

REGULAR MEETING

CITY COUNCIL

JUNE 12, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, June 12, 2007 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; Michael DeStefano, Council President

OTHERS PRESENT:

Mayor Adam Schneider; Howard Woolley, Business Administrator; James G. Aaron, City Attorney; Ronald Mehlhorn, Finance Director; Kathy L. Schmelz, Deputy Municipal Clerk

Absent: Irene A. Joline, City Clerk

The pledge of allegiance was recited and certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

May 22, 2007

Motion was made by Councilperson Giordano, seconded by Councilperson Celli to approve the minutes of May 22, 2007 – Ayes 5

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

#22-07 AN ORDINANCE AUTHORIZING THE EXECUTION OF CONFIRMATORY DEEDS WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED IN THE MANAHASSETT CREEK PARK PROJECT AREA PREVIOUSLY ACQUIRED BY THE CITY AND FOR WHICH THE CITY IS NOW PURSUING REIMBURSEMENT OF THE ACQUISITION COSTS PURSUANT WITH THE NEW JERSEY GREEN ACRES PROGRAM

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

Donna Peterson – 104 Rockwell Avenue

Asked Mr. Aaron to explain the ordinance.

Mr. Aaron explained that the City obtained title to properties and under the agreement, Green Acres reimburses the City. This will repay bonds.

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

A motion was made by Councilperson Giordano, seconded by Councilperson Unger to adopt on third and final reading was carried out upon the following roll call vote: Ayes 5

#23-07 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 BEACHES FEES 2007

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

Michael Winnick – West End

Spoke regarding the free access to the beach and Veterans. Thinks the beaches should be free to everyone. Teens should be given free beach rights as a reward for involving themselves in community service or have produced an extraordinary GPA.

Kevin Brown – 162 Broadway

Thinks this is a good thing for the teens. If we save one teenager from joining a gang, it will be worth it. Believes that there should be free access to the beach for everyone.

John Ferraro – Lakewood

Asked how much money was brought in from the beaches last year?

Mr. Woolley stated that there was approximately \$380,000 in revenue and covered most charges in the Department of Recreation.

Mr. Ferraro stated that in the presentation in workshop that beach attendance increased over 250% over the last few years.

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

A motion was made by Councilperson Giordano, seconded by Councilperson Unger to adopt on third and final reading was carried out upon the following roll call vote:

Mr. Brown – Speaking on ordinance 23, yes, it would be nice for Long branch and the whole coastal line of NJ to be free, yes it would be nice to do things for our youth but its also our responsibility, our fiduciary responsibility to teach the youth. I am not against free access. Sitting on this Council I gave free access to seniors, I was not at that time a senior but now I am. Giving free access to the youth without just compensation, I think our youth could have worked with our recreation department and beach for due compensation. For those who truly wanted to go to the beach, they could have allowed themselves a program. It's been stated that through those programs our increase of 250% in beach goers. It means that we've got more work to do to maintain the lovely Long Branch beaches. It would have been a perfect scenario for our youth who needed financial assistance to give something back and also learn at the same time. Because we cant do that at this time, and not to belabor the fact, I vote no.

Mr. Giordano – Yes.

Mr. Unger – Since I spearheaded this part of the ordinance that everyone is talking about, I just want to repeat myself that this resulted in almost no cost to the City's taxpayers. It's been calculated by the City's Finances Officer to amount to literally a couple of dollars per household and I think its an important policy gesture on our part where an urban City, a City of working families, we're a City of youth that hang out at 3:30 and 4:00 day after day in July and August and are waiting for the ticket taker to go home. I did this for the kids that live west of Ocean Boulevard that don't live in Elberon, that don't live in or come from homes that join private beach clubs. I did this for the kids that can't afford to go to the beach and I think it's the least we can do. Thank you, I vote yes.

Dr. Celli – Before I vote I would like to make a comment. I believe the foundation of our City rests with our youth. I will always try to legislate for their best interests. I also believe all revenue earned by the beaches is needed for the budget and the betterment of our City. Therefore, I vote no.

Mr. DeStefano – Yes.

#24-07 AN ORDINANCE AMENDING ORDINANCE SECTION 345-3 DEFINITIONS OF THE ZONING ORDINANCES OF THE CITY OF LONG BRANCH

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

Gary Fox, Esq., Attorney in Ocean, NJ

Spoke regarding his representation of approximately 30 homeowners in the City that are opposed to the changes in this ordinance.

