

REGULAR MEETING

CITY COUNCIL

DECEMBER 26, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Wednesday, December 26, 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:

Howard Woolley, Business Administrator; Lawrence Shapiro, Esq., City Attorney's office; Ronald Mehlhorn, Finance Director; Kathy L. Schmelz, Deputy Municipal Clerk

ABSENT: Anthony Giordano, Councilman; Mayor Adam Schneider; James G. Aaron, City Attorney; Irene A. Joline, City Clerk

The pledge of allegiance was recited. Certification was read.

PRESENTATION:

A presentation was made by Council Vice President Dr. Celli to Shannon Berry for "Drunk and Drugged Driving Prevention Month"

READING AND APPROVAL OF PREVIOUS MINUTES:

December 11, 2007

Motion was made by Councilperson Celli seconded by Councilperson Brown to approve the minutes of December 11, 2007 - Ayes 4 - Absent 1 Giordano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#46-07 ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE AUTHORIZING THE CITY OF LONG BRANCH TO LEASE SPACE FOR FIRE TRUCKS FROM PRIVATELY OWNED VOLUNTEER FIRE COMPANIES IN THE CITY OF LONG BRANCH

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

Harold Bobrow - 295 Ocean Boulevard

Asked Mr. Mehlhorn what the total amount of money that the City pays for these leases.

Mr. Mehlhorn stated, \$32,100.00.

Went on to speak about the number of houses in the City and leasing of firehouses.

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

#47-07 ORDINANCE AMENDING CHAPTER 356 “PEDDLING AND SOLICITING” ARTICLE I “GENERAL PROVISIONS”, 256.5 FEES” OF THE CODE OF THE CITY OF LONG BRANCH

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

Kevin Brown – 162 Broadway

Asked if this would have a restrainer on street preachers.

Mr. Woolley stated that it just imposes a late fee for people who do not pay for their mercantile licenses on time.

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 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

#48-07 ORDINANCE AUTHORIZING PAYMENT IN LIEU OF TAXES FOR GARFIELD COURT URBAN HOUSING ASSOCIATES, LLC FOR THE GARFIELD COURT PROJECT

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

Bill Nordahl – 67 Marine Terrace Apt. 3

Asked about the financing.

Mr. Woolley stated that he would have to speak with Mr. Tyrone Garrett.

Michelle Bobrow – 295 Ocean Boulevard

Against this ordinance due to the fact that she is against Payment in Lieu of Taxes in general.

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

#49-07 ORDINANCE AMENDING CHAPTER 116 “BEACHES”, “RULES AND REGULATIONS” OF THE CODE OF THE CITY OF LONG BRANCH, REGARDING THE USE OF SURFBOARDS, RAFTS AND OTHER SWIMMING APPARATUS

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

Michelle Bobrow – 295 Ocean Boulevard

Word missing from Ordinance.

The word “feet” will be added to the original. Mr. Shapiro stated that it does not have to be re-advertised.

After ample time was given and no one responded, a motion was made by Councilperson Unger, 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

Dr. Celli stated that she did have reservations about this ordinance but will vote yes and hopes the City does not get any lawsuits against them.

#50-07 ORDINANCE AMENDING CHAPTER 181 “FOOD ESTABLISHMENTS, RETAIL”, 181.4 “LICENSE FEE” OF THE CODE OF THE CITY OF LONG BRANCH

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

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

A motion by Councilperson Brown, 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

#51-07 ORDINANCE AMENDING CHAPTER 109 “ANIMALS”, 109-2 “LICENSING PROVISIONS”, SUBSECTION E “FEES” OF THE CODE OF THE CITY OF LONG BRANCH

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

Kevin Brown – 162 Broadway

Asked what impact this will have on licensing.

Councilman DeStefano stated that it increases the fee by \$5.00.

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

A motion by Councilperson Brown, 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

ORDINANCES FOR INTRODUCTION: (Public Hearing set for 1/8/2008)

#52-07 ORDINANCE AMENDING CHAPTER 230 "MERCANTILE LICENSES", 230-2 "GENERAL MERCANTILE LICENSES", SUBSECTION I. "LICENSE FEES" 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 January 8, 2008 - Ayes 4 - Absent 1 Giordano

PUBLIC PARTICIPATION:

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

Kevin Brown - 162 Broadway

R338-07, asked what K9 we are selling.

Mr. Woolley stated that one K9 dog is being sold to Pt. Pleasant because his handler is no longer in the K9 program.

Spoke regarding the newspapers that were designated as Official papers.

Harold Bobrow - 295 Ocean Boulevard

R327-07, that's a very low charge for advertising a tax sale. Most other places get a minimum of \$25.00.

R337-07, against this resolution as its Schoor Depalma.

R346-07, would like a clause that he reclude himself from any Beachfront South discussion due to the fact he came from Hovnanian.

Went on to speak about a place in California that is petitioning the Counties to have a reassessment of the property. Would like a letter sent to the Monmouth County Board of Taxation to reassess all the property in Long Branch so it can be brought down to where it is and where it should be and the proper amount of taxes could be paid based on today's prices.

Michelle Bobrow - 295 Ocean Boulevard

Spoke regarding redevelopment in Beachfront South. Asked about the Cable Commission appointments.

Went on to speak about Mr. Nadell's salary. Has a problem with him coming from Hovnanian.

Read an article from the Star Ledger about Hovnanians sales.

Harold Cooper - 113 South 7th Avenue

Asked for a synopsis of what the Cable TV commission does.

Councilman Brown responded.

Bill Nordahl – 67 Marine Terrace Apt. 3

Spoke regarding Council appointments to Boards. Went on to speak about the association of K Hovnanian and Mr. Nadell.

