

REGULAR MEETING

CITY COUNCIL

JUNE 26, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, June 26, 2007 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

David G. Brown, Councilman; Anthony Giordano, Councilman; Dr. Mary Jane Celli, 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; Deborah Talerico, Deputy Municipal Clerk

Absent: Brian Unger, Councilman; Irene A. Joline, City Clerk

The pledge of allegiance was recited and certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

June 12, 2007

Motion was made by Councilperson Giordano, seconded by Councilperson Celli to approve the minutes of June 12, 2007 - Ayes 4 - Absent 1 Unger

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

None

ORDINANCES FOR INTRODUCTION:

#25-07 AN ORDINANCE AMENDING CHAPTER 78-3 POLICE DEPARTMENT ORGANIZATION COMMAND

A motion was made by Councilperson Giordano, seconded by Councilperson Celli to introduce on first reading, advertise and post according to law and set the public hearing for July 10, 2007. Ayes 4 / Absent 1 Unger

#26-07 AN ORDINANCE ESTABLISHING A PROCEDURE AUTHORIZING THE CLERK OF THE CITY OF LONG BRANCH TO PROVIDE RESPONSES TO OPEN PUBLIC RECORD REQUESTS SPECIFICALLY AS THEY RELATE TO REQUESTS FOR MINUTES OF MEETINGS OF THE CITY OF LONG BRANCH LAWFULLY CLOSED TO THE PUBLIC

A motion was made by Councilperson Giordano, seconded by Councilperson Celli to introduce on first reading, advertise and post according to law and set the public hearing for July 10, 2007. Ayes 4 / Absent 1 Unger

#27-07 AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 308 "TAXICABS" SUBSECTION 6 "ZONES AND RATES" AS WELL AS ORDINANCE NO. 15-90 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF LONG BRANCH

A motion was made by Councilperson Celli, seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for July 10, 2007. Ayes 4 / Absent 1 Unger

#28-07 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 247 "PARKS", SECTION 247-2 "PROHIBITED ACTIVITIES" OF THE CODE OF THE CITY OF LONG BRANCH

A motion was made by Councilperson Giordano, seconded by Councilperson Brown to introduce on first reading, advertise and post according to law and set the public hearing for July 10, 2007. Ayes 4 / Absent 1 Unger

PUBLIC PARTICIPATION:

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

Mr. Sherman

Spoke regarding the diversion plan for Ocean Avenue and his concerns.

The Mayor stated that the resolution was voted on unanimously. Went on to explain the different ways the City can go about with a number of plans.

Mr. Woolley went over time lines, hearings and scoping sessions.

Elaine Shah - 3 Ocean Boulevard

Opposed to resolution 130-07. Went over past questions and answers regarding redevelopment and Hovnanian.

Paul Dworin - Ocean Place

Spoke regarding the disconnect between the public and the City and also spoke regarding beach access and parking.

The Mayor explained the extensive studies done of the Beachfront over the last 15 years.

Michelle Bobrow - 295 Ocean Boulevard

Spoke regarding the need to televise Council meeting. Spoke regarding Ordinance #26-07 and how it has nothing to do with the proposal she submitted in mid March. Spoke regarding the beach fee ordinance that was already passed.

Council President DeStefano stated that he would like to see the ordinance changed in a more generic fashion to not have dates.

Michelle Bobrow went on to speak regarding Hovnanian stock.

Mary Jean Lepis - Cottage Place

Spoke regarding the Ocean Avenue diversion and is opposed to the opening. Against Cottage Place being a one-way street.

Rosemarie Bournio – Cottage Place

Spoke regarding the Ocean Avenue diversion and is opposed to the opening. Spoke regarding parking on Cottage Place and to make Cottage Place a one-way street would be a disaster.

Austin Gelzer – 385 Ocean Boulevard

Asked the Council if they had heard anything from the Justice Department regarding the possible violation of the ADA law.

Mr. Woolley stated he hasn't received any communication.

Mr. Gelzer went on to speak about the ramp he asked for to get down to the beach.

Mr. Woolley stated that the engineer is drawing up plans and working with the Construction department and they have been submitted to CAFRA for approval.

Harold Bobrow – 295 Ocean Boulevard

Asked Mr. Aaron asked if Hovnanian has in any way tried to break the contract.

Mr. Aaron stated that he has no knowledge as to any of that.

Mayor Schneider – No.

