

REGULAR MEETING

CITY COUNCIL

AUGUST 28, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, August 28, 2007 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:

Mayor Adam Schneider; Howard Woolley, Business Administrator; Lawrence Shapiro, Attorney; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

Absent: Anthony Giordano, Councilman; James G. Aaron, City Attorney

The pledge of allegiance was recited and certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

August 14, 2007

Motion was made by Councilperson Celli, seconded by Councilperson Brown to approve the minutes of August 14, 2007 - Ayes 4 / Absent 1 Giordano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#30-07 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION OF A MASTER PLAN OR PLANS TO CONFORM WITH PLANNING LAWS OF THE STATE OF NEW JERSEY IN AND BY THE CITY OF LONG BRANCH IN THE COUNTY OF MONMOUTH, NEW JERSEY (Introduced: August 14, 2007)

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

Harold Bobrow - 295 Ocean Boulevard

Asked if this item was put out for competitive bid?

Mr. Mehlhorn stated that the emergency appropriation is really to get the money in place to the budget. In the future it will determine whether to go out for bid or award it...

Mr. Bobrow asked if there is someone that is being hired now to do this work for the \$170,000?

Mr. Mehlhorn stated that there is no one now.

Mr. Bobrow continued speaking regarding the basis of the \$170,000.00.

Kevin Brown - 162 Broadway

Asked what brought this about.

Mr. Mehlhorn stated it was an emergency appropriation, not like an emergency for beach operations because additional funds were needed. This is an emergency that's allowed under the law in order to write this off over five years instead of one year. It's a planned emergency.

Mr. Brown asked if this item could have been in the recently approved budget.

Mr. Mehlhorn stated, the \$170,000, yes.

Donna Peterson - 104 Rockwell Avenue

Asked if it wasn't in the budget, where does it come from?

Mr. Mehlhorn stated its raised in the next five succeeding years budgets.

Ms. Peterson went on to speak about the burden on the taxpayers.

Vince Lapore - Long Branch

Spoke regarding the planning board not having public participation on the recommendations that are being implemented by this ordinance.

Discussion ensued between Mr. Lapore and Council President DeStefano regarding points to be discussed in the ordinance.

Mr. Lapore went on to speak about George Warrington who chaired NJ Transit and stepped down.

Lori Vendetti - 33, 38 Ocean Terraces

Spoke regarding the monies and what they are being used for regarding updating the Master Plan.

Council President DeStefano stated that the Master Plan will be reviewed and there may be major changes and maybe not.

Ms. Vendetti asked how often do we have to do a Master Plan.

Mr. Woolley stated it should be updated every six years.

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

A motion by Councilperson Brown, seconded by Councilperson Celli to adopt said ordinance on third and final reading was adopted upon the following roll call vote:

Mr. Brown - Yes

Mr. Unger – Before I vote I wanted to respond to the public a little bit. I had several in depth discussions with Carl Turner, the head of the Planning Division here in the City and I'm convinced that we need to do this. There is several things I spoke with Carl about, things I'd like to see happen over the next few years. In order to have an Historic Preservation Ordinance at some point, of any style or format, we need to redo the Master Plan and there's other zoning and planning issues that simply have to be done in a professional manner and they can not be done by the people we have on staff right now. We need outside consultants and I think it's a worthwhile investment and spreading it out over five years means we are better able to lessen the impact on the taxpayers. So I vote yes.

Dr. Celli – Yes

Mr. DeStefano – Yes

Absent 1 Giordano

#31-07 AN ORDINANCE REVISING THE ZONING MAP OF THE CITY OF LONG BRANCH AS TO PROPERTY LOCATED IN THE AREA OF WESTWOOD AVENUE AND JEFFREY STREET (Introduced: August 14, 2007)

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

Donna Peterson – 104 Rockwell Avenue

Asked to define the area.

Council President DeStefano stated, in the area of Westwood Avenue and Jeffrey Street. He also stated that the zone isn't changing, the line on the master plan was just designated incorrectly and we are moving it back to where it belongs.

Kevin Brown – 162 Broadway

Asked if this had to do with just one block and lot.

Council President DeStefano stated yes.

Mr. Brown asked what the error was.

