

REGULAR MEETING

CITY COUNCIL

AUGUST 26, 2008

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, August 26, 2008 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

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

OTHERS PRESENT:

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

ABSENT: Adam Schneider, Mayor; Anthony Giordano, Councilman

The pledge of allegiance was recited. Certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

AUGUST 12, 2008

Motion by Councilperson Celli seconded by Councilperson Brown to approve the minutes of August 12, 2008, was carried out upon the following roll call vote: Ayes 3 / Absent 1 - Giordano / Abstain 1 - Unger

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

#17-08 AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM OF THE STATE OF NEW JERSEY (Introduced: August 12, 2008)

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

Harold Bobrow – 295 Ocean Boulevard

Asked Mr. Aaron if he knew what the phrase was that is substantially similar and what criteria that is being used in order to be in or out of this plan.

Mr. Aaron stated that it would need the advice and consent of the Senate or appointment by the Governor of the State. It goes by title.

Discussion continued regarding exemptions to the system and the lineation between the two systems.

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

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

#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 (Introduced: August 12, 2008)

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

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

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

#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

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

Harold Bobrow – 295 Ocean Boulevard

Asked Mr. Mehlhorn how much the City has gotten from the State of NJ under the NJ Green Acres program grants.

Mr. Mehlhorn spoke regarding Green Acres monies.

Mr. Bobrow went on to ask about costs of projects and monies laid out for projects.

Bill McLaughlin – 448 Ocean Avenue

Spoke regarding Green Acres funds in 04, 05 given to the City.

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

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

ORDINANCES FOR INTRODUCTION:

None

PUBLIC PARTICIPATION:

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

Michelle Bobrow – 295 Ocean Boulevard

Spoke regarding Parliamentary procedure. Went on to speak regarding R277-08, are they moving or building a new one?

Council President DeStefano stated that the City is going to consolidate firehouses into the West End area at the current firehouse location.

Mrs. Bobrow asked about the lobbying bill on the bill list. Asked what the total of one year will be for Public Strategies.

Council President DeStefano stated that \$35,000 was allocated for one year.

Mrs. Bobrow went on to speak about editorials in the Jersey Journal, Star Ledger, Asbury Park Press, Wall Street Journal and local papers regarding Long Branch. Eminent domain must end.

Joe Turpin – 15 Hobart Manor

Asked who appoints the commissioners to the Sewerage Authority.

Council President stated that Council does.

Mr. Turpin asked what their term was.

Councilman Brown stated, five years.

Mr. Turpin went on to speak about the Commissioners and their duties. Asked what the Health Director does in the City. He should be concerned with the smell.

Mr. Woolley stated that the Health Director has been in touch with the Sewerage Authority and the County of Monmouth and is investigating the issues and trying to bring them to some kind of resolution. The Authority is not controlled by the City.

Mr. Turpin asked who they answer to. Mr. Woolley stated that they have to answer to statutes and regulatory agencies that control their operation. None of those controlling entities is the City of Long Branch.

Kevin Brown – 162 Broadway

Spoke regarding the Sewerage Authority and the position Mr. Woolley held. Went on to speak regarding the appointing of commissioners. Spoke regarding John Brockreide serving on that board. Went on to speak about eminent domain abuse, appealing decisions, Dr. Rivera's property and Judge Roth's decision. Spoke further about locations he was asked to look at.

Lori Ann Vendetti – 33, 38 Ocean Terrace

Asked who decides to petition the Supreme Court.

Mr. Aaron stated the City authorized the acquisition of all of those properties (inaudible) an ordinance that was required by law to be done prior to the eminent domain action and the City would be following through on that...No further legislative action.

Lori Vendetti went on to speak how the City did petition the Supreme Court. Spoke about an article in the Asbury Park Press and read the editorial and the news interview on Channel 12.

Bill McLaughlin - 448 Ocean Avenue

Spoke regarding eminent domain and the abuse of human rights. Went on to speak about each Councilperson and the Mayor individually.

Marco Diaz - 51 Hampton Apartments

Event will be held on September 27, 2008 from 12 to 5 pm at Jerry Morgan Park. Asked Councilman Unger to do a presentation about what he does for Long Branch and the future plans he has.

Harold Bobrow - 295 Ocean Boulevard

Spoke regarding the appeal process and asked when this all will stop.

Austin Gelzer - 385 Ocean Boulevard

Spoke regarding R279-08, and asked what the change orders are.

Mr. Woolley stated that they are pulled and are under negotiation with the contractor.

Mr. Gelzer asked if an ADA rep notice has been posted in prominent places.

Mr. Woolley stated its on the website and the bulletin boards.

Mr. Gelzer went on to speak about a homeless individual in the City and asked what plans do the City have. Complimented the Police Department on their fast response to his medical needs.

