

**REGULAR MEETING**

**CITY COUNCIL**

**MARCH 27, 2007**

**8:00 P.M.**

The Regular Meeting of the Long Branch City Council was held on Tuesday, March 27, 2007 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

**PRESENT:**

Dr. Mary Jane Celli, Councilwoman; David G. Brown, Council Vice President; Michael DeStefano, Council President

**OTHERS PRESENT:**

Mayor Adam Schneider; Howard Woolley, Business Administrator; James G. Aaron, City Attorney; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

**ABSENT:**

Brian Unger, Councilman; Anthony Giordano, Councilman

*The pledge of allegiance was recited and certification was read.*

**READING AND APPROVAL OF PREVIOUS MINUTES:**

March 13, 2007

Approval of minutes held over to April 10, 2007.

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

**#7-07** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 293 "SOLID WASTE AND RECYCLING", ARTICLE II, "MUNICIPAL SOLID WASTE, BULK WASTE AND BRUSH, SECTION 293-3 "GENERAL REQUIREMENTS" OF THE CODE OF THE CITY OF LONG BRANCH (INTRODUCED: MARCH 13, 2007)

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

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 – Giordano, Unger

**#8-07** AN ORDINANCE ADOPTING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL ELICIT COLLECTION ORDINANCE (INTRODUCED: MARCH 13, 2007)

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

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#9-07** AN ORDINANCE AMENDING CHAPTER 109, "ANIMALS" OF THE CODE OF THE CITY OF LONG BRANCH (INTRODUCED: MARCH 13, 2007)  
- MOTION BY COUNCILPERSON BROWN, SECONDED BY COUNCILPERSON CELLI TO DEFEAT ORDINANCE - Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#10-07** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 247 "PARKS", SECTION 247 "PROHIBITED ACTIVITIES" OF THE CODE OF LONG BRANCH (INTRODUCED: MARCH 13, 2007)  
- MOTION BY COUNCILPERSON BROWN, SECONDED BY COUNCILPERSON CELLI TO DEFEAT ORDINANCE - Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#11-07** AN ORDINANCE AMENDING AND REVISING CHAPTER 215 "LITTERING", ARTICLE II "CLEAN COMMUNITIES PROGRAM" (INTRODUCED: MARCH 13, 2007)

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

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#12-07** AN ORDINANCE AMENDING 325-30 SCHEDULE V: PARKING TIME LIMITS ON CERTAIN STREETS (INTRODUCED: MARCH 13, 2007)

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

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#13-07** REFUNDING BOND ORDINANCE OF THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PORTION OF ITS OUTSTANDING GENERAL IMPROVEMENT BONDS, APPROPRIATING \$11,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,500,000 REFUNDING BONDS OF THE CITY FOR FINANCING THE COST THEREOF (**HOLD TO MEETING OF APRIL 10, 2007**)

**#14-07** AN ORDINANCE AMENDING ORDINANCE NO. 45-95 (PARKING - WESTWOOD AND POOLE AVENUE) (INTRODUCED: MARCH 13, 2007)

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

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 – Giordano, Unger

**#15-07 AN ORDINANCE AUTHORIZING CONVEYANCE OF REAL PROPERTY LOCATED WITHIN THE CITY OF LONG BRANCH TO PURCHASE AND SALE AGREEMENT DATED DECEMBER 29, 1996 (INTRODUCED: MARCH 13, 2007)**

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

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

Asked what this ordinance was about. Who are the general partners that are in both groups?

Mr. Aaron stated that GEM Holding Company was an entity that was in existence in the 1980's. They were brothers that owned the original Hilton Hotel here in Long Branch. They were from Rochester, NY, the Maloney brothers. The new development team that has taken over the hotel as the new developers, they are John and Bill Dixon, they are from San Francisco, California. They've owned the hotel for a considerable period of time and there are four partners which is David Wahr out of Washington DC and they are the principals of the entity that will be acquiring the land that will be developing that site.

Mr. Bobrow stated that he thought that hotel was owned by a foundation or a corporation. Who owned it?

Mr. Aaron stated that there were several entities that owned it and the most recent was Tiberon which was a group that owned several resorts throughout the United States.

