mortgage loans listed and therefore has satisfied the loan in the amount of \$14,870.00.

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 a Discharge of Mortgage in the amount \$14,870.00 for property located at 13 Eastwood Avenue, Long Branch, New Jersey owned by Jeffrey V. Brown recorded in Mortgage Book OR-8578, Page 9745, on July 17, 2006 in the form annexed hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Clerk of the City of Long Branch be and the same hereby is authorized to forward said cancelled mortgage to the Monmouth County Clerk's office for cancellation.

MOVED:
SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLE CALL:

AYES:
NAYES:
ABSENT:
ABSTAIN:

R# 309-08

RESOLUTION TO REFUND
NEW JERSEY HOMEOWNER REBATE
RECEIVED BY THE
CITY OF LONG BRANCH

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 shown below for their New Jersey Homeowner Rebate and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue an individual check to the taxpayer(s) shown below and charge TRUST 3068 in the total amount of \$1,696.20.

BLOCK	LOT	NAME	AMOUNT
171	17	Branch, Linda & Ernest Jr 466 Westbourne Avenue Long Branch, Nj 07740	850.30
267	3	Caetano, Francisca 446 East 78 th St #3 New York, NY 10021	845.90

R# 310-08

**RESOLUTION TO REFUND
OVERPAYMENT OF
2008 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 shown below due to an overpayment of 2008 taxes and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue a check to the taxpayer shown(s) below and charge 2008 taxes in the total amount of \$49,246.78 and,

BLOCK	LOT	NAME	AMOUNT
223	2	City of Long Branch	16,185.88
224.01	1.01		16,746.71
298	4.02		16,314.19
		(to be applied to 2009 taxes)	

R# 311-08

**RESOLUTION TO REFUND TO
PLYMOUTH PARK TAX SERVICES-LIEN HOLDER
OVERPAYMENT OF TAXES
PAID IN ERROR**

BE IT RESOLVED, by the City Council of the City of Long Branch that upon a recommendation of the Tax Collector, a refund be made to the lien holder shown below due to a payment error of 2008 taxes and,

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue a individual check to the lien holder shown below and charge 2008 taxes in the amount of \$10,744.68 and charge interest and costs in the amount of \$783.18 for a total of \$11,527.86.

BLOCK	LOT	LIEN HOLDER	AMOUNT
10	4	Plymouth Park tax Service PO Box 2288 Morristown, NJ 07962-2288	11,527.86

R# 312-08

**RESOLUTION
SPECIAL ITEM OF REVENUE
DRUNK DRIVING ENFORCEMENT FUND
\$11,154.59**

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 2008 in the amount of \$11,154.59 which item is now available from the State of New Jersey, Division of Motor Vehicles, pursuant to the statute; and

BE IT FURTHER RESOLVED that a like sum of \$11,154.59 be, and the same is, hereby appropriated under the caption of:

State of New Jersey
Division of Motor Vehicles
Drunk Driving Enforcement \$11,154.59

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

DEPARTMENT OF THE TREASURY
STATE OF NEW JERSEY
 TRENTON, NEW JERSEY 08625-0221

REMITTANCE ADVICE

ORGANIZATION NAME	TELEPHONE #	DOCUMENT #	ACCOUNT NUMBER	AMOUNT
PAYMENT FOR DIVISION OF MOTOR VEHICLES LONG BRANCH CITY DDEF	609-292-6500	0786400DE03909	6400-100-078-6400- -YYYY-	1115459

QUESTIONS SHOULD BE DIRECTED TO APPROPRIATE STATE ORGANIZATION LISTED ABOVE. TOTAL 1115459

CHECK NUMBER **0A0009216816** DATE **09/23/08** PAYEE **7777777713** **LONG BRANCH CITY**

DETACH BEFORE CASHING CHECK AND RETAIN AS EVIDENCE OF PAYMENT

OMB021 (REV 01/30/2006)



Department Of The Treasury
STATE OF NEW JERSEY
 Trenton, New Jersey 08625-0221
GENERAL STATE FUND

62-22
 311

CHECK NUMBER
A 0009216816

DATE: **SEPTEMBER 23, 2008**
 VOID 180 Days After This Date

PAY Eleven Thousand One Hundred Fifty Four and 59/100 Dollars

\$ *****11,154.59

Audited, Allowed and Payment Warranted
Charles M. Holbrow
 DIRECTOR
 Payment Directed
[Signature]
 STATE TREASURER

To The
 Order Of: **LONG BRANCH CITY**
POLICE DEPT
344 BROADWAY
LONG BRANCH, NJ 07740

Wachovia Bank, National Association
 Wilmington, DE 19803
 Trenton, NJ 08606
 2079950020570

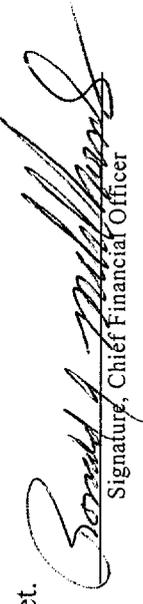
⑈0009216816⑈ ⑆031100225⑆ 2079950020570⑈

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

Pursuant to N.J.S.A. 40AA-87 I hereby certify that the following resolution has been duly adopted by the

governing body of City of Long Branch Name of Municipality 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 2008 Year municipal budget.


Signature, Chief Financial Officer

Resolution Number: _____

Date of Adoption: October 14, 2008

Revenue Title: State of NJ, Division of Motor Vehicles, Drunk Driving Enforcement Amount: \$ 11,154.59.

Appropriation Title: State of NJ, Division of Motor Vehicles, Drunk Driving Enforcement Amount: \$ 11,154.59

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 _____

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

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

R# 313-08

**RESOLUTION AWARDING BID
FOR PURCHASE OF ONE RUBBER TRACK-TYPE EXCAVATOR**

WHEREAS, the City of Long Branch advertised to receive bids on September 23, 2008, for purchase of a rubber track-type excavator, less trade-in allowance for a 2002 John Deere Model 310SG Backhoe-Loader, and the following bids were received:

	<u>Net Bid</u>
Harter Equipment, Inc. (Base bid \$48,750 less Trade-in of \$30,000)	\$18,750.00
Garden State Bobcat, Inc. (Base bid \$44,162.64 less Trade-in of \$25,000)	\$19,162.64
Jesco, Inc. (Base bid \$58,900 less Trade-in of \$35,000)	\$23,900.00
Trico Equip. & Service, LLC (Base bid \$51,850 less Trade-in of \$27,000)	\$24,850.00
Central Jersey Construction Equip. Sales, LLC dba Jersey Rents (Base bid \$59,500 less Trade-in of \$23,000)	\$36,500.00

WHEREAS, bids were reviewed and evaluated by the Public Works Director, and it was determined that the bids from the two lowest bidders, Harter Equipment, Inc., and Garden State Bobcat, Inc., contained material exceptions to the bid specifications, and it is the Public Works Director's recommendation that their bids be rejected and a contract awarded to Jesco, Inc. as the lowest responsive bidder; and

WHEREAS, Harter Equipment, Inc. and Garden State Bobcat, Inc. were notified of the City's intended action, and advised of their right to a bid hearing on the matter, and neither bidder chose to schedule a hearing; 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 contract in the 2008 Budget, Department of Public Works, Division of Streets, Appropriation #8-01-052-399, in the amount of \$23,900.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch, that a contract for purchase of a John Deere 50D Mini-Excavator (less trade-in allowance for JD310SG backhoe loader) be awarded to **Jesco, Inc.**, in accordance with the bid specifications and proposal, **for a sum not to exceed \$23,900.**

