

**REGULAR MEETING**

**CITY COUNCIL**

**APRIL 10, 2007**

**8:00 P.M.**

The Regular Meeting of the Long Branch City Council was held on Tuesday, April 10, 2007 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

**PRESENT:**

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

**OTHERS PRESENT:**

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

**ABSENT:**

Mayor Adam Schneider; Anthony Giordano, Councilman

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

**PRESENTATIONS:**

No one present in the room to accept this. Hold to April 24<sup>th</sup> meeting.

**READING AND APPROVAL OF PREVIOUS MINUTES:**

March 13, 2007

Motion was made by Councilperson Brown, seconded by Councilperson Celli to approve the minutes of March 13, 2007 - Ayes 3 / Abstain 1 DeStefano / Absent 1 Giordano

March 27, 2007

Motion was made by Councilperson Brown, seconded by Councilperson Celli to approve the minutes of March 27, 2007 - Ayes 3 / Abstain 1 Unger / Absent 1 Giordano

**CONSIDERATION OF ORDINANCES**

**PUBLIC HEARING AND FINAL CONSIDERATION**

**#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 (INTRODUCED: MARCH 27, 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 4 / Absent 1 Giordano

**#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 (INTRODUCED: MARCH 13, 2007 - ADOPTION HELD OVER FROM MARCH 27, 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 Mr. Mehlhorn how much the individual that is doing this is going to receive.

Mr. Mehlhorn stated that the Bond Council is getting \$33,000.00. The City Auditor is getting \$15,000.00. Does not know exactly what the underwriter is going to make.

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 4 / Absent 1 Giordano

**#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) (INTRODUCED: MARCH 27, 2007)

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

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

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 4 / Absent 1 Giordano

**#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 (INTRODUCED: MARCH 27, 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 if this was the West End property and what exactly is the finished grade.

Mr. Aaron stated that this is an interpretation so that the Board of Adjustment and or Planning Board can look at an application and understand what was meant by the Planning Board when they originally adopted this ordinance so applicants when they read it can design without fear of misinterpretation.

Mr. Bobrow went on to speak about a past project regarding this situation on the shoreline.

**Kevin Brown – 162 Broadway**

Spoke regarding the application before the Planning Board referred to by Mr. Bobrow which was the John Brockreide application. Spoke regarding the problems that were had regarding the number of stories and the grade from West to East. Asked who on the Planning Board introduced 17-07.

Mr. Aaron stated that it comes from the Planning Director of the City and does not come from an individual member.

Mr. Brown spoke regarding the process of having something formalized by the Board to the Council.

Mr. Aaron went on to speak regarding the process of recommendations and how it is brought to the City Council.

Mr. Brown asked if was possible for the applicant who has come across this problem submitting a plan to change at the zoning level so it wouldn't be a problem if resubmitted. Is that appropriate for an attorney for an applicant to submit such.

Mr. Aaron stated that he could and maybe something was changed and maybe something was not changed. The change in the ordinance becomes effective upon publication of the ordinance and there is always with any ordinance a 45-day appeal period from the date of the publication.

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 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 April 24, 2007**

**#18-07** AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE OF THE CITY OF LONG BRANCH IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY CHAPTER 116 BEACH FEES 2007

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 24, 2007. Ayes 3 / Naves 1 Unger / Absent 1 Giordano

**#19-07** AN ORDINANCE VACATING ROADWAY RIGHTS OF THE CITY OF LONG BRANCH AS 47 LAIRD STREET, BLOCK 294, LOT 1

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 24, 2007. Ayes 4 / Absent 1 Giordano

**#20-07 AN ORDINANCE AMENDING CHAPTER 103 "ALCOHOLIC BEVERAGES", CHAPTER 103-12 "EMPLOYEE REGULATIONS IDENTIFICATION CARDS; FEES"**

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 24, 2007. Ayes 4 / Absent 1 Giordano

\*\*\*\*\*

At this point, Shannon Berry came forward and Council President DeStefano read the Proclamation regarding Alcohol Awareness Month.

\*\*\*\*\*

### **PUBLIC PARTICIPATION:**

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

#### **Margaret Rice - 176 Branton Avenue**

Spoke regarding next week being National Library week. Come and see all the things available to you at the library. Spoke regarding a poetry jamboree on the 19<sup>th</sup> at 7 pm. There are brochures on the back table.

#### **Michelle Bobrow - 295 Ocean Boulevard**

Spoke regarding Child Abuse Awareness Month and April being Parliamentary Law Month. Spoke regarding the different Parliamentary procedures. Asked about the Beach fee ordinance and the date that seasonal badges can be sold through. What is the date going to be?

Mr. Aaron stated it will be September 3<sup>rd</sup>.

Mrs. Bobrow spoke regarding the Thompson Design bill on the list of bills to be approved and Mark Aikens for Beachfront South.

Mr. Aaron stated that Mr. Aikens was hired as conflict Council to take care of conflicts that arise in the City. He is not associated with our firm.

