

REGULAR MEETING

CITY COUNCIL

SEPTEMBER 9, 2008

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, September 9, 2008 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

David G. Brown, Councilman; Anthony Giordano, Councilman; 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; Dr. Mary Jane Celli, Council Vice-President

The pledge of allegiance was recited. Certification was read.

PRESENTATIONS:

ALCOHOL & DRUG AWARENESS

SOCCER TROPHIES

READING AND APPROVAL OF PREVIOUS MINUTES:

AUGUST 26, 2008 - Hold to September 23, 2008 meeting.

**CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION**

None

ORDINANCES FOR INTRODUCTION:

#20-08 AN ORDINANCE OF THE CITY OF LONG BRANCH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY VACATING A 10' INGRESS AND EGRESS EASEMENT

A motion was made by Councilperson Giordano, seconded by Councilperson Brown to introduce on first reading, advertise and post according to law and set the public hearing for September 23, 2008. Ayes 3 / Absent 2 Celli, Unger

PUBLIC PARTICIPATION:

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

Denise Hoagland - 68 Ocean Terrace

Spoke regarding a letter she wrote in responds to Mr. Handleman's article in the newspaper on Sunday and read the letter. Spoke regarding the passing of Lillian Anzalone this morning.

Michelle Bobrow - 295 Ocean Boulevard

Asked about the land acquisition of Gregory School that was discussed in executive session.

The Mayor stated it was part of the land swap that's been part of the public records for the last 4 years where the City acquired the land where the Bd of Education put the new Gregory School on and the City is just one or two steps away from acquiring the old Gregory School from the Bd of Ed.

Mrs. Bobrow went on to speak about the taking of homes and businesses and the PAX resolution. Also spoke regarding National Constitution Day next week and putting the council meetings out on cable.

Diana Multare - 21 North Bath Avenue

Spoke regarding the Constitution, free speech, time constraints of the meeting and problems she has with the public portion of the meetings.

Vincent Giordano - 246 Ocean Avenue North

Spoke regarding amendments to the zoning ordinance from 2007 that was never acted upon having to do with the Strollo Lighthouse application.

Austin Gelzer - 385 Ocean Boulevard

Spoke regarding the new ADA ramp at Cottage Place. Asked who designed the ramp and why that design.

Mr. Woolley stated that the engineer designed the ramp and the reason it is different from that of Pier Village is that the elevation at Pier Village is about 20 ft. The elevation here is 30 ft so there is a certain slope that you have to have on these ramps, a maximum slope. You can't go any steeper than that. It's going to take more ramp length.

Marco Diaz - 135 Rockwell Avenue Apt. 51

Spoke regarding the event September 27th , noon to 5pm at Jerry Morgan Park. Appreciated all of Carl Jennings help and presented him with flowers.

Gerry Scarano - 336 Ocean Boulevard

Spoke regarding Ocean Avenue property and the traffic at Brighton and West End Avenue. Went on to speak about city owned property on Ocean Boulevard, Ocean Avenue, Second Avenue, Third Avenue and Long Branch Avenue, those streets need to be taken care of by the developers as far as grass growing and weeds. Spoke regarding a Citizens Budget Committee to help the City at budget time and all city owned cars should have GPS systems so we know where they are, asked about having a trolley in town and have it tied into the train system and a fair system for businesses, green stickers on trash cans and garbage on sidewalks on weekends. Spoke regarding eminent domain and the cost of same.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding R292-08 regarding PAX developers, televising council meetings, comments in the newspaper and changing existing contracts to make it so the City comes together with people and not take land and homes.

Patrick McNamara, Esq., represents PAX Construction

Spoke regarding comments made regarding his client, PAX Construction and wanted to make it clear that there would be no use of eminent domain regarding the transaction. There is one piece of privately owned property that is under contract. I would like that dispelled once and for all for the public record.

Timothy Johnson – 325 Ocean Boulevard

Extended his gratitude for what is being done for the City of Long Branch. Commented on the ramp at Cottage Place. There are some adjustments that could be made as far as narrowness and at the end of the ramp, the turn is impossible with a wheelchair.

Lori Ann Vendetti – 33, 38 Ocean Terrace

Spoke regarding the amount of senior citizens that have died since the start of redevelopment. Asks that this stops.

Vincent LaPore – Long Branch

Stated that the Tort Claim notices against the City of Long Branch have now started based on the MTOTSA decision. Went on to speak about the residents of Beachfront South filing action against Hovnanian and all the Council members. Spoke regarding affordable housing units and Councilman Brown's son. Went on to speak about Marine Gardens, Kushner, Lowden Gardens, Lloyd Manor, Kushner property on Adams Street and the Pier Village project.