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

**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:

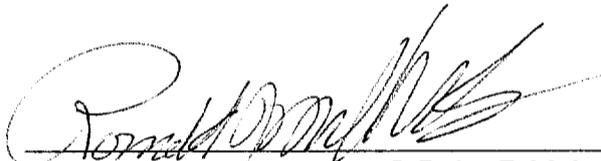
PURCHASE OF TRACK-TYPE EXCAVATOR

Said contract being made as follows:

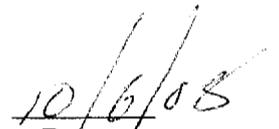
JESCO, INC.	\$23,900
--------------------	-----------------

Said funds being available in the form of:

2008 BUDGET DEPARTMENT OF PUBLIC WORKS DIVISION OF STREETS APPRO. LINE ITEM #8-01-052-399	\$23,900
--------------------------------------------------------------------------------------------------------------	-----------------



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



Date

Bid: Excavator
 Bid#: B2008-15
 Date: September 16, 2008

CITY OF LONG BRANCH
Bid Tally Form

Pg. 1 of 2
 Attended: C. Mellaci, D. Talerico,
 F. Migliaccio

Documents	Bidder # 1 Harter Equipment, Inc.		Bidder #2 Garden State Bobcat, Inc.		Bidder # 3 Jesco, Inc.	
	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Security-Bond/Cert. Check	X		X		X	
Consent of Surety						
Non-Collusion Affidavit	X		X		X	
Corp. Declaration	X		X		X	
Business Registration	X		X		X	
Receipt of Addenda	X		X		X	
Affirmative Action	X		X		X	
Public Works Contractor Cert.						
Insurance						
Other						
Rubber Track-type Excavator		\$48,750.00		\$44,162.64		\$58,900.00
Trade-in Allowance		(\$30,000.00)		(\$25,000.00)		(\$35,000.00)
Net Bid		\$18,750.00		\$19,162.64		\$23,900.00
Make/Model:	Kubota 445		Bobcat 435ZHS		John Deere 50D	
Delivery:	14 days		60 day min.		30 days	
Exceptions:	Yes		Yes		No	
TOTAL BID PRICE						
Remarks:						

Bid: Excavator

**CITY OF LONG BRANCH
Bid Tally Form**

Date: September 16, 2008

Documents	Bidder # 4 Trico Equipment Service, LLC		Bidder #5 Central Jersey Construction Sales Inc. dba Jersey Rents		Bidder #	
	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Security-Bond/Cert. Check	X		X			
Consent of Surety						
Non-Collusion Affidavit	X		X			
Corp. Declaration	X		X			
Business Registration	X		X			
Receipt of Addenda	X		X			
Affirmative Action	X		X			
Public Works Contractor Cert.						
Insurance						
Other						
Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Rubber Track-type Excavator		\$51,850.00		\$59,500.00		
Trade-in Allowance		(\$27,000.00)		(\$23,000.00)		
Net Bid		\$24,850.00		\$36,500.00		
Make/Model:	Case CX50B		Terex TC50			
Delivery:	45-90 days		21 days			
Exceptions:	Yes		Yes			
TOTAL BID PRICE						
Remarks:						

R# 314-08

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LONG BRANCH TO EXECUTE
A FOURTH AMENDMENT TO AGREEMENT TO EXCHANGE PROPERTIES WITH THE LONG
BRANCH BOARD OF EDUCATION**

WHEREAS, the Long Branch Board of Education and the City of Long Branch entered into an Agreement to Exchange Properties on June 19, 2001 which Agreement continues in full force and effect; and

WHEREAS, the intention of the June 19, 2001 Agreement was for the City of Long Branch to convey to the Board of Education a certain site located in the area of Liberty Street, Monmouth Avenue, Rockwell Avenue and Wilbur Ray Avenue for the new Gregory School; and

WHEREAS, in exchange for that conveyance, the Board would convey to the City of Long Branch the old Gregory School property, which is situated at the corner of Joline Avenue and Seventh Avenue within the City of Long Branch; and

WHEREAS, the Board of Education has agreed to amend the Agreement to allow for the transfer of the original Gregory School property at Seventh Avenue and Joline Avenue to the City of Long Branch at the present time in exchange for the City of Long Branch agreeing that the Green Acres restrictions that presently apply to a portion of the property conveyed to the Board of Education for the new Gregory School are to be removed within three years from the date of the Fourth Amendment to the original Agreement with the potential for an extension of an additional two years; and

WHEREAS, the execution of this Agreement is in the best interest of the City of Long Branch.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Long Branch that the Mayor of the City of Long Branch being the same hereby is authorized to enter into the Fourth Amendment to the Agreement to Exchange Properties with the Long Branch Board of Education; a copy of which is annexed hereto and made a part hereof to this Resolution.

MOVED:
SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLE CALL:

AYES:
NAYES:
ABSENT:

**FOURTH AMENDMENT TO AGREEMENT TO
EXCHANGE PROPERTIES**

THIS FOURTH AMENDMENT TO AGREEMENT TO EXCHANGE PROPERTIES ("Fourth Amendment") is made and entered into as of the _____ day of September, 2008 by and between:

BOARD OF EDUCATION OF THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, with its principal offices located at 540 Broadway, in the City of Long Branch, County of Monmouth and State of New Jersey ("Board"); and

CITY OF LONG BRANCH, a municipal corporation of the State of New Jersey, having its principal offices located at 344 Broadway, in the City of Long Branch, County of Monmouth and State of New Jersey ("City").

RECITALS:

- A. The Board and the City entered into an Agreement to Exchange Properties ("Agreement") on June 19, 2001, which Agreement continues in full force and effect;
- B. In said Agreement, the City agreed to convey to the Board a certain site located in the area of Liberty Street, Monmouth Avenue, Rockwell Avenue and Wilbur Ray Avenue for the new Gregory School with good and marketable title insurable at the regular rates by a reputable title company authorized to do business in the State of New Jersey ("Site");
- C. The Board and City entered into a First Amendment to Agreement to Exchange Properties ("First Amendment") as of October 9, 2003, which First Amendment continues in full force and effect;
- D. The Board and City entered into a Second Amendment to Agreement to Exchange Properties ("Second Amendment") as of February 23, 2005, which Second Amendment continues in full force and effect;
- E. As a result of entering into the Second Amendment, the Board and the City also entered into an Agreement for Mutual Use of Parkland and School Properties as of February 23, 2005 ("Parkland Agreement"), which provides, *inter alia*, that the Board was to re-convey

to the City three (3) separate tracts of land within the Site which is to be used by the City for public use in accordance with the Parkland Agreement and the restrictions by the New Jersey Department of Environmental Protection ("DEP") Green Acres Program (N.J.A. C. 7:36-20, *et seq.*);

F. The Parkland Agreement referenced in Recital E above, also provides for the joint use by the Board and the City of the three (3) separate tracts of land defined in the Parkland Agreement for a term continuing through February 22, 2010.

G. By Deed dated April 26, 2005, the Board did convey the three (3) separate tracts of land within the Site to the City;

H. The Second Amendment to the Agreement dated February 23, 2005 also provides *inter alia* as follows:

The City agrees that it shall, as soon as practicable, but in no event later than 36 months from the date of this Second Amendment, obtain the consent of the DEP to divert the new Green Acres Parcels [as defined in the Second Amendment] to another area of the City so that the Green Acres Restrictions will no longer be applicable to the Green Acre[s] Parcels and the Agreement, as set forth in Paragraph 2 above or thereafter [shall] be of no force and effect in order that the Board may own said Parcels free and clear of all liens [or] encumbrances and have good and marketable title with respect to the said Green Acres Parcels and thereupon, the City will re-convey good and marketable title to the Green Acres Parcels free and clear of all liens and encumbrances to the Board for the sum of \$1.00.

