

REGULAR MEETING

CITY COUNCIL

JULY 13, 2010

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, July 13, 2010 at 7:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

Joy Bastelli, Councilwoman; Kathleen Billings, Councilwoman; John Pallone, Councilman; Michael Sirianni, Council Vice President; Dr. Mary Jane Celli, Council President

OTHERS PRESENT:

James G. Aaron, Esq., City Attorney; Howard Woolley, Administrator; Ronald Mehlhorn, Finance Director; Irene Joline, City Clerk

ABSENT:

Mayor Adam Schneider

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

HEARING – PUSH CART VENDOR APPLICATION

Moved to end of agenda after applications.

READING AND APPROVAL OF PREVIOUS MINUTES:

None

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

None

ORDINANCES FOR INTRODUCTION: PUBLIC HEARING SCHEDULED FOR JULY 27, 2010

#9-10 AN ORDINANCE AMENDING SECTION 325-26, SCHEDULE II OF THE CODE OF THE CITY OF LONG BRANCH (PARKING – HULICK PLACE)

A motion was made by Councilperson Bastelli, seconded by Councilperson Pallone to introduce on first reading, advertise and post according to law and set the public hearing for July 27, 2010 was carried out upon the following roll call vote: Ayes 5

#10-10 BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,100,000 FOR IMPROVEMENTS TO PROPERTY ACQUIRED FOR THE CREATION OF A MUNICIPAL PARK IN AND BY THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,045,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE APPROPRIATION

A motion was made by Councilperson Billings, seconded by Councilperson Pallone to introduce on first reading, advertise and post according to law and set the public hearing for July 27, 2010 was carried out upon the following roll call vote: Ayes 5

PUBLIC PARTICIPATION:

STATEMENT TO THE PUBLIC

In the interest of serving the public in the most efficient manner possible, the following guidelines shall be established for public participation.

The public shall be invited to make any comments on individual Ordinances and Resolutions before a vote is taken. The public comment during the portion of public discussion is to be limited to comments directly related to the Ordinance and/or Resolution under discussion.

At the conclusion of the meeting, there will be additional time for public participation and citizens of the City will be heard on any subject matter. Members of the public who wish to address the Council may do so for a period of up to five (5) minutes subject to any adjustment deemed necessary and appropriate by the Council President based upon the situation at hand.

Citizens wishing to address the Council must give their name, street address and the group, if any, that they report to or represent.

The Mayor and Council welcome all members of the public to express their views on any issues. The Council reserves the right to terminate any remarks made by any individual, which are rude, or in a tone, which would incite or engender hostility whereby, in the judgment of the Council President, the meeting may become disruptive.

A motion by Councilperson Sirianni to open the public portion of the meeting was seconded by Councilperson Billings.

Vincent Lapore - Asked what happened to the hearing.

Council President Celli stated that she made an announcement and it was going to be placed at the end of the meeting.

Vince Lapore - 80 North Broadway, Long Branch

Spoke regarding various resolutions on the agenda, redevelopment and the use of illegal eminent domain with regards to the resolutions.

Dennis Sherman- - 510 Ocean Avenue - Save Ocean Avenue Committee

Spoke regarding Ordinance 7-10 concerning the bond ordinance to improve the parks. Thanked the administration and past Council for their help on the improvements along the boardwalk and Ocean Avenue. Great Public Works Dept, Police Dept...handed out a pamphlet to Council. Spoke regarding parks, monies from Green Acres, condition of the boardwalk wherein more needs to be done.

Mr. Aaron asked if Mr. Sherman was saying that the document presented by the public advocate that it is conceivable to raise beach fees to use for a specific purpose of improving the boardwalk which services the beach and the beach areas.

Mr. Sherman - Believes that's correct.

Discussion ensued between Mr. Sherman and Mr. Aaron regarding Green Acres and how monies are used.

Bill McLaughlin – 448 Ocean Avenue, Long Branch

Welcomed the new Council. Spoke to Mr. Aaron regarding the Save Ocean Avenue Committee and beach fees to be put back into the beach area. Spoke regarding concerns of traffic on Ocean Avenue, grants from Green Acres and park maintenance.

Harold Cooper – 113 South Seventh Avenue

Asked what the status of redevelopment was in the City as of right now.

Mr. Aaron stated that projects were still going on in various areas. Projects are still under consideration by developers and the development team in various areas of the City, none of which involve eminent domain or any use of any use of eminent domain.

Mr. Cooper asked the status of lower Broadway.

Mr. Aaron stated that lower Broadway was presently in litigation brought by on remand to Judge Lawson. There are active discussions with the banks that are involved with financing the project and negotiations are ongoing with property owners that are involved.

Mr. Cooper spoke regarding Ord 7-10. Asked what the City was into as far as bonding?

Mr. Mehlhorn stated with this bond, approximately 46 million.

Thomas Sheedy – 28 Bayview Court, Long Branch

Spoke regarding the defeat of the school budget and asked what happened.

Mr. Mehlhorn stated that it is the same amount as last year and there is no opportunity by the City Council to cut that budget. It was the bare minimum that the Board of Ed could come in as and because this is an Abbott district, it can't be touched.

Mr. Aaron stated that the Abbott school district budgets are fixed by statute.

Mr. Sheedy went on to talk about business vehicles being parked in front of their homes.

Michelle Bobrow – 295 Ocean Boulevard

Welcomed the new Council. Happy to see the rotation of President and Vice President. Also happy about the reestablishment of the second comment period at the end, spoke regarding R181 and asked if eminent domain can be used with that.