Harold Cooper – 13 S. 7th Avenue

Commented on the five-minute time limit, it's a little short. Asked Mr. Aaron if there was anything the public could do to eliminate the five-minute time limit.

Mr. Aaron stated that the Council controls how the meeting is to take place and the length and the duration of public portion of the meeting. Case law has determined that the limit of five minutes on a speaker, on an individual speaker, is an appropriate use of the discretion. One of the issues is always, how the dialogue takes place, the attitude, the way a dialogue would go on would have a lot to do in my view of recommending if I were asked, how a meeting should in fact take place. I sit through many different meetings in many different municipalities, some of them are long but very very congenial where people talk about issues and do not make personal attacks on people.

If people have to suffer through personal attacks then the meeting will be in my opinion, shorted, because who wants to listen to it? Who needs to listen to it? Yet, people want to have an open dialogue in an attitude where discussion can take place and people are not told, go ahead, answer my question, you have one word, either yes or no, that doesn't promote dialogue. There is a lot of personal attacks that go on here.

Mr. Cooper asked the Council President if he could be more discriminate with how people come up. Went on to speak about the issues of the five-minute rule.

After ample time was given and no one else came forward, a motion was made by Councilperson Giordano 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 THREE RAFFLE LICENSES FOR HOPE FOR CHILDREN FOUNDATION OF NJ
2. APPROVAL OF RAFFLE LICENSE FOR HOLY TRINITY CHURCH
3. APPROVAL OF RAFFLE LICENSE FOR EMMANUEL CANCER FOUNDATION

Motion by Councilperson Giordano seconded by Councilperson Brown to approve the listed applications was approved upon the following roll call vote: Ayes 3 / Absent 2 Celli, Unger

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown – Good evening ladies and gentlemen. We have heard and we have listened to those things pertaining to the plans that were made and the redevelopment plans of this City are still as far as I'm concerned the plan. It is not to be abused. I've said this before, it is not the intent that we had to be abusive and for this City to continue in the redevelopment zones that have already been approved, as it was stated, those were prejudging just tonight the PAX agreement, when we're talking about a vacant lot. It is not our intent nor the developer's intent to disrupt the lives of people. These zones have been free approved to the sense that they are part of revitalization of a city that was once scorned, of a city that was once shunned. Long Branch is now a place; it's called a designation. We have always been and will always be about the quality of life for the citizens as a whole. I will continue to support that plan and to have resolution for all of our citizens whether they believe that or not. I want everyone to have a wonderful evening and enjoy the rest of this week. Summer is coming to an end, thank you.

Councilman Giordano – No comment.

Councilman Unger – Absent

Dr. Celli – Absent

Mr. DeStefano – Two small things. One is, there is a lot of mention about the constitution constitutionality and I've got to pull it out and read it again but I'm pretty sure the constitution doesn't disvalue the use of eminent domain provided there is just compensation but I'm going to look at that again. Second thing is the mystery of ordinance 345 -1, I don't know how that became such a mystery and how such a web of concern came out of this but I will tell you very specifically what happened and I've already had this discussion with Mr. Unger. I proposed to the planning board to re-look at the zone. I didn't think the use, that particular use was appropriate in a residential area. The planning board took it to the Council. By the time it got to the agenda I had already had a discussion and determined that the applicant under the current zoning law had already purchased the property, had already been through an informal and was already in the process of filing an application. When Mr. Turner said at the meeting that there had been no application filed, he was precisely correct at the moment however, it doesn't lighten the fact that major major steps towards getting an application in had already been taken. This Council has never penalized anyone for submitting an application before a board when under the current zoning, by changing the zoning at a time when it is going to occur. There was also an occurrence in North Long Branch not far from me, not happy about, I believe four townhouses were approved, the property was owned by a private owner, everyone thought it was a buffer for the boulevard but when it was determined that the applicant had already purchased the property, already had his application underway, no changes were made. It's been a policy of the Council; it's just the way that it's been. There's other examples. So the point is is, what's the mystery? The mystery is as Councilman on the board I had proposed the change as Council President I pulled it to not punish an applicant, didn't care who the applicant was, I don't even know who the applicant was before the board on Neptune Avenue. Don't like the project, I still have to look at everything objectively. We've never done it when someone has made a major effort under the current zoning so I hope that puts to rest some of the mystery and conspiracy involving this, that's how it disappeared. With that, I'll adjourn.

ADJOURNMENT

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