

REGULAR MEETING

CITY COUNCIL

AUGUST 12, 2008

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, August 12, 2008 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:

Adam Schneider, Mayor; Howard Woolley, Administrator; James G. Aaron, City Attorney; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

ABSENT: Brian Unger, Councilman

The pledge of allegiance was recited. Certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

July 22, 2008

Motion by Councilperson Celli, seconded by Councilperson Brown to approve the minutes of July 22, was carried out upon the following roll call vote: Ayes 3 / Abstain 1 - Giordano / Absent 1 - Unger

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

None

ORDINANCES FOR INTRODUCTION:

#17-08 AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM OF THE STATE OF NEW JERSEY

Motion by Councilperson Giordano, seconded by Councilperson Brown to introduce ordinance on first reading, advertise and post according to law and set the public hearing for August 26, 2008 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Unger

#18-08 AN ORDINANCE REVISING THE ZONING ORDINANCES OF THE CITY OF LONG BRANCH WITH REGARD TO PARKING IN FRONT YARD AREAS WITHIN RESIDENTIAL ZONES

Motion by Councilperson Giordano, seconded by Councilperson Brown to introduce ordinance on first reading, advertise and post according to law and set the public hearing for August 26, 2008 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Unger

#19-08 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

Motion by Councilperson Giordano, seconded by Councilperson Celli to introduce ordinance on first reading, advertise and post according to law and set the public hearing for August 26, 2008 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Unger

PUBLIC PARTICIPATION:

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

Joe Turpin – 15 Hobart Manor

Spoke regarding the sewerage situation and the run off near the racetrack. There is a terrible smell coming from there.

Mr. Woolley stated that discussion is taking place between the DEP and the LBSA.

Mr. Turpin asks that nothing else go through the Sewer Company.

Donna Peterson – 104 Rockwell Avenue

Spoke regarding pay to play, advisory committee, Manahasset Creek Park and Green Acres, Pier Village and Summerfest and congratulated MTOTSA.

Avery Grant – 405 Atlantic Avenue

Asked who appoints the members to the Long Branch Sewer Authority?

Mayor Schneider stated that the City Council does.

Mr. Grant went on to speak about the City having some sort of authority over the board and is asking that it be looked into by the City. We would like help, the smell is serious and its been reported before.

Dorothy Ardros – Neptune Neighbors United

Thanked MTOTSA for fighting for all the people in tradition of the Magna Charta and the Patriots of 1776. Neptune has held off on eminent domain because of MTOTSA.

Jerry Scarano – 336 Ocean Boulevard

Spoke regarding landmark statuses in the City on historic buildings. Should have an ordinance in place. Spoke about garbage and the fact summonses should be issued, MTOTSA and Supreme Court, City taxpayers should not have to pay for the fight.

Michelle Bobrow – 295 Ocean Boulevard

Thanked Fred Migliaccio and his department for repairing the stairs at the beach entrance at North Bath Avenue. Thanked Director Richards, Capt. Muolo and Lt. Rizzuto for solving the problem they had next door to their home. The Clerk's office was very helpful and so were Kevin Hayes and Code Enforcement. Spoke regarding the Emergency Appropriation resolution that was added. Went on to speak about the appellate decision that was handed down.

Harold Bobrow – 295 Ocean Boulevard

Thanked the Police Department and the Department of public works and the City Council for giving money for the boardwalk work, top job done by all. Went on to speak about the avenues available regarding the court case. Read an editorial that was put in the paper. (Attached to minutes)

Lori Ann Vendetti – 33, 38 Ocean Terrace

Spoke regarding the appellate courts decision in favor of MTOTSA last Thursday. This will help other zones in the City of Long Branch. It's time to move on. Twelve years this has been going on. Enough is enough.

Marco Diaz – Hampton Apt.

Asked MTOTSA to stand. Thanked them for their fight.

Austin Gelzer – 385 Ocean Boulevard

Seconded Michelle Bobrows commendation of the Public Works Dept for the stairs and rapid and efficient construction of the stairs and 30 ft of the old boardwalk was replaced. Went on to speak about the ramp that is being built. Why is it moved from Matilda to Cottage?