I. As of the date of this Fourth Amendment, the City has not yet obtained the consent of the DEP and any other required authorizations to transfer the Green Acres Parcels to another area of the City. Accordingly, the City has requested that the Board extend the time for the City to complete the transfer of the Green Acres Parcels to another portion of the City.

J. The Board has, by resolution dated July , 2008, approved the request of the City and has agreed that it will provide to the City an initial thirty-six (36) months commencing with the date of this Fourth Amendment to complete the obligations of the City as more fully set forth

in Paragraph 5 of the Second Amendment and if the City is unable to complete its obligations within said period of thirty-six (36) months and it is proceeding in good faith to obtain same, the City will be given an additional twenty-four (24) months to complete its obligations for a total of five (5) years from the date of this Agreement.

K. The Board and the City entered into a Third Amendment to the Agreement on or about the _____ day of May, 2005, which Third Amendment continues in full force and effect.

L. In accordance with the provisions of the Agreement *i.e.* Paragraph 3, the School as therein defined has been constructed and is open for use by students. Accordingly, at such time as the Board and the City have signed this Fourth Amendment and this Fourth Amendment has been approved by resolutions of both the Board and the Mayor and Council of the City, the Board will convey to the City the Gregory School Property as defined in the Agreement for the sum of \$1.00 at which time the City shall be responsible for the Gregory School Property in all respects and the Board shall no longer be responsible or have any obligation with respect to the Gregory School Property.

NOW THEREFORE, in consideration of the mutual covenants and promises herein set forth, the Board and City do agree as follows:

1. The Recitals set forth above are incorporated into and made a part of this Fourth Amendment.

2. Extension of Time. The City shall have an initial period of thirty-six (36) months commencing with the date of this Fourth Amendment to complete the obligations of the City as more fully set forth in Paragraph 5 of the Second Amendment and if the City is unable to complete its obligations within said period of thirty-six (36) months and it is proceeding in good faith to obtain same, the City will be given an additional twenty-four (24) months to complete its obligations for a total of five (5) years from the date of this Fourth Amendment.

3. Conveyance. The School as defined in the Agreement has been constructed

C:\Documents and Settings\Irene Joline\Local Settings\Temporary Internet Files\Content.IE5\E9Z3Q5SC\Fourth Amendment to Agreement.9.15.08.cl.doc

and is open for use by students. Accordingly, at such time as the Board and the City have signed this Fourth Amendment and this Fourth Amendment has been approved by resolutions of both the Board and the Mayor and Council of the City, the Board will convey to the City the Gregory School Property as defined in the Agreement for the sum of \$1.00 at which time the City shall be responsible for the Gregory School Property in all respects and the Board shall no longer be responsible or have any obligation with respect to the Gregory School Property.

4. Title. In the event that title to the Gregory School Property to be conveyed by the Board to the City is for any reason unmarketable or title is uninsurable by a title company regularly doing business in the State of New Jersey, the City will provide written notice to the Board as soon as practicable. The Board shall thereafter be given sufficient time to remove any title objections as part of the obligation of the Board to convey the Gregory School Property to the City. In no event shall the time to remove any title objections exceed the time taken by the City to complete its obligations more fully set forth in Paragraph 5 of the Second Amendment and Paragraph 2 of this Fourth Amendment.

5. Continuation of Agreement as Amended. In all other respects, the Agreement as amended by the First Amendment, the Second Amendment, the Agreement for Mutual Use of Parkland and School Properties, the Third Amendment and this Fourth Amendment shall continue in full force and effect.

6. At such time as the City has removed the Green Acres Restrictions from the Green Acres Parcels located on the Site, the City shall reconvey to the Board the three (3) separate parcels of land contained within the site described in the Agreement for Mutual Use of Parkland and School Properties as "Parkland" by Quitclaim Deed for a total consideration of One (\$1.00) Dollar.

ATTEST:

BOARD OF EDUCATION OF THE CITY OF LONG
BRANCH, IN THE COUNTY OF MONMOUTH

By: _____
Peter E. Genovese, III,
RSBO, QPA, Board Secretary

By: _____
Violeta Peters, President

APPROVAL FOR THE BOARD OF EDUCATION OF THE
CITY OF LONG BRANCH, IN THE COUNTY OF
MONMOUTH

By: _____
Joseph M. Ferraina, Superintendent

CITY OF LONG BRANCH

ATTEST:

By: _____
Irene A. Joline, City Clerk

By: _____
Adam Schneider, Mayor

R# 315-08

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 _____, 2008

Irene A. Joline, RMC
City Clerk

PUBLIC NOTICE

Notice is hereby given that the following bills will be submitted for payment approval as of October 14, 2008. 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	Monthly Lease of Dark Fiber - October 2008 - IT-Administration	1,500.00	
A.M./P.M. Services	Registration - Municipal Clerk Seminar - 9/16/2008 - D. Talerico - City Clerk's Office	99.00	
Ace Outdoor Power Equipment	Fuel Cap - Fire Prev #40 - DPW	21.23	
Alert All Corp.	Promotional Items for Fire Prevention Education Week	620.00	
Ali Liebegott	Honorarium Poetry Reading - 7/30/2008 - L.B. Arts Council	250.00	
Allied Oil	Diesel Fuel & Underground Storage Tank Tax - 9/12 & 9/26/2008 - DPW	26,688.11	
American Public Health Assoc.	Annual Membership Dues - Dave Roach - Health Dept.	195.00	
Amsterdam Printing & Litho	Promotional Items for UFEZ	953.92	
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - Retainer Fee - September 2008	2,500.00	*
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - General/Litigation/Redevelopment/Tax Appeals - September 2008	17,107.63	*
Apruzzese, McDermott, Mastro & Murphy	Legal Services Rendered - Labor Matters - December 2005	915.00	*
Apruzzese, McDermott, Mastro & Murphy	Legal Services Rendered - Labor Attorney - General Matters - August 2008	5,519.50	Pymt #2
Atlantic Plumbing Supply	Materials for Oceanic Fire House & Morris Ave. Comfort Station - DPW	140.69	
Auto Parts	Misc. Automotive Parts - August 2008 - DPW	196.94	
AutoZone/NJ Care Center	Misc. Automotive Parts - 7/28-8/29/2008 - DPW	4,552.87	
AW Direct	Consumable Supplies for DPW Stock	643.29	
B & H Photo	Misc. Video Equipment - L.B. Cable Commission	214.88	
B. Keith Controls	Bulbs for Pinsky Fountain - DPW	143.10	
Barry Stein	Cell Phone Allowance - July / September 2008 - Administration	120.00	
Battery Mart	Batteries to Replenish Central Supply	180.51	
Be Our Guest Entertainment	Entertainment for Celebration - 9/18/2008 - Senior Affairs	450.00	
Bette White Fernandez	Tap Dance Instruction - 9/12 & 9/19/2008 - Senior Affairs	50.00	
Big A Trucking	Repair Flat on Truck #25-6-90 - Fire Dept.	130.00	
Bullet Lock & Safe	Misc. Keys/Locks - August 2008 - Fire Dept. / DPW	92.35	
Camden County Police Academy	Registration - Police Professionalism Course - 10/1/08 - S.O. S. Rafferty - Police Dept.	25.00	
Carl F. Jennings	Cell Phone Allowance - July / September 2008 - Recreation Dept.	120.00	
City of Long Branch Clearing Account	Reimburse Clearing Account	1,162.65	*
City of Long Branch Clearing Account	Reimburse Clearing Account	161,883.40	*
City of Long Branch Clearing Account	Reimburse Clearing Account	64,668.57	*
City of Long Branch Clearing Account	Reimburse Clearing Account	700.00	*

