

REGULAR MEETING

CITY COUNCIL

APRIL 24, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, April 24, 2007 at 8:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

Dr. Mary Jane Celli, Councilwoman; Anthony Giordano, Councilman; Brian Unger, Councilman; 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

The pledge of allegiance was recited and certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

April 10, 2007

Motion was made by Councilperson Celli, seconded by Councilperson Brown to approve the minutes of April 10, 2007 – Ayes 4 / Abstain 1 Giordano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#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

Motion to hold this ordinance over for public hearing / adoption to the May 8, 2007 meeting.

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

A motion by Councilperson Giordano 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 Giordano to close the hearing was seconded by Councilperson Celli.

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 5

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

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

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding the status of ordinance #18-07 and inquired about the minutes being approved.

Mr. Aaron stated that the ordinance remains in introduced status and the public hearing is being delayed on that ordinance. It is not being stricken, the public hearing is just being held over. This is just to allow the Council more time to consider issues that have arisen.

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

A motion was made by Councilperson Giordano, seconded by Councilperson Brown to adopt on third and final reading was carried out upon the following roll call vote: Ayes 5

ORDINANCES FOR INTRODUCTION:
Public hearing May 8, 2007

#21-07 AN ORDINANCE AMENDING ORDINANCE 325-3C, SCHEDULE II (325-26) N O PARKING (DALE STREET)

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 May 8, 2007 - Ayes 5

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

Attended the NJ Library Association meeting at the Ocean Place Hilton. One of the awards given this evening for a Library Service Award was given to Professor Kathleen Smith Wenning and her tutoring group from Monmouth University who started the "English as a second Language" program. I put pamphlets on the back table for everyone to read.

Kevin Brown – 162 Broadway

Spoke regarding the appointment of Council President and Council Vice President. I have a problem with Mr. DeStefano's style of running the meeting. Went on to speak regarding the process of rotation of the terms.

Mr. Aaron stated that the Council President could remain Council President for the entire four-year term.

Kevin Brown – Don't take it personally. Are you allowing churches on lower Broadway now or are they still prohibited?

Council President – The issue is still in litigation Mr. Brown.

Kevin Brown – Asked if everything was status quo.

Councilman DeStefano stated that everything in the plan remains the same.

Kevin Brown stated that a church opened up at 145 Broadway at the beginning of the year and I feel that's wrong.

Lori Vendetti – 33 & 38 Ocean Terrace

I agree with Rev. Brown on the resolution 105-07. Spoke regarding the process of them rotating that position. What changed?

Councilwoman Celli stated that it was my term to be the president and I realized that I have three dates, Council dates that there is a possibility that I could be out of town and if I sit as your Council President, I want to be in town and know what's going on and because I was going to be absent, I asked Councilman DeStefano to take my place. That is our prerogative as Council people. There was no set rule, who did what. For the first times, yes we did follow but this time I'm in a position where I can't do certain things and that's why.

Mr. Vendetti – went on to speak about people taking turns. Went on to read excerpts from the MTOTSA reply brief regarding the appellate case.

Jim Keelan – 142-154 Belmont Avenue

Spoke regarding time restrictions on blight status or redevelopment of his area. Asked the Council to make an ordinance putting a time cap on these items. There should be time restraint on our blight / eminent domain. Spoke regarding code violations in his area. It's a dumping ground. Asked if the Board of Education is allowed to park commercial vehicles on their grounds overnight?

Mr. Aaron – As long as they are using their property for school purpose they are allowed to do it without general regard to the zoning ordinances, however, the use of the streets becomes another issue.

Donna Peterson – 104 Rockwell Avenue

Spoke regarding terms of presidency. How come Mr. Unger can't be President?

Mr. Aaron stated that Mr. Unger jumps in where Mr. Zambrano would have filled in. Mr. Unger will continue in the rotation.

Donna Peterson asked the Mayor about reverse mortgage and what he told Mrs. DeFaria.

