

REGULAR MEETING

CITY COUNCIL

DECEMBER 29, 2009

7:00 P.M.

The Regular Meeting of the Long Branch City Council was held on Tuesday, December 29, 2009 at 7:00 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, Administrator; Barry Capp, Esq., City Attorneys office; Ronald Mehlhorn, Finance Director; Irene A. Joline, City Clerk

ABSENT: James G. Aaron, Esq., City Attorney

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

READING AND APPROVAL OF PREVIOUS MINUTES:

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

CONSIDERATION OF ORDINANCES

PUBLIC HEARING AND FINAL CONSIDERATION

#24-09 AN ORDINANCE VACATING A RIGHT OF WAY IN BLOCK 302 OWNED BY THE CITY OF LONG BRANCH ACCESS TO SEAVIEW AVENUE

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

John Tuttuli, Esq., representing property owners Michael & Jennifer Schiavo

Spoke regarding concerns regarding the description of the sight, the paper street between lot 7 & 8 and asked what is going to happen.

Mr. Woolley stated that settlement agreement on this area called for the developer to build conforming single family dwellings on those properties. Mr. Woolley stated also that he will meet with the owners of the property to show them the agreement and concepts of what those homes would be like.

Mr. Tuttuli stated that if it was in the agreement and prevents some commercial development by the developer then it would be satisfactory to his clients. Their concerns were that is was going to be redeveloped as part of Beachfront II zone.

Mr. Woolley stated it is but it's in the residential section, not the two commercial sections.

Vincent Lapore – Long Branch

Spoke regarding the notice in the paper regarding this ordinance and asked where is the conveyance of the City parcels as far as the obligation and asked that the public notice be reissued and the matter be tabled. Asked Mr. Capp if the City has a clear title on this right of way that dates back to 1840.

Mr. Capp stated that the City could not convey the property without the title.

Mr. Lapore asked that this be tabled until all the information relative to title, appraisals etc be clarified.

David Fisher – Principle with the firm of Matzel Mumford

Responded to certain issues brought up tonight. Only residential housing is being built. The plans are part of the consent order signed by the Judge as well as the 5th amendment to the redevelopment agreement. The homes will all be single family detached residential homes. There will be no commercial development on Seaview. The right of way existed for some time to provide to what was once a landlocked parcel that didn't have access to a public street. There is no need for the right of way at this juncture because all of the properties that adjoin the right of way have access to public streets.

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

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

MOTIONS:

MOTION TO RESCIND MOTION PASSED DECEMBER 8, 2009 TO CARRY ORDINANCE #22-09 ENTITLED AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING TITLES AND SETTING SALARIES FOR CERTAIN EMPLOYEES OF THE CITY OF LONG BRANCH FOR THE YEAR 2009 TO THE MEETING OF DECEMBER 29, 2009 (THIS ORDINANCE WAS LEGALLY ADOPTED AT THE DECEMBER 8, 2009 MEETING BY A VOTE OF AYES 3, NAYES 1, ABSENT 1)

Motion by Councilperson Celli, seconded by Councilman Giordano to approve said motion was passed upon the following roll call vote: Ayes 5

ORDINANCES FOR INTRODUCTION:

PUBLIC HEARING SCHEDULED FOR JANUARY 26, 2010

#25-09 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 345-10 OF THE CITY OF LONG BRANCH COMBINED LAND USE ORDINANCES TO PROVIDE FOR CLARIFICATION OF DESIGN GUIDELINES HANDBOOK 6 FOR REDEVELOPMENT ZONING IN THE BEACHFRONT SOUTH SECTOR OF THE REDEVELOPMENT ZONE

A motion was made by Councilperson Celli, seconded by Councilperson Giordano to introduce on first reading, advertise and post

according to law and set the public hearing for January 26, 2010 was carried out upon the following roll call vote: Ayes 5

#26-09 AN ORDINANCE AMENDING SECTION 32 OF CHAPTER 325 "VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF LONG BRANCH TO DESIGNATE CERTAIN STREETS IN THE CITY OF LONG BRANCH AS ONE WAY STREETS

A motion was made by Councilperson Celli, seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for January 26, 2010 was carried out upon the following roll call vote: Ayes 5

#27-09 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 218 LOITERING OF THE CODE OF THE CITY OF LONG BRANCH

A motion was made by Councilperson Celli, seconded by Councilperson Giordano to introduce on first reading, advertise and post according to law and set the public hearing for January 26, 2010 was carried out upon the following roll call vote: Ayes 5

PUBLIC PARTICIPATION:

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

Diane Zucknick - 33 Cooper Avenue

Spoke regarding an ordinance to limit eminent domain so the situation could never occur again in the City.

