

REGULAR MEETING

CITY COUNCIL

JUNE 8, 2010

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, June 8, 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 Joline, City Clerk

**ABSENT:**

Anthony Giordano, Councilman

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

**7:00 pm - 2010 BUDGET HEARING**

Motion by Councilperson Celli, seconded by Councilperson Brown to open the public hearing on the 2010 municipal budget. Ayes 4 / Absent 1 Giordano

**Donna Peterson - 104 Rockwell Avenue**

Spoke regarding the tax assessor getting a raise. The Mayor stated that personal issues will not be discussed.

**Harold Bobrow - 295 Ocean Boulevard**

Asked what the increase / decrease was over last year.

Mr. Mehlhorn stated it was 1.45 percent over last year.

Went on to speak about the CAP and debt.

**Diana Multare - 21 N. Bath Avenue**

Spoke regarding the rental of the Municipal Court and the court renovations.

**Bill McLaughlin - 448 Ocean Avenue**

Spoke regarding the Council not adhering to the request of the public regarding budget ideas, the Parking Authority, parking garage at Pier Village vs. meters, railings on the boardwalk, paving of Ocean Avenue and beach fees.

**Harold Cooper - 113 S. Seventh Avenue**

Spoke regard debt and asked what the total was on the budget. Mr. Mehlhorn stated approximately 48 million dollars. Went on to speak about a balanced budget and bankruptcy.

## **Vincent Lapore – Long Branch**

Spoke regarding bond debts and went on to speak about Hovnanian and Applied and the redevelopment in the MTOTSA area and was asked to speak only about the budget. Mr. Lapore did not adhere to this and was escorted out of the meeting.

Motion by Councilperson Celli, seconded by Councilperson Brown to close the hearing on the budget was carried out upon the following vote: Ayes 3, Nays 1 Unger / Absent 1 Giordano

Motion was made by Councilperson Celli, seconded by Councilperson Brown to carry the budget to the June 22, 2010 meeting. Ayes 4 / Absent 1 Giordano

### **READING AND APPROVAL OF PREVIOUS MINUTES:**

#### **May 12, 2010**

Motion by Councilperson Celli, seconded by Councilperson Unger to approve the minutes of May 12, 2010 was carried out upon the following roll call vote: Ayes 4 / Abstain 1 Brown / Absent 1 Giordano

### **CONSIDERATION OF ORDINANCES**

#### **PUBLIC HEARING AND FINAL CONSIDERATION**

**#4-10 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 247 OF THE "PARKS" OF THE CODE OF THE CITY OF LONG BRANCH TO ESTABLISH FEES AND INSURANCE COVERAGE REQUIREMENTS FOR USE OF PARKS AND PAVILIONS (Introduced: April 27, 2010)**

A motion was made by Councilperson Celli to open the public hearing on this ordinance was seconded by Councilperson Brown and carried out upon the following vote: Ayes 4 / Absent 1 – Giordano

#### **Harold Bobrow – 295 Ocean Boulevard**

Spoke regarding an insurance company in Perth Amboy that was used for permits there and wanted to know if the City has ever used them.

Mayor Schneider stated that he didn't think so and that the name wasn't familiar to him.

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 SCHEDULED FOR JUNE 22, 2010**

**#5-10 BOND ORDINANCE PROVIDING FOR CITY-WIDE PAVING AND DRAINAGE IMPROVEMENTS IN AND BY THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, NEW JERSEY APPROPRIATING \$115,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$109,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

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 June 22, 2010 was carried out upon the following roll call vote: Ayes 3 / Nays 1 Unger / Absent 1 Giordano

**#6-10 AN ORDINANCE AMENDING ORDINANCE 26-09 (BROWN ROAD / OLD OCEAN AVENUE)**

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 June 22, 2010 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

**#7-10 AN ORDINANCE AMENDING SECTION 325-44 "RESTRICTED PARKING" TO DESIGNATE A HANDICAPPED PARKING SPACE ON JEFFREY STREET**

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 June 22, 2010 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

**#8-10 AN ORDINANCE AMENDING SECTION 325-30 OF THE CODE OF THE CITY OF LONG BRANCH "PARKING TIME LIMITED ON CERTAIN STREETS" FOR A PORTION OF MORRIS AVENUE**

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 June 22, 2010 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

**PUBLIC PARTICIPATION:**

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

**Shawn McGrath - 404 Ocean Avenue, Belmar, NJ**  
**Collin McNamara - Hillcrest Avenue, Neptune, NJ**

Spoke regarding a proposal to be added to the June 22<sup>nd</sup>, 2010 Council meeting with regards to Summertime Surf School and would like to help the future of the oceans and beaches. Went on to speak about teaching surfing and run a surfing school in Long Branch. The Mayor asked him to get in touch with Carl Jennings and Danny George who runs the beaches. Mr. Aaron asked that copies of the agreements with the other two towns be forwarded to him. Councilman Unger urged the participation of local children.

