

REGULAR MEETING

CITY COUNCIL

OCTOBER 23, 2007

8:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, October 23, 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; 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; Irene A. Joline, City Clerk

The pledge of allegiance was recited. Certification was read.

READING AND APPROVAL OF PREVIOUS MINUTES:

October 9, 2007

Motion was made by Councilperson Celli seconded by Councilperson Brown to approve the minutes of October 9, 2007 - Ayes 4 - Abstain 1 Giordano

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#39-07 AN ORDINANCE AMENDING 325-28 OF THE CITY OF LONG BRANCH ENTITLED SCHEDULE IV: PARKING PROHIBITED DURING CERTAIN HOURS DURING CERTAIN TIMES OF THE YEAR (EASTBOURNE AVENUE)

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 Celli, seconded by Councilperson Brown to close the public hearing.

A motion by Councilperson Celli, seconded by Councilperson Brown to adopt said ordinance on third and final reading was adopted upon the following roll call vote: Ayes 5

#40-07 AN ORDINANCE GRANTING TAX EXEMPT STATUS ON A PHASE IN BASIS PURSUANT TO NJSA 40A: 21-1, ET SEQ., "FIVE YEAR EXEMPTION AND ABATEMENT LAW" TO PIER VILLAGE APPLIED LWAG, LLC FOR PHASE II OF THE REDEVELOPMENT AREA IN THE CITY OF LONG BRANCH DESIGNATED AS PIER VILLAGE

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

Kevin Brown - 162 Broadway

Asked if the City would be benefiting at all with this abatement?

Mr. Aaron stated that the land will always get taxed at 100% of its value so that from the get go, the land under the new assessment is more than the land and the improvements from the beginning. Second year you get 20% of the improvements on the property, third year, 40%, 60, 80 and 100 phase in again to five years. This is the shortest of the tax abatements that are permitted by state statute.

Harold Bobrow – 295 Ocean Boulevard

Asked Mr. Mehlhorn, based on the amount of anticipated development, what do you anticipate the total tax abatement will be.

Mr. Mehlhorn stated he would have no idea.

Mr. Bobrow went on to speak regarding tax revenues and what is going to be abated.

Councilman Giordano went over the agreement that was put together by the developer that addressed all the tax revenues.

Mr. Bobrow asked what the tax abatement was in Phase I?

Mayor Schneider stated that that was public record and we could get those numbers.

Bill McLaughlin – 448 Ocean Avenue

Spoke regarding an article in the paper and Mr. Nadel's comments regarding the number of developers that wanted to be the developer for Pier Village. Went on to speak regarding assessments. Would like to see the Council vote against this.

Michelle Bobrow – 295 Ocean Boulevard

Spoke regarding the reason for tax abatements. Urges the Council to vote against it.

Vincent Lapore – Long Branch

Against this abatement. Went over various companies and construction loans involved. Discussed financing rules. No further tax abatements should be voted on.

Bill Nordahl – 67 Marine Terrace Apt. 3

Spoke regarding the previous agreement and the plan for Pier Village. Went on to speak regarding low-income housing and tax abatements and deals that could have been made with the developers for low and very low-income housing. You should not grant the tax abatement.

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

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

Mr. Brown – Before I make my vote I will state that I have heard the citizens this evening and listening to you and as we have tried to explain at the last meeting two weeks ago, this is a continuing phase in the building of Pier Village. This tax abatement is a three-prong phase in. It's based on the original plan. This Council has followed the plan as best as it could. The beginning was exactly that, it was a beginning, it was not a given that millions of dollars over anticipation was to be made. It was always hoped and anticipated to make a goal of this both profitable for a developer and especially for the quality of life for the citizens and because of this whole beginning and the phase in and because of this whole beginning of the plan and this Council continuing with that plan I quantify and clarify my vote and I vote yes.