Mr. Bobrow again asked about a division of a gigantic corporation, can't remember who it was.

Mr. Woolly stated International Conference Resorts was the manager when that property was bought in 1998 from GEM Holding, Tiberon has since taken over.

Mr. Bobrow thought it was a division of the Dupont Corporation.

Mr. Aaron stated he will keep everyone up to date as things progress.

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

A motion was made by Councilperson Brown, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 – Giordano, Unger

**ORDINANCES FOR INTRODUCTION:** Public hearing April 10, 2007

**#6-07** AN ORDINANCE DISCHARGING DRIVEWAY EASEMENTS AND COMMON ALLEYWAY BETWEEN BLOCK 294, LOT 11, 13 ABBOTSFORD AVENUE AND BLOCK 294, LOT 12, 11 ABBOTSFORD AVENUE

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 April 10, 2007. Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#16-07** AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 345-11 AND SECTIONS 345-101 THROUGH 345-121 OF THE ZONING ORDINANCE OF THE CITY OF LONG BRANCH (ACCESSORY USES)

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 April 10, 2007. Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**#17-07** AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 345-55 AND 345-10 OF THE ZONING CODE OF THE CITY OF LONG BRANCH CONCERNING WATERFRONT MIX RESIDENTIAL USES AND FINISHED GRADE

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 April 10, 2007. Ayes 3 / Nays 0 / Absent 2 - Giordano, Unger

**PUBLIC PARTICIPATION:**

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

**Margaret Rice - 176 Branton Avenue**

Spoke regarding the things that were going on at the Library. Reminded everyone of the program on Saturday at the Main Library at 2pm for Shore Seniors Legend Showcase. On April 19<sup>th</sup> at the Main Library is a poetry jamboree. They will also be given Chess lessons. Went over the schedule for the library and stated that there were leaflet's in the back of the room.

**Michael Heitzman - 303 Cummings Avenue**

Asked about bird feeders.

Mr. Aaron stated that it is legal, it will be legal.

Mayor Schneider explained that the ordinance that was introduced was believed to be what the state was requiring. We were mistaken. It came up at the last meeting, the people said it made no sense and they were right. We went back and checked, said it made no sense and what we did tonight was to vote it down so it wasn't adopted.

**Bill Nordahl - 67 Marine Terrace Apt. 3**

Spoke regarding R93-07 Grauman Towers. Is the City cutting off all services to Grauman Towers?

Mayor Schneider stated that the City is not involved in providing services. There is somewhat a confrontation between the owner of the property and the Housing Authority. Our position is that what ever goes on in that confrontation, we cannot let services be disrupted to the people who live there. We are putting ourselves in position. If we feel there is a serious threat to the disruption of those services we will take the appropriate steps to make sure they are not disrupted.

Bill Nordahl – And that’s what this ordinance is about?

Mayor Schneider – Yes.

**Harold Bobrow – 295 Ocean Boulevard**

Spoke regarding the contracts that were being memorialized. Made a suggestion that Mr. Schoor has been indicted for bribes or moving money around. Next time you create the pool, that corporation should be pulled out of your pool. Next, spoke regarding McGuire doing appraisal work. I suggest that in the next pool that the McGuire Corporation be pulled out. Asked what the amount of money was that is going to be spent with Mr. Jones going down to represent the City in the League, in total.

Mayor Schneider – I’m going to have to check, I’m not going to guess.

Mr. Bobrow then spoke regarding the Paulsboro case going to the Supreme Court of the US. Asked Mr. Aaron if we are going to be using any monies of the City to expend in any way on that case?

Mr. Aaron – No.

Mr. Bobrow spoke regarding the budget and Mr. Greenbaums law firm regarding the MTOTSA case. Also, Mr. Aaron’s law firm is getting close to \$20,000 in the budget. There was also an article by the State Public Advocate and read a little excerpt. Regarding Grauman Towers, does the City think it will take it over and if it does, will it ever sell that piece of property to a developer or will you keep it the way it is for the people?

Mayor Schneider stated that the City has absolutely no interest in acquiring Grauman Towers.

**Donna Peterson – 104 Rockwell Avenue**

Spoke regarding Beachfront South and Oceanpointe Towers and why is Seaview Towers empty. Spoke about Hugh McGuire appraisals.