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

City of Long Branch Clearing Account	Reimburse Clearing Account	*	371,580.09
City of Long Branch Clearing Account	Reimburse Clearing Account	*	827,892.83
City of Long Branch Clearing Account	Reimburse Clearing Account	*	7,959.81
City of Long Branch Clearing Account	Reimburse Clearing Account	*	845,077.55
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	33,819.63
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	810,285.56
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	32,615.83
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	795,277.00
CMF	Copier Paper to Replenish Central Supply		1,937.08
Collision Repair By Damiano	Towing - 7/11 & 9/3/2008 - DPW		130.00
Comcast Online	Internet Provider Service - 9/16-10/15/2008 - IT-Administration	*	169.95
Complete Security Systems	Replace Various Fire Alarm Security Devices at City Hall Building		3,180.00
Cougar Electronics Tool & Equipment Repair	Misc. Tools & Equipment for DPW		35.56
CPC Behavioral Healthcare	Registration - Drug Free Workplace Seminar - 9/25/2008 - Peter Strub - Human Services		25.00
CWA Local 1034, Branch 4	Dental / Vision - October 2008	*	5,800.00
Depot America	Misc. Computer Supplies - IT-Admin. / Health Dept.		249.54
Deptcor Bureau of State Use Industries	Dispatch Cards - Police Dept.		400.00
Edwards Tire	Tires - Various Vehicles - DPW		4,760.24
Efinger Sporting Goods	Tennis Balls for Winter Tennis Program - Recreation Dept.		432.00
F & C Automotive Supply	Misc. Parts - Various Vehicles - DPW		791.16
Fine Fare	Food for Various Events in September 2008 - Senior Affairs		333.59
Fisherman's Supply	Misc. Equipment for Beachfront - Recreation Dept.		4,645.50
Fisher's Repair	Misc. Parts for Lawn Mower - DPW		478.90
Fleetsource	Alternator for OEM #LT4 - DPW		182.32
Foley Inc.	Misc. Parts - PW #277 - DPW		13.94
Ford Motor Credit	(9) Lease/Purchase Vehicles - November 2008		5,717.24
Fort Dearborn Life Insurance	Life Insurance - October 2008	*	1,315.56
G & M Trophy	(2) Memorial Bench Plaques - J. Bauer & C. Buckwater - DPW		32.00
G. Neil Direct Mail	State & Federal Kits - Personnel Dept.		102.85
Gagliano Appraisal	2007 Tax Appeals - July / September 2008		1,030.00
Gannett Satellite Information Network	Datebook & Legal Ads - West End Cruise Night #2 - August 2008 - Admin. / City Clerk		1,461.20
General Linen & Paper Supply	Janitorial Supplies for Various Locations - DPW		769.80
Global Govt./Education Solutions	Computer Equipment - Police Dept. / DPW		2,049.47
Global Industries	Chair - Purchasing Dept.		255.42
Golden Link Chapter #24	Full Page Ad for Journal - Honoring: D. Brabham/W. Mayo Jr./R. Harrison - Mayor's Office		30.00
Governor's Conference on Housing & Dev.	Registration - 2008 Governor's Conference - 9/23-9/24/08 - M. Winnick - Veterans/Admin.		225.00
Granger	Fuses for City Hall Dispatch Area - DPW		126.81
Greenbaum, Rowe, Smith & Davis	Legal Services Rendered - General Redevelopment - July / August 2008		10,886.92

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Pyemt #1

Health Net of New Jersey	Health Benefits - October 2008	*	88,749.36
Hecht Trailers	Repair OEM Trailer - DPW		187.23
Hewlett Packard Gov't/Education Sales	Computer Equipment - Various Depts.		839.00
Hilsen Termite & Pest Control	Integrated Pest Control - September 2008 - Health Dept.		345.00
Horizon Blue Cross Blue Shield	Dental Benefits - October 2008	*	17,243.52
Horizon Blue Cross Blue Shield	Health Benefits - October 2008	*	257,241.74
Institute for Forensics Psychology	Psychology Testing for New Recruit - Fire Dept.		425.00
International Association For Identification	Membership Dues Renewal - Det. N. Cattelona - Police Dept.		20.00
ISG Thermal Systems USA	Misc. Equipment - Fire Dept.		345.00
Jacob L. Jones	Cell Phone Allowance - July / September 2008 - Community Dev.		120.00
James W. Mastriani, Arbitrator	City Share - Arbitrator Fee	*	700.00
Jersey Elevator Co.	Elevator Maintenance at City Hall Building - September 2008 - DPW		151.73
Joann Fabrics & Crafts	Supplies for Various Events - October 2008 - Senior Affairs	*	491.00
John Guire Co.	Misc. Tools/Equipment - August 2008		95.45
John Stamler Police Academy	Registration - (2) Courses - 9/16 & 9/22/08 - P.O. C. Walls & P.O. K. Buble - Police Dept.		60.00
Johnny On The Spot	(14) Port-A-John's - Various Locations - August & September - DPW		2,054.13
Joshua Marcus Group	Towing - 8/28/2008 - PD #29 & Alignment on PW #9 - DPW		175.00
Kahlil Carmichael	Promotional Items for Fire Prevention Education Week		1,825.50
Kane Steel	Cardio Sculpt Instruction - September 2008 - Senior Affairs		200.00
Keppel Water	Steel for San #30 & DPW Stock		1,373.25
K-Mart	Monthly Cooler Rental - August 2008 - Administration		14.00
Lanigan Associates	Duffel Bag to Hold Tools in OEM Vehicle		29.99
Laser Devices	Misc. Supplies/Equipment - Police Dept. / OEM		7,030.27
Lee Battery Service	Flashlights for Assault Rifles - Police Dept.		1,768.00
Lesco	Batteries - PW #103 - DPW		146.18
Lomurro, Davison, Eastman & Munoz	Chemicals for Ocean Blvd. - DPW		498.30
Long Branch Chamber of Commerce	Legal Services Rendered - Bond Counsel - August 2008		1,209.17 Pymt #1
Long Branch Poultry Farm	2008 Membership Dues for L.B. Cable Commission		125.00
Long Branch Sewer Authority	Food for Celebration - 9/18/2008 - Senior Affairs		75.80
Lou's Uniforms	Sewer Charges - Fourth Quarter		1,830.09
Lowe's Credit Services	Uniforms for L.B. Police Explorers - Police Dept.		280.00
Maaco Auto Painting & Body Works Centers	Various Building Materials - DPW		600.03
Maaco Auto Painting & Body Works Centers	Paint PW #5 - DPW		475.00
MATOA	Paint Various Vehicles - DPW / Fire Dept.		2,360.00
Monmouth County Police Academy	Registration - MATOA Conference - 9/22-9/24/08 - Cpl. Tomaine & Ptl. Fanning - Police Dept.		80.00
Monmouth County Police Academy	Ammunition for Trainee - D. Meyers - Police Dept.		193.36
Monmouth County Treasurer - Finance Dept.	Registration - Various Courses - Various Officers - Police Dept.		800.00
	Tipping Fees & Various Taxes - 8/15-8/29/2008 - DPW		42,982.40

