

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
SEPTEMBER 20, 2007**

The Lakewood Township Committee held a Meeting on Thursday, September 20, 2007 in the Lakewood Municipal Building, at 6:30 PM for the Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor.....	Raymond Coles
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Absent..... Senator Robert Singer
	Absent..... Menashe Miller
	Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

**Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.
Resolution No. 2007-289 – Adopted.**

SALUTE TO THE FLAG AND PRAYER

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, by Resolution of the Township Committee adopted January 1, 2007 and published in the Ocean County Observer on January 10, 2007.

ROLL CALL

OPEN SESSION

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 09/06/07

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 09/06/07

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to approve the above Minutes.

PRESENTATIONS:

Sheldon Wolpin – Heritage Commission

Mr. Wolpin offered a brief presentation in recognition of the third anniversary of the opening of the Lakewood Heritage Museum.

Parking Garage – Russ Corby

Mr. Corby advised there is a UEZ project they began this year to provide funds for appraisal services for various blocks within the downtown area which are outlined on the exhibit maps. The LDC and UEZ have been actively pursuing getting those appraisals and putting them in the context of several parking proposals which the Township Committee has come up with. He stressed that many of the concepts for improved parking are still on the drawing board, and still in the concept stage, but they believe it was the right thing to do to try to get a grasp on the cost of these and they are actively engaged in doing that. One of the alternatives presented to both the Township Committee and the LDC has been the idea of placing a parking garage within the confines of the existing municipal complex.

Mr. Corby presented a concept drawing of a proposed parking garage in the area of Town Square. He focused his comments on the parking garage portion of this concept. Currently, directly behind this building, there are approximately 79 surface parking spaces. What has been proposed as a concept is to build a five story parking garage with exits and entrances on Fourth Street. That proposal would create approximately 525 parking spaces to replace the existing 79. He comes before the Township Committee this evening because the LDC is prepared to act on a few phases of this; first of all to finish the appraisal work on exactly how much land and which portions of the land are valuable and the LDC will act on that at its October meeting provided the Township Committee gives them that direction. And also to begin a feasibility and cost estimate study on what such a facility would cost. There have been various estimates, anywhere ranging from seven and a half million dollars to eleven million dollars. Those are all speculative and they believe, in the LDC, they should in fact go to professional estimates and see what this project would take in terms of cost, and how it may be financed through the LDC and UEZ funds. He noted that after 2009, the LDC will have met all of its obligations with respect to funding the stadium bond which is approximately two million dollars a year. The stadium will be paid off in the ten years that they projected it would be. This is an ideal time to refocus on what has been the greatest need here in downtown Lakewood, and that is parking. This is one of the alternatives, but certainly everyone agrees that it is an alternative and a concept that should be pursued, and they would like that authorization to move ahead and really get some real facts in front of them so judgments can be made with respect to the construction of the parking facility itself.

Mr. Cunliffe advised he is happy to see that Town Square is preserved. So if they put up that parking garage, they will not be giving up the Town Square, which people feel very strongly about. That design will allow them to preserve that entire area.

Mr. Corby explained that is a concept proposal, which will be explained by Mr. Heineman, and Mr. Pfeffer will talk about. His focus is on the parking garage itself. You can see visually that it will serve not only the Municipal Building, which is in need of additional parking, but certainly could provide support parking for the type of retail or commercial that not only already exists along Clifton Avenue, but might be proposed for the future. Certainly if you more than triple the space, quadruple the space for parking, that will be a great advantage to the downtown. It also serves the Municipal Building, and he believes it is a winning situation.

Mr. Cunliffe asked Mr. Corby if they were to go ahead with that, could they save one or two floors just for the use of the municipal employees and possibly tie the parking garage with a walking bridge that comes directly into the building. Then the parking lot across the street could be turned over for retail parking. Besides the cost estimate, can someone check to see if maybe we need six floors. Five hundred spaces sounds like a lot of spaces, but he would hate to build it and not build enough levels.

Mr. Corby stated that ultimately that is a design and construction matter. The concept of this is to serve the Municipal Building. If you would just take the estimates....you are going from seventy nine parking places, you are doubling that commitment just servicing the Municipal Building. The rest of it, more than three hundred parking places can serve multi-purposes. And as far as connecting the buildings, that is a design matter.

