

REGULAR MEETING

CITY COUNCIL

JULY 24, 2007

8:00 P.M.

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

PRESENT:

David G. Brown, Councilman; Anthony Giordano, Councilman; Brian Unger, Councilman; 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

Absent: Dr. Mary Jane Celli, Council Vice-President

The pledge of allegiance was recited and certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

July 10, 2007

Motion was made by Councilperson Brown, seconded by Councilperson Unger to approve the minutes of July 10, 2007 - Ayes 4 / Abstain 1 Giordano / Absent 1 Celli

CONSIDERATION OF ORDINANCES
PUBLIC HEARING AND FINAL CONSIDERATION

None

ORDINANCES FOR INTRODUCTION:

#29-07 AN ORDINANCE ON PIER VILLAGE LAND EXCHANGE

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 August 14, 2007. Ayes 4 / Absent 1 Celli

PUBLIC PARTICIPATION:

Mayor Schneider - Particularly for everybody who is here on the issue of the road opening / closing, I did have a chance to speak to Mr. Sherman earlier in the week, I did try to get a story in the Asbury Park Press but the reporter was unavailable. We are pulling that issue. We are not going to try to open the road. Over the last several weeks and in fact I believe the first meeting where this issue became public was approximately two months ago, I believe it was the last meeting in May. Despite what some people here screamed at us, we did listen to the reasonable comments that were made. Many people got up who lived down there, particularly on some of those side streets who have been there a long time were opposed to what we were proposing. It has been in the redevelopment plan both for the northern portion of the road, north of the hotel and for the southern portion for quite some time, however, it is clear that it has brought out a considerable amount of antagonism, much more, we did anticipate some

opposition but nothing like this and we do listen to things like that particularly where we recognize that we could have done a better job. Clearly had we opened up for discussion and included in a planning process on that specific issue, we might have done things a little differently. I'm not sure but we could have done it that way and in retrospect we probably should have. However, when the original decision to attempt to reopen it was made in 1995, in 1996, if you go back and look at the record of those hearings, it was one of the issues that made redevelopment appear appealing to those of us up here and the people on the Planning Board that the reopening of the road would be a good thing. The resolution that proposed this Green Acres swap was prepared by the Engineers office. They have not been notified as of yet but that resolution undoing it will be put on for the next meeting. What I also am saying is that entire area needs to be reviewed. Many of the letters that I have got, and I've read virtually all of them, I got more tonight that I did not have a chance to read as of yet, talked about a need for investment in that area. That's not something we ever argued over. There is work that needs to be done. Part of this proposal and I believe it got lost in some of the anger is that we weren't going to be doing anything until the boardwalk is rebuilt and there is no question the boardwalk needs to be rebuilt, there's no question that there needs to be other public access spaces there. There's no question that we need new bathrooms down there. All of that is extremely expensive and almost all of it is part of the redeveloper's agreement for Beachfront South. Right now, that is not moving as fast as we'd like. We are of the opinion that it will ultimately get built and the boardwalk will be rebuilt and with the building of the boardwalk there will be new bathrooms, there will be new access points, there will be new handicapped access points. As the issues that we've talked about that need to be addressed which include public access, which include parking, everybody will be included in planning sessions. I've started already to set some of these up that will not, probably will not take place in this building. It will take place at your condominiums, they will take place in your hearing rooms and give you a chance to say what you want in an atmosphere other than this kind of a public meeting. I wish this had turned out in a different fashion but I hope that at least some people here understand that we do listen to what gets said up here. We don't always answer because frequently when we do say things we get yelled at and interrupted and we don't get to finish and that I won't do. I made that clear during some of the meetings but we did hear what was said and many of the arguments to keep the road as it is were good and we are leaving it as it is then. Thank you.

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

Bill Schatzow – 967 Elberon Avenue

Spoke regarding the distrust of the Council. Went on to speak about reassessment in Long Branch and the different rates that are being paid.

The Mayor stated that he never argued that the property taxes in this state are unfair.