**Bill McLaughlin - 448 Ocean Avenue**

Spoke regarding budget spending, bonding, taxes, surplus and the beautiful beaches. DPW and Stan doing a fabulous job.

**Donna Peterson - 104 Rockwell Avenue**

Spoke regarding Dwek, Broadway Redevelopment funds and ordinance renumbering.

**Harold Bobrow – 295 Ocean Boulevard**

Spoke regarding how the budget is set up, asked who takes care of the beaches at Pier Village and Mr. Mehlhorn stated that we take care of them.

**Vince Lapore – Long Branch**

Spoke regarding Hovnanian Matzel Mumford and Applied Developers with the redevelopment of MTOTSA, Ocean Boulevard, Pier Village pertaining to loans and financing and the current tax rate.

**Harold Cooper – 113 S. Seventh Avenue**

Congratulated Mr. Krebs on running a campaign based solely on the issues and other aspects of the election.

**Michael Bland – 81 Avenel Boulevard**

Asked who owns the movie theatre in West End. Mayor Schneider stated that he believes its Morris Levy but it’s probably in the name of an LLC. Does not believe he owns it as an individual.

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

**RESOLUTIONS:**

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

**APPLICATIONS:**

None

**MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER**

**Councilman Brown** – No comment.

**Councilman Giordano** - Absent

**Councilman Unger** – I just want to make a comment with what happened tonight with Vinnie Lapore and I want to preface it by saying that Vinnie Lapore is no supporter of mine, he’s not even a friend of mine, in fact he’s consistently worked against me politically almost throughout my term except for maybe the very beginning so I’m not carrying any water for Mr. Lapore and I have to say also that by supporting him tonight is one of the reasons why I didn’t do well in the election was because I was seen as supporting dissidents and critics of the government and not the broad mainstream but yet despite that and despite the political baggage it may have incurred, I want to say that tonight I felt political speech was criminalized. I thought it was inappropriate and I thought that it was, when Mike curtailed his speech and we used the police power to escort him from the room, I thought it was illegitimate and I wished Jimmy would give it some consideration and maybe advise our government in the future on how they might deal with that because on the face of it, to me and I’m sure Mike will disagree, when you’re talking about spending and he was talking about spending on bonds, he was talking about interest on bonds, he was talking about added city debt which adds to the tax burden, I think we spend three and a half million every year to service the City debt and that’s three and a half million we cant spend on other things so I

thought is was legitimate and I hope Jim, who is a very able lawyer will give an even handed memorandum to the new City Council and to the administration on how to deal with that going forward. Roughly two years ago, maybe three, the Freeholders had a similar situation and they used their police powers to stop a woman from criticizing a former Freeholder and she went to court and this stuff cost money and if Mr. Lapore goes to court its going to cost our taxpayers money just to secure the rights that he already has and I think we should consider apologizing to him and averting a lawsuit. This first amendment issue is why we go to war. We go to war around the globe in the name of democracy and it's the fundament of our foreign policy and we say that democracy is really the only legitimate form of government, it's the only legitimate modern form of government and that it's our aim as a government to export it so I think we really have to clarify how we are going to deal with the first amendment in this room and I'll say it again, he's not a friend of mine, in fact, sometimes he's very unpleasant, he's critized me, I felt very unfairly more then once but that's what the first amendment is all about. It's not about nicey nice. It's about free speech.

**Dr. Celli** – What do you say after that? I disagree with him and that's my only comment, however, tonight we will make two appointments to the Board of Adjustment and there will be two openings for the alternates. I am asking anybody who is interested in serving on any of the boards or commissions to go to the City's website and see how it's done and please submit your resume. We are asking for people and it is your duty, you who say we don't have any transparency, its there, all you have to do is look at it. Thank you.

**Mr. DeStefano** – There's obviously two distinct issues at play here. One is first amendment rights to speak which are granted during the public portion and the ability to run a meeting in an orderly fashion. When I've asked for people to speak only on the budget, I meant only on the budget. Everyone had a first amendment right to speak on the budget. It's not my fault that every body doesn't listen to the rules and when I specifically stated that he could continue his conversation in the public portion where it was most appropriate, I was guiding him in his first amendment rights and he failed to take my advice so I am sorry that Mr. Unger wants to blend all of the things and make it seem like this is a communist nation but that's his right. If in twenty years I've got Pudgy Cooper to understand that this is a republic and not a democracy and that we Pledge Allegiance to the Flag and to the republic for which it stands, it gives me hope that one day I'll be able to explain the budget in such a fashion that when people get up and talk about it they know what they are talking about because it really is frustrating that we have a set of rules and in a very conservative state, in a cash flow basis which is designed to make sure that we can raise revenues and make our payments, its not understood but its constantly criticized so my goal over, when I'm not longer on Council is hopefully to educate everybody. If we don't have a five minute rule, I have about 17 minutes prepared on the budget so we'll see how, I might have to deliver it or do it in three or four steps but you know, if I can get republic out, maybe I can get budget out. With that, we're adjourned.

## **ADJOURNMENT**

This meeting of the Long Branch City Council adjourned at 8:15 p.m.