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Mommouth Medical Occupational Health	Hepatitis B Immunizations - May / June 2008	136.00	Pymt #1
Moore Medical	Medical Gloves - Police Dept.	160.50	
Moore North America	Safety Paper for Certified Copies - Health Dept.	532.64	
National Pen Co.	Note Pads for Fire Prevention	87.40	
Neptune Fire House	Rental of Polling Place for Presidential Primary Election - 2/5/2008 - City Clerk	200.00	
NJ State League of Municipalities	Registration - Pensions & Benefits Seminar - 9/10/08 - Finance Director	75.00	
NJ State League of Municipalities	Registration - 2008 League Convention - Various Depts.	945.00	*
NJASCD	2008 Membership Renewal - Pat Krosnicki - 7/1/08-6/30/09 - Senior Center	30.00	
NJRPA	2008 Fall Workshop - 10/2/08 - Carl Jennings - Recreation Dept.	50.00	
NJSCPA Ed Foundation	Registration - Various Tax Seminars - 8/18-8/20/08 & 1/3/09 - Finance Director	837.00	
Petroleum Traders Corp.	Unleaded Gasoline & Underground Storage Tank Tax - 9/5 & 9/23/2008 - DPW	49,960.45	
Photo Center of Brick	Misc. Camera Equipment for Forensics/Police Dept.	98.00	
Pitney Bowes	Meter Rental for Postage - 7/1/08-9/30/08 - Tax Collector	180.00	
Public Strategies	Professional Services Rendered - Lobbying Consultant - October 2008	2,500.00	Pymt #4
Rahway Electric Supply	Electrical Materials for Various Locations - DPW	1,413.85	
Ray's Sport Shop	Uniform - K. Buble & R. Camacho - Police Dept.	1,059.50	
Reid Sod Farm	Sod for Library - DPW	285.00	
Ricoh Business Systems	Printer Paper - City Clerk / Building Dept.	210.00	
Rose Leonard	Watercolor Instruction - September 2008 - Senior Affairs	210.00	
Rutgers University	Registration - Review Course - 9/6, 9/12 & 9/13/08 - S. Rivera - Tax Collector's Office	394.00	
Saker Shoprites	Food for Various Events in September 2008 - Senior Affairs	1,105.31	
Satellite Self Storage	Storage Fees - Delores Smith - October 2008 - School Project - Community Dev.	518.00	
Scoles Floorshine Industries	Janitorial Supplies for Beachfront - DPW	515.00	
Seaboard Welding Supply	Welding Supplies & Industrial Gases - August 2008 - DPW	210.00	
Security World	Securall Monitoring System at 279 Broadway - Human Services - 9/1/08-2/28/09 - DPW	120.00	
Shrewsbury Auto Parts	Misc. Parts - Rec #9 - DPW	129.20	
Siperstein's	Misc. Paint/Materials - August 2008 - DPW / Traffic Dept.	534.94	
Sophia Rivera	Reimbursement for Expenses Incurred - Review Course - 9/6-9/13/08 - Tax Collector's Office	142.95	
Stavola Asphalt	Road Materials - DPW	5,142.30	
Storr Tractor	Misc. Parts - (Beach Toro) R #9 - DPW	822.21	
Super Seer Corp.	Motorcycle Helmets - T. Hueston & C. Shirley - Police Dept.	687.03	
Supply-Saver Corp.	Printer Cartridges - Various Depts.	241.40	
T.Y.G. Productions	Videography - Various Events in July 2008 - UEZ	1,500.00	
Toshiba Business Solutions	ID Card Supplies for Police Dept.	313.45	
Treasurer, State of NJ - Dept. of Comm. Affairs	State Training Fees - Third Quarter	3,957.00	*
Turn Out Fire & Safety	Turn Out Gear (Gloves) - Fire Dept.	2,437.82	
Tuzzio's	Food for Storm Emergency & Italian Club Meeting - 9/6 & 9/22/2008 - OEM / Senior Affairs	355.00	
United Parcel Service	Ground Shipping - Finance Dept. / Police Dept.	54.09	

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Up-Tite Fasteners	Misc. Hardware for Boardwalk & Streets Dept. - DPW		510.79
Verizon Wireless	Laptop Service - 9/12/2008 - Various Depts.	*	1,660.48
Verizon Wireless	Cell Phone Service - 9/16/2008 - Various Depts.	*	1,851.33
Virtual F/X	Lettering & Decals - Truck #25-66 & #25-70 - Fire Dept.		1,250.00
Vision Service Plan	Vision - October 2008	*	1,249.16
Visiting Nursing Services of Central Jersey	Public Health Nursing Services - Third Quarter		3,090.00
W E Timmerman	Misc. Parts - PW #90 - DPW		634.49
W H Potter & Son	(2) Chain Saws for Fire Dept.		999.00
W.B. Mason	Various Office Supplies - Various Depts.		3,569.14
Warshauer Electric Supply	Electrical Materials for Band Shell at Beachfront & Police Records		105.75
Wingate By Wyncham	Room Reservation - MTOA Conference - 9/22-9/23/2008 - LT. J. Roebuck - Police Dept.	*	77.70

TOTAL CURRENT

4,590,206.37

Albert Marine Construction	Construction of ADA Ramp - September 2008	*	19,573.65
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - School Project - September 2008	*	812.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	85,257.59
City of Long Branch Clearing Account	Reimburse Clearing Account	*	19,573.65
D.W. Smith & Assoc.	Engineering Services Rendered - Manahassett Creek Park - July / September 2008		1,920.12 Pymt #20
D.W. Smith & Assoc.	Engineering Services Rendered - Manahassett Environ. Oversight - Aug. / Sept. 2008		6,020.00 Pymt #1
D.W. Smith & Assoc.	Engineering Services Rendered - Manahassett Park Project Meetings - July / Sept. 2008		2,197.50 Pymt #1
Precise Construction	Improvements to Manahassett Park - September 2008		57,379.00 Pymt #3
Satellite Self Storage	Storage Fees - Delores Smith - October 2008 - School Project - Community Dev.		518.00
State of NJ Treasurer - Dept. of Environ. Prot.	Beach Replenishment / Nourishment Program		743,750.00

TOTAL CAPITAL

937,001.51

AutoZone/NJ Care Center	Misc. Automotive Parts - 7/28-8/15/2008 - Animal Control		583.90
City of Long Branch Clearing Account	Reimburse Clearing Account	*	6,162.57
City of Long Branch Clearing Account	Reimburse Clearing Account	*	5,405.06
City of Long Branch Clearing Account	Reimburse Clearing Account	*	55.80
City of Long Branch Clearing Account	Reimburse Clearing Account	*	3,374.59
City of Long Branch Clearing Account	Reimburse Clearing Account	*	4,856.90
City of Long Branch Clearing Account	Reimburse Clearing Account	*	115.03

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	386.69
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	5,018.37
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	347.73
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	4,509.17
Fort Dearborn Life Insurance	Life Insurance - October 2008	*	2.94
Geese Chasers	Geese Maintenance Control - Lake Area - September 2008		1,079.00 Pymt #4
Health Net of New Jersey	Health Benefits - October 2008	*	1,255.27
Horizon Blue Cross Blue Shield	Dental Benefits - October 2008	*	188.06
Horizon Blue Cross Blue Shield	Health Benefits - October 2008	*	1,896.86
Long Branch Animal Hospital	Veterinary Services - September 2008		614.00 Pymt #9
Lou's Uniforms	Animal Control Patches for Health Dept.		200.00
Monmouth County SPCA	Animal Shelter Services - August 2008		2,740.00 Pymt #6
Verizon Wireless	Cell Phone Service - 9/16/2008 - Animal Control	*	115.03
Vision Service Plan	Vision - October 2008	*	31.46