Kevin Hayes answered from the back of the room and explained what the error was.

Council President DeStefano stated its not changing what they are allowed to do or the zone their in.

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

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

#32-07 AN ORDINANCE AMENDING 325-38 OF THE CITY OF LONG BRANCH ENTITLED SCHEDULE XII RIGHT TURN ONLY TO DESIGNATE CERTAIN DIRECTIONS OF TRAVEL FROM THE INTERSECTION OF INDIANA AND BATH AVENUE AS RIGHT TURN ONLY (Introduced: August 14, 2007)

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

Donna Peterson – 104 Rockwell Avenue

Asked why this was being done now.

Council President DeStefano stated because of the traffic situation in the new schools.

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

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

#33-07 AN ORDINANCE AMENDING 325-26 OF THE CODE OF THE CITY OF LONG BRANCH ENTITLED SCHEDULE II PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS OF THE CODE OF THE CITY OF LONG BRANCH TO PROHIBIT PARKING ON SECOND AVENUE AT OR NEAR ITS INTERSECTION WITH GARFIELD AVENUE (Introduced: August 14, 2007)

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

Kevin Brown – 162 Broadway

Does the Parking Authority have any input on this ordinance?

Council – It's a public safety issue.

Mr. Brown asked if the Parking Authority was still in operation and if they had any input in this at all.

Council President DeStefano stated that as far as he knows, no.

Donna Peterson – 104 Rockwell Avenue

Asked if this was the intersection of the post office.

Council President DeStefano stated it was not the post office.

Ms. Peterson asked why we were doing this now.

Council President DeStefano stated that there have been issues with people not noticing the stop sign and some things that need to be rectified before there is a problem.

Councilperson Celli stated that there have also been several accidents at that point too.

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

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

ORDINANCES FOR INTRODUCTION: (Public Hearing set for 9/11/2007)

#34-07 ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON OFFICER FOR THE PURPOSE OF ADMINISTERING THE AFFORDABLE HOUSING PROGRAM OF THE CITY OF LONG BRANCH PURSUANT TO THE FAIR HOUSING ACT

A motion was made by Councilperson Brown seconded by Councilperson Celli to introduce on first reading, advertise and post according to law and set the public hearing for September 11, 2007.

Mr. Brown – Yes

Mr. Unger – Mr. Woolley, is this adding a new position, I just want clarification or is this going to be absorbed by a current employee.

Mr. Woolley stated it was a new title that will be absorbed by Mr. Jones. We are required to have by DCA in order to receive regional contribution agreements.

Mr. Unger – Does he get an additional salary for this job?

Mr. Woolley – No.

Mr. Unger – I'll vote yes.

Dr. Celli – Yes

Mr. DeStefano – Yes

Absent 1 - Giordano

#35-07 ORDINANCE AMENDING CHAPTER 316 "TOWING", SECTION V "FEES AND CHARGES" AND SECTION 11 "RESTRICTIONS" OF THE CODE OF THE CITY OF LONG BRANCH

A motion was made by Councilperson Celli seconded by Councilperson Brown to introduce on first reading, advertise and post according to law and set the public hearing for September 11, 2007. Ayes 4 / Absent 1 Giordano

PUBLIC PARTICIPATION:

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

Bill Schatzow – 967 Elberon Avenue

Spoke regarding the boardwalk situation between West End and Pier Village and the conversation he had with the Mayor at the last meeting. Handed out pictures to Council of the boardwalk situation.

Went on to speak regarding an article in the press about how the appeal court was ordered to review the low-income housing that we receive from Colts Neck. Why are we bringing this housing issue to us?

Council President DeStefano - is it allowed by law?

Mr. Schatzow - It's allowed by law, that's not the question. Why are we doing this?

Council President DeStefano - To reverb and provide low-income housing.

Mr. Schatzow went on to speak about taking other peoples housing.

Councilperson Celli stated that Mr. Jones would be able to provide that information.

Mr. Schatzow - We have a lawyer that should look into things, this was not the intent of the law.

Jim Keelen – Belmont Avenue

Asked if his building was in the redevelopment zone and is it still sited to be redeveloped.

Mr. Woolley stated that it was in the Broadway Corridor redevelopment sector, yes.