Mayor Schneider stated he doesn't understand what was being asked. I told Mrs. DeFaria that a reverse mortgage was available. She claimed later on that I told her she had to get one and I never said that. A reverse mortgage was one possibility.

Donna Peterson went on to speak about reverse mortgages. Further spoke regarding pictures presented to Judge Lawson of the redevelopment area.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding R107-07, 108-07, 109-07, 119-07. Made a suggestion to increase the fee that you are going to charge these individuals. Go back to

18-07 and take those monies from those fees and utilize them to be able to have the people utilize the beach. Asked Mr. Mehlhorn what percent increase will it be over the last budget?

Ron Mehlhorn - I didn't calculate that.

Harold Bobrow spoke regarding the City Attorneys salary going up from \$18,000 a year to an estimated \$30,000 a year according to what I have. Spoke regarding office expenses in various offices. Went on to speak about Baby Independence and asked if there was a problem with putting it on city property.

The Mayor stated he had a problem with that. He would like more details.

Harold Bobrow stated that it was brought up before.

Bill Nordahl - 67 Marine Terrace Apt. 3

Commented on R105-07 and stated he was against it. Stated to Mr. DeStefano that he has been the most unreasonable person of all of the people that have been Council President as far as enforcing this five-minute rule.

Bill McLaughlin - 448 Ocean Avenue

Asked why Mary Jane was still the vice president.

Council President DeStefano stated that this is how it was decided.

Bill McLaughlin spoke regarding Mr. Chen and the Institute of Justice working with eminent domain and went on to discuss the payment of the City Representative in that matter. Asked Mr. Woolley about comments made by the Company that was hired for the reval.

Mr. Woolley stated that most of those comments were misquoted.

Asked the Link to retract comments that were made.

Went on to speak about the boardwalk. What is the update on the boardwalk?

Council President DeStefano - There is no change. It's still in negotiations.

Bill McLaughlin went on to speak about the developer doing the boardwalk. Asked if the two million dollars that was given by Hovnanian was going to the boardwalk.

Mr. Mehlhorn stated no.

Bill McLaughlin - Who's paying for the boardwalk? Stated that you were three years overdue.

Michelle Bobrow – 295 Ocean Boulevard

I am very upset for Mr. DeStefano retaining his position. Asked Mr. Aaron about her request for making public the minutes of executive session. When do you think that will be ready?

Mr. Aaron stated it should be available for discussion at the next Council meeting.

Michelle Bobrow – Spoke regarding a time limit on budget discussion.

Council President stated he was planning on giving more flexibility to the budget but less flexibility to general comment.

Michelle Bobrow asked if there was an update on redevelopment this meeting.

Mr. Aaron stated no.

Marco Diaz – 135 Rockwell Avenue Apt. 51

Spoke regarding the plaque.

Mayor Schneider stated that first of all I don't believe in the use of public property in that manner. The only sense I have is that the unfortunate death of an infant is being used and exploited by several people to try to self aggrandize themselves and I won't have any part of it.

Diana Multare – 21 North Bath Avenue

Spoke regarding bathroom facilities on the boardwalk and how they were locked. You should have more than one bathroom opened. Perhaps you could videotape the outside of the bathroom to deter vandalism. Went on to speak about different items in the budget and Mr. Mehlhorn responded about the UEZ administration grant items, special item of revenues.

Sharon Wise – Cedar Avenue

Spoke regarding the plaque. Is it just up to the Mayor? Is it just your decision?

Mayor Schneider – Yes.

Sharon Wise – can we do anything? We just want to have a memorial.

Jennie Frattin – 55 Matilda Terrace

Spoke regarding the Master Plan and the placement of a firehouse in her area. Our neighborhood is wonderful. Asked the Mayor to clarify what he said about a transient area.

Mayor Schneider stated that what he was referring to that much of the neighborhood and part of it was after talking with her husband Walt, much of the neighborhood has been broken up into multi families and apartments and the less of a home ownership so its more transient. That is a factor in whatever decision we make.

Jennie Frattin – This is a residential area, its quiet, its wonderful. There are never any complaints in that area. It's not a transient area. This building would look wonderful as an anchor in your West End Village backing up to a strip mall, not my house. If this were your house you'd kill before you'd let anyone do this to you.

