

REGULAR MEETING

CITY COUNCIL

MARCH 13, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, March 13, 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; Anthony Giordano, Councilman David G. Brown, Council Vice 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:

Michael DeStefano, Council President

The pledge of allegiance was recited and certification was read.

PRESENTATION: Mayor and Carl Jennings made presentations to the Soccer Team

READING AND APPROVAL OF PREVIOUS MINUTES:

February 27, 2007

Motion by Councilperson Celli seconded by Councilperson Unger to approve the minutes of February 27, 2007 was carried out upon the following roll call vote: Ayes 3 – Abstain 1 Giordano – Absent 1 DeStefano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#3-07 AN ORDINANCE AUTHORIZING LAND ACQUISITION OF BLOCK 222 LOTS 2 & 3 IN THE CITY OF LONG BRANCH THROUGH NEGOTIATIONS AND EMINENT DOMAIN PROCEEDINGS IF NECESSARY (INTRODUCED: FEB. 27, 2007)

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

Lori Ann Vendetti – 33 & 38 Ocean Terrace

Spoke about this house being the last house on Melrose Terrace. They are my relatives. I'm against any house being taken through eminent domain for private use and benefit. The house doesn't need to be taken for a parking lot now. Let these people live out their lives without their homes being taken.

Harold Bobrow – 295 Ocean Boulevard

I am also against any type of taking using eminent domain. People should know the physical address of the house so people have an idea where the lots are in the City.

Kevin Brown – 162 Broadway

I'm against the use of eminent domain when it involves transfer of property from one property owner to another. Asked about the procedure of the reading of ordinances.

Mr. Aaron – There is a difference between the first and second readings because between the first and second readings there has to be publication and notice and after the publication and notice take place then the second reading can take place and public hearing can take place in one day but there has to be a period of time between the first and second.

Denise Hoagland – 68 Ocean Terrace

I object to this ordinance going through. I do not believe that this is a friendly condemnation.

Vincent LaPore – Long Branch

I was at the workshop and this was not a friendly condemnation. You are also in violation of the open public meetings act from last meeting and will be charged by the State Attorney General.

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

A motion was made by Councilperson Giordano, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 – Nays 1 Unger – Absent 1 DeStefano

#4-07 AN ORDINANCE AMENDING CHAPTER 5 "ADMINISTRATION OF GOVERNMENT", 5-17 "PUBLIC RECORDS" OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO CIVIL UNION CERTIFICATE FEES AND CHAPTER 224, "MARRIAGE", 22-4-1 TO INCLUDE A FEE FOR CIVIL UNION APPLICATION AND CIVIL UNION LICENSE (INTRODUCED: FEB. 27, 2007)

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

Kevin Brown – 162 Broadway

I know this is a function of a higher level of authority in the statute. Did this have to be in the municipal category of marriage?

Mr. Aaron – This is a state mandated statute that says "in the event a civil union is conducted in the municipality, in order to collect the fee for that you have to have it on the books.

Kevin Brown – The issue of it being marriage is yet to be argued or approved.

Mr. Aaron – I'd send you to a higher authority on that. The answer is Trenton and the legislature says this is where you do it unless the City, if it didn't have this ordinance and somebody registered, you couldn't collect the registration fee, you'd do the work for nothing.

Kevin Brown – For you to put the civil union license fee in the category with marriage, unless you are absolutely compelled to do so by the act the state

created, I believe you are making a major error. I am not against civil rights. To call it a marriage so prematurely is setting a precedent that is totally out of order.

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

A motion was made by Councilperson Unger, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 3 – Nays 1 Brown – Absent 1 DeStefano

#5-07 AN ORDINANCE AMENDING CHAPTER 5 “ADMINISTRATION OF GOVERNMENT”, 5-17 “PUBLIC RECORDS” OF THE CODE OF THE CITY OF LONG BRANCH WITH REGARD TO BURIAL PERMIT FEES

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

Michele Bobrow – 295 Ocean Boulevard

You are reducing the fee from \$5 to \$1?

