

REGULAR MEETING

CITY COUNCIL

FEBRUARY 13, 2008

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Wednesday, February 13, 2008 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

David G. Brown, Councilman; Anthony Giordano, Councilman; Brian Unger, Councilman; Dr. Mary Jane Celli, Council Vice-President

OTHERS PRESENT:

Howard Woolley, Business Administrator; Lawrence Shapiro, Attorney; Ronald Mehlhorn, Finance Director

ABSENT: Michael DeStefano, Council President; Mayor Adam Schneider; James G. Aaron, City Attorney; Irene A. Joline, City Clerk

The pledge of allegiance was recited. Certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

January 22, 2008

Hold over to meeting of February 26, 2008.

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#3-08 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY IN AND BY THE CITY OF LONG BRANCH IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$2,205,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF (Introduced: January 8, 2008)

A motion was made by Councilperson Giordano to open the public hearing on this ordinance and was seconded by Councilperson Brown. Ayes 4 / Absent 1 - DeStefano

After ample time was given and no one responded, a motion was made by Councilperson Brown, seconded by Councilperson Giordano to close the public hearing. Ayes 4 / Absent 1 - DeStefano

A motion by Councilperson Unger, seconded by Councilperson Giordano to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 4 / Absent 1 - DeStefano

#4-08 ORDINANCE AUTHORIZING THE CITY OF LONG BRANCH TO GRANT AN EASEMENT TO JERSEY CENTRAL POWER AND LIGHT COMPANY (JCP&L) FOR INSTALLATION AND LOCATION OF EQUIPMENT AS MAY BE NECESSARY ALONG THE CORNER OF OCEAN BOULEVARD AND CHELSEA AVENUE AS SHOWN ON THE MAP ENTITLED FINAL MAP PIER VILLAGE, BLOCKS 290, 292, BLOCK 224, LOTS 8-16, BLOCK 225, LOTS 2-14 AND BLOCK 298, LOTS 2.01, 3.01 AND 4.01, SITUATED IN THE CITY OF LONG BRANCH, MONMOUTH COUNTY PREPARED BY LYNCH, GIULIANO AND ASSOCIATES INC FILED 11/7/07 (Introduced: January 22, 2008)

A motion was made by Councilperson Giordano to open the public hearing on this ordinance and was seconded by Councilperson Brown.

Donna Peterson - 104 Rockwell Avenue

Asked what this ordinance was about.

Mr. Woolley stated that they are going to put a transformer at the buffer on Ocean Boulevard in Pier Village and this allows them to do this.

After ample time was given and no one responded, a motion was made by Councilperson Unger, seconded by Councilperson Giordano to close the public hearing: Ayes 4 / Absent 1 DeStefano

A motion by Councilperson Brown, seconded by Councilperson Giordano to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 4 / Absent 1 - DeStefano

ORDINANCES FOR INTRODUCTION: (Public Hearing set for 2/26/2008)

None

PUBLIC PARTICIPATION:

A motion by Councilperson Giordano to open the public portion of the meeting was seconded by Councilperson Brown. Ayes 4 / Absent 1 DeStefano

Donna Peterson - 104 Rockwell Avenue

Spoke regarding backing out of a deal to take away homes. Spoke regarding the Keelen property.

Discussion took place trying to explain to Ms. Peterson the zone Mr. Keelen was in and that no eminent domain was used.

Ms. Peterson went on to speak about the railroad tracks on North Fifth Avenue.

Mr. Woolley stated that repairs to roads are done on an annual basis on the recommendation of the Council who authorizes this.

Ms. Peterson asked about Seaview Towers. Mr. Brown stated you would have to call the owner of the building and find out.

Doug Cresent - Citizens Campaign

Spoke regarding Citizens leadership forums.

Evelyn Allison - 268 Ocean Avenue North

Spoke regarding an application before the planning board allowing an outdoor food establishment to be moved from Seaview and Ocean and moved to the middle of our residential block. Went on to speak regarding various zones and allowable uses. The residents of the neighborhood are opposed to the application that is before the planning board. Went on to speak regarding "Sidewalk Café's" and licensing. Against the Strollo's application.

Robert Allison - 268 Ocean Avenue North

Spoke with regards to a petition he is submitting to encourage Council to change the ordinance regarding parking on both sides of Ocean Avenue

North between Joline and Avenel to be changed from No Parking between 8 and 5 during the summer season to No Parking on one side of the block where all the residents live and only allow parking on the other side. Went on to speak regarding businesses up against residential properties.

Olga Patrino – 33 West Hillsdale Avenue

Representing the Oceans Glen Condo Association. Presented a petition regarding the parking situation on Ocean Avenue North. Spoke regarding parking at Strollo's.

Marcia McEarl – 280 New Ocean Avenue

Trustee of Presidential Village Townhouse Association. Spoke regarding beachfront commercial uses and submitted petitions to Council.

Vince LaPore – Long Branch

Spoke regarding the seminar at Monmouth University and Donald Moliver. Stated that Bruce McCloud was escorted out of the seminar. Went on to speak regarding the bill list and Public Strategies and Mark Aikins. Spoke regarding the Cicalese property and the Takanassee Beach Club easement.

Ellsworth Bonjeron – 300 Ocean Avenue

Spoke to give his support to his fellow residents regarding the Strollo issue and stated that the application should not even be considered.