Diana Multare – 21 North Bath Avenue

Spoke regarding reassessments in Long Branch. Spoke about what the Council could do in terms of its tax rate to bring it down. Spoke regarding the budget and the hiring of a new Assistant Business Administrator. Spoke

regarding grant money for the Police. Went on to speak regarding redevelopment in other areas of the State.

Lori Ann Vendetti – 33, 38 Ocean Terrace

Thanked the Mayor and Council regarding the issue about keeping Ocean Avenue closed. Spoke regarding Eminent Domain abuse.

Harold Cooper – 113 S. 7th Avenue

Thank you for listening to the will of the people. Spoke regarding the actions taken by the Council at the last meeting with regards to closing the public portion. Went on to speak regarding the kind of people that the City deals with.

Dennis Sherman – Ocean Boulevard

Spoke regarding the Ocean Avenue issue and thanked the Mayor and Council on behalf of all the people present at the meeting, the 5,600 people that signed petitions and all of those who have written their objections to the opening of Ocean Avenue. Went on to speak regarding the repair of the boardwalk and the timeline for discussions.

Mayor Schneider discussed some of the items proposed by Mr. Sherman when they spoke yesterday. At the moment, there is no timeline.

Nancy Anderson – 448 Ocean Avenue

Spoke regarding the Green Acres signs by the Hotel and Seven Presidents and why there are none from Brighton to Bath Avenue. There should be signs.

James Keelen – Belmont Avenue

Spoke regarding the plans in the workshop from the Ocean Place Hilton. Went on to speak regarding the fence on the beach at The Avenue and problems found by DEP on our beach. Spoke regarding his taxes and also made comments about the vacant school properties in town. Spoke regarding police protection down at Pier Village.

Harold Bobrow – 295 Ocean Boulevard

Asked if there was any change in Beachfront South. Mr. Aaron stated not that he knows of since the last time we've spoken.

Went on to speak regarding the hiring of Jeff Nadel. Spoke regarding the Hotel Campus project and CAFRA approval regarding evacuation routes. Asked that the information be available for people to digest before the Council votes on it.

Erma Schwartz – 11 Vine Court

Spoke regarding the access on the beach and the boardwalk.

Mr. Woolley stated that the City Engineer has designed a handicapped access ramp that will be installed at Cottage Avenue. CAFRA must approve this first. They have it for their review.

Pete Wagar – Partner in SAWA Steakhouse

Spoke regarding noise complaints from SAWA by the individuals that live above. Spoke regarding the noise ordinance.

Bill McLaughlin – 448 Ocean Avenue

Appreciated the decision regarding Ocean Avenue. Went on to speak regarding the condition of the area and also the handicapped ramps that are pending approval.

Mr. Unger spoke at this point regarding televising the meetings. The meetings are taped every week and if you want to watch the Council meetings on the Web, you can “Google” Kevin Brown video and it comes up.

Donna Peterson – 104 Rockwell Avenue

Spoke regarding Broadway redevelopment and the tenants that are there now. Spoke regarding the increase in taxes.

Denise Hoagland – 68 Ocean Terrace

Spoke regarding the Hotel project and eminent domain use there. Went on to speak regarding impact on the sewerage authority and the utility companies by putting more housing in Long Branch. Also spoke regarding parking in MTOTSA.

Arlene Labora – 928 Elberon Avenue

Spoke regarding Park Avenue Estates and the one-way street on the corner of Bernard Drive and Lynch Drive. The detention basin is hazardous. How can you insure the safety of the people that use that street?

The Mayor stated that we could put signage up now if it is being misused. We will have someone look at it tomorrow. The detention pond is already in the midst of being reconstructed because it does not drain properly.

Michele Bobrow – 295 Ocean Boulevard

Spoke regarding the litigation with Hovnanian.

The Mayor stated that the last conversation with Hovnanian in terms of the timing of their project and acquisition, they are waiting to see the outcome of the Long Branch redevelopment case that is currently before the Appellate Division.