TOTAL DOG

38,938.43

ACCC Electrical	Electrical Service - League of Municipalities Convention - 11/17-11/20/08 - Comm. Dev.	*	114.00
AutoZone/NJ Care Center	Misc.. Automotive Parts - 8/11-8/22/2008 - Community Dev.		313.02
Barbara Heggie	Choral Instruction - 9/15/2008 - Senior Affairs / Community Dev.		25.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	5,601.84
City of Long Branch Clearing Account	Reimburse Clearing Account	*	5,343.32
City of Long Branch Clearing Account	Reimburse Clearing Account	*	4,515.85
City of Long Branch Payroll Agency	Reimburse Clearing Account	*	3,071.90
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	377.74
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	5,937.94
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	214.70
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	2,857.20
Dunkin Donuts / Baskin Robbins	Donuts & Coffee for Broadway Area Business Meeting - 9/17/2008 - Community Dev.		37.98
Efinger Sporting Goods	Horseshoes & Bocce Ball Sets for Long Branch Day - 9/13/2008 - Community Dev.		270.00
Fed Ex Kinko's	Copies of Plans for OCED Building - Community Dev.		205.50
Fine Fare	Refreshments for Volunteers for Long Branch Day - 9/13/08 - Community Dev.		248.83
Fort Dearborn Life Insurance	Life Insurance - October 2008	*	9.80
Health Net of New Jersey	Health Benefits - October 2008	*	1,255.27
Horizon Blue Cross Blue Shield	Dental Benefits - October 2008	*	156.16
Horizon Blue Cross Blue Shield	Health Benefits - October 2008	*	1,572.74

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

Maaco Auto Painting & Body Works Centers	Paint (2) 2004 Chevrolet Impala's - Community Dev.	1,410.00
Perry's Trophy	Trophies for Long Branch Day - 9/13/2008 - Community Dev.	255.70
Vision Service Plan	Vision - October 2008	25.52
Vista Convention Services	Booth Furnishings - League of Municipalities Convention - 11/17-11/20/08 - Comm. Dev.	410.00

TOTAL HUD 34,230.01

Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - Pier Village III - September 2008	*	264.00
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - Pier Village I - September 2008	*	11.00
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - Broadway Arts - September 2008	*	4,203.16
Ansell, Zaro, Grimm & Aaron	Legal Services Rendered - Hotel Campus - September 2008	*	759.00
Central Jersey Construction Equipment Sales	Return of Bid Deposit	*	3,650.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	4,000.00
City of Long Branch Clearing Account	Reimburse Clearing Account	*	6,847.67
City of Long Branch Clearing Account	Reimburse Clearing Account	*	22,000.16
City of Long Branch Clearing Account	Reimburse Clearing Account	*	2,135.61
City of Long Branch Clearing Account	Reimburse Clearing Account	*	6,749.90
City of Long Branch Clearing Account	Reimburse Clearing Account	*	20,766.59
City of Long Branch Payroll Agency	Unemployment - September 2008	*	1,632.26
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	416.55
City of Long Branch Payroll Agency	Payroll Dated 9/19/2008	*	21,583.61
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	636.27
City of Long Branch Payroll Agency	Payroll Dated 10/03/2008	*	20,130.32
D.W. Smith & Assoc.	Engineering Services Rendered - Manahasset Park/Coord Well Retrofit - Sept. 2008		680.00 Pymt #7
D.W. Smith & Assoc.	Engineering Services Rendered - Manahasset Final Design Plans - Aug / Sept. 2008		2,730.00 Pymt #7
Donna Peterson /X-Pros Construction	RCA Housing Re-hab - 104 Rockwell Ave. - Community Dev.		17,882.00
Fort Dearborn Life Insurance	Life Insurance - October 2008	*	9.80
Greenbaum, Rowe, Smith & Davis	Legal Services Rendered - Broadway Arts - July / August 2008		351.00 Pymt #1
Greenbaum, Rowe, Smith & Davis	Legal Services Rendered - Pier Village II - August 2008		117.00 Pymt #1
Greenbaum, Rowe, Smith & Davis	Legal Services Rendered - Hotel Campus - July / August 2008	*	5,780.60 Pymt #1
Health Net of New Jersey	Health Benefits - October 2008	*	1,803.43
Horizon Blue Cross Blue Shield	Dental Benefits - October 2008	*	78.08
US Bank-Cust/Sass Muni V Dtr	Tax Sale Premium	*	4,000.00
Vision Service Plan	Vision - October 2008	*	12.76
W.B. Mason	Various Office Supplies - UEZ		168.99

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

TOTAL TRUST OTHER

149,399.76

* DENOTES PREPAY

** SUBJECT TO COMPLETION OF PAYMENT PACKAGE

R# 316-08

**RESOLUTION AWARDING BID FOR
CONCRETE FOUNDATION AND FLOOR INSTALLATION
FOR OCED BUILDING**

WHEREAS, the City of Long Branch publicly advertised to receive bids on October 8, 2008, for installation of a concrete foundation and floor for a new pre-fabricated building being erected for use by the Office of Community and Economic Development (OCED) for storage, and the following bids were received:

Manzo Maroba, Inc., Marlboro, NJ	\$34,000
Precise Construction, Inc., Freehold, NJ	\$35,450
Diamond Construction, Dunellen, NJ	\$36,800
Berto Construction, Inc., Rahway, NJ	\$38,899
Shorelands Construction, Inc., Monmouth Beach, NJ	\$39,995
McCauley Construction Co., Inc., Hazlet, NJ	\$41,975
SBN Enterprises, Inc., Toms River, NJ	\$44,800
V&K Construction, Inc, Edison, NJ	\$56,300
Monmouth Construction, LLC, Holmdel, NJ	\$65,000
Ascend Construction Mgmt., Inc., Eatontown, NJ	\$66,000
Castella Enterprises, Inc., Freehold, NJ	\$80,000

WHEREAS, bids were reviewed by the Purchasing Agent and found to be in order, and it is the recommendation of the Public Works Director that the bid be awarded to Manzo Maroba, Inc., 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 are available for this contract in the **Community Development Block Grant Budget, Appropriation # H-02-032-304, in the amount of \$18,872.34, Appropriation # H-02-033-304, in the amount of \$15,000.00, and Appropriation #H-02-032-304, in the amount of \$127.66.**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Long Branch, that a contract for installation of concrete foundation and floor be awarded to **Manzo Maroba, Inc.**, in accordance with the bid specifications and proposal, **for a sum not to exceed \$34,000.**

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

**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:

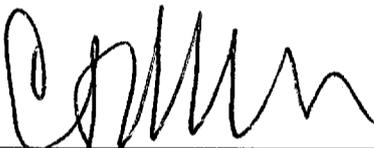
INSTALLATION OF FOUNDATION AND FLOOR FOR OCED BUILDING

Said contract being made as follows:

MANZO MAROBA, INC. \$34,000

Said funds being available in the form of:

CDBG BUDGET APPROPRIATION #	AMOUNT
H-02-032-304	\$18,872.34
H-02-033-304	\$15,000.00
H-02-034-304	\$ 127.66


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

10-8-08
Date

2317-08

RESOLUTION AUTHORIZING CHANGE ORDERS IN A CONTRACT ENTERED INTO WITH ALBERT MARINE CONSTRUCTION FOR CONSTRUCTION OF A BARRIER FREE ACCESS RAMP AT OCEAN AVENUE AND MATILDA TERRACE

WHEREAS, the City of Long Branch settled a matter entitled *Austin Gelzer vs. the City of Long Branch* in the Federal Court mediation program; and

WHEREAS, pursuant to said settlement, the City agreed to authorize the construction, subject to the provisions of the Settlement Agreement, of a barrier free beach access ramp; and

WHEREAS, the bids were received and publicly opened at the City municipal building on Thursday, April 17, 2008 at 10:00 a.m. prevailing time, for the barrier free access ramp project; and

WHEREAS, the City adopted Resolution No. 147-08 authorizing the award of the Contract for the construction of the barrier free access ramp to Albert Marine Construction, Inc. in the amount of \$72,495.00; and

