

REGULAR MEETING

CITY COUNCIL

OCTOBER 27, 2009

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, October 27, 2009 at 7:00 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, Administrator; James G. Aaron, City Attorney; Ronald Mehlhorn, Finance Director; Irene A. Joline, RMC, City Clerk

ABSENT:

Anthony Giordano, Councilman

The pledge of allegiance was recited and certification was read into the record.

PRESENTATIONS:

PRESENTATION BY TED PAPPAYLIOU, CHARLEY'S OCEAN GRILL OF DONATIONS TO YOUTH SPORT PROGRAMS

PRESENTATION OF JACKETS BY MR. WILSON TO LB YOUTH SPORTS

READING AND APPROVAL OF PREVIOUS MINUTES:

October 13, 2009 – Motion to approve the minutes of October 13, 2009 was offered by Councilperson Brown, seconded by Councilperson Celli – Ayes 4 / Absent 1 Giordano

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

#18-09 ORDINANCE REAPPROPRIATING \$135,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF TWO NEW BEACH RAKES AND THE REFURBISHMENT OF A BEACH RAKE AS MORE FULLY DESCRIBED HEREIN IN AND BY THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, NEW JERSEY (INTRODUCED: SEPTEMBER 22, 2009) (HELD OVER FROM OCTOBER 13, 2009)

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

Harold Bobrow – 295 Ocean Boulevard

Asked what the estimate was of funding similar to this ordinance that is within the budget or the City.

Mr. Mehlhorn stated that maybe \$100,000.00.

Asked how much money the City has made by raking other municipalities beaches.

Mr. Mehlhorn stated that counting the other municipalities and the condo associations, the City has \$19,380.00.

Discussion went on regarding monies allocated and monies spent.

Aretha Riley - Atlantic Avenue

Asked what the funds were originally obligated for.

Mr. Mehlhorn stated that it was an appropriation for acquisition of property to build a new school and public works equipment that they are not going to buy and an emergency generator and fire radio system.

Donald Riley - Atlantic Avenue

Concerned as to why the City is getting new beach rakes to clean other beaches wherein the City is not getting enough money to cover the City's expenses.

Mr. Woolley stated that the City rakes over two miles of our own beach with the rakes and we don't receive any compensation for that and that's the majority of the work that these beach rakes do. We do condo associations that have their own beach and the City does Monmouth Beach for a fee.

Mr. Riley went on to discuss wear and tear on the beach rakes and was wondering if the City was getting enough for the use of the rakes.

Bill McLaughlin - 448 Ocean Avenue

Asked if the condo's pay a rate for raking.

Mr. Woolley stated yes, they pay the City.

Went on to speak about the ordinance regarding bond monies and interest on the bonds.

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

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

#19-09 ORDINANCE PROHIBITING TURNS ALONG EAST AND WEST VEHICULAR TRAFFIC AT THE INTERSECTION OF MONTGOMERY AVENUE AND OCEAN BOULEVARD

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

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

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

ORDINANCES FOR INTRODUCTION:
PUBLIC HEARING SCHEDULED FOR NOVEMBER 10, 2009

None

PUBLIC PARTICIPATION:

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

Harold Bobrow - 295 Ocean Boulevard

Reminded everyone of the Beachfront South meeting on November 5th. Thanked everyone for working with the residents. Went on to speak about reserves, liabilities, transparency in government and Councilman DeStefano's statement from last meeting.

Diana Multare - 21 North Bath Avenue

Spoke regarding the Pier and Ferry Ordinance, deferred pension payments, unused vacation and sick days, Long Branch liability, definition of transparency and property taxes and use or lose unused sick or vacation time.

Joe Morriello - 764 Ocean Avenue

Spoke regarding the article in the Link by Councilman DeStefano regarding another Councilman and transparency.

Tom Sheedy - 28 Bayview Court

Spoke regarding the 8.6 million dollars in the budget for employees, liabilities, and accumulated sick and vacation days.

Lyn Petrovich - CPA, Advisor to the Long Branch Citizens for Government

Spoke regarding accrued sick and vacation time, Local Budget Law and NJ's accounting system.

Bill McLaughlin - 448 Ocean Avenue

Spoke regarding the Mayors comments in the newspaper regarding Mr. Mehlhorn's contract. Went on to speak about Mr. Mehlhorn's contract, developers, eminent domain and health insurance for the attorney.

Bernard Gorcey - 36 Second Avenue

Spoke regarding the Fuschia Triangle group. The Mayor went over the suit against the City.

Gerry Scarano - Ocean Boulevard

Spoke regarding time limit on public hearing for ordinances, asked about performance guarantees, abandoned vehicle auction and the letter Councilman DeStefano wrote in the paper.

Vincent Lapore - Long Branch

Spoke regarding Fuschia Triangle law suit, articles in the Asbury Park Press regarding the arrest of Solomon Dwek and Federal investigations.

Diane Zutnick - 33 Cooper Avenue

Spoke regarding the City's tax increase and her career and the future of the present City officials.

Donald Riley - 170 Atlantic Avenue

Spoke regarding how confused he is when he leaves Council meetings. Went on to speak about how government officials should serve and the professionals that the City hires.