Peter DeLisa – 525 Ocean Avenue

Spoke regarding the placement of heliports. Stated that funding from the hospital should be looked into. Highly discourages residential areas be used for a heliport.

Marco Diaz – Rockwell Avenue

Stated that there was going to be a program on 2/16 from 7 – 10 pm at Seashore, 410 Broadway, Long Branch.

Howard Marlin – Castlewall Avenue

Member of the Cable Commission. Stated that there will be a public hearing on January 9th, 7pm in the Council Chambers regarding Cable TV.

Vince LaPore – Long Branch

Spoke regarding an Asbury Park Press staff writer, Hovnanian, Pier Village developers and dedicated a moment to Ronald Fitzpatrick, a fallen fire fighter for his supreme sacrifice.

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

RESOLUTIONS:

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

APPLICATIONS:

1. APPROVAL OF HONORARY CHAPLAIN MEMBERSHIP FOR JUAN DANIEL PEIRANO IN THE WEST END ENGINE COMPANY
2. APPROVAL OF HONORARY MEMBERSHIP FOR BRUCE ALBERT MACDONALD IN THE ATLANTIC ENGINE AND TRUCK COMPANY
3. APPROVAL OF ACTIVE MEMBERSHIP FOR WILFREDO ACEVEDO JR IN THE PHIL DALY HOSE COMPANY
4. APPROVAL OF ACTIVE MEMBERSHIP FOR GREGORY TO PAPAILIOU IN THE WEST END ENGINE COMPANY
5. APPROVAL OF ACTIVE MEMBERSHIP FOR EDWARD ALLAN ARAS IN THE WEST END ENGINE COMPANY
6. APPROVAL OF 2008 TAXI CAB OWNERS LICENSE FOR MOHAMMAD AFZAL
7. APPROVAL OF 208 TAXI CAB OWNERS LICENSE FOR WHWS, INC.
8. APPROVAL OF RAFFLE LICENSE FOR RONALD MCDONALD HOUSE

Motion by Councilperson Celli, seconded by Councilperson Brown 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 - Just to go back Mr. President on resolution 344, I have to abstain on the part of the bill referring to myself personally for the record. I can only say as I've always done, its nice to see everyone and during this season that is here upon us we wish you all and your families a very healthy new year but at the same time looking to 2008 and moving forward, we are hoping to be able to work in a more positive fashion individually and collectively, neighbor to neighbor, community to community and with that again as always from my family to yours, God's blessing.

Councilman Giordano - Absent

Councilman Unger - Thank you Dave, that was very nice. I also want to thank all the employees here tonight and all the vendors and all the professional contractors and before Mr. Marlin left I was going to include all our volunteer Board members. I think they do a great job. I know that every single person, even when I disagree with them on certain policy matters, I know that every single one of these individuals works very very hard for the City of Long Branch so thank you for your hard work in 2007. I want to add that before this issue of Jeff's contract came up, I was actually going to vote in favor of the resolution and just make a comment which I believe the City's Chief Executive has the right to select their senior staff and for that reason I was actually going to vote in favor of it because I think you have to allow whether it's the President of the United States or a Governor or a Mayor, you have to let them select their staff, I didn't think it sent the right signal to hire a developer to work in City Hall and liking Jeff on a personal basis, its very hard not to like Jeff but I thought it sent the wrong message to the City and to our tax payers and voters so I wanted to say that and finally I was very pleased to see 337-07 come up authorizing the City to hire a planning consultant to implement the update to the City's master plan. It's long over due. Very glad it's happening. It was awarded to CMX, the firm formally known as Schoor Depalma and I just want to remind everybody that if it were up to me they wouldn't have been able to bid on this project and would have been barred for some period of time whether I think the Freeholders were considering two years or three years before such firms that were involved in such activities in neighboring municipalities would be prevented from bidding as a punitive measure but in any event, they won the bid and I do actually wish them the best of luck and hope they do a good job for the City and that's all, thank you.

Dr. Celli - There were two very good comments tonight, Mr. Bobrow had one about sending a letter to the Monmouth County Taxation Board, however I don't know if you realize, the letter cost .41cents but if we asked them to do work in the City, that's another 500 - 600 thousand dollars that it cost the City, whether its worth it or not, I don't know but I do want you to know there is a cost involved in that and the gentleman who spoke about the heliport, we've had a lot of conversation about it, I would encourage you to talk with Mr. Brown after the meeting, he can update you and I'm sure in the future you'll hear some more about it and on behalf of my family and myself, to all the employees and to everyone, I wish you a happy, healthy and prosperous 2008.

Mr. DeStefano - I'll just bring up some old stuff I guess. Back in 88 when the planning board was talking about the Master Plan, I remember standing before them and indicating to them that nothing in the city should be built without a plan. Not just the zoning regulations but a real plan and that didn't happen until 96 there was actually a plan and in fact, when times are hard on real estate that's when you need it more because that's when you tend to deviate from good planning, good thought and good practice

because you react and you do things irrationally so now more than ever a plan is necessary. Should Hovnanian go bankrupt, should anybody fail down the road, my opinion is you renegotiate with someone who can do it. Its critical to have a plan so when you come up and talk to me about Hovnanian and the various people, that's fine, clearly that's you're right to do but just to make my opinion clear and you can pick on me from here to eternity, doesn't matter, you got to have a plan, you got to stick to it especially in hard times and if things should fail with the current people you're dealing with, you move on to people who can do it. With that, I'd like to have a motion to adjourn.

So moved, Councilperson Celli
2nd, Councilperson Brown

ADJOURNMENT

This meeting adjourned at 9:00 p.m.