Mr. Woolley stated so the foot of it would be at the same spot as the foot of the stairs and we would have one entrance onto the beach. There would have been two ticket booths on our least populated beach if we had placed it down on Matilda.

Mr. Gelzer stated that the comfort station has made the beach a well-populated area. Went on to speak about the design of the ramp. Is there a target date of completion?

Mr. Woolley stated, 10 days to two weeks with a concrete pad and handicapped accessible wheelchairs.

Mr. Gelzer spoke about the settlement made with the ADA.

Diana Multare – 21 North Bath Avenue

Spoke regarding public perception, MTOTSA decision, ethics board and a citizen watchdog committee.

Raymond Miller – 469 Old Ocean Avenue

Spoke regarding historic homes and grant monies and the Federal Historic National Trust. Went on to speak about the murder and asked if any action was being taken against the bar for serving them or the package good store.

Director Richards – No.

Asked Mr. Mehlhorn if the Casino Control Commission lent the City ten million dollars.

Mr. Mehlhorn responded, no.

Lila Poch - 1175 Ocean Avenue

Spoke about the ordinances for adoption on August 26th. Asked for an explanation of Ord 17-08.

Mr. Mehlhorn explained that July 1, 2007 the state created a new pension plan. Those individuals that are substantially similar to the Governors appointment that require advise and consent of the senate such as the business administrator, various department heads have to go into this new contribution plan. Went on to explain further details.

Lila Poch - Thanked Mr. Mehlhorn for the information.

Bernard Gorcey - 36 Second Avenue

Spoke regarding the sewer smell, and water usage. Pave over all the land with grass the city owns and we will help the Country.

Vincent LaPore - Long Branch

Spoke regarding Paul Fernicola’s contract awarded at the last meeting, David Brown and Second Baptist Church, the Ocean Place Developers Agreement and urged MTOTSA to go forward.

Harold Cooper - 113 South Seventh Avenue

Spoke regarding Mr. LaPore’s comments and the lack of response on behalf of the Council.

After ample time was given and no one else came forward, a motion was made by Councilperson Celli seconded by Councilperson Brown to close the public participation.

RESOLUTIONS:

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

APPLICATIONS:

- 1. APPROVAL OF A BINGO LICENSE FOR THE ITALIAN AMERICAN MEMORIAL ASSOCIATION, INC.

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown – Yes, ladies and gentleman, my statement was no statement tonight at this time but Mr. Cooper just made a statement and he’s reiterated that statement in past weeks. My answer to that Mr. Cooper is, I’ve already answered the allegations against my church and myself personally and still the statements are being made. I don’t know what else to do publicly. I know what to do privately and we are doing that. As far as my name, Councilman David Gordon Brown, that condensation as far as legal matters go in Second Baptist and it’s building is David A. Brown who is chairman of our trustee board, which I have said on numerous occasions in the past. Therefore, those allegations made by the public, Mr. LaPore is

erroneous and wrong but I am not going to repeat them anymore because I've said it before and for some reason he doesn't get it that there are more than one David Brown. As far as the MTOTSA statements go, I'm still the same in Lori, I'm still the same, I have a comment and a statement to be made in the future. My statement for tonight has to do with our Police Department, our Fire Department and our Code Enforcement and DPW. The fine work that they have done these past two weeks is to be commended and has been commended by the citizens as spoken tonight and reported in the papers. I thank them personally and collectively for the work they are doing. I have no other comment to make further, thank you.