Mr. Keelen asked how long the process would take to redevelop that area and spoke about the municipal parking lot being sold to Broadway Arts for \$1.00.

Mr. Woolley stated that it was still a municipal parking lot and that's wrong.

Mr. Keelen went on to speak about a mortgage from the City to Broadway Arts for \$1,637,000.00 and it shows the purchase of the parking lots. To have a business you have to have parking. I have ordered my employees to park on Memorial. You know what kind of havoc that raised but starting September, they are not parking in Mr. Katz's or the Broadway Arts lots. They are going to park on the street. You can deal with it. Spoke regarding his tax increase of 109%. He has done studies in his neighborhood and can not find where the City came up with that number. I'm at the attorney generals office. I'm not filing an appeal, I'm looking for criminal charges.

Margaret Rice – 176 Branton Avenue

Spoke regarding a number of things that are going on in the library. Next meeting there will be folders available for the Fall schedule. Wished everyone a wonderful Labor Day weekend.

Austin Gelzer – 385 Ocean Boulevard

Distributed a document received by the Department of Justice referring to his complaint regarding access to the boardwalk / beach. They want us to mediate this issue and resolve it. Hopefully the planning will have progressed enough that this will be unnecessary. Asked Mr. Woolley regarding the update on the plans for a ramp near Cottage Place or Matilda.

Mr. Woolley stated that he hopes to discuss it on Thursday when I have a tentative appointment to meet with CAFRA however they cancelled that meeting and have bumped it back two weeks so once I sit down and talk with their new staff people up there or the fellow I was talking with informed me today he is leaving the agency. I'll let you know after that meeting. I haven't even finalized a date on it yet. They have not approved that nor have they approved the boardwalk. The dates they gave me are problematic because it happens to conflict with the holidays.

Mr. Gelzer – Its regrettable this summer has passed and there is no access for the many people who are disabled. Went on to thank the Council for keeping Ocean Avenue closed.

Kevin Brown – 162 Broadway

Spoke regarding the process of mortgage with regards to Broadway LLC. Went on to read a portion of the mortgage and discuss the owners of various properties. Asked Mr. Woolley if the parking lot was still owned by the City or is it owned by Broadway Arts Center.

Mr. Woolley stated it was conveyed to the Broadway Arts, LLC.

Mr. Brown went on to speak about the neglected parking lot in his neighborhood.

Donna Peterson – 104 Rockwell Avenue

Spoke regarding R241-07, the Ocean Plaza Hotel property and low-income housing. Went on to speak about water problems and the sewer authority.

Bill McLaughlin – 448 Ocean Avenue

Thanked Council for rescinding R130-07. Went on to speak regarding the poor condition that area is in. Went on to speak regarding the boardwalk and ramps and CAFRA permits.

Lori Vendetti – 33, 38 Ocean Terrace

Thanked the City for the Wall that Heals. It was a fantastic exhibit. Spoke regarding eminent domain court decisions. Went on to speak about the revising of the Master Plan, two boarded homes in MTOTSA and the boardwalk repairs.

Diana Multare – 21 North Bath Avenue

Spoke regarding eminent domain in the area of Beachfront South and court case decisions. Thinks redevelopment should be looked at again.

Harold Bobrow – 295 Ocean Boulevard

Asked if when the City signed the agreement with Hovnanian, did the City get \$3,000,000.

Mr. Mehlhorn responded 2.5 million.

Mr. Bobrow went on to speak regarding the money sitting there with the boardwalk remaining as it is. Again asked that everyone sit together to discuss the issues before the City proceeds. Spoke regarding suing the county in order to make a way of reducing the assessment. Spoke regarding R239-07 and asked exactly what it is being used for.

Director Richards responded from his seat.

Josephine Vendetti – 38 Ocean Terrace

August 15th is a holy day in the Catholic Church in which the ocean is supposed to be blessed. It would be another great day of activity in Long Branch. All denominations of faith could come out on this day to bless the water. It should be a day that all participate in.

Marshall Colver – 449 Broadway

Spoke regarding legislation on immigration status.

A conversation ensued between Director Richards and Mr. Colver regarding illegal immigrants.

Marco Diaz – 135 Rockwell Avenue Apt. 51

September 17th is the next meeting for the All Neighbors Foundation. Would like to announce the agenda.

