

REGULAR MEETING

CITY COUNCIL

SEPTEMBER 22, 2009

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, September 22, 2009 at 7:00 p.m. in the Municipal Building, 344 Broadway, Long Branch, New Jersey.

PRESENT:

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

OTHERS PRESENT:

Mayor Adam Schneider; Howard Woolley, Administrator; James G. Aaron, City Attorney; Irene A. Joline, RMC, City Clerk

ABSENT:

Anthony Giordano, Councilman; Ronald Mehlhorn, Finance Director

The pledge of allegiance was recited and certification was read into the record.

HEARING – TAXI CAB LICENSE - SHEILA BRAKE

James Siciliano appeared before Council on behalf of Sheila Brake. Mr. Siciliano went over Ms. Brake's police record and what she has done since her last conviction to rehabilitate herself.

Director Richards then went over her record with the police department and her arrests. Would not feel comfortable in signing off on her getting a license.

Mr. Aaron gave a synopsis of the case and asked the Director if he would be comfortable in the event that Council decided to provide a probationary license that would have as a condition of obviously no drugs, no alcohol and any other involvement in the judicial system for an intended period of time.

Director Richards stated that that wouldn't be a recommendation he would make. Giving the record, he stated he would go with the Council's judgment.

Councilman Unger feels a probationary period would be good and then come back to Council.

The Mayor stated that he would like to review her record to find out what they will base their decision on.

Motion to continue to the October 13, 2009 meeting.

READING AND APPROVAL OF PREVIOUS MINUTES:

September 8, 2009 – Motion to approve the minutes of September 8, 2009 was offered by Councilperson Brown, seconded by Councilperson Celli – Ayes 4 / Abstain 1 Unger / Absent 1 Giordano

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

#15-09 AN ORDINANCE AMENDING THE RC-1 BEACHFRONT MIX ZONE AS TO ALLOW FOR THE DESIRED "MIX" NATURE OF THE ZONE AND STILL MAINTAIN THE CHARACTER OF THE ESTABLISHED RESIDENTIAL AREAS WITHIN THE ZONE (INTRODUCED: SEPTEMBER 8, 2009)

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

Harold Bobrow - 295 Ocean Boulevard

Asked Mr. Aaron to explain the ordinance.

Mr. Aaron stated that it solves the problem in the beachfront mix zone so that the new ordinance says that the establishment of any new stand alone commercial/retail/food uses shall be prohibited unless they are located adjacent to and abutting an existing stand alone commercial use.

Diana Multare - 21 North Bath Avenue

Asked to clarify the area that is being talked about. Is this the area opposite Seven Presidents Park?

Council President DeStefano - Yes.

Mrs. Multare is glad this is taking place.

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

A motion by Councilperson Brown, seconded by Councilperson Celli to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 4 / Absent 1 Giordano

#16-09 AN ORDINANCE OF THE CITY OF LONG BRANCH COUNTY OF MONMOUTH STATE OF NEW JERSEY AMENDING ORDINANCE 9-09 (FARMERS MARKET) (INTRODUCED: SEPTEMBER 8, 2009)

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

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

A motion by Councilperson Brown, seconded by Councilperson Celli to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 4 / Absent 1 Giordano

#17-09 AN ORDINANCE AMENDING ORDINANCE 1-09 OF THE CITY OF LONG BRANCH SECTION 345-1 ENTITLED "HISTORIC PRESERVATION ORDINANCE" (INTRODUCED: SEPTEMBER 8, 2009)

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

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

A motion by Councilperson Brown, seconded by Councilperson Unger to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 4 / Absent 1 Giordano

ORDINANCES FOR INTRODUCTION: PUBLIC HEARING SCHEDULED FOR OCTOBER 13, 2009

#18-09 ORDINANCE REAPPROPRIATING \$135,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION OF TWO NEW BEACH RAKES AND THE REFURBISHMENT OF A BEACH RAKE AS MORE FULLY DESCRIBED HEREIN IN AND BY THE CITY OF LONG BRANCH, IN THE COUNTY OF MONMOUTH, NEW JERSEY

A motion was made by Councilperson Brown, seconded by Councilperson Unger to introduce on first reading, advertise and post according to law and set the public hearing for October 13, 2009 was carried out upon the following roll call vote: Ayes 4 / Absent 1 Giordano

PUBLIC PARTICIPATION:

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

Joe Morrielo - 764 Ocean Avenue

Spoke regarding Takanassee Beach Club and the designated spot for beach access parking. There is a camper/trailer there. Asked the Director to look into it.

Mr. Hayes stated he already looked into it and its private property and the property owner has no objection to it. It was moved into the construction site.

Ruby Howard - 205 Ludlow Street

Spoke regarding property located at 130 Chelton Avenue. Notices of violations were sent stating there was trash and debris. Called and asked someone to clean the lot, paid \$500.00. Received a call from the City stating the clean up was not sufficient. The second clean up cost \$250.00. The person went back and cleaned up more today. There seems to be dumping on this property. Asked for after dark police patrol and surveillance.

Donna Peterson – Rockwell Avenue

Spoke regarding the new reassessments.

Mr. DeStefano stated that it was ordered by the County.

Mrs. Peterson went on to speak regarding Channel 20 and the individual who is looking to get a taxi license.

Diane Zucknick – 33 Cooper Avenue

Spoke regarding an increase in her mortgage payment statement. The payment went up \$400.00. Her taxes are \$9,000.00. Can not afford this. Something needs to be done.

Diana Multare – 21 North Bath Avenue

Spoke regarding the pier and the ferry. Read a letter into the record from Councilman Unger regarding fees pertaining to MTOTSA. Wants it in writing, how much was spent.

Mr. Aaron stated that no monies were spent.