Mr. Giordano – I just want to clarify one item one of the speakers said was that the units in Pier Village sold for three times the amount they anticipated. All these units are rentals, there were no sales in Pier Village so to make sure that the record is correct, these are all rental units in Pier Village, none were for sale so none of them sold for three times the amount they were anticipating. Secondly, every project but particularly the Pier Village Project, because it was the first major project to the City, we undergo extensive, months and years of analysis, financial analysis to make sure the City is getting the best financial deal possible. Pier Village, without Pier Village, other things wouldn't be possible in this City. There wouldn't be the interest on Broadway that there is today. There wouldn't be the interest in Broadway Gateway, the Hotel would not be interested in putting together a 500 million dollar project and if you add up all the jobs and all the economic benefit that's going to come to the City because of that, its as a result of the beginning of the revitalization of the beachfront and the beginning of Pier Village Phase I and Phase II and with that, I vote yes. Thank you.

Mr. Unger – No.

Dr. Celli – I think my colleagues have said it very well, that I believe that when you enter into a contract which we did with the original Phase of Pier Village, that was part of the contract that they get a second abatement for Phase II and therefore I vote yes.

Mr. DeStefano – One of the other points that were made, I think Mr. Aaron had made it was that the property is taxed at 100%, the abatement is only on the improvement and that with the assessed value of the property, its already increased in value so that the City is already gaining from the value of the property so in essence its not being harmed and its not technically losing revenue. I guess it would be a little cynical of me to say that I am shocked and amazed that some of you here are against this but I guess that would be a little to cynical, I vote yes.

#41-07 AN ORDINANCE AUTHORIZING PAYMENT IN LIEU OF TAXES FOR GRANT COURT URBAN HOUSING ASSOCIATES, LLC FOR GRANT COURT PROJECT

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

Harold Bobrow – 295 Ocean Boulevard

Asked if this ordinance could be explained. Asked who are the principals of this LLC Associates.

Mr. Aaron stated that he doesn't know who the principals are.

Mr. Woolley stated the principal builder, the LLC is Pennrose developer, which is the same group that did Seaview Manor.

Kevin Brown- 162 Broadway

Spoke regarding public / private being allowed in these types of projects.

Mr. Woolley stated that this was done with a combination of Hope VI money and tax credit financing from the State of New Jersey.

Mr. Brown stated he doesn't see much of a problem with this.

After ample time was given and no one responded, a motion was made by Councilperson Unger, seconded by Councilperson Brown 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 5

ORDINANCES FOR INTRODUCTION: (Public Hearing set for 11/7/2007)

AN ORDINANCE AMENDING 325-27 OF THE CODE OF THE CITY OF LONG BRANCH ENTITLED SCHEDULE III: "PARKING PROHIBITED ON CERTAIN STREETS" OF THE CODE OF THE CITY OF LONG BRANCH TO LIMIT PARKING ON HOLLYWOOD AVENUE FROM NORWOOD AVENUE TO MONMOUTH PLACE

A motion was made by Councilperson Brown seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for November 7, 2007. Ayes 5

PUBLIC PARTICIPATION:

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

Kevin Brown - 162 Broadway

Spoke regarding comments made by Councilman Giordano with regards to the Pier Village Tax Abatement ordinance. Spoke regarding trust that is broken down. Spoke regarding two land transactions that were purchased by the City of Long Branch on Broadway.

Mr. Aaron stated under the redevelopers agreement the developer is required to pay all of the costs of the acquisition of real estate in their particular areas. The City is the only party that can take property through the acquisition process called eminent domain. Therefore, when the deed transfers to the City, the City immediately transfers out the deed to the developer because the developer paid for it. The developer is not going to pay for it twice. The City uses the developer's funds to pay for the deed and then it is conveyed immediately to the developer and the developer has it on the tax rolls.

Mr. Brown then went on to speak about the City still doing business with Schoor Depalma.

Walter Frattin – 55 Matilda Terrace

Spoke regarding the development in Long Branch and construction in Long Branch. Went on to speak regarding traffic in Pier Village and the construction of buildings on Bath Avenue.

Bill Nordahl – 67 Marine Terrace Apt. 3

Spoke regarding Schoor Depalma and the Applied Group. The City should find more ethical people to deal with. Went on to speak about the Dean Mon lawsuit.

Mr. Aaron asked if Mr. Nordahl read the response from the Barry's.

Mr. Nordahl stated that they denied it.

Mr. Aaron stated that it was going through a discovery process.