Walter Frattin – 55 Matilda Terrace

We've been in this house for 50 years. Went over some history of Long Branch. Everything you do in Long Branch is second hand. Planning and Zoning is horrible. There have been sad movements in Long Branch. Spoke regarding the lighting in the Council chambers. When are we taking this building down? Think about that and not a firehouse in my neighborhood. Went on to speak about development, it's horrible. The sand pumping is ridiculous.

Lila Poch – 1175 Ocean Avenue

Spoke regarding the events that took place in Virginia. There is time to take some action against these things happening. Asked if Long Branch has joined "Mayors Against Illegal Guns".

Mayor Schneider – I don't know if we've gotten anything.

Lila Poch – Can we inquire?

Mayor Schneider – Sure.

Lila Poch – the City is hosting a marathon this Sunday and we will be having thousands of people running up and down our streets. Has someone taken the time to look at the potholes on Ocean Avenue? If someone falls, we are going to have problems. I suggest they be maintained for the safety of the people concerned. Spoke regarding the lighting in the Chambers. Mentioned the boardwalk and the lavatories. Asked about Takanassee Lake at the beach club. What's going on?

Councilwoman Celli stated that there is going to be a meeting on May 1st at 7pm and you can ask questions then.

Lila Poch – Is the owner moving the housing on the site or is the developer doing that?

Council President DeStefano – I believe it's the owner.

Vincent LaPore – Long Branch

Spoke regarding R105-07. You're absent, your disrespectful the public before and after you run for office. Spoke regarding a no vote he requested on Public Strategies and again its in the budget tonight. I ask this be a no vote on that. Spoke regarding opinions and quotes of Christopher Christie regarding public corruption.

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 A RAFFLE LICENSE FOR STELLA MARIS RETREAT CENTER
2. APPROVAL OF A RAFFLE LICENSE FOR THE RONALD MCDONALD HOUSE
3. APPROVAL OF FREE YARD SALE WEEKEND ON MAY 19 AND MAY 20, 1007
4. APPROVAL OF ACTIVE MEMBERSHIP FOR SOLOMON HICKS III IN THE ATLANTIC ENGINE & TRUCK CO.

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 5

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilwoman Celli – I think I've already said my peace, thank you.

Councilman Giordano – I was asked to remind everybody that on June 1st, 2007 from 6pm to midnight at the Long Branch Middle School there will be the second annual Wave of Hope Walk for Cancer Research. All proceeds to benefit the Cancer Institute of New Jersey in memory of colleagues and cancer survivors of the Long Branch public school family. Thank you.

Councilman Unger – I just want to say something about the budget document. We've had some discussions internally about making full disclosure of the entire roughly one foot thick budget so that members of the press and the public, particularly the public I think because the press can get copies easier in many cases so you can actually see all the backup for each department and not just the top line number and I'm not 100% sure, but I think we made some progress. I've discussed it with the Mayor and with Councilman Giordano and I'm hoping by the time we get to the next budget cycle, you'll be able to go to the city's website as soon as its proper to do so and see the entire thing and print it out off a PDF file without even having to make an OPRA request which I think OPRA requests should be reserved for extraordinary circumstances and really arcane documents that wouldn't normally be disclosed but I've been looking a little at the OPRA law this week with some help and advice from Counsel and its clear to me that we could do a little bit better so I'm hoping administration goes along with that and finally I agree with Mrs. Frattin. We have discussed the location of the firehouse and have received an oral report. I think its important to look at the decision as well as something for 100 years and I think this neighborhood like so much of Long Branch is poised for improvement and I don't consider the neighborhood transient in a negative sense and I think if we look at the sighting of the firehouses as a 100 year decision, we wouldn't put it in this neighborhood.

Council Vice President Brown – To concur with Councilman Giordano, cancer is a disease that effects personally, individually, please support this and the time is from 6 to 10 pm. It's a very worthy cause, thank you.

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.