Mr. DeStefano stated that the money came out of escrow from the developers.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding his appreciation with all that goes on between the City and Beachfront South and a piece of paper that was written up that he would like to have signed stating that eminent domain will not be used.

The Mayor stated that he has said before that eminent domain is off the table with Beachfront South and has showed no reason for them to believe that it will be used.

Bernard Gorcey – 36 Second Avenue

Spoke regarding trash being dumped at night, proud of MTOTSA for fighting the City but would like to see it in writing too. Asked what is going on with Broadway. Asked if there will be eminent domain there.

The Mayor stated that probably not as it has already been acquired by the developer.

Vincent Lapore – Long Branch

Spoke regarding the fight of Beachfront North, redevelopment zone and the blight designation. Went on to speak regarding MTOTSA and the individuals that did not sign the agreement. Asked Mr. Woolley if Beachfront North is still considered an area in need of redevelopment – Mr. Woolley, yes. Asked if Beachfront North non affiliated MTOTSA people are they still subject to eminent domain – Mr. Aaron, no. Non releases are not subject to eminent domain. Asked Mr. DeStefano, if the property owner has developer rights, are they subject to Council for review – Mr. DeStefano, yes. Went on to speak about the financial capabilities of the releasing defendants to comply with proposed zoning in their redevelopment proposals? – Mr. Aaron stated that they have no redevelopment proposals. They have the rights but no

proposal set up, they know what they can build. Went on to speak regarding the MTOTSA proposal.

Lori Ann Vendetti – 33, 38 Ocean Terrace

Spoke regarding an eminent domain ordinance. There should be one that would be satisfactory to everyone.

After ample time was given and no one came forward a motion was made by Councilperson Celli seconded by Councilperson Brown to close the public portion of this meeting.

RESOLUTIONS:

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

APPLICATIONS:

1. APPROVAL OF TWO RAFFLE LICENSES FOR THE LONG BRANCH CONCORDANCE
2. APPROVAL OF A RAFFLE LICENSE (CASINO NIGHT) FOR THE CENTER FOR VOCATIONAL REHABILITATION
3. APPROVAL OF A RAFFLE LICENSE FOR SAINT JEROME PARENT TEACHER ASSOCIATION

A motion by Councilperson Brown, seconded by Councilperson Celli to approve the above applications was passed upon the following roll call vote: Ayes 4 – Absent 1 Giordano

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilman Brown – Good evening everyone. Very interesting Council meeting. As always we are open to the citizens of Long Branch. I just don't understand and this is personally and this is from me, I don't understand when questions are asked of this Council and questions are answered, they are not received as being truthful or the answer. The word of Council has always been that, the word of Council. As long as I have been on Council, my word has been my bond. It will continue to be as long as I sit here. A question is asked, I will answer it to the best of my ability. A question is asked, I will tell you what my personal and my professional reasoning is. My answer is just that. It's an answer to a question. I don't understand where the flavor of the objections are coming from. I don't understand that when civilized intelligent persons stand before us and they continue to ask questions, and they accuse us of lying, that when we do answer, it's not the truth or it's not an answer. We can do no more then what we have been doing. I can do no more then what I have been doing and I will not do anything other then what I did when I first swore to this job and that is my word and when I agree to publicly state that word in 1994, it is the same word that I hold before you this night in 2009. With that I thank you, looking forward to seeing you at the next meeting.

Councilman Giordano – Absent

Councilman Unger - Just one comment, I think what Miss Multare was referring to in my memo to the Mayor, the Council, City Administrator is worthy certainly going forward as I think Mr. Aaron pointed out to go back and do an audit of the past ten years would probably cost quite a bit of money, however, I think it points to the fact that these costs were not tracked in City Hall, certainly not the internal costs and certainly not a completely global audit of all the costs involved in these developments and in these lawsuits, in fact, Denise Hoagland, several times, at least three times while I've been on Council has stood at that microphone and asked our CFO Ron Mehlhorn if he could provide an account for cost and he said no and I realized that there is a system whereby litigation costs are reimbursed by the developer, that's undoubtedly true however, I think there are many other costs, non litigation costs, professional costs, internal costs, I think City Hall management which we pay pretty decent salaries to should be providing how much time they're spending on these projects and not on other things that are a benefit to the City so I still agree with my original intent which Miss Multare echoed that going forward, I think it would be a good idea if Ron and his staff just track these costs in a very simple but comprehensive accurate way. Thank you.

Dr. Celli - No comment.

Mr. DeStefano - Well I had a piece of history which I will forego. I just found a comment that was just made kind of interesting that management in doing redevelopment doesn't benefit the City when I imagine the time they spend on redevelopment does benefit the City but I will repeat myself from last week regarding eminent domain. Eminent Domain is the tool in the redevelopment process. An area in need of redevelopment is a very difficult long process, it's a very public process and I recall all of the public meetings we had, we had more than the statute required. There is no way in this City that anyone who would call those meetings or decide to declare a new area in need of redevelopment where the public would have no idea that this was occurring and nor would they have no understanding that eminent domain is part of a redevelopment area. I've already said it last time and I will say it again, I have no intention of creating any new redevelopment areas, therefore the tool of eminent domain will not be used, I guess except in its traditional sense, I disagree with the word "abuse", I always have but that's a different subject so the remainder of the City that are not in redevelopment zones need to know at least from me, I have no intention of using eminent domain as a tool, I have no intention of ever declaring another redevelopment zone. As far as I'm concerned they have no concerns regarding that and I find those ordinances unnecessary.

ADJOURNMENT

Motion to adjourn by Councilperson Brown, seconded by Councilperson Unger.

This meeting of the Long Branch City Council adjourned at 8:15 p.m.