

REGULAR MEETING

CITY COUNCIL

MAY 8, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, May 8, 2007 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

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

OTHERS PRESENT:

Mayor Adam Schneider; Howard Woolley, Business Administrator; James G. Aaron, City Attorney; Deborah L. Talerico, Deputy Municipal Clerk

ABSENT:

Brian Unger, Councilman; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

The pledge of allegiance was recited and certification was read.

PRESENTATIONS:

Mayor presented a proclamation for "Kids Day America / International Day"

HEARINGS:

LIQUOR LICENSE HEARING – THE AVENUE/LE CLUB

Present on behalf of the City – Steven C. Rubin, Esq.

Present on behalf of The Avenue / Le Club – Vincent Paragano, Esq. and David Barry from The Avenue / Le Club

Charges were read into the record by Mr. Rubin. Mr. Rubin recommended a 10 day suspension and the City would have no problem with the licensee to pay a monetary fine in lieu of suspension.

Mr. Paragano went over the charges and what measures were taken by the establishment to correct the problem.

Motion by Councilperson Giordano to accept the plea of non vult and a ten day suspension imposed and the suspension will be stayed pending the determination of the ABC, for a monetary fine in lieu of suspension was seconded by Councilperson Celli and approved upon the following roll call vote: Ayes 3 / Nays 1 – Brown / Absent 1 – Unger

Mr. Aaron to prepare a resolution for the May 22nd, 2007 Council Meeting

READING AND APPROVAL OF PREVIOUS MINUTES:

April 24, 2007

Motion was made by Councilperson Celli, seconded by Councilperson Brown to approve the minutes of April 24, 2007 – Ayes 4 / Absent 1 – Unger

CONSIDERATION OF ORDINANCES

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PUBLIC HEARING AND FINAL CONSIDERATION

#18-07 AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE OF THE CITY OF LONG BRANCH IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY CHAPTER 116 BEACH FEES 2007

Motion by Councilperson Giordano seconded by Councilperson Brown to defeat this ordinance - Ayes 4 / Nays 0 / Absent 1 - Unger

#21-07 AN ORDINANCE AMENDING ORDINANCE 325-3C, SCHEDULE II (325-26) NO PARKING (DALE STREET) Introduced: April 24, 2007

A motion by Councilperson Celli to open the public hearing on said ordinance was seconded by Councilperson Giordano.

Donna Peterson - 104 Rockwell Avenue

Asked where people park that has no driveways.

Council President DeStefano stated that this has already been observed and cleared and they feel that this is a reasonable solution and will not cause any difficulty for the residents.

After ample time was given and no one responded, a motion by Councilperson Celli to close the hearing was seconded by Councilperson Giordano.

A motion was made by Councilperson Celli, seconded by Councilperson Giordano to adopt on third and final reading was carried out upon the following roll call vote: Ayes 4 / Absent 1 - Unger

ORDINANCES FOR INTRODUCTION: PUBLIC HEARING MAY 22, 2007

None

PUBLIC PARTICIPATION:

A motion by Councilperson Celli to open the public portion of the meeting was seconded by Councilperson Giordano.

Vince Lapore - Long Branch

Spoke regarding R130-07 and asked that it be voted down or tabled. Asked if K Hovnanian would be using eminent domain for the bicycle path. Spoke regarding a hearing Green Acres will be having on June 6th. Went on to speak regarding K Hovnanian wanting out of the Beachfront South project. Spoke regarding the tax rate.

Diana Multare - 21 North Bath Avenue

Spoke regarding R130-07 and asked for the resolution to be cleared up. Believes that this is a trade to open traffic up on Ocean Avenue for the area of Ocean Blvd east and give that to Green Acres to replace the area you want open for traffic. This makes no sense at all. Should reconsider this. Instead of opening Ocean Avenue up to traffic, you should open it up as a bike path.

Bill McLaughlin – 448 Ocean Avenue

Spoke regarding R130-07. It's very sad what you are doing. You should repair the boardwalk. Spoke regarding the budget and the savings that the public brings to you as suggestions to make cuts.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding R120-07 regarding the transfer of the liquor license to BAC Liquors LLC and named the principals. Asked if anything was new in Beachfront South.

Mr. Aaron stated that there was not.

Harold Bobrow – Spoke regarding the resolution for the award of bid for Road Maintenance Materials. Asked if there were any other bidders?

Mr. Woolley stated that this went out for bid and there were only two bidders.

Harold Bobrow went on to speak about R130-07 and the exchange with Green Acres. Asked if this resolution had anything to do with the redevelopment that is going on right now?

Mr. Aaron stated, no. All this does is start a process whereby Green Acres would consider a diversion. A diversion of Green Acres property is when the City takes a Green Acres property that is presently on the Green Acres inventory and says, we would like to exchange that, take it off the Green Acres inventory and give you more property that the City has in exchange for that property.

Harold Bobrow asked about the Galison case, does that have any repercussions on this exchange of Green Acre property?

Mr. Aaron stated, no sir.

Harold Bobrow read into the record bills that are on the bill list for payment.

Rev. Kevin Brown – 162 Broadway

Spoke regarding Baby Independence and the memorial he would like to see in the city. Went on to speak regarding litigation expenses. Spoke regarding R125-07 and the lease of 279 Broadway. The rate for the monthly rental is based on regional figures. Those figures are north Jersey and NYC. Spoke regarding a member of Mr. Aaron's law firm representing developers of the Lake Takanassee Beach Club as well as Mr. Unger's feelings regarding that. Spoke regarding his feelings of a 7-cent tax increase.