Michele Bobrow stated that she hopes the citizens will be able to win considering the court decisions handed down. Went on to speak regarding Newark and the Mulberry Street decision and televising the meetings.

John Ferraro, 674 Buttonwood Avenue

Spoke regarding the opening of Ocean Avenue, the hiring of the new Assistant Business Administrator and read quotes from the Mayor and Council President DeStefano from 1988.

John Ferraro – Lakewood, NJ

Spoke regarding Proctor Estates and Walgreens.

Catherine Darby – 465 Sairs Avenue

Spoke regarding Proctor Estates and it was the peoples choice to have the Mayor represent them and they paid.

Vince Lapore – Long Branch

Spoke regarding various properties in the City and partnerships with certain individuals regarding ownership.

A motion by Councilperson Giordano to close the public portion of the meeting was 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 THE ILAN HIGH SCHOOL
2. APPROVAL OF A RAFFLE LICENSE FOR NJ REPERTORY COMPANY
3. APPROVAL OF FIRE DEPARTMENT APPLICATION FOR STEVEN T. SPIEZIO AS AN ACTIVE MEMBER IM THE OCEANIC FIRE COMPANY

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

MOTIONS:

Motion to approve the Long Branch Health Department State Report

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

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown – No comment

Councilman Giordano – No comment

Councilman Unger – I don't know if people in the audience realize it but the way we conduct our meetings, the City Council members do not get to speak until this point in the meeting when you're all leaving so I just want to point out the way, we can't speak in between questioners. This is the time we are allowed to respond to everything that comes up in the meeting so if you care to hear any responses now would be the time to do it so I just want to respond myself to some of the comments about the eminent domain case in the MTOTSA neighborhood and how it relates to Hotel Campus and Beachfront South. I heard Lori Vendetti's comments, I heard Dee Hoagland s comments and I happen to agree and I think it is incumbent either upon

our law firm, Mr. Aaron or by the City engaging another attorney, we do have other internal resources legally and in terms of mediators and I think as a City Council member I would like to see what our fall back position is going to be if indeed we do lose this case. As you have mentioned tonight, there has been five court decisions at three different levels of judiciary that are basically in one form or another and I'm not an attorney but I am advised by a Counsel that they have basically gone against the City's position in one way or another and I would like to know as a member of Council, what our fall back position is going to be and I think it should be part of a wider public debate especially in light of the massive development we are going to see in Hotel Campus and I think it really struck me tonight seeing the drawings that it really (tape turned) debate about Beachfront South and the MTOTSA neighborhood more important to me personally. I think these need to be low rise infill village style single family small town home village type beachfront communities because what we are going to have on either end is sky scrapers, massive developments and if you saw today's drawings you'll see what I mean so that's all I really wanted to say. I also wanted to respond to Harold Pudgy Cooper if I could briefly, Harold I think I know what you are talking about and that's why I vote against contracts like that of Schoor Depalma every time they come up. When I was running for Freeholder, we proposed a very strict pay to play ordinance that would penalize any consultant firm, any engineering firm, law firm, construction firm that wanted to do business with the County of Monmouth if they were indicted or convicted of bribery or violations of the pay to play statute including whatever penalties they might suffer criminally, they would no longer do business with the County of Monmouth for four years and that's why for the next four years I'm going to vote against Schoor Depalma and I just think it's a punishment that should be meted out. It's a violation of the public trust and there has to be some very very difficult punishment for that kind of offense so... Thank you.

Dr. Celli – Absent

Mr. DeStefano – No doubt disagree to some extent to some of the comments just made. One is, is that this is being debated as far as redevelopment, its being debated in court, that's where it belongs at this point and it will be settled there or well, it will be settled there one way or the other. As far as companies, unfortunately there are people that are in various companies that do violate the law. I do not hold all of the employees accountable. I would think that would be like if the President of some local company was charged with something and its 1,500 employees were punished for his actions, I don't agree with that kind of an action. That's just my particular statement. With that, we stand adjourned. Good night.

ADJOURNMENT

This meeting adjourned at 10:00 p.m.