Council President DeStefano stated that Mrs. Rice announces it here at the meeting and that's all that you have to do.

Vince Lapore – Long Branch

Spoke regarding the Broadway Arts mortgage and block and lot numbers. Spoke regarding Ordinance 30-07, green acres funding for open space, stated that Takanassee Beach Club should be listed as an historic site. Spoke about transportation and access under the Ocean Avenue resolution. Spoke regarding the loop design by Pratap Talwar. Went on to speak regarding environmental and utility issues, community issues and school land swaps. Went on to speak regarding the property owned by Mr. Fernicola and the comparison of his neighborhood and MTOTSA. Spoke regarding Mr. Aaron's comments at the last meeting regarding R241-07.

A motion by Councilperson Unger to close the public portion of the meeting was 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 FAMILY PROMISE OF MONMOUTH COUNTY, INC.

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown – Good evening, thank you for attending another Council meeting. I would just like to ask everybody, I hope you had a nice summer, its not completely over but this Saturday the City is proud to announce the Jazz and Blues Festival. It starts at the Great Lawn off of the Ocean at 10am and it will last until 10 pm. There will be fireworks, nice music, its one way of Long Branch residents to get out and meet your neighbors. It's one way to get out, even though we cant bless the ocean because we heard that comment, maybe we can get out and talk about that, that was not a bad comment that Mrs. Vendetti made. We'll be right off of the ocean from Saturday afternoon until Saturday night, come out, enjoy it with your neighbors, enjoy the music and its like Fun City, it's free.

Councilman Giordano – Absent

Councilman Unger – I wanted to address what Jimmy Keelen brought up about his neighborhood bounded roughly by Second Avenue to the east, Belmont to the south, Memorial Parkway to the west and of course Broadway. I also toured that site and I brought this up at a Council meeting probably a month ago so, and I want to second what Mr. Keelen said and I think other people, Chubby, I'd like you and Kevin if you would, because I know you're the administration, your just the advisory branch, the legislative branch but could you guys formally review that block because when I toured it, I saw industrial containers outside on Mr. Katz's property, I saw abandoned vehicles, I saw empty lots and boarded up houses he owns that were disgusting basically, littered with trash and broken glass and Todd acknowledged it to me. I talked to him about it and he acknowledged he should clean it up but I think we should formally put something in writing, Kevin, I think we should formally put something in writing and I'd like to have a copy as to how we can work with Mr. Katz to clean it up. There are still working families in that neighborhood paying taxes. There are some very decent people, decent homes. I've meet with several of them and I think, I mean there are some businesses still moving, the storage business is still very viable and I think Mr. Keelen is right in that respect and I think Todd since we've cooperated so well as a City with him on that development should in return not wait until development happens but right now do what needs to be done so could you guys follow up on that? Thank you.

Dr. Celli – I have a couple things tonight. Someone mentioned the Vietnam Wall that was here in July, we can thank our Veteran's Service Officer Mike Winnick for that. He happens to be a Vietnam Vet and he worked very hard to bring the wall to the only place in the State of New Jersey. And to you Kevin Brown, I wish you a happy birthday, however I will also tell you I had a birthday and I will own up to being 55 plus. I would like to wish everybody a happy Labor Day, yes, the summer is coming to a close, I think we've had a great summer and lets go into the fall with a positive attitude.

Mr. DeStefano – At the last meeting, one of the comments that the Mayor had was that he did feel that the boardwalk was in need of repair, I thought he had made that clear. I'm not going to equivocate over all of the verbiage that was used and I know that he had said that but I do find it interesting that there's obviously a large debate over money, taxes, taxes being too high and in the course of the night we were asked to build handicapped ramps, replace the boardwalk at our own expense and sue the County so it's always interesting that on one hand there is the high tax issue and on the other hand and also do not bond, do not spend money, that kind of thing but on the other hand there's the "this has to be done, that has to be done" well, just like a household we have to balance it out. We have to spend where we think it's appropriate. Everything isn't going to get fixed all at one time and clearly it would be way too expensive to do all of that so with that, meeting adjourned.

ADJOURNMENT

This meeting adjourned at 9:30 p.m.