WHEREAS, during the construction of the ramp City officials including the City Engineer determined that certain change orders were required as a result of the need to relocate the access ramp, prepare alternate post footings at the sea wall for the access ramp, and to increase the dimension for the concrete landing for the access ramp in a total amount of \$10,644.00 which work has been completed; and

WHEREAS, a second change order is required to allow access to the access ramp from the street which includes construction of a concrete ramp, demolition of portions of the immediately adjacent boardwalk and rebuilding of same and pouring of asphalt to ensure safety in the area; and

WHEREAS, said change order requested is in the amount of \$9,600; and

WHEREAS, the City Engineer, Birdsall Engineering having reviewed the change orders requested, the work completed, and the requirements still remaining, has determined along with City construction and code officials, that such change orders

were warranted and required, and that same are necessary for the successful completion of the barrier free access ramp to provide access to handicapped individuals to the beach and ocean area and that said changes are required to ensure the health, safety and welfare of the citizens utilizing the ramp and the areas adjacent thereto; and

WHEREAS, the funds for the change orders are available in Account No. _____ for said project as certified to by the Chief Financial Officer of the City of Long Branch; and

WHEREAS, the city attorney has reviewed the change orders as well as the information provided by the city engineers and city officials and concurs with regard to the propriety and necessity for same in light of the settlement entered into in the *Gelzer* litigation as referenced above.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Long Branch that the Mayor of the City of Long Branch or his designee be and the same is hereby authorized to enter into said change orders as stated above for the completion of a barrier free beach access ramp on Ocean and Matilda Terrace pursuant to the settlement reached in the *Gelzer* litigation, in the total amount of \$21,240.00 and that payment shall be made and completed pursuant to the change orders as referenced above.

MOVED:
SECONDED:

AND ADOPTED UPON THE FOLLOWING ROLE CALL:

AYES:
NAYES:
ABSENT:

**CITY OF LONG BRANCH
COUNTY OF MONMOUTH**

CONTRACT: OCEAN AVENUE & MATILDA TERRACE, BARRIER FREE ACCESS RAMP
CONTRACTOR: ALBERT MARINE CONSTRUCTION, INC.
308 S. MAIN STREET
FORKED RIVER, NJ 08731

Gentlemen:

In accordance with the provisions of Article 10 and 11 of the General Conditions of the Specifications for the above Contract, you are hereby advised of the following changes in the Contract:

Supplemental Items

- S-1: Modified concrete slab at landing on beach. **1 lump sum @ \$1,440.00**
- S-2: Alternate post footing at seawall. **1 lump sum @ \$10,200.00**

This will result in the following changes in Contract quantities:

Supplemental Items:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Amount</u>
S-1	Modified concrete slab at landing on beach	1	LS	\$ 1,440.00	\$ 1,440.00
S-2	Alternate post footing at seawall.	1	LS	\$ 10,200.00	\$ <u>10,200.00</u>
Change Order No. 1 Total Supplemental					\$ 11,640.00

Summary:

Contract Amount	\$ 72,495.00
Change Order No. 1 (Net Increase)	\$ <u>11,640.00</u>
Amount of Contract as modified by Change Order No. 1	\$ 84,135.00

Accepted:

Contractor: Albert Marine Construction, Inc.

By: _____

Title: _____

Date: _____

Recommended:



BIRDSALL ENGINEERING, INC.
Richard E. Brown, P.E., P.P., C.M.E.
City Engineer

Approved: City of Long Branch

By: _____

Title: _____

Date: _____

Job No. 2-06544-420010
Change Order No. 2
August 26, 2008

**CITY OF LONG BRANCH
COUNTY OF MONMOUTH**

CONTRACT: OCEAN AVENUE & MATILDA TERRACE, BARRIER FREE ACCESS RAMP
CONTRACTOR: ALBERT MARINE CONSTRUCTION, INC.
308 S. MAIN STREET
FORKED RIVER, NJ 08731

Gentlemen:

In accordance with the provisions of Article 10 and 11 of the General Conditions of the Specifications for the above Contract, you are hereby advised of the following changes in the Contract:

Supplemental Items

- S-3: New concrete ramp construction at entrance to new handicap ramp at Ocean Avenue.

1 lump sum @ \$9,600.00

This will result in the following changes in Contract quantities:

Supplemental Items:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Amount</u>
S-3	New Concrete Ramp Construction at the entrance to the new handicap ramp	1	LS	\$ 9,600.00	\$ 9,600.00
Change Order No. 2 Total Supplemental					\$ 9,600.00

Summary:

Contract Amount	\$ 72,495.00
Change Order No. 1 (Net Increase)	\$ 11,640.00
Change Order No. 2 (Net Increase)	\$ 9,600.00
Amount of Contract as modified by Change Order No. 2	\$ 93,735.00

Accepted:

Contractor: Albert Marine Construction, Inc.

By: _____

Title: _____

Date: _____

Recommended:


BIRDSALL ENGINEERING, INC.
 Richard E. Brown, P.E., P.P., C.M.E.
 City Engineer

Approved: City of Long Branch

By: _____

Title: _____

Date: _____

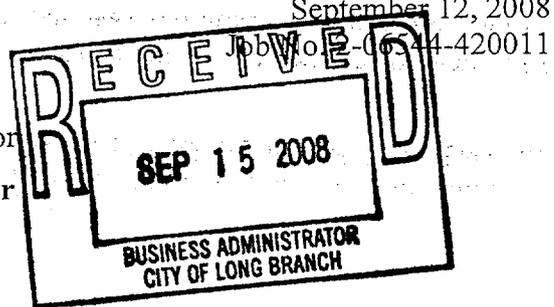


Via e-mail .pdf and Regular Mail

City of Long Branch
344 Broadway
Long Branch, NJ 07740

Attn: Howard H. Woolley, Jr., Business Administrator

Re: **Handicap Beach Access Ramp Change Order
Supplemental Information**



Dear Mr. Woolley:

Pursuant to our telephone conversation on Tuesday, September 9, 2008 with Fred Migliaccio, please review the following information regarding the final selection of the decking that was used for the ramp.

The original specification for decking was Trex "Winchester Grey". That color was selected as it most closely matched the color of the adjacent boardwalk. Albert Marine, the successful bidder, proposed an alternate product, Evergrain. Samples in several colors were provided to Mr. Migliaccio by our inspector in the field. The Evergrain color that was selected was "Weathered Wood". The "Weathered Wood" color was not readily available, so we researched a similar color in Trex. We presented a sample of Trex "Saddle Brown" to Mr. Migliaccio and that was color that was used.

As stated during our telephone conversation, the cost differential between Trex "Winchester Grey" and Trex "Saddle Brown" was \$3,400.00. The Contractor is not seeking any additional compensation for the additional cost of the "Saddle Brown" decking material, as Trex was specified in the original bid.

It remains our position that the change order for the alternate support system in the amount of \$10,200.00 is a reasonable number, given the labor that was required to install the alternate supports as stated in our September 4, 2008 letter.

We trust that this supplemental information is adequate to support the total change order amount being sought by the Contractor. Should you require any additional information, please contact the undersigned at 732-380-1700, ext 1206.

Very truly yours,

BIRDSALL ENGINEERING, INC.


Richard E. Brown, P.E., P.P., C.M.E.
City Engineer

REB:skn

- c: Irene Joline, RMC, City Clerk
- Ronald Mehlhorn, CFO
- Carol Mellaci, Purchasing Agent
- Fred Migliaccio, Director of Public Works
- Kevin Hayes, Director of Building & Development
- James G. Aaron, Esq., City Attorney
- Robert Albert, Albert Marine



Via e-mail .pdf and Regular Mail

City of Long Branch
344 Broadway
Long Branch, NJ 07740

September 4, 2008
Job No. 2-06544-420011

Attn: Howard H. Woolley, Jr., Business Administrator

**Re: Handicap Beach Access Ramp
Explanation for Change Order**

Dear Mr. Woolley:

In accordance with Section 5:30-11.9 of the Local Public Contracts Law, we offer the following explanation for exceeding the twenty (20) percent limitation.