Councilman Giordano – Thank you, somebody, a couple people have brought up and Dave just eluded to it about the good work the Police and Public Works and other departments have done recently but you know, really, that work goes on year round and you really got to thank them for the work that they do everyday to keep all of us safe and to provide a good quality of life in the City. If there not out there working hard, the crime rate wouldn't have dropped by 2/3 over the last fourteen years and that's a fact so thank you for the hard work you do everyday, not just on occasional projects that get recognized. The other thing tonight, the workshop we had a presentation about on the audit for 2007 for the City and once again, the auditors came in and did a thorough job and commended the City finance department and related departments on running a strong organization. Excellent internal controls and we should be thankful for that. The City always gets, the Finance Dept in particular always gets rave reviews from the Auditors and they are out auditing towns all throughout the state and they always say that for a town our size, we have some of the best internal controls and processes that they see anywhere. So thank you Mr. Mehlhorn and your staff. Now Pudge, to your comments, we sit up here for fourteen years and people have been throwing all kinds of allegations out and 99% of them are just false and the most difficult thing is how do you prove a negative. Now Mrs. Multare gets up here tonight and completely makes up a story, she made up a story that is so unfactual she might as well have said that you were sitting and having dinner with us that day. I have never had dinner or lunch with Mr. DeStefano there, never with Mr. Aaron there, I don't know if they even ever been there. Never with Mr. Vaccaro there, its never happened, ever so how do you defend a negative? She gets up there and says as a matter of fact when it completely hasn't happened. If she can get up there and said Anthony Giordano beat Michael Phelps in the 400 in China last night and that's probably closer to reality then the story she made up if you get my point so if people are going to make accusations, you know what, they can make anything they want. It comes part of the job, part of the territory being elected officials. But you know at some point you just listen to them, say what they got to say and you deal with it accordingly but that's story that she said tonight was completely off the wall and made up so that's all I have to say about that.

Councilman Unger – Absent

Dr. Celli – I wasn't going to make any comments tonight except for one but Mr. Cooper what you said is very accurate. No we don't talk back, we sit here and we listen, we take all the accusations and I would say the majority of them are erroneous. However, you should have trust and faith in your elected officials. To come up with these stories is unreal. My colleagues of Mr. Giordano and Mr. Brown have said very nicely about what has been going on in the City for the last fourteen years. What happened on the boardwalk is just one thing that public works does and the police department, I cant say enough about them but I would just ask when

people get up here they think about what they're going to say and try to be accurate because there are a lot of people in this audience who are listening but they only hear what they want to hear so that's the end of my comment except I would like to wish my colleague Anthony Giordano a belated birthday which he had last week.

Mr. DeStefano – You know I really can't say it any better than everyone else already has and people do get up and make lots of allegations and as they said, we listened and as you know there has been an accumulation over the years which the court just basically ruled, and this was a big victory for us, all of it was false and had no basis. That was a great thing. It's been claimed for years that there's been no transparency, conflicts of interest, various things about redevelopment, not true and I agree, people have a right to say what they want, there's been allegations that we're going to bring in Mr. Christie, we are going to bring in this one, go ahead. If there are authorities that are there at your disposal to take care of this kind of thing if it's going on, let them investigate it, that should happen. What am I going to say? Oh I didn't have lunch with so and so or I did, it's ridiculous. Make up whatever you want, say whatever you want but when you're found to be wrong, apologize. With that, we are adjourned.

ADJOURNMENT

This meeting of the Long Branch Council adjourned at 9:15 p.m.

Harold Bobrow

From: <mtotsa@aol.com>
To: <hb@nac.net>
Sent: Tuesday, August 12, 2008 7:58 AM

To the Editor:

We would like to thank the judges for their insight and fairness in the many decisions that have been handed down since the NJ Supreme Court's unanimous decision in Gallenthin v Paulsboro regarding eminent domain abuse and the property rights of the citizens of NJ.

We also would like to thank Governor Corzine for his cooperation and the appointment of Ronald Chen as the NJ Public Advocate, knowing that a person of his caliber would take up the fight for the rights of the citizens of NJ.

Thursday's Appellate Court decision in favor of the citizens of Long Branch, was another victory in a string of recent court decisions affirming the rights of property owners in the State of NJ.

As President John Quincy Adams said, " Property must be sacred or liberty cannot exist."

We must all work together now - citizens, legislators, judiciary and governing bodies - to reaffirm the original purpose of eminent domain for true public use and to promote the protection of property rights.

- (Stop Eminent Domain Abuse Coalition of NJ)

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