The Mayor went over re-val with Ms. Peterson.

Ms. Peterson spoke regarding Pier Village tax break and asked if the homeowners was going to get a break over the next five years.

The Mayor stated that Pier Village got a five-year tax abatement and we are now in the third year which is far in excess of what was being paid there before. There have been no other tax abatements offered or entered into.

Ms. Peterson asked if homeowners get a refund of snow removal and lighting like they do?

Mayor Schneider stated that the City has an obligation to provide municipal services to some apartments and some condominiums, they get reimbursed, no one is getting a break. They are either paying for it and we are reimbursing them or we are providing it. They get the same services as homeowners get.

**Lori Ann Vendetti – 33, 38 Ocean Terrace**

Spoke regarding the State Public Advocates anniversary of the day it was established. It had not existed for 12 years. Ron Chen has devoted this past year to key eminent domain cases. Also stated that it is ironic that communist China is considering protecting the one unthinkable private property. Went on to speak about eminent domain in China.

**Jennie Frattin – 55 Matilda Terrace**

Asked about the property at 71 Matilda Terrace. How many engines are you talking about?

Council President stated that there were four.

Jennie Frattin stated that this was a residential area. Why would it come to a residential area? There are 36 units around this property. I'm looking for the advantage and cant find any merit for focusing on this piece of property. There is commercial property on Sairs Avenue for sale. There are other areas in town for a firehouse. There is also a timing issue to respond to a fire. This is the most unlikely place to put a firehouse.

**Kevin Brown – 162 Broadway**

Spoke regarding the Court he was at today in Philadelphia and procedures they have in running the court hearings. Also spoke regarding the attorney Miss Koplun who represented the City today in Philadelphia and asked who chose that attorney?

Mr. Aaron stated that it is the City's Insurance Company.

Mr. Brown asked where Mr. Unger was.

Councilperson Celli stated he was on a business trip out of town.

Mr. Brown asked where Mr. Giordano was?

Councilperson Celli stated that she believed he was working.

Mr. Brown went back to discuss the argument that was in the district court today and the word assembly.

**Harold Cooper – 113 South 7<sup>th</sup> Avenue**

Spoke regarding an article in the Press about Middletown Committee and discussion of a new ethics code there. Does the City have a Code of Ethics?

Mayor Schneider stated that we have ordinances that would apply to some of those situations about campaigning. Spoke regarding the right of dual office holding. They don't seem to be able to come to a decision.

Harold Cooper – How do you all feel about holding dual public office?

Mayor Schneider stated that one job is plenty for me.

Council agrees with the Mayor.

Mr. Cooper wished everyone a nice holiday.

**Frank Spinello – 3 Coral Place**

Represents the Condominium Association of the Shores of Long Branch. Spoke regarding the ordinance of animals. Did you vote the whole thing down?

Mayor Schneider stated that there is one in place now that might have language in it that we're going to look at and remove. There has to be a Stormwater management plan which is what generated this whole issue.

**Cheryl Wise – Cedar**

Commented regarding the ordinances of Stormwater and she obtained a copy from the DEP website and this is the one that should have been followed.

**Marco Diaz – 135 Rockwell Avenue Apt. 51**

Can anyone tell me what I need to do to get a business in Long Branch as a non-profit organization?

Mr. Aaron suggests he talks to an attorney and get some advice as to what a non profit should do, how it should be set up, there are a lot of things that you should do but you need your own attorney and get some advice and if you cant get it from an attorney, a good tax account may be able to help you and either call the Monmouth County Bar Association in Freehold and they can recommend some attorneys for you or you could go to the yellow pages and look for tax accountants.

**Lila Poch**

Is there someplace we can get a budget to review before the budget hearing?

Mr. Aaron stated that the budget is made public when it is introduced. Hearings will start to take place the 16<sup>th</sup> of April. What will probably be made available is a comparison of proposed 2007 numbers that the Mayor will introduce as a budget then the budget will be reviewed by the Council with each department, changes will be made and then a budget will be introduced and will be a matter of public record and available then.

Lila Poch – Spoke regarding the Takanassee Beach Club proposal for development. Where is this at right now?