Mr. Corby continued with the presentation showing conceptual drawings. He once again stated that he was present this evening to advise that the LDC would like to consider this proposal; they would like to put it on their October agenda, and they would like to begin the cost and feasibility studies; they would like to begin the appraisals, so that ultimately, when the Township Committee has to make a decision, they are making a decision on good information.

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, giving the LDC conceptual approval to look into the lot, to enable them to go forward to the LDC board, and give a presentation.

The presentation continued with comments by Steve Pfeffer, Esq., on behalf of Ben Heineman, BP Graphics. Advised it has been a year and a half process, and that Ben Heineman is devoted to his business in the downtown, and his business is active, busy, and he needs more space. Besides the building on Fourth Street between Madison/Route 9 and Clifton, he owns the contiguous gravel lot which is his parking lot, and as a good citizen over the years, he allows access to the rear of the Strand Theater over that gravel lot. There is no recorded legal easement, but as a good citizen he has allowed access. When he came forward with a plan to build a new unit on that gravel lot, the Committee saw a need not to block the access to the rear of the Strand and that started a year, year and a half, dialogue. Ben Heineman is looking, as part of that dialogue, to trade in effect, his building and the contiguous lot, so that forever the Strand would have access to Fourth Street. In exchange, he would be purchasing or trading one portion of the lot to put up his own building. He seeks no municipal funds, he does not seek any grants whatsoever. And in fact, as Mr. Secare can tell you, there is a state statute where they

have to have a certified MAI appraisal. And basically, when the appraisals are done, which is what Mr. Corby asked for authority on, someone is going to owe someone some money depending on what the appraisals come in at. But other than that, he seeks nothing whatsoever. He stressed that Mr. Heineman is devoted to having his business in the downtown, and to continue with his graphics business.

Mr. Heineman continued with the presentation with visual conceptual drawings. He likes to call it the new downtown Lakewood; he believes it will give a new face to Lakewood. This a proposal for a multi-level parking garage and shopping center. The parking is much needed in the downtown area, for the Municipal Building, downtown merchants, and the Strand Theater. He believes the downtown is becoming stale, and needs a new boost with something good and something nice, and therefore, he offers this proposal for a new Town Square. He is very excited about it. He thinks it will take the existing Town Square, and revive it. There are many things that can be done with it. It will enhance the downtown, and bring a new look to the downtown, and with the added parking, it is something to be considered.

Mayor Coles advised that if they do go forward with this proposal, the Township will be acquiring the building that presently houses Mr. Heineman's business. And if anyone has recently tried to schedule a meeting in the Municipal Building knows, getting space here is almost impossible. His idea would be that the permanent home of the Heritage Museum would be located right in that building, giving them more space than they have right now. There is also the possibility of moving the LDC offices to that building, and freeing up a room in the Municipal Building.

ORDINANCES FOR DISCUSSION: None

Mayor Coles reviewed quality of life items from the previous meeting.

From the September 16th meeting, as to the issues brought up by Senator Singer with regard to County Line Road, Route 9 and Kennedy Boulevard, Mr. Mignella advised he spoke with the State and currently they have a safety impact study going on. The representative is supposed to write him a memo; they are currently reconfiguring Kennedy Boulevard and County Line Road with Route 9. The traffic has exceeded what they thought it would, so they are re-coordinating with the County on what they should do. He should be receiving a memo from the representative, Mr. Conover.

As to the issue of the Martin Luther King Drive/Pine Street pedestrian traffic, Chief Lawson advised that Mr. Franklin has put up the new crosswalk designations. As far as upgrading the lighting, he does not have a recommendation on that yet.

As to the Locust Street project, Mayor Coles asked Mr. Mignella if they had any information from Soils with regard to the clearing and soils stabilization.

Mr. Mignella advised that the land was definitely cleared. They wrote a letter to the Design Engineer. It appears it was cleared according to plan. There is one corner, the south corner, that may have been over-cleared. The Design Engineer's surveyor is supposed to get back to him with an as-built as to what was cleared versus the plan.

Mayor Coles asked that Mr. Mignella follow up on this issue.

As to the illegal turns at Route 70 and New Hampshire, Sgt. Work wrote a letter to the State DOT because they control that intersection, requesting them to visit the intersection and upgrade the “no left turn” signs”, as well as turning into the Exxon Gas station.