Marco Diaz – 135 Rockwell Avenue

Spoke regarding programs run by the All Neighbors Foundation.

Vincent Giordano – 246 Ocean Avenue North

Spoke regarding investments made in his home without knowing what is happening in his neighborhood. Spoke regarding Strollo's application before the board and asks Council to really look into this.

After ample time was given and no one else came forward, a motion was made by Councilperson Giordano seconded by Councilperson Unger to close the public participation. Ayes 4 / Absent 1 DeStefano

RESOLUTIONS:

On file in the Clerks Office and the City's Web Site.

APPLICATIONS:

1. APPROVAL OF KENNETH CARROLL AS AN HONORARY MEMBER OF THE OLIVER BYRON ENGINE COMPANY
2. APPROVAL OF LAWRENCE FORNICOLA AS AN HONORARY MEMBER OF THE ATLANTIC FIRE COMPANY
3. APPROVAL OF ROBERT GAIDA AS AN HONORARY MEMBER OF THE BRANCHPORT HOSE COMPANY
4. APPROVAL OF A RAFFLE LICENSE FOR ST. MICHAELS CHURCH
5. APPROVAL OF TWO RAFFLE LICENSES FOR CHRISTIAN BROTHERS ACADEMY
6. APPROVAL OF A RAFFLE LICENSE FOR LONG BRANCH BAND PARENTS ASSOCIATION

7. APPROVAL OF A RAFFLE LICENSE FOR THE ILAN HIGH SCHOOL
8. APPROVAL OF A RAFFLE LICENSE FOR THE TINTON FALLS PTA
9. APPROVAL OF A RAFFLE LICENSE FOR THE POLICE UNITY BIKE TOUR

Motion by Councilperson Brown, seconded by Councilperson Unger to approve the listed applications was approved upon the following roll call vote: Ayes 4 / Absent 1 DeStefano

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown - Good evening everyone. I'll be very brief this evening because of Lincoln's birthday yesterday, the City building was closed, tomorrow is the 14th of February and to all the ladies present, to all the ladies at your homes a very happy and wondrous Valentines Day. I also would like to make a public statement. This is the City Council meeting. The City Council conducts its meetings, our Police Department is here to assure safety of all the residents. Please adhere to whatever suggestion that the Police Department is making. They are here for all of our protections. This Council, myself personally will back all and any police officer, thank you.

Councilman Giordano - Good comments Dave. I have nothing else, thank you.

Councilman Unger - Well a few comments on this Strollo's issue. You know that the City Council, my understanding anyway, I've only been on Council just over a year can not really direct the planning board to do or not do something. We do have one member on the Planning Board, Mr. DeStefano who you referred to and in addition I believe the City's Planning Director can advise them on City policy, I believe that's permitted. In this scenario, I imagine our comments would have to be a little bit proscribed. My understanding is, I don't know, Larry, Larry actually you wrote me a memorandum on this once. Maybe you can comment after I'm done. We have to be careful about trying to influence a Planning Board decision and having said that it appears that the City would have to deny that license first of all but I'm not an attorney so again, that's, someone else would have to look at that but thirdly, if the Planning Board, if we believe as the City Council that the Planning Board acted erroneously, the City Council could ask the administration to file a legal challenge to one of their decisions, it would be highly unusual but I think that is one recourse that we would have as a City Council so in any event, please keep your comments coming and as far as your parking change goes, I know I look forward to seeing a report from the Police Department as soon as possible and it sounds like a positive thing for the neighborhood and for the City. Thank you. Could you respond briefly to our requirements for Council members (inaudible) the Planning Board?

Mr. Shapiro - I know I wrote a memo but I don't recall the specifics because it was some time ago but because issues could come before the Council that are before the Planning Board, they have the jurisdiction to hear those things and is probably inappropriate to comment on. You may also want to watch commenting upon like this license application if it ever came before the Council which way you may go because you don't have it yet. I will have to otherwise refer to my memo a few months ago, I'm sorry, I just don't recall it.

Dr. Celli - Larry, I'd like to thank you for being a great substitute, you don't look like Irene but you did a good job. I do have a couple of comments, Mr. Brown mentioned Valentines Day, I wish happy Valentines Day to all the men and also all the women. I also am very pleased to see a Policeman

here at every meeting so regardless of whether you like it or not, he is here for our protection. Now I'm going to do it on a lighter note, this is American Heart Month, I'm going to look you all in the eye and say take care of yourself. You know what the risks are so we need you as you need us so please take care of yourself. Last Friday night at the Middle School there was a program put on by the American Heart Association and it was basically gospel music and it was extremely well attended and there were doctors there but it wasn't very boring and it made you think about all the different things that maybe you do that you shouldn't do or shouldn't eat but it was a very good program and it brought to mind, my mind at least, we all have a heart whether its good or whether its bad so please take care of it. Next I just want you to know that this is National Friendship Week. Now I'm not going to ask you to go out on the street and pickup a friend but I am going to ask you to turn around and say hello to the people if you don't know who they are and maybe help somebody and with that, that's all I have and I would ask for adjournment.

Mr. DeStefano – Absent

ADJOURNMENT

A motion was made by Councilman Brown, seconded by Councilman Unger to adjourn this meeting at 9:15 pm. Ayes 4 – Absent 1 DeStefano