Mrs. Bobrow went on to speak about Mr. Greenbaums firm as Counsel and the payments he is receiving. Went on to speak regarding the ordinance on Garfield Court. How many units do they have now, how many are they building and what is the area medium income?

#### **Kevin Brown - 162 Broadway**

Spoke regarding Ordinance 18-07, suggested that if the City can not afford to give all of its residents free beach access then may I suggest that free beach access be extended to all our residents under the age of 18 and over the age of 55. Then went on to speak about Child Abuse Awareness Month

and the requested monument for baby Independence. Went on to speak regarding R91-07 approving the re-examination of the 1988 Master Plan.

Mr. Aaron went on to explain that in 1996 when the redevelopment was used, redevelopment law says that any redevelopment plan may differ from the Master Plan for the area that is covering so the concentration of the Planning Board in 1996 was to deal with waterfront redevelopment plan and when you read the two statutes together the MLUL and the redevelopment law you will see that it provides for just that to happen and overlap where one is amended and the other one stays the same.

**Alice Kessler - 74 Cedar Avenue**

Spoke regarding the new fire station and the location on Matilda Terrace.

Councilman Unger stated that it wasn't part of the plan and it's not right now part of the plan. It's the vacant lot next door to the Frattin's that is under consideration.

Alice Kessler - Very happy to hear that. Went on to speak regarding a sign on Westwood Avenue regarding a lot that needs to be developed. Why not develop on a lot that is flattened already?

**Donna Cickowski - 428 Bath Avenue**

Spoke regarding the fact that she applied to the Zoning Board for an application for a permitted one-story addition. I had plans drawn up and met all the requirements. It was denied. It meets the designs. There is something wrong with your Zoning division and it should be looked into and I will come every week and I want to know why it was denied.

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

Asked about R100 and 101-07. Asked about the finances for the Hope VI project. Asked what the source of the funding was.

Mr. Woolley stated that it should come from the Housing Authority.

**Steve Fitzpatrick - Red Bank, NJ**

Asked Mr. Aaron about friendly condemnation cases. Does the Council have to cast a vote regarding that?

Mr. Aaron stated that the Council has to pass an ordinance that authorizes the City to take the property.

Mr. Fitzpatrick asked if the Council has to give approval for taking property by way of eminent domain for public purpose?

Mr. Aaron stated that the Council can approve the settlement of litigation.

Mr. Fitzpatrick went on to speak regarding Abbottsford Avenue property and the redevelopment plan.

Mr. Aaron stated that the property was always in the redevelopment zone inside the Hotel Campus area.

Mr. Fitzpatrick went on to speak regarding the Scardino agreement. Did Council have to pass a resolution approving this?

Mr. Aaron stated that Council did not approve that because there was already a sale agreement in place and a developer's agreement in place for the development of the Hotel Campus site and there was already a contract entered into with and between the developer and the City. The City laid the money out and the City is being reimbursed by the developer.

Mr. Fitzpatrick asked if the Council had any input with regards to settlement with the people of eminent domain.

**Harold Bobrow – 295 Ocean Boulevard**

Spoke regarding R101-07. I have questions. Can Mr. Garret come up and explain these resolutions first, then I will come back with my questions?

**Tyrone Garrett – Director, Long Branch Housing Authority**

Spoke regarding the questions regarding Garfield Court. Stated that there are 162 units at its site. Spoke regarding how Hope VI was generated. It's broken down into phase, enough to build 275 brand new units. The first phase of Garfield Court will consist of 67 new units. Spoke regarding funding and leverage funding. This is what this is, we are asking the City to support our application to the State of New Jersey for tax credits and a home express loan. This is not a guarantee to build this phase. It will cost approximately close to \$20,000,000 to build these 67 units at Garfield. Approximately \$14,000,000 will be requested from the State in tax credit equity with another \$2,000,000 being requested from the State in a grant. Two phases, first phase is 67 units and another 73 in second phase of Garfield. The funding will come from the State, not the City.

**Harold Bobrow – 295 Ocean Boulevard**

Spoke regarding the Master Plan and made some suggestions. Spoke regarding Baby Independence and how you could find two or three thousand dollars so we can build a moment to this child. Also spoke regarding an article about a clinic on lower Broadway, will they stay?

Mr. Woolley stated that it is not in the lower Broadway area.

Mr. Bobrow spoke regarding the Police Directors new contract. He deserves it all, if not more. What is the percentile of raise that he received when he was a Captain?

Mr. Mehlhorn stated, 4.5.

Mr. Bobrow went on to speak about the formula.

Mr. Mehlhorn stated that you take the salary and longevity and divide it by 2,080 hours, which equates to 260 workdays a year.

Mr. Bobrow spoke regarding the Housing Authority projects. Are they affordable, yes...not subsidized then? Where do you get relocation housing from while you build the other projects?

