

REGULAR MEETING

CITY COUNCIL

JANUARY 26, 2010

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, January 26, 2010 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; James G. Aaron, Esq., City Attorney; Howard Woolley, Administrator; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

ABSENT: Anthony Giordano, Councilman

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

READING AND APPROVAL OF PREVIOUS MINUTES:

December 29, 2009 - Motion to approve the minutes of December 29, 2009 was offered by Councilperson Celli, seconded by Councilperson Unger - Ayes 4 / Absent 1 Giordano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#25-09 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 345-10 OF THE CITY OF LONG BRANCH COMBINED LAND USE ORDINANCES TO PROVIDE FOR CLARIFICATION OF DESIGN GUIDELINES HANDBOOK 6 FOR REDEVELOPMENT ZONING IN THE BEACHFRONT SOUTH SECTOR OF THE REDEVELOPMENT ZONE

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

Harold Bobrow - 295 Ocean Boulevard

Spoke regarding point #4 under residential uses, asked for Mr. Aaron to define a residential hotel accommodation.

Mr. Aaron stated that they are individual rooms that are rented to the public in a hotel.

Vincent Lapore - Long Branch

Spoke regarding a paragraph in the ordinance about "consensus of property owners". He stated that there was no document listing names of who consented to the ordinance. Asked the Council not to adopt this ordinance.

Diana Multare - 21 North Bath Avenue

Agrees with most of Mr. Lapore's comments. Spoke regarding residential hotel accommodations and lack of written consensus.

Mr. Woolley stated that it was in the design guidelines and the only thing that was added was the bed and breakfast and guest houses which we spoke about.

Mayor Schneider stated that the ordinance should be adopted as is and that everyone can always have another meeting and say that this is a use you don't thing goes there. We can study it. It's been in there since the beginning of the design guidelines, it's not an addition.

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: Ayes 3 / Nays 1 Unger / Absent 1 Giordano

#26-09 AN ORDINANCE AMENDING SECTION 32 OF CHAPTER 325 "VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF LONG BRANCH TO DESIGNATE CERTAIN STREETS IN THE CITY OF LONG BRANCH AS ONE WAY STREETS

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

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

#27-09 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 218 LOITERING 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 Celli.

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

ORDINANCES FOR INTRODUCTION:
PUBLIC HEARING SCHEDULED FOR FEBRUARY 9, 2010

#1-10 AN ORDINANCE AMENDING ORDINANCES # 1-01 AND #17-09 OF THE CITY OF LONG BRANCH, SECTION 345-122 ENTITLED "HISTORIC PRESERVATION ORDINANCE"

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 February 9, 2010 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

#2-10 CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK (NJSA 40A:4-45.14)

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 February 9, 2010 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

PUBLIC PARTICIPATION:

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

Sam Trapton - BeachTech - Avon, Connecticut

Spoke regarding the City purchasing beach cleaning machines. Went to go over his project.

Mr. Aaron stated that it is a bidding process and suggests he follow through with the rules and regulations of the Open Public Contracts Law.

Brian Asarno - 55 Community Place

Presented a petition to the City Council from the neighbors regarding some illegal uses of the properties on Community Place and on Morris Avenue.

Read the petition and submitted pictures.

Mr. Aaron stated that there was a meeting last Friday with Mr. Hayes, Mr. Turner, Mr. Woolley and Michelle Bernich and there were uses which acknowledged the uses that the City believed were going forward beyond the scope of the permit that was issued and that violations would be issued for those, violation notices would be issued for those uses. I invited you in a letter which you've obviously received and I'm glad you did, to get in touch with me and provide me with other documentation you have concerning the permit itself because, and I'd like to get into a dialogue with you that we could do this offline.

Donald McPherson - Long Branch

Agrees with Mr. Asarno. Property owner at 361 Chelsea Avenue. Went on to speak about the debris that is washed into streams in that area.

Diana Multare – 21 North Bath Avenue

Spoke regarding the appointment of John Brockreide to the Long Branch Sewer Authority.

Bernard Gorcey – 36 Second Avenue

Spoke regarding an article in the Tri-City News regarding the Mayor and compliments that were made on his accomplishments. Spoke regarding the underdevelopment of portions of Broadway, Scott Towers and the ferry boat.