The Mayor responded as to how the government body responds back to the residents.

Mr. Riley went on to speak about what the residents had to say at the meeting this evening and to consider what is said in your decision making and the five minute rule.

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

RESOLUTIONS:

On file in the Clerks Office and posted on the City's Web Site.

APPLICATIONS:

1. APPROVAL OF TWO RAFFLE LICENSES FOR THE NJ ASSOCIATION OF TWINS MOTHERS CLUB, INC.

A motion by Councilperson Brown, seconded by Councilperson Unger to approve the above applications was passed upon the following roll call vote: Ayes 4 / Absent 1 Giordano

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilman Brown - Good evening everyone and those who aren't leaving. Mr. Riley is a long time citizen of Long Branch. Mr. Riley is a long time friend, Mr. Riley is also a neighbor. What Mr. Riley just said for his observation is true except that Mr. Riley does not come to these meetings on a week by week basis or a meeting by meeting basis. Some of the questions were slow to be answered because they are redundant, some of the questions as the Mayor said did not have facts. We would have to observe the stone faces of Council when we would observe some of our finest citizens. As a Federal retired employee for 35 years and leaving the United States Postal Service

with over 2,000 sick hours, that's fact, I was paid for those hours. Statements were made tonight that the Federal Government didn't do that. We were also talking about how atrocious practices are in this City when in fact they are state law. You want to stamp your foot, you want to tell your neighbors lets get on the bus together, lets go where the problem is to Trenton, lets change, next Tuesday is election, what are we going to do? The same thing we did four years ago. Those of us who do vote were not going to talk to the people in Trenton about the things that discourage others not just in this country but in this world from ever visiting or thinking about living in the State of New Jersey. Trenton is where the problem is. When you follow the law, you are accused of cheating, when you follow the law you are accused of grandstanding and you are accused of a whole lot of things and when a citizen comes up and with genuine concern he gets a genuine response from this Council and this Mayor but if that citizen doesn't come back for a while he sees some ugly faces up here and in my 16 years up here, that's smile has turned into a frown. I don't speak very often because sometimes you're biting your tongue. When somebody comes up here for the first time and you can check the record, they have never been discouraged. We bend over backwards to help the citizens of Long Branch but when you come up here, year after year, month after month, week after week, meeting after meeting, liar, bum and all those other nasty names, nobody ever addresses these play cards. All the names that my mother never called me and then you don't want the frown to come out and then when somebody is unsuspectingly a visitor, Long Branch, I'm not speaking to Long Branch now, this isnt standing room only, ask the question and you will get an answer, slap me on my face, my mother raised me to be a gentleman. I thank you, come back again next week, we'll still talk. Our professionals will answer you and from time to time I'll say something. Happy Halloween, have a nice day but always come back to the City Council. Thank you.

Councilman Giordano - Absent.

Councilman Unger - I don't have too much to say except I discussed with Councilman Giordano the idea of an ordinance to limit accrual of payable unused sick and vacation days. I did not get an absolutely firm commitment from him but I am encouraged to speak to him again and hopefully other Council members to come up with an ordinance that will basically make the taxpayers in this City agree that we are doing the best we can to limit these outrageous payments. By the way, Mr. Mehlhorn's contract came up in July of 2006 and I checked meeting minutes, both executive session and the workshop and there was no discussion whatsoever by anyone of the terms of the contract in the public portion, Diane Peterson asked a question about it but she obviously wasn't aware of the details of the contract, simply asked what it was and there was a bland response that it was his employment contract and that was that, there was no disclosure of any of the terms but I do think that July 2006 would have been a great time for members of the Council up here to take a critical look at the contract. It would have been a great time for the Mayor to maybe put a cap on Ron's accrual of sick and vacation time and I don't think that Ron considers that unfair. I think Ron understands perfectly well from my discussions with him that these kinds of payouts are onerous and just can't continue in this current financial climate in New Jersey. By the way, many of our managers do have a cap, the United Food and Commercial Workers, the Management Division has a \$25,000 payout on their cap so I think we need to look at caps on all the personnel in the City and do that for the benefit of the taxpayers. That's all I have to say, thank you.

Dr. Celli – I wasn't going to speak tonight but I do want to address something that I believe Mr. Sheedy made a comment, the Federal Government does pay its retirees for sick leave, I'm a retired...don't tell me no because I know they do, okay, they pay for sick leave and they pay for annual leave but that has nothing to do with this. I just wanted to correct you because you were wrong and upon that note I'd like to wish everyone a Happy Halloween.

Mr. DeStefano – And finally to continue to be offensive, there were a lot of comments that were made by one person in particular regarding accounting practices of the state pension funds, pension fund thefts, state of California, a lot of things that have to do at the state level and state issues. I'm not really sure of what method of accounting that the state uses to be honest but apparently it's a lot more lenient than what the municipalities that they govern are involved in. I'm not really sure Mrs. Petrovich why you have to qualify yourself as a CPA when you come to the microphone when you make political statements, but that's certainly your prerogative. With that, we're adjourned.

ADJOURNMENT

This meeting of the Long Branch City Council adjourned at 8:20p.m.