Council - Yes

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

A motion was made by Councilperson Unger, seconded by Councilperson Celli to adopt on third and final reading was carried out upon the following roll call vote: Ayes 4 – Absent 1 DeStefano

ORDINANCES FOR INTRODUCTION: Public hearing March 27, 2007

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

Removed

#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

A motion was made by Councilperson Unger, seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for March 27, 2007. Ayes 4 / Absent 1 DeStefano

#8-07 AN ORDINANCE ADOPTING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MODEL ELICIT COLLECTION ORDINANCE

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#9-07 AN ORDINANCE AMENDING CHAPTER 109, "ANIMALS" OF THE CODE OF THE CITY OF LONG BRANCH

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#10-07 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 247 "PARKS", SECTION 247 "PROHIBITED ACTIVITIES" OF THE CODE OF LONG BRANCH

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#11-07 AN ORDINANCE AMENDING AND REVISING CHAPTER 215 "LITTERING", ARTICLE II "CLEAN COMMUNITIES PROGRAM"

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#12-07 AN ORDINANCE AMENDING 325-30 SCHEDULE V: PARKING TIME LIMITS ON CERTAIN STREETS

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#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

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

#14-07 AN ORDINANCE AMENDING ORDINANCE NO. 45-95 (PARKING - WESTWOOD AND POOLE AVENUE)

A motion was made by Councilperson Unger, seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for March 27, 2007. Ayes 4 / Absent 1 DeStefano

#15-07 AN ORDINANCE AUTHORIZING CONVEYANCE OF REAL PROPERTY LOCATED WITHIN THE CITY OF LONG BRANCH TO PURCHASE AND SALE AGREEMENT DATED DECEMBER 29, 1006

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 March 27, 2007. Ayes 4 / Absent 1 DeStefano

PUBLIC PARTICIPATION

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

Margaret Rice – 176 Branton Avenue

Spoke regarding library functions. Tomorrow night is a program regarding India. 3/31, Shore Seniors Legion Showcase is doing Lip Syncing Acts of entertainment legends. This will raise money for an art display system in the Library. Spanish and English language café. Drop in Homework Lab for students every Wednesday afternoon. I've brought leaflets all through April. Pick one up in the back.

Michele Bobrow – 295 Ocean Boulevard

Do the ordinances need a simple two-thirds majority to pass?

Mr. Aaron – All ordinances need a simple majority except those dealing with finance issues which need four out of five votes.

Mrs. Bobrow – So the ordinances that were just voted three to one passed?

Mr. Aaron – Yes.

Mrs. Bobrow spoke regarding Sunshine Week and government access and presented Council with a resolution that she would like introduced.

Julia Wheeler – 36 Rockwell Avenue

Spoke regarding the Sunshine week resolution presented to Council. The Concerned Citizens Coalition backs this resolution.

Ann Barron – NJ Foundation for Open Government

We are dedicated to expanding public access to government records and meetings while respecting the legitimate privacy rights of individuals in NJ. We urge you to pass this resolution. The website is wonderful for Long Branch. You have right up to date minutes. You should add your executive session minutes and redact the items still pending.

Mr. Aaron went over the process to obtain executive session minutes.

Eddie Moses – 780 Boyer Avenue

Spoke regarding the geese problem in Elberon.

Diana Multare – 21 North Bath Avenue

Spoke regarding the geese. Distributed pamphlets and CD's for the Council to view. There are a lot of diseases that can affect people but they do not come from the Canada goose. Spoke about humane benign methods of dealing with geese population. Geese do not like bushes or trees. You could change landscaping. Went on to discuss various ways to control the geese.

Walter Frattin - 55 Matilda Terrace

Spoke regarding the Fire House consolidation. He is totally against it.

The Mayor stated that there have been a number of meetings about it but no decisions have been made.

Kevin Brown - 162 Broadway

Spoke regarding the hearing that is going to take place between the City and his religious organization that is going to take place two weeks from today. Went on to read an article from the US Dept of Justice Civil Rights Division.

Marco Diaz - 135 Hampton Apts

Spoke regarding a program at the library tomorrow and a job fair that is going to be sponsored by the Monmouth County Workforce Board. Thanked the newspapers for putting his article in the papers.

Harold Cooper - 113 S. Seventh Avenue

Asked where we were at as far as implementing cable television in covering Council meetings.