Denise Hoagland – 68 Ocean Terrace

Spoke regarding the Beachfront South ordinance, there is no reassurance that your home is being taken out of the redevelopment zone.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding John Brockreide and his appointment to the Sewer Authority R15-10 regarding the City holding checks for a six month period.

Michelle Bobrow – 295 Ocean Boulevard

Spoke regarding the City rescinding the use of eminent domain in Beachfront South.

Gerry Scarano – Ocean Boulevard

Spoke regarding the planning board meeting and the Master Plan review, blight on Belmont, Union and Second Avenue, and cleaning up Broadway.

Lori Ann Vendetti – 33 and 38 Ocean Terrace

Spoke regarding R9-10 and asked why the sewer authority is being tax exempt?

Mr. Aaron stated that the Long Branch Sewerage Authority acquired the property and the property becomes tax exempt when the authority buys the property.

Went on to speak about R10-10, congratulated the Beachfront South people. Stated that you still need a City wide ordinance, not banning eminent domain being used properly, the abuse of it. Spoke regarding Ocean Terrace becoming a two way, which it is not and being able to walk your dog off season on the promenade.

Vincent Lapore – Long Branch

Spoke regarding the wording of resolution 10-10 and the rights of property owners in Beachfront North and South.

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

RESOLUTIONS:

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

Before the vote, Mr. Unger made a comment.

Councilman Unger – I'm voting yes on the whole resolution package but let me just say something about resolution 10-10, you know I think these meetings should be broadcast on channel 20, even though Vincent raises his voice and some of us aren't pleased by his speaking style, sometimes he makes some good points and I think if these meetings were cable cast on Channel 20, all the adults in the City could make an adult decision on what they see and what they hear and it would be up to them. They are voters, they are adults and they can have an opinion on what we do here and what Vincent says or I say or Mr. Aaron says and I think it's a disservice that we don't broadcast these meetings but I'm going to vote in favor of that because the resolution reads, eliminate the use of eminent domain for Beachfront South. I can't vote against the elimination of the use of eminent domain despite the fact that I think that this has been a sham, this has been a public relations stunt, its been a press release extravaganza, the use of language is I find abusive in some of these sections of the resolution and we are in an election year and you talk about showboating, showboating happens and we have what's called electioneer conversions. Everybody knows what an electioneer conversion is. That's why you change your positions and run to the other side of the field with the football so I have to vote yes but I have to point out some good points have been brought up tonight, thank you.

APPLICATIONS:

1. APPROVAL OF THREE (3) RAFFLE LICENSES FOR PTA RUMSON INC.
2. APPROVAL OF A RAFFLE LICENSE FOR THE MONMOUTH MEDICAL CENTER FOUNDATION
3. APPROVAL OF THE 2010 RENEWAL OF ONE TAXI LICENSE FOR SHORE CAB

A motion by Councilperson Brown, seconded by Councilperson Celli 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 – Yes, good evening everyone. I know it's been a couple of weeks that we haven't seen each other, I just wish those who weren't here before, Happy New Year, glad to see you all back. We're having an interesting year this year in Long Branch, please continue as you are. We wouldn't have it any other way. On another note, I would like to thank the City, I would like to thank the Police department especially and those who were directly and indirectly responsible for our annual Martin Luther King week. We should never let the dream die, the dream lives in Long Branch, it will continue to live as long as there are Long Branchers. Thank you and have a good evening.

Councilman Giordano – Absent

Councilman Unger – I just want to say, I'm please we made some good changes in the Historic Preservation ordinance. We clarified that a few weeks ago and it's come up for a vote and I'm very pleased that it's on the agenda. It was a two plus year process and I think it's a great thing for the

City of Long Branch and for our future legacy to those that come after us.
Thank you.

Dr. Celli – What Councilman Brown said about Martin Luther King is very invigorating. I didn't happen to be here this year for the services, however, where I was they celebrate in style. They have a parade and I've been there a couple of years in a row and they do a great job so it isn't only Long Branch that celebrates, it's also south Florida. Thank you.

Mr. DeStefano – Well we were all reminded I guess that campaign season has begun. I was going to say "let the crap begin" but I guess it already has. With that, we're adjourned.

ADJOURNMENT

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