Vincent Lapore - Long Branch

Spoke regarding property rights, Long Branch Tomorrow, OceanFirst Bank, and Solomon Dwek.

Catherine Darby - 465 Sairs Avenue

Spoke regarding Broadway from Norwood to Liberty Street, it's a disgrace. No uniformity. Union and Liberty Street, people standing on the street looking for a job and the vans parked on Sairs Avenue.

Jerry Scarano - Long Branch

Spoke regarding the City's website, Broadway facades and snow removal.

Councilman DeStefano stated that there State roads, County roads and City roads. Broadway is a County road.

Mr. Woolley then stated that the City is divided into five sections. Two trucks and a pickup truck in each of the five sections. Their priority is to do the major arteries first, Bath, Broadway, Third, Second, streets like that. Those are the streets that get done first. After that they do the additional streets. Each of those sections were done in a pecking order. No one area was given any special treatment. The City had a severe number of complaints because we had more snow then we've ever had. It was hard to keep up with it as well as the City has in the past. It was more snow then the City could handle with the amount of men and the amount of trucks that the City has. We do not dictate where they go to lunch. We do break the shifts in sections so

that people are plowing while others are eating but we can not control where they go on their lunch.

Michelle Bobrow – 295 Ocean Boulevard

Spoke regarding the closed session minutes that were posted on the web. Last minutes were for Nov 10th. They should be posted in a more timely fashion. Wished everyone a happy and healthy New Year.

Lori Ann Vendetti – 33, 38 Ocean Terrace

Wished everyone a happy holiday. Disagreed with Mr. Scarano, the snow removal was as best and if not better then what could have been with this storm. Went on to speak about the eminent domain ordinance that should be adopted city wide. Happy New Year to everyone.

Jean Hastings – Hobart Manor, Long Branch

Spoke regarding the snow removal. Merchants should shovel their sidewalks. No one could get through. An ordinance should be adopted to make it safe for people that use the sidewalks.

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

RESOLUTIONS:

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

APPLICATIONS:

1. APPROVAL OF TWO RAFFLE LICENSE FOR NEWCOMERS CLUB OF RUMSON, FAIR HAVEN, LITTLE SILVER, SHREWSBURY
2. APPROVAL OF ACTIVE MEMBERSHIP FOR JOSEPH GRAY IN THE PHIL DALY FIRE COMPANY
3. APPROVAL OF ACTIVE MEMBERSHIP FOR ASHLEIGH LAYTON IN THE BRANCHPORT HOSE COMPANY
4. APPROVAL OF VARIOUS TAXI OWNER'S LICENSES FOR THE YEAR 2010
5. APPROVAL OF RAFFLE LICENSE FOR LONG BRANCH ELKS LODGE 742
6. APPROVAL OF RAFFLE LICENSE FOR WAVE OF HOPE FOUNDATION INC.

A motion by Councilperson Brown, seconded by Councilperson Unger to approve the above applications was passed upon the following roll call vote: Ayes 5

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER

Councilman Brown – Yes, I would just like to wish everyone a continuous holiday season and a healthy and happy new year. Thank you.