Kevin Brown – 162 Broadway

Spoke regarding the exceptions to the ordinance and how in certain circumstances, it could be waived and allowed by one certain person.

Lori Ann Vendetti – 33 & 38 Ocean Terrace

Asked for clarification on the ordinance.

Mr. Aaron explained the contents of the ordinance.

Lori Vendetti went on to give her opinion as to the landlords being responsible for the tenants.

John Ferraro – Lakewood

Agrees with Kevin Brown. Spoke regarding temptations and corruption.

Donna Peterson – 104 Rockwell Avenue

Spoke regarding the reasons for doing this ordinance.

Mr. Unger made a statement as to the reason for the ordinance.

Asked why it went City wide and it's not just in Elberon anymore.

Mr. Aaron explained the litigation reasons.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding amending an ordinance while its in litigation.

Mr. Aaron stated that municipalities can amend ordinances during litigation.

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

A motion was made by Councilperson Giordano, seconded by Councilperson Unger to adopt on third and final reading was carried out upon the following roll call vote: Ayes 5

ORDINANCES FOR INTRODUCTION:

None

PUBLIC PARTICIPATION:

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

Kevin Brown – 162 Broadway

Spoke regarding R158-07 Special Item of Revenue, the Board of Directors on the UEZ Board and a letter he received from the Department of Justice regarding Lighthouse vs the City of Long Branch.

Dan Smuro – 591 Monmouth Place

Spoke regarding a traffic survey sent out. Discussion took place with regards to Monmouth University students using Hollywood Avenue between Norwood Avenue and Westwood Avenues and adjoining Monmouth Place for long and short-term parking. Spoke regarding restricted parking signs and posting parking limits.

Dennis Sherman – Ocean Boulevard

Spoke regarding the Green Acres diversion and urges the City not to change the roadway and opening it to traffic.

Bill McLaughlin – 448 Ocean Avenue

Spoke regarding Ocean Avenue and public opinion and who uses that property. Went on to speak about adding and taking away property from Green Acres.

James Keelan – 142, 154 Belmont Avenue

Spoke regarding parking in Pier Village and a letter sent to Mr. Woolley.

Mr. Woolley stated that the response was in the mail.

Mr. Keelan went on to speak regarding bulldozers on the beach and the sand that was taken from the City. Spoke regarding the Renaissance owing the City 80 parking spots. Spoke regarding members of Mr. Aaron's firm owning property at Brighton and Ocean Avenue.

Barbara Charlton – 232 Liberty Street

Spoke regarding the City's evacuation plan. It should be more widely publicized.

Mayor Schneider stated that the City does have a plan and it was publicized but we will do it again.

Joseph Valentino – Lincroft

Spoke regarding an incident he had with an inspection of a home he owns on Van Dyke Place with George Hussey and Officer Shirley and violations issued and a meeting to re-inspect the premise and the remarks Councilman Unger allegedly made against him.

Marco Diaz – 151 Rockwell Avenue

Invited the Mayor and Council to a meeting on July 9th at 5pm at the Long Branch Public Library and a guest speaker speak regarding Diabetes. I would like everyone to attend.

Complimented Councilman Unger, Bill McLaughlin and James Keelan about the articles they had in the paper.

Diana Multare – 21 North Bath Avenue

Spoke regarding the proposal of Green Acres for the opening of Ocean Avenue. Puzzled by the arguments and why the City wants to do this.

Bernard Gorcey – 36 Second Avenue

Spoke regarding the Arts of Broadway and who owns the theatres?

The Mayor stated that right now Broadway Arts is going to own them.

Mr. Gorcey said that the City owns the theatres and are going to rent them out. Let Mr. Katz own them.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding who owns the property where the Diplomat is. R151 and R152-07, are they owned by people who do redevelopment in the City?

Councilman Giordano stated yes.

Mr. Bobrow spoke regarding the UEZ monies and the members on the UEZ board. Went on to speak regarding Beachfront South and asked if the contract was being renegotiated, talked about, changed...

Mr. Aaron stated that Hovnanian 's representatives are speaking to City representatives.

Went on to speak regarding evacuation routes and the beach fee ordinance that was adopted.

Vince Lapore – Long Branch

Spoke regarding the property owners of Block 126, Lot 1 and also spoke regarding the Green Acres diversion and why the City should not allow it to be opened.

Sharon Weiss – 65 Cedar Avenue

Spoke regarding Green Acres funding and the area that the City wants to open to traffic. Went on to speak about matching grants from the State.