Mr. Aaron stated that the directive he received is that there is no further use of eminent domain in the City of Long Branch for redevelopment projects.

Mrs. Bobrow asked why the City then is appointing a redevelopment condemnation attorney.

Mr. Aaron stated that there are presently ongoing cases that relate to prior projects.

Mrs. Bobrow would like a resolution or ordinance prepared for Council to not use eminent domain and to legislate it that the City will not use eminent domain for private development.

Lori Ann Vendetti – 33, 38 Ocean Terraces, Long Branch

Welcomed the new Council. Asked about a clock being placed on the wall for the speakers to see. Went on to speak about benches being placed on the boardwalk near MTOTSA, a

flower garden and monument in the turn around area of MTOTSA and wished Irene good luck in her retirement.

Bernard Gorcey – 36 Second Avenue, Long Branch

Congratulated the Council. Spoke regarding the corner of Liberty and Broadway and the man hanging on the building...it's obnoxious. Went on to speak about lower Broadway and hearing from the Council, not the attorneys or anyone else. Spoke regarding the problem with water and the shortage. Water being used a lot in Pier Village, the schools and in the park on Broadway. Would like to see parking meters at Pier Village. You could double or triple your revenue. Good luck.

Bob Kenyan – 448 Ocean Avenue, Long Branch

Thanked the members of the Ocean Committee, Mr. Woolley and Fred have been very good. Thanked everyone and wishes the Council good luck. Spoke regarding the road from Bath Avenue down to Brighton Avenue on Ocean Boulevard and the crosswalks. Not enough time. The roadway is too wide. Maybe a light at Matilda or Cottage. Thank you and good luck.

Diana Multare – 21 North Bath Avenue

Spoke regarding the swearing in on July 1st, quoted Socrates, the exercise of power, taking of homes in the redevelopment area, property taxes, bonding, lawsuits that the City is facing and then quoted Reinhold Niebuhr.

After ample time was given and no one else came forward a motion was made by Councilperson Sirianni seconded by Councilperson Billings 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 4 RAFFLE LICENSES FOR THE IAMA
2. APPROVAL OF 3 RAFFLE LICENSES FOR CYSTIC FIBROSIS FOUNDATION
3. APPROVAL OF TIMOTHY BRUCE AS AN ACTIVE MEMBER OF THE ELBERON ENGINE COMPANY

Motion by Councilperson Sirianni, seconded by Councilperson Pallone to approve the above listed applications were carried out upon the following roll call vote: Ayes 5

HEARING – Push Cart Vendor Application

Mr. Michael Halfacre, Esq. appeared on behalf of the applicant Charles Measley.

Testimony was give on behalf of the applicant by Michael Halfacre, Esq., Charles Measley, applicant, Eva Klostreich, MD and Pelligrino Rego for the Council to consider allowing Mr. Measley to sell ice cream on his peddle cart in a redevelopment area of the City.

Testimony was then given on behalf of the City from Kevin Hayes, Director of Building and Development, Carl Turner, Assistant Planner, Lt. Bucciero, LBPD, Traffic Bureau, Greg Russo and Barbara Sacks appearing on behalf of Pier Village with regards to the standing ordinance and agreement with Applied.

Outcome of the hearing / Motion by Councilman Sirianni, seconded by Councilwoman Bastelli to deny the request of Charles Measley for a vendors license in and near the redevelopment zone.

Ayes 5 / Nays 0 / Absent 0 / Abstain 0

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilwoman Bastelli - I received a letter from the conscientious all year round resident in West End and I would like to let you know, whoever you are that I would be glad to speak with you about this soon (inaudible). I also just want to mention that we do have a phone book right on our website and we were talking about the noise ordinance and yes there is a noise ordinance 235-2 (inaudible) that was one of your concerns and I'd be glad to speak with you and I just would like to thank everyone for coming tonight. Thank you (inaudible) and that's all.

Councilwoman Billings - I have nothing at this time, thank you.

Councilman Pallone - I would just like to thank everyone for coming and welcoming us here today and I'd like to, and I'll speak for myself but I think that I am speaking for all of us, if we could be of any assistance to anyone in the room here, you can contact us on the website or you can call the City Clerk's office and I'll certainly return your call and I think we all will and I think that's very important to all of us, so thank you.

Councilman Sirianni - Thank you very much for coming out for our first meeting out. I have a funny feeling the honeymoon is over though but thank you anyway. We had a good time, I told you, I have a sense of humor, I don't make light of things, it just gets me through the day. Thank you very much for coming out and enjoy the rest of July and we'll see you in two weeks.

Councilwoman Celli - I have two things. First of all, we had Oceanfest and what a great job everybody did. We had a good time. Thank God we had beautiful weather and to all of the City workers, thank you from the bottom of my heart for everything that you did and I have something that I really, to me is very important. Within the last two weeks we've had three of our young men, residents of Long Branch come back from Iraq or Afghanistan. One is Charlie Booth, one is Ken Laposa and the last one is Rick Tatum. Some of you may know Rick. Rick works for the City. He works for DPW and we are certainly glad to have him back and all of the young men and with that I will ask for a motion to adjourn.

ADJOURNMENT

A motion by Councilman Sirianni, seconded by Councilman Pallone to adjourn this meeting at 9:30 p.m. was carried out upon the following vote: Ayes 5