Councilman Giordano – Good evening, I would also like to wish everybody a happy new year and a couple remarks about the snow removal. I thought that the Department of Public Works did an outstanding job during the storm. It was a very tough storm, it was two feet of snow in a short period of time and if you drove through any other municipality, I think you'd have an appreciation or at least a better appreciation for the job they did here in our town. I think Mrs. Hastings just made a comment about shoveling snow. You

know one of the things that I've noticed, would hope in the future there would be a little more participation is from residential homes in terms of shoveling the front sidewalks that face the curb because, particularly like on Monday when there was school in session and kids had to walk to school, it was very obviously there were probably 10% of the houses in the town that really shoveled the sidewalk and kids had to walk in the street, the snow was still piled up in the street so it made for really dangerous conditions come Monday morning when people had to either walk to work, walk to school or just get around town. Its not an easy town to plow, we have a lot of multi family dwellings throughout town that had cars parked in the street, sometimes no or not enough off street parking so that just makes the problem a little more difficult but I think if homeowners would, and shoveling two feet of snow isnt easy, a lot of us did it but get out there and shovel the sidewalks so that people that have to walk up and down the streets whether be going to school, walking to a business or going anywhere else can do it without having to walk in the middle of the road. Thank you.

Councilman Unger - I also want to wish everybody a happy new year and in retrospect we got a great Christmas and Hanukkah season. I want to say that I've enjoyed working with my colleagues, the Mayor and the Council, we've gotten a lot done and a lot remains for the half of 2010. I think I would be remise if I also didn't mention, you know I lost my wife in June of 2009 so I kind of want to dedicate this meeting to her. I didn't think of having a resolution but in my own heart I am dedicating this last meeting of 2009 to her. She was a great environmentalist by the way and one of Mayor Schneider's best appointments he ever made recognizing her environmental dedication, he appointed her to the Zoning Board, which I happened to serve on so I had the good luck of sitting next to her at the Zoning Board meeting and Dave was on the other side and that began our relationship and we were together for 20 years and so I want to thank the Mayor for that as well. As far as the coming year goes, I hope we got everything done you wanted us to get done. We got a lot done but there's a lot more on the plate we are hopefully going to wrap up the historic preservation commission in January and finally get some appointments done. I agree with Lori, I think we need a citywide eminent domain ordinance that protects residents from the abuse of that tremendous police power that the state and the city has to condemn property and certainly not in such a way that would limit lawful eminent domain that is necessary for the public safety and the public welfare but really the abuse of that particular police power and also I think our goal in the first half of the year, the budget is going to come up, its going to be to hold down taxes, these are tough economic times, we want to hold down salaries, expenditures, taxes so that we can help our citizens and taxpayers get through this really really tough economic period that we are all going through so having said that, happy new year everybody.

Dr. Celli - I guess I'm going to be a copycat and I'm going to wish everybody a happy and a healthy new year. I'm not going to make any comments about the snow removal because I was snowed in for three days so Anthony I couldn't even have shoveled my sidewalk if I wanted to because the snow was drifted up there. We've had a good year. I think it was a nice thing you did for Janice, Brian. We all have worked hard for all the citizens of Long Branch and Lori, I'm sorry, I didn't know your mother was ill. Please give her my best and I wish her good health as I wished everybody else and with that I'll say good night to everybody.

Mr. DeStefano - I have been asked regarding eminent domain what I am afraid of in terms of a resolution or ordinance, whatever it may take and I'm not really sure that afraid or fear is exactly the right emotion or word for what's going on. I'll repeat myself though in what I've been saying all along and what I've been saying all along is that to get an area in need of redevelopment was a very difficult, long and public process. There are six areas that we had designated areas in need of redevelopment. There are six redevelopment zones. This Council, I can't speak for the whole Council, I have no intention of ever going through that designation again. Eminent domain can not be used for redevelopment unless there is an area in need of redevelopment so the only zones that are affected by it now are the six that are already designated as areas in need of redevelopment. That being said, I had always said, you know, don't really feel that a resolution or ordinance is necessary because it really isn't going to be done probably ever again anyway. However, I'm starting to think, you know it's probably a useless gesture, mostly a political one, its political times, maybe its time to consider areas that are not in the redevelopment zone, yes, maybe we should start thinking about it. Leave the redevelopment zones alone, that way we solve all political issues. With that happy New Year and good night.

ADJOURNMENT

This meeting of the Long Branch City Council adjourned at 7:45 p.m.