Mr. Garret spoke from the audience and his comments were mostly inaudible. It's a mix of affordable housing and subsidized housing. Grant Court if finished this year will also serve as relocation for Garfield Court.

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

I would like to know what a resolution of need for a municipality is.

Mr. Woolley stated that we are in support of this project and we need this housing.

Mr. Cooper spoke regarding R102-07. I think this society needs less resolutions and more hands on. Went on to speak about the children of today.

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

Spoke regarding the Sopranos filming in MTOTSA. Went on to speak regarding the Master Plan and Historic sites. Asked about the widening of Joline Avenue.

Mr. Aaron stated that there is a contract with DOT to widen it around Washington and drainage work is being done there and around Suburban shopping plaza in that area. It's not the whole length of Joline Avenue.

Ms. Vendetti went on to speak regarding the Child Abuse Prevention Month and the beach fees.

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

Spoke regarding wanting to have a meeting with Mr. Garrett and Mr. Jennings about what his non profit is about and with Donna Peterson. Would like Mr. Unger to attend.

**Donna Peterson – 104 Rockwell Avenue**

To Mr. Aaron – Does your firm accept money for the projects in Long Branch?

Mr. Aaron stated that his firm cannot represent the people that come before the Council. We could represent a closing but cannot get involved in the transaction that would involve any dealings with the municipality.

Ms. Peterson spoke regarding Diamond Beach Condo's and what happened to the people that lived in those bungalows.

Mr. Woolley stated that was a private sale and the property was vacated years ago.

Ms. Peterson asked on resolution 96-07 who is that gentleman?

Council President DeStefano stated that it was the Director of Public Safety.

Ms. Peterson then spoke about affordable housing and where is it going in this area.

Mr. Aaron stated it would be on the North and South side of Broadway between Second Avenue to the east and Memorial Parkway and Liberty Street to the west, in that block.

Ms. Peterson asked if the developers give the City money for affordable housing?

Mr. Aaron stated that sometimes they put affordable housing in the projects, sometimes they build affordable housing off site, sometimes they are in the project, sometimes negotiations take place where money is provided to the City for affordable housing in other locations.

**Diana Multare – 21 North Bath Avenue**

Commented about the Sopranos coming to Long Branch.

**David Klein – 11 River Road**

Spoke regarding R97-07, NJ Transit Summer Service program. Asked how it helps Long Branch.

Mr. Aaron stated it has special rates for the summer to come to the City. Those rates bring tourists and people to the beach for the day.

David Klein stated that he believes that 16-18 inclusive would be a viable recourse to attach fees to.

**Vince LaPore**

Spoke regarding R91-07 and the master plan. There was no public participation at the Planning Board. It's wrong. Spoke regarding K Hov dropping 4,500 units in Berkley Twp. Spoke regarding the case before the Judge. Spoke regarding the Federal Reserve report dated March 28<sup>th</sup>. Went on to speak regarding the League of Women Voters.

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

**RESOLUTIONS:**

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

**APPLICATIONS:**

1. APPROVAL OF A RAFFLE LICENSE FOR MONMOUTH MEDICAL CENTER FOUNDATION
2. APPROVAL OF A RAFFLE LICENSE FOR HARLEY DAVIDSON OF LONG BRANCH

A motion by Councilperson Brown to approve the listed applications was seconded by Councilperson Celli and carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

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

**Councilwoman Celli** – No comment.

**Councilman Giordano** – Absent

**Councilman Unger** - Spoke regarding Ordinance 18-07. This was a beach fee ordinance and I just want to be on the record saying that I think this ordinance should be shelved for further discussion because I happen to agree with several speakers tonight and I agreed with you before you even opened your mouth. I believe that the children from ages 13 through 17 should not be charged for admission to the Long Branch beaches. I happen to know from being a resident of this City for several decades that many many young people including many young people who live in our neighborhood and in our public housing are systematically prevented from going to the beach in the summer and wait until 4:00 in the afternoon and hang around. I've seen it so many times and so many people in the audience actually bought this up with me on the way in tonight, they wait around until 4:00 or if it's a rainy day, when the lifeguards go home early and then they go down to the beach and I also have observed over the years, families pull up, not just families locally but families from Trenton, from Passaic, from Paterson, we maintain these beaches under a trusteeship arrangement and ancient trusteeship from the State of New Jersey and it goes back to Colonial times and it goes back further and I think it would behoove us particularly and this is why I'm very disappointed in my colleagues here on City Council for not supporting me on this. In the face of luxury high rise development along such a large portion of our beachfront, now is the perfect time to give something back and let working families and their kids come to the beach and not have to wait until 4:00 in the afternoon, I think its shameful and I think and hope that Mary Jane and Michael and David will reconsider this. Thank you.

**Council Vice President Brown** – No comment.

**Council President DeStefano** – No comment.

## **ADJOURNMENT**

A motion by Councilperson Celli to adjourn this meeting at 9:30 p.m. was seconded by Councilperson Brown.