Mayor Schneider said it hasn't changed. It will come up during the budget process.

Mr. Cooper gave kudos to Councilman Unger for his support of Ordinance # 4-07.

Harold Bobrow - 295 Ocean Boulevard

Agreed with Harold Cooper. Spoke regarding R77, legal services for Mr. Kraft. Aren't you putting the cart before the horse? Shouldn't you wait until after the ordinance is adopted?

Mr. Mehlhorn stated that he is doing the work. If it doesn't go through then we wont utilize it.

Spoke regarding the Bond Ordinance and it's a good thing. You should televise this so the public can see truly what you are doing. It's a wonderful thing. Asked if there was a meeting today with anybody from Beachfront South in this place today?

The Mayor stated yes.

Asked what the meeting was about.

The Mayor stated it was a review of their project designs.

Mr. Bobrow asked who was at the meeting.

The Mayor stated it was Mr. Talwar, members of the administration, not including any elected officials including myself and the people from the Hovnanian Association.

Mr. Bobrow asked if there was any movement on Beachfront South?

Mr. Aaron stated no.

Mr. Bobrow spoke about feeding birds, ordinance #9-07. Went on to speak about the savings that the bond ordinance will bring. Asked for a Citizen Budget Review Committee.

Marshall Colver - 449 Broadway

Spoke regarding cable contract and Verizon.

Mr. Brown stated Verizon will not come in to talk until the contract with Comcast is up.

Mr. Woolley stated that Verizon is putting cable service in Municipalities throughout the state. They have done about 20 municipalities in the County. I do not know when they will be doing Long Branch. They do not have to wait for the Comcast contract to be up.

Mr. Cover then went on to speak regarding his sons safety giving the history of gang activity in the City and how he is concerned.

Mr. Giordano told Mr. Cover to speak with Mr. Grant who is in the room tonight. He is on the board of education.

Mr. Cover spoke regarding graffiti in the City and regarding redevelopment. Asked what the occupancy rate is on rental units by Cooper Avenue.

Mayor Schneider said that those were all for sale, sold or privately owned. I don't know what percentage was rented out for the winter. Pier Village is all rental and it is 100% rented.

Denise Hoagland - 68 Ocean Terrace

Spoke regarding the feelings and opinions of many people regarding redevelopment and the people who back MTOTSA regarding eminent domain.

Avery Grant - 405 Atlantic Avenue

Invited the public and the Mayor and City to the open house public meeting of the Concerned Citizens Coalition this Thursday at 5 pm at Brookdale Learning Center. Gave a brief history of what the Concerned Citizens Coalition does.

Lori Ann Vendetti - 33, 38 Ocean Terrace

Spoke regarding an article in the Press regarding the DeLuca property and believes Mr. Fernicola owes every MTOTSA resident an apology unless it was a misquote. Went on to speak about 10-07 and what it says about the definition of where you can feed wildlife.

Mr. Aaron is going back to the health department to review this ordinance.

Lori Ann Vendetti - NFIB organization, March 20th at 6:30 at the Sand Bar in Brielle, eminent domain forum. Spoke about K Hovnanian enterprises and a loss the last fiscal quarter. Then went on to speak about Bill Nordahl. If it

weren't for him knocking on our doors four years ago the homes in MTOTSA might not even be standing. No one should be put in the position we have been put in.

Bill Nordahl – 67 Marine Terrace Apt 3

Thanked Lori for her comment. Stated that he believes everything he said in court last week was true wherein he was trying to protect his rights against eminent domain. Judge Lawson ruled against me. My lawyer and I believe in everything we said.

Helene Multare – 21 North Bath Avenue

One more voice for the goose / geese. Read an article from the NJ State Department of Health wherein no cases where human illness can be contributed to goose droppings.

Anna DeFaria – 45 Marine Terrace

Thanked Bill Nordahl for knocking on our door. Thanked Lori and the core group that worked so hard for four years. We have made so much progress. Eminent domain is fine in its purpose but when its abused then its not fine.