Mr. Woolley stated that the Health Department refers them to the County who has the services and the ability to house those folks and we also have a local agency here that does a lot of work with people called the Long Branch Concordance which is housed in the Garfield Grant building. We don't have the actual facilities to house them.

Diana Multare - 21 North Bath Avenue

Commented about Mr. Bobrows reference to McBeth. Went on to speak about money, campaign funds and money spent on appeals.

Mr. Mehlhorn stated that the accounting system is not a cost accounting system. It doesn't tell you from inception to this date, how much you spent on a particular project, it just says how much you spent in legal services each year as an example but one thing, these are not City taxpayer funds. Went on to speak about projects in the City and funding by developers.

Vince LaPore - Long Branch

Spoke regarding the Park Avenue Synagogue, the Sephardic all girls high school (Ilan) and them purchasing property in Eatontown. Went on to speak about Temple Beth Miriam. Spoke regarding property in Elberon. Went on to speak about eminent domain matters, Second Baptist Church, Fourth Avenue, Beachfront South, release letters from Hovnanian, Marine Gardens, Edgewater property and Kushner.

Harold Cooper - 113 S. 7th Avenue

Spoke regarding the MTOTSA matter and hoping it was resolved. Went on to speak about eminent domain and his translation of the Pledge of Allegiance.

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 TWO RAFFLE LICENSES FOR FAMILY PROMISE OF MONMOUTH COUNTY
2. APPROVAL OF BRIAN W. BUDD FOR STATE ACTIVE MEMBERSHIP IN THE WEST END ENGINE COMPANY NO. 3
3. APPROVAL OF A RAFFLE LICENSE FOR THE LONG BRANCH LITTLE LEAGUE
4. APPROVAL OF A RAFFLE LICENSE FOR ST. MICHAELS CHURCH

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 Giordano

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown - No comment.

Councilman Giordano - Absent.

Councilman Unger - My understanding, I'm not an attorney, I have to stress and I do have to defer to the City Attorney but I do have some understanding that the filing of this appeal does not or rather still allows the City to pursue other options as the Mayor has mentioned in the newspaper more than once including talks with the MTOTSA, with their lawyers and with their residents. I wanted to say that I hope the City goes a step further and makes a formal written request to the State Public Advocate asking him to bring the parties together to discuss the case. His spokesperson indicated in the Asbury Park Press last Saturday that they would review such a request carefully which I thought was a positive statement. I also think that it's clear now that the City in order to engage these talks which the Mayor has referred to positively would just need to publicly at least for the term of the discussion, set aside eminent domain and sit down with the MTOTSA residents and their attorneys and talk about redesigning and rebuilding this neighborhood. I think its time, as I've said recently for the City to rebuild MTOTSA, to rebuild Beachfront South with the help of local residents and local investors, the timing is perfect, the Mayor is on the record expressing similarly sentiments and as Lori Vendetti herself pointed out tonight, thank you.

Dr. Celli – I have a couple of comments that I would like to make tonight one of which was said that I had stock in the Central Jersey Bank. That is a true statement. Ten years ago when the bank started up as a Councilperson I thought I should help them along. I bought a very small amount of stock in that bank and as it went along I sold it one year later. I have no more interest in the Central Jersey Bank, yes I have an account there with my son but I think that's a personal thing. The second one also made a comment about honest representation. I have sat up here as your Councilperson for the last 14 years and I have always regarding of whether I voted yes or no I have always honestly represented all the citizens of Long Branch. Now lets get to some fun things. This weekend is Labor Day weekend. Thursday night at Pier Village we have the Jazz Lobsters, we have the Rebel yell and we have a dance concert so it's a good way to send out the summer and lets begin the fall. Also, this weekend on the Great Lawn on Saturday I believe it is, you will have all kinds of Jazz and Blues music from one to ten so please come down, enjoy and enjoy the shore and I wish you all a happy labor day.

Mr. DeStefano – A couple of weeks ago I had made a couple of comments and not surprisingly have to repeat myself but I find that Tuesdays are nothing but repetition and constant repeating of things that are said and there are allegations that are made on a regular basis either by Mr. McLaughlin, Mr. LaPore, whoever. Mr. LaPore at least always ends up by saying that it's in the hands of the State Attorney General. Well you know, that's where it belongs. If there are problems, if there are issues, bring them to the appropriate people. I have no problem with that kind of scrutiny. But to come here and say it over and over again, I cant help but feel the only reason for doing it is that if you say it enough and it works, you know, people believe it. Well, bring it to the appropriate people. Have it investigated but if it comes up clean, be big enough to apologize that every Tuesday you've just spewed nothing, you know, lies basically so please, excuse me, I'm speaking and I didn't interrupt you except to tell you had one more minute, in any event, lack of respect, not surprising. Do those things and be big enough to say when you're wrong Mr. McLaughlin, adjourned.

ADJOURNMENT

This meeting of the Long Branch Council adjourned at 9:00 p.m.