Mr. Nordahl believes that there should be a criminal investigation.

Mr. Goldstein – 2 Chelsea Avenue

Spoke regarding pushcarts. Asked when he was going to get a response back from his letter.

Mr. Woolley stated that he was putting out a response and should be to him in a day or two.

Mr. Goldstein went on to read the letter he submitted to Mr. Woolley.

Harold Bobrow – 295 Ocean Boulevard

Spoke regarding Schoor Depalma and various indictments in the firm and bills on the bill list. Asked about the Kushner home. Has anything been done?

Council President DeStefano – No.

Mr. Bobrow stated that for transparency sake, with regards to redevelopment, we should sit down and hash this out so we get a positive win win win for the City.

Denise Hoagland – 68 Ocean Terrace

Spoke regarding comments made by Mr. Brown and corrected him with regards to serving the people of the City of Long Branch. Went over a list of things there wouldn't be if it weren't for Pier Village.

Michelle Bobrow – 295 Ocean Boulevard

Spoke regarding land acquisition discussions in executive session, which is talk behind the public's backs about taking properties. Went on to speak about the City increasing the wealth of the Community and tax rates rising. Redevelopment does not help all residents.

Marco Diaz – 135 Rockwell Avenue Apt. 51

Stated that the All Neighbors Foundation is having a meeting on November 5th at 5pm at the Long Branch Brookdale College. Asked if all would attend.

Vincent Lapore – Long Branch

Spoke regarding Broadway property, Elberon taxes and revaluations. Spoke regarding Long Branch Tomorrow and the Council that were representing the City.

Diana Multare – 21 North Bath Avenue

Spoke regarding Long Branch Tomorrow and other committees that the residents are not involved in.

After ample time was given and no one else came forward, a motion was made by Councilperson Unger seconded by Councilperson Brown to close the public participation.

RESOLUTIONS:

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

APPLICATIONS:

None

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER:

Councilman Brown - Good evening everyone, as we know, October was designated Cancer survivor and cancer awareness month and because I have two survivors in my wife Ellen and my daughter in law Andrea, I would just like to thank everyone who had been aware this month and contributed either spiritually or financially. If we don’t say it, the holiday season is coming upon us, we wish each and everyone of you and your families a very happy Thanksgiving and also for the record, Mr. Bob Furlong who is deceased and was the head of Long Branch Tomorrow was a resident and when he died, he lived on Ocean Avenue in West End. Thank you.

Councilman Giordano – I just wanted to remind everybody that Election Day is on November the 6th, State representatives, County Freeholders are all up and everybody should get out and vote. Thank you.

Councilman Unger - We received correspondence today at City Hall from a group called Surf Rider Foundation, its an environmental group and they invited the City Council and I think they invite all supporters to a rally in support of preserving Takanassee Beach Club and the rally is on Saturday, November 3rd at 11 a.m. in the parking lot at St. Michaels Church and the letter sights the historic nature of the property and the environmental value of the property as well. I just want to say that I think one of the things that we could do as a City, going forward, with any new developers that come into the City is perhaps generate revenue for projects like this which are expensive to the City to acquire even with state aid, perhaps if we had looked ahead and gotten additional payments for public acquisition from developers, it would make the acquisition of properties like this a little bit easier so in any event, I hope all of you turn out to this rally. I hope other Council members come. We are still trying to put together a financial

package that will make the property affordable but as everybody knows we are still waiting for CAFRA to make a decision. If it's a negative decision then the value of the property should go down quite a bit and we've had discussions again with Green Acres and they've indicated a real willingness to try to go outside the box to fund this acquisition. Thank you.

Dr. Celli – The lady that normally comes and speaks to us every two weeks about the Long Branch Free Library, you notice she's not here tonight. She fell and she broke her hip and she is in the hospital so I ask for your prayers and if you feel like it, send her a card because she is always here and she always supports our Library and I'm going to have one less friend after tonight because he doesn't like when I do this but I am going to do this and I am going to wish the Mayor a Happy Birthday.

Mr. DeStefano – No comment.

ADJOURNMENT

This meeting adjourned at 9:00 p.m.