Lila Poch – 1175 Ocean Avenue

Spoke regarding the sun tan she was getting with the lighting in this building. It's inappropriate to burn bulbs that are destroying the earth. Spoke regarding exit signs in public buildings and incandescent lights. Went on to speak regarding the public meeting held in Elberon. We are appealing to you to remember that taxpayer's pocket books don't reach down to hell and back again.

Sharon Wise – 65 Cedar Avenue

Spoke regarding ordinance # 10-07. Asked for the definition of wildlife.

Mr. Aaron stated, anything other than a human or domesticated animal.

The Mayor stated that the State is mandating that we adopt these ordinances as part of the Storm Water Management System. I'm not sure how anyone is going to enforce this.

Herbert Poch – 1175 Ocean Avenue

I am a retired pediatrician who is still teaching on the faculty at Monmouth. I am concerned about what the Mayor said about cleaning up the area around the Elberon School for toxic waste. I want to know from Council and the Board of Ed and the Department of Health why we have not heard about this and what are we doing about it?

Mayor Schneider stated that he never used the word toxic. My suggestion at that meeting was that that was Board of Education property, their clean up had to be approved and that the question should be addressed more accurately to the Board of Ed.

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

RESOLUTIONS:

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

Councilman Unger voted no for Realty Appraisals on the bill list.

APPLICATIONS:

1. APPROVAL OF THREE (3) RAFFLE LICENSES FOR THE CYSTIC FIBROSIS FOUNDATION
2. APPROVAL OF THE 2007 RENEWAL OF TAXI OWNERS LICENSE OF PHYLLIS MALLOY
3. APPROVAL OF THE TRANSFER OF A TAXI OWNERS LICENSE FROM PHYLLIS MALLOY TO MOHAMMAD AFZAL
4. APPROVAL OF LEE DURLAND AS AN ACTIVE MEMBER OF THE INDEPENDENT ENGINE AND TRUCK COMPANY
5. APPROVAL OF A RAFFLE APPLICATION FOR TEMPLE BETH MIRIAM
6. APPROVAL OF A RAFFLE APPLICATION FOR POLICE UNITY BIKE TOUR, INC.

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilwoman Celli - I would just like to wish everybody a Happy St. Patrick's Day on Saturday because that's my holiday and that's why I have green on.

Councilman Giordano - No comment

Councilman Unger - I did want to address the West End Fire House which has been the subject of several presentations to Council and Administration and I just want to say for the record and for Mr. Frattin and other residents in that part of Long Branch that we've come to a near unanimous conclusion that we have to build a new fire house and it makes little sense to try to rehab these dilapidated buildings that were designed for the horse and buggy age and I think we are nearly unanimous about that. Having said that, we have asked some professionals to study the neighborhood and it's happening right now. We have one of the professionals in particular evaluating the neighborhood as a residential unit and what negative impact there might be from a firehouse. I just want to assure you Walt, that we take it very seriously and I myself lean very heavily towards not having it in that location but it is going to be a very fair process and you'll definitely be informed about the outcome and I also would like to say something about the graffiti. I think if we are going to take gangs serious in this City we shouldn't have a passive attitude toward gang graffiti because everyone knows that it acerbates the situation by marking out the turf like that and

making it so public I really think it has an effect on the children so I'd like, what I'm going to ask the Mayor and Administration to look at is an ordinance that doesn't just cover public property but private property. I don't think private property owners whether they've abandoned or semi abandoned the property or not should be allowed to leave the graffiti up indefinitely and I think we should have an ordinance from a code enforcement point of view that addresses that and I want to thank Herb for bringing up the situation at Elberon School. I'm surprised there has been no media coverage. I live across the street from the school. I don't recall seeing a single media article in any of the local, weekly's or Asbury Park Press about it and I live across the street and I was completely ignorant of it when it came up at the Elberon Property Owners meeting so I think it's (inaudible) on us to encourage the media to make that happen and perhaps the administration or members of Council can take those steps.

Council Vice President Brown - Ladies and Gentlemen, thank you for coming. We will listen to all things that were said and discussed and we will be glad to see you at the next Council meeting.

Council President DeStefano - Absent

ADJOURNMENT

A motion by Councilperson Unger to adjourn this meeting at 10:00 p.m. was seconded by Councilperson Celli.