Aileen Multare – 21 North Bath Avenue

Spoke regarding R130-07. Asked what area this is for the proposed trade and asked if it was a long stretch from Madison to Ocean Terrace.

Council President DeStefano again went over the diversion plan.

Aileen Multare asked that the Council table this for another meeting.

Bill Nordahl – 67 Marine Terrace Apt. 3

Spoke regarding the Planning Board hearing on the Broadway Arts corridor and what was proposed to be built. Went on to speak about R130-07 and the traffic pattern. Spoke regarding the bike path and there should be more discussion on this with the people involved. I don't think that this is a good idea.

John Ferraro – Lakewood

Spoke regarding R125-07, and who owns that property. Spoke regarding R130-07. Other municipalities are looking to acquire open space and we're looking to get rid of open space. This is unsafe and shouldn't be opened.

Dan Smuro – 591 Monmouth Place

Hollywood Avenue between Norwood Avenue and Monmouth Place has become a long-term parking lot for Monmouth University. 15-20 cars parked there at any given time. They park there and carpool to the campus. They disregard signs and driveway entrances. There is vandalism and cars have been spray-painted. No emergency call boxes. The number of students are increasing but not the surroundings. We have to have restricted parking on Hollywood and Norwood. No parking overnight would help.

Mr. Aaron stated "Let the record reflect that Dr. Smuro is a client of my office and myself. We have a matter together and it's still ongoing. I did not know that Dr. Smuro was going to be here tonight. I didn't know he was going to say anything. In the event that an ordinance is requested of the City and if the City wants to do that, I believe that it would be appropriate for someone else to draw that ordinance in light that it was requested by a client of our firm."

Donna Peterson – 104 Rockwell Avenue

Spoke regarding the financing of a project in Pier Village. Spoke regarding housing for Monmouth University and what the paper said about housing in the redevelopment area. Asked what happened to the \$500,000 we got for in front of the Hilton.

The Mayor stated that any money we got from Green Acres we used according to Green Acres rules and provisions and to their approval.

Jim Keelan – 142 Belmont Avenue

Good job on the clean up around Sipersteins. Spoke regarding the beaches and the bulldozers. Dunes were created with our sand and where do I fill out a form to get the permits that were required by law for these guys to go on the beaches to create bulldozers to create these dunes.

The Mayor stated that he suggests they go to DEP.

Jim Keelan – Spoke regarding Rainbow Liquors and the number of days he was given for the same offense.

Denise Hoagland – 68 Ocean Terrace

Spoke regarding R128-07 and noted for the record that she has never seen a contract with Stavola in the last 18 months. Spoke regarding R130-07. You

are putting the community in danger. Disagrees with opening up the roadway. When and what takes place now?

Council President DeStefano stated that the resolution will be voted on tonight. There will be another hearing with Green Acres and it won't be finalized until after that.

Denise Hoagland - Are you discussing just to open it, what are you deciding?

Council President DeStefano stated that that is not tonight but those decisions will be made...

Denise Hoagland - How can you make the decision before you know what you're going to do?

Anna DeFaria - 45 Marine Terrace

Asked about the beach on Seaview Avenue. Why can't I go down on that beach? I can't climb over things. Why don't I have the privilege to go down on the beach?

Councilman Brown - Didn't you talk to the DPW last summer and didn't he explain to you why that section is...

Anna DeFaria - You said that steps could be put there instead of climbing over the embankment.

Councilwoman Celli - Give us two weeks and we will get back to you on this.

Marco Diaz - 135 Rockwell Avenue Apt. 51

Spoke regarding redevelopment in Long Branch. The residents want to stay here and we can't afford it. The redevelopment is hurting the people that have been here all their lives.

After no one else responded, a motion was made to close the public portion by Councilperson Giordano, seconded by Councilperson Celli.

RESOLUTIONS:

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

APPLICATIONS:

1. APPROVAL OF A RAFFLE LICENSE FOR THE GREEK LADIES PHILOPTOCHOS SOCIETY
2. APPROVAL OF MICHAEL L. HENRY AS AN ACTIVE MEMBER OF THE OCEANIC ENGINE AND TRUCK COMPANY
3. APPROVAL OF A RAFFLE LICENSE FOR THE ROTARY CLUB OF LONG BRANCH
4. APPROVAL OF A RAFFLE LICENSE FOR THE I.A.M.A.

A motion by Councilperson Brown to approve the listed applications was seconded by Councilperson Celli and carried out upon the following roll call vote: Ayes 4 / Absent 1 - Unger

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown – No comment

Councilwoman Celli – Wished all the mothers in the audience and all the constituents in the City of Long Branch a Happy Mothers Day on Sunday.

Councilman Giordano – Wished Dr. Celli and all the mom’s a Happy Mothers Day on Sunday.

Councilman Unger - Absent

Council President DeStefano – In a couple of weeks there is going to be a budget hearing at the next Council meeting. What I need to do is just let you know that I will be following the typical rule of five minutes on the budget hearing in itself. What I would suggest is that you have all the information you need, that you asked all of your pertinent questions up front and save your comments for the public portion and general comment portion. Please do not use four minutes to make a lot of comment and then ask questions a minute away because I am going to have to cut you off at five minutes so please be aware of that and please have all of your questions and try to be as concise as you possibly can and do what ever homework you can before you come to the budget hearing.

ADJOURNMENT

A motion by Councilperson Celli to adjourn this meeting at 9:20 p.m. was seconded by Councilperson Giordano.