The handicap beach access ramp was designed to bridge the seawall that runs parallel to Ocean Avenue within the dune slope area. The original location of the ramp entrance was opposite Matilda Terrace where an existing concrete ramp was to be utilized. It was agreed by all parties that the ramp should be moved northerly where the end of the ramp would be at the beach badge station adjacent to the Cottage Place comfort station. There was continuous boardwalk at this location, which had to be removed. A new concrete ramp was required to be constructed at this location in compliance with New Jersey Barrier Free and ADA standards.

During the excavation for the concrete supports for the ramp, the Contractor encountered additional concrete on both sides of the exposed seawall. There were no plans available for the seawall and the only information that was available was ground penetrating radar that was performed by D.W. Smith. That information was inconclusive and was not performed in the area where the ramp was constructed. Upon encountering the additional concrete, the Contractor had to stop work and Birdsall Engineering had to prepare an alternate design for the installation of the ramp support system. A design was prepared and submitted to the Contractor. The alternate design required the fabrication of brackets that were attached to the concrete with rock anchors. The support timbers had to be field cut and drilled for attachment to the brackets. The sonotube forms had to be modified and placed correctly on the concrete prior to pouring the concrete encapsulation around the support timbers.

The landing of the ramp at the beach was originally designed with dimensions of six (6) feet by ten (10) feet. In order to accommodate a wheelchair landing area that would allow an individual in a wheelchair to view the beach and ocean, the landing was increased in size to twelve (12) feet by twelve (12) feet.

The additional concrete adjacent to the seawall that was encountered is clearly an unforeseen condition and it would have been impracticable to execute a new contract as the Contractor had already installed several of the concrete support foundations. The installation of the anchors and supports was labor intensive. Our inspection staff and the author of this letter are aware of the additional time expended to install the alternate attachment of the support timbers.

<input checked="" type="checkbox"/> 611 Industrial Way West Eatontown, NJ 07724-2213 P 732.380.1700 F 732.380.1701	<input type="checkbox"/> 529 Route 9 Barnegat, NJ 08005-2120 P 609.698.1144 F 609.698.6814	<input type="checkbox"/> 95A Connecticut Drive Burlington, NJ 08016 P 609.239.4378 F 609.239.4567	<input type="checkbox"/> 560 Hudson Street Hackensack, NJ 07601 P 201.562.1500 F 201.562.1501
-----------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------

Howard H. Woolley, Jr.

Page 2 of 2

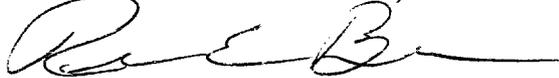
September 4, 2008

Job No. 2-06544-420011

We trust that this explanation is sufficient for the City to execute the change order that exceeds the twenty (20) percent limitation. Should you require any additional information, please contact the undersigned at 732-380-1700, ext 1206.

Very truly yours,

BIRDSALL ENGINEERING, INC.



Richard E. Brown, P.E., P.P., C.M.E.
City Engineer

REB:skn

c: Irene Joline, RMC, City Clerk
Ronald Mehlhorn, CFO
Carol Mellaci, Purchasing Agent
Fred Migliaccio, Director of Public Works
Kevin Hayes, Director of Building & Development
James G. Aaron, Esq., City Attorney

Council Members

Albert Marine Construction, Inc.

308 South Main Street
Forked River, NJ 08731
800-696-1185
609-693-5524
Fax#: 609-971-5641
License # 13VH02602500

PROPOSAL

Proposal Submitted to:	Phone #:	Date:
Birdsall Engineering	732-380-1700	8.7.2008
Site:	Job Name:	
Long Branch - Ocean Avenue & Matilda Terrace Beach Access Ramp	Project # 2-06544-420010	
City, State and Zip:	Job location:	
	Long Branch	

CHANGE ORDER

Proposal for change order to do alternate post footing at seawall as per detail A1, price is inclusive of additional posts needed to extend the ramp an additional 5' on Southeast side

Lump Sum Price \$10,200.00

RETURN ORIGINAL

Authorized
Signature



Note: this proposal may be
Withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications
and conditions are satisfactory and are accepted. You are authorized
to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____
Signature: _____

Albert Marine Construction, Inc.

308 South Main Street
Forked River, NJ 08731
800-696-1185
609-693-5524
Fax#: 609-971-5641
License # 13VH02602500

PROPOSAL

Proposal Submitted to:	Phone#:	Date
Birdsall Engineering	732-380-1700	8.7.2008
Street	Job Name	
Long Branch - Ocean Avenue & Matilda Terrace Beach Access Ramp	Project # 2-06544-420010	
City, State and Zip	Job location	
	Long Branch	

CHANGE ORDER

Price to increase dimension of concrete landing as per drawing, and construct a 4" high concrete curb as shown, landing dimension 12'x12'

Lump Sum Price \$1,440.00

RETURN ORIGINAL

Authorized
Signature



Note: this proposal may be
Withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL - The above prices, specifications
And conditions are satisfactory and are accepted. You are authorized
To do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____
Signature: _____

Albert Marine Construction, Inc.

308 South Main Street
Forked River, NJ 08731
800-696-1185
609-693-5524
Fax#: 609-971-5641
License # 13VH02602500

PROPOSAL

Proposal Submitted to:	Phone #:	Date
Birdsall Engineering	732-380-1700	8.7.2008
Street	Job Name	
Long Branch - Ocean Avenue & Matilda Terrace Beach Access Ramp	Project # 2-06544-420010	
City, State and Zip	Job location	
	Long Branch	

CHANGE ORDER

Scope of Work

- A.) Demolition of existing wood frame and deck boardwalk
- B.) Saw cut existing asphalt at road edge and remove existing concrete curb.
- C.) Raise newly constructed ramp 2" as directed
- D.) Excavate outside perimeter of ramp and construct forms as per plan with #4 epoxy-coated rebar as per plan.
- E.) Provide 200LF of 3/4" stone base, approximately 5 ton- compact with plate compacter
- F.) Provide 6x6w.w.F. - w2.9x2.9
- G.) Pour approximately 22 square yards of concrete and finish with light broom finish.
- *Note- Expansion joints not specified, to be verified prior to pouring of concrete
- I.) Asphalt to concrete transition not included in price; engineer to direct.

Lump Sum Price \$9,600.00

RETURN ORIGINAL

Authorized
Signature



Note: this proposal may be
Withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL -The above prices, specifications
And conditions are satisfactory and are accepted. You are authorized
To do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____
Signature _____

Breakdown for Long Branch Change Order

PAYROLL: Donald Crawford 52 ½ hours	\$3,378.40
Mark Bianco 48 hours	\$3,184.80
Bob Albert 15 hours	\$1,198.00
Total Labor	\$7,761.20
Ins. And Burden	\$2,943.00
TOTAL	\$10,704.20
Credit on labor with burden	-\$1,441.60
Balance	\$9,262.60

MATERIAL:

(32) Angle brackets	
(64) Hilti bolts	\$480.00
Misc. equipment, generator, Hilti drills & bolts, adhesives, service truck, etc.	\$600.00
5 additional lineal feet of decking with handrail, inc. labor	\$1,800.00
Total	\$12,142.60
Credit on concrete @ 10 yards	-\$1,200.00
TOTAL AMOUNT	\$10,942.60