Mr. Bobrow went on to speak regarding eminent domain and the issue that was passed last week. Spoke regarding the City's website and the bidding that is listed. Asked Mr. Aaron if anyone in his firm represents the taking of the property in Takanassee Lake?

Mr. Aaron stated that his firm represents the buyer of that property and its been documented.

Mr. Bobrow went on to speak about "real estate laundering". Spoke regarding R130-07 and asked that the resolution be rescinded. Asked if anyone on the Council would rescind that resolution.

Mr. Brown – No sir.

Dr. Celli – No.

Mr. Giordano – No.

Mr. DeStefano – It doesn't need to be.

Went on to speak about televising Council meetings.

Kevin Brown – 162 Broadway

Spoke regarding baby Independence and the Paulsboro case regarding eminent domain. Asked Council to reconsider the MTOTSA situation. Asked if the city didn't acquire all properties through eminent domain, can the developer sue the City?

Mr. Aaron stated that you can sue for almost anything in the State of New Jersey. Whether or not you'd be successful is something else. If you're asking me whether or not the developers in any of the redevelopment areas

have the ability to sue the City and would prevail because of that, my answer to that would be no.

Mr. Brown asked that everyone remember Baby Independence.

James Keelan – 142, 154 Belmont Avenue

Spoke regarding the Avenue and the violations by DEP and also spoke regarding the Promenade Beach Club and their violations. Went on to speak about people urinating in the City parking lot off Belmont Avenue. Also asked Mr. Aaron if his any partners in his law firm would benefit from the road opening.

Mr. Aaron stated no.

Mr. Aaron – there has been much talk about rescinding a resolution of a property swap here. The Council and the Mayor have heard from many people in the audience, residents, non-residents concerning the West End section of the City of Long Branch on Ocean Avenue. It appears that 99.9% of the commentary deals with a three block area north of Brighton Avenue as to how that should be operated. There has been no comment from the public with respect to the roughly mile and three quarters to the north of that and the affects of that. I believe what the Mayor and Council have said is that they are listening to the responses that are made by the public and are considering all of the alternatives and that there has been no decision that has been made as to what will happen with respect to those blocks in the southern end of the West End Avenue if I can categorize that so that as people make suggestions, whether it be flower pots, whether it be bike paths or whatever, that is what the Council has to decide and for the public I think the Mayor has made it very clear that nothing can be done here without a confluence or a coming together of a lot of different things. One, the boardwalk being totally expanded and two, the City having the ability to work on that property which is just public property so that's an observation that I want to make sure the public understands with respect to the discussions that have taken place thus far and if I am wrong in that and there are people who have spoken on other issues, I stand corrected.

Bill McLaughlin – 448 Ocean Avenue

Spoke regarding closing Ocean Avenue and also spoke regarding the Diplomat property.

Bill Schatzow – 967 Elberon Avenue

Spoke regarding re-assessments.

Mark Wellder – 525 Ocean Boulevard

Spoke regarding the Ocean Avenue diversion and is opposed to the opening. Spoke regarding retail stores in place of the Diplomat as part of the new construction.

Council and Mayor – There is no truth to that, none.

Mayor Schneider – Discussed what the plan is for the road and the plan goes back ten years. The public has made some valid point.

Mark Wellder stated on behalf of a number of people that couldn't be at the meeting that they are unhappy to open up to traffic.

Diana Multare - 21 North Bath Avenue

Spoke regarding zoning on Ocean Avenue and Boulevard. Stated that the Council meetings should be televised. Went on to speak about Ocean Avenue and commented on to speak about public access, it's a virtue word. Commented also on the Sea Grape plant that's growing on Morris and Cottage Place.

Lori Ann Vendetti - 33, 38 Ocean Terrace

Spoke regarding the opening of Ocean Avenue. It's not just West End, it's Madison to Seaview and the north end. It serves a great purpose. Went on to speak about the lights and thanked Council. Stated that there was no time limit at Neptune Council meetings and you can get up a numerous amount of times. Spoke regarding K Hov backing out of Beachfront South. Went on to speak about a report out of Anaheim California.

Harold Cooper - 113 S. 7th Avenue

Wished everyone a safe and happy summer. Thanked Council for providing the children in this community with free beach access. Spoke regarding a Gang Summit hosted by the Monmouth County Prosecutors Office / State Attorney General and the Long Branch Superintendent. Surprised that there was no member of the cloth. Klds have nothing to do and nowhere to turn. The Clergy needs to be more involved with the children.