Council President DeStefano stated that he believes that Assemblyman Kean is working to obtain the \$14,000,000 that is required and I would hope he is successful with that.

Lila Poch – So you are in favor of preserving the site?

Council President DeStefano – That would be my first choice.

Councilperson Celli stated that she was also at the same meeting with Councilman DeStefano and I'm very interested in the lighthouse. It is a historical landmark.

Councilman Brown stated that he has a history because he worked there for 30 years delivering the US mail. I was not at the meeting, I am listening to the historic commissions fact finding and I understand Assemblyman Kean is trying to get the money and as long as it is not paid for by the City then I am not in disagreement with this being preserved and if we can get money from the State and we can get money from Federal Grants, this will enhance the area.

Mayor Schneider stated that if there were some way to get the money. The current price of about \$14,000,000 and as recently as Sunday afternoon, I was talking to Mr. Unger about it and the City has gotten money previously to preserve open space under a  $\frac{3}{4}$  grant and  $\frac{1}{4}$  city contribution and that's something, if it could happen we would seriously consider. Right now the process is as far as I know before CAFRA where an applicant is entitled to a decision based on CAFRA rules. I don't know what is going to be approved to be put there. He still would have to come before our Planning Board and there is nothing pending before our Planning Board.

Lila Poch - They want to build 7 townhouses and 7 condominiums and 7 private homes on that site and as you all know we are losing our history while we are making new history. In a period of historic times all over the world, the history that we have in Long Branch is probably narrowed down to the three coast guard stations at that site and it would occur to me for all the revenue that the City is going to acquire with all the new assessments there ought to be something set aside in your budget to consider what we can do to share the costs to save this for ourselves and the history of this area. Think about that in your budget appropriation.

#### **Michele Bobrow - 295 Ocean Boulevard**

Spoke about the Citizens Campaign has suggestions for ethical and open government and model code of ethics. I will get them for you. Thanked Mr. Aaron for his email regarding the suggestion for the resolution submitted last meeting about minutes of the executive committee being made public. How far has that gone?

Mr. Aaron stated there were additional discussions on it and a resolution or ordinance to address the process of executive session minutes.

Michele Bobrow asked how long it would take.

Mr. Aaron stated about 30 days.

#### **Diana Mulfare - 21 North Bath Avenue**

Spoke regarding ordinance 9 and 10 - 07. You need to rethink cats as pets. I am interested in the definition of wildlife in 10-07. Spoke regarding the "human animal" and using bathroom facilities.

## **Vincent LaPore**

Spoke regarding geese. Gave the Council a website by the USDA on geese and they give about four or five pages on a fact sheet and remedies. Went on to speak about the number of birds in Elberon and around that lake. People feed the geese. Gave many ways to discourage the geese. Spoke about a meeting that took place last week by the National Federation of Independent Businesses. Long Branch was discussed.

After no one else responded, a motion was made to close the public portion by Councilperson Brown, seconded by Councilperson Celli.

### **RESOLUTIONS:**

On file in the Clerks Office and the City's Web-Site

### **APPLICATIONS:**

1. APPROVAL OF HONORARY MEMBER FOR SCOTT M. SIRIANNI IN THE PHIL DALY HOSE COMPANY
2. APPROVAL OF RAFFLE LICENSE FOR THE LONG BRANCH ELKS LODGE #742

A motion by Councilperson Celli to approve the listed applications was seconded by Councilperson Brown and carried out upon the following roll call vote: Ayes 3 / Nays 0 / Absent 2 – Giordano, Unger

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

**Councilwoman Celli** – Wished over the next couple of weeks, there are two holidays coming up and I'd like to wish everybody Happy Passover and Happy Easter and please don't forget the Easter Egg Hunt on Sunday down at West End Park at 11:00 a.m. sponsored by the Chamber.

**Councilman Giordano** – Absent

**Councilman Unger** - Absent

**Council Vice President Brown** – I would also like to convey my best wishes and happiness to the Passover Season and to Easter and to each and everyone in your family, have a pleasant two weeks.

**Council President DeStefano** – No comment

### **ADJOURNMENT**

A motion by Councilperson Brown to adjourn this meeting at 9:15 p.m. was seconded by Councilperson Celli.