Mr. Woolley replied stating that most of that money has been reallocated and the \$200,000 couldn't have done much of anything with that kind of money for the boardwalk.

Ms. Weiss went on to speak about parking and the movie theatre.

John Ferraro – Lakewood

Spoke regarding corruption and FBI investigations.

Bob Kenya - 448 Ocean Avenue

Spoke regarding handicapped parking on the beach. Went on to speak about the shower on Cottage Avenue that does not work.

Stan Dzuiba, OEM stated that it was fixed as of last Monday.

Lori Ann Vendetti - 33, 38 Ocean Terrace

Read an article in Sundays Star Ledger about visitors in Pier Village and how they wont be returning because of the way the property was taken and built on.

Donna Peterson - 104 Rockwell Avenue

Spoke regarding the \$500,000 grant given to the City in 1992. Went on to speak about the boardwalk.

Anna DeFaria - 45 Marine Terrace

Spoke regarding beach access and showers on the beach.

Denise Hoagland - 68 Ocean Terrace

Spoke regarding R158-07 and asked what it was about. Mr. Mehlhorn answered her and stated it was a UEZ grant that was approved by the local UEZ and Council and then Trenton UEZ. It's requesting their approval. A big part is to pay professionals involved in redevelopment for projects that are not entered into as far as a developer's agreement yet and for projects that are still in plans and a developer has not been selected yet. Once there is a developer's agreement, the City does not put money into the project. Went on to speak about how much money the city has received from Green Acres over the past 15 years.

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

RESOLUTIONS:

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

APPLICATIONS:

- 1. APPROVAL OF A RAFFLE LICENSE FOR THE SEPHARDIC TORAH CENTER

A motion by Councilperson Giordano to approve the listed applications was seconded by Councilperson Brown and carried out upon the following roll call vote: Ayes 5

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown - No comment

Councilman Giordano - No comment

Councilman Unger - **Three** quality of life issues interestingly came up tonight and I just want to say something briefly about all three. One was Mr. Valentino, I just want to be on the record that there was some serious violations reported at his property. I got a very detailed report back from the Police Officer who is working for Code and the comment I had made to Mr. Valentino was not, I did not call him a slum lord. What I said to him was, "If you are a slum lord, I'm not going to be able to help you and I will not be

an advocate for you in City Hall” and then we had a good conversation so I was quite surprised he came up here and made the comments he did and we agreed to meet at the property and have a look at it. Secondly, Mr. Fox’s comments on behalf of his clients, certainly I appreciate peoples right to counsel but he made a remark that the City is attempting to regulate social conduct, yes, yes we are attempting to regulate social conduct just as any jurisdiction does in the US does from time to time whether it’s a Municipality, County, State or the Federal government. I happened to believe very strongly with what this administration is trying to do in the Courts to protect our City from the negative impacts that certain landlords bring to certain neighborhoods and so I hope the City Attorney continues to advise us on the best way to go forward. Finally, Dr. Smuro came about impacts of Monmouth University and I think it speaks again to the importance that we pass ordinances and we test ordinances and that we do whatever we can to protect the City. I just want to read one brief sentence from Dr. Smuro’s letter to the City. “Hollywood Avenue between Norwood and Monmouth Place has become a long term parking lot for Monmouth University. Many of these arrive on Sunday night and don’t leave until Friday afternoon. I’ve seen one car from Colorado parked in the same place for over two weeks. None of these students live on this street or anywhere in Long Branch but within the college dorms.” Then he goes on to talk about the decreasing quality of life in the neighborhood, trash, noise, music, shouting and loud conversations in the early morning hours, etc... There is a report from the Traffic Safety Bureau and it simply says that at one point that the parking / quality of life problem exists only from September through May when Monmouth University is in session so that’s nine months out of the year so I would respectfully ask that, and the officer goes on to make some very positive comments about things we can do but I would just like to ask Bill, the Public Safety Director and Administration to go back and take a serious look at this and take the Doctors concerns seriously.

Mr Woolley stated that that’s why we do the parking survey, that’s how we handle it. Contrary to what he said, I am fairly certain that most of the people in that area will come back and indicate that they are not interested in having on street parking.

Mr. Unger – Do you do everything by survey?

Mr. Woolley – We start out with a survey, yes.

Mr. Unger – I think you should air it in the City Council hearing.

Dr. Celli – No comment

Mr. DeStefano – No comment

ADJOURNMENT

A motion was made to adjourn this meeting at 10:00 p.m.