Donna Peterson - 104 Rockwell Avenue

Spoke regarding downtown in 2005. Asked why 5 corners is blocked off.

Mr. Woolley stated all the roadways will be opened.

Donna Peterson spoke regarding the zoning change and also went on to speak about Belmont Avenue, housing, assessments, opening of Ocean Avenue and the condo's on Ocean Avenue.

Sharon Weiss - 65 Cedar Avenue

Spoke regarding ordinance 28-07. Asked Council to amend it. Asked Mr. Woolley about the violations on Ocean Avenue.

Mr. Woolley stated that the DEP enforces that.

Sharon Weiss - read an article in the paper regarding Jim Keelen.

Jason Cummings - 29 South 5th Avenue

Spoke regarding a phone call he received from the Police Department regarding the memorial at the sight of the accident where his son died. He was asked to take it down. I didn't put it up there, I'm not taking it down. If you want to take it down, take it down. If it goes back up, then it goes back up. Many people are doing this.

Mayor Schneider - I am sorry for the loss of your son. I am also sorry the way this situation was handled.

The Mayor and Mr. Cummings went out of the room to discuss the matter further.

Nita Gibson – 657 Morford Avenue

Spoke regarding the wildlife ordinance and asked to consider not feeding squirrels on private property squirrels. Handed out information on squirrels.

Vincent Lapore – Long Branch

Spoke regarding Kevin Browns website showing Council meetings. Also spoke regarding the Diplomat property and Mr. Aaron's law firm.

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

RESOLUTIONS:

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

APPLICATIONS:

1. APPROVAL OF THE TRANSFER OF A TAXI OWNERS LICENSE FROM STEPHEN SCALZO TO MURAT TAN
2. APPROVAL OF TWO RAFFLE LICENSES FOR MONMOUTH HEALTHCARE FOUNDATION

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 Unger

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Mr. Aaron – Thank you Mr. President. Mr. Lapore several weeks ago asked if my law firm owned the Diplomat. I advised him the law firm did not own the Diplomat. Two of the members of our firm have another real estate partnership. They are involved in a Company called ABAB. ABAB is a minority interest holder in the property known as the Diplomat. Our firm and myself have absolutely nothing to do with the Diplomat. We've never represented ABAB, we do not represent or have ever represented the entities that own ABAB. There has been no relationship financially or otherwise between the firm or otherwise between the firm or myself and that property. Because there are two members of the firm that are in a minority interest, I advised the Council and the Mayor as I do with all situations where I could not represent the City with respect to that property. My firm nor I did not ever represent that entity, the owners of the Diplomat or the purchasers, prospective purchasers of the Diplomat. They were all represented by other law firms. However, because of the interest I advised them that I would not be able to represent the City in any matter dealing with the Diplomat. This proposed swap is simply a swap of public property with the State of New Jersey. It does not involve the Diplomat property whatsoever. Despite that and to avoid any appearance of impropriety, even though there is no conflict, I advised the City that I would not represent it simply because there have been so many misstatements made which some of the members of my firm believe are willful and intentional to harm the firm that we have sought

additional legal advise to determine what rights we should undergo as a firm. Thank you.

Councilman Brown – No comment.

Councilman Giordano – No comment.

Councilman Unger – No comment.

Dr. Celli – Yes I have two things. First of all for all those who know me, I am very proud to say that I am a Veteran and I served my Country honestly and fairly. I don't care what you say about me but you can never take my military time away from me. Second of all I want everybody to know, Wednesday is Independence Day and in the City of Long Branch we have what is called Oceanfest down on the Promenade and everyone is invited to come from 10:00 in the morning to 10:00 at night. I hope to see you all there and have a nice 4th of July.

Mr. DeStefano – And I'm just going to conclude by saying that I hear a lot of opinions here, there's a lot of conjecture regarding the road diversion. I think all of us have made it clear that it has nothing to do with the Diplomat Apartments, that has nothing to do with redevelopment in that area per se, that it was part of a plan a long time ago. I know there's a lot of rumors, I know there's a lot of lies, I know there is a lot of misinformation, I know people are trying to bully or frighten other people into thinking otherwise. Clearly think what you want but please, I'm telling you at least on my behalf, everything that I've heard here has been represented as the truth so you can still believe what you want, that's fine.

ADJOURNMENT

A motion was made to adjourn this meeting at 9:45 p.m. by Councilperson Giordano, seconded by Councilperson Celli.