Mr. Cunliffe asked if it was illegal to have markings on the pavement that also say “no left turn”.

Mr. Mignella advised he also wrote a letter to the Ocean County Engineer’s Office to have their traffic department investigate some additional striping and/or additional signs as you approach the intersection of Route 70.

Chief Lawson added they have also deployed their new sign board telling people not to block the box on Chestnut Street when they are going towards that intersection.

Mayor Coles asked Mr. Mignella if they could also approach the County about the possibility of putting some turning lanes in along New Hampshire Avenue before the major intersections. A lot of the accidents are people getting rear-ended because they are not expecting someone to be making a left or a right, and especially if they could make the turn off of that road, and slow down approaching the intersection might help a little. It would also provide a place for the Police to be safely off to the side if they wanted to do some enhanced enforcement.

Mr. Cunliffe asked Chief Lawson as to the whole length of New Hampshire Avenue from Route 88 to Route 70, a few years back, the Police Department put together a book outlining every serious accident over a sixteen month period in that area. Recently, there have been two fatalities in the area. He asked if there was any possibility to design a regular series of speed enforcement. He has seen, along the Parkway, signs stating “Targeted Enforcement Area”. Maybe if they had a patrol car in the Blueclaws parking lot, and then maybe a chase car in the area of the First Aid Building on Pine Street, and then pull the cars over at the Fire House on New Hampshire Avenue, and they can do a series of serious enforcement. Maybe if they did a “Targeted Enforcement” and gave out a lot of tickets....he believes part of the problem is speed. He asked if there was a way to have Traffic & Safety look at it; maybe they can use the message board and say “Targeted Enforcement”, and send a strong message and maybe they can bring that speed limit down.

Chief Lawson stated it is a difficult road to run radar on, but they will get together with Traffic & Safety, and see what they can come up with.

Mayor Coles asked Mr. Mack if he had any information on the Peterson’s Sunset Cabin stop work order.

Mr. Mack answered that he called and spoke with the State, and they have not gotten back to him as of yet. It is very difficult to get information from the State on this issue.

Mr. Mignella added that the DEP still has a hold on that site. They are supposed to try and resolve it sometime this month.

Mayor Coles asked that he keep a follow-up file on this subject.

As to the tree limb over Madison Avenue, Mr. Franklin advised it has been taken care of.

As to the "Geese Crossing" signs for South Lake Drive, Mr. Franklin advised that the signs have been made, and they are presently doing a study to find the exact crossing locations.

As to the request for sidewalks along County Line Road, Mr. Edwards advised that he wrote a letter to the County and is awaiting an answer.

As to the issue regarding 269 Miller Road, Chief Lawson advised they had the quality of life team go out...code enforcement inspectors and a police officer.....they spoke with the property manager there, who stated he had filled out permits with the Inspection Department and they had been signed. Presently, evidently the building is not legal for its use, and they were told that the students would be vacated until final approval for change of use.

Mr. Mack added they are supposed to be out by Monday.

Comments from the Committee:

Mr. Cunliffe thanked Mr. Franklin and the Department of Public Works. He had received complaints about the end of Oak Street regarding graffiti and foul language, possible gang signs and construction debris that was collecting in the area. He had forwarded the information to Mr. Edwards, who forwarded it to Mr. Franklin, and the area has been cleaned up.

Deputy Mayor Lichtenstein advised he sent an e-mail to Chief Lawson regarding the street light survey he had requested for the Case Road/Fourteenth Street/Oak Knoll area.

Deputy Mayor Lichtenstein also commented on the construction on County Line Road. He asked if there was any way to move the traffic any faster; it is unbearable. He asked if the construction company could provide officers, or pay for Lakewood officers, to stand at both intersections of County Line Road/Squankum Road and Kennedy Boulevard/Squankum Road, to keep the traffic moving.

Deputy Mayor Lichtenstein asked Mr. Mignella what is the procedure for the utility companies when they take out permits to do roadwork....do they come to the Engineering Department.

Mr. Mignella answered it is usually handled through the mail. They mail in the application with a check; it is reviewed by the Engineering Department, they sign it, and forward it to Traffic & Safety. The utility company then coordinates with Traffic & Safety as to when officers are available to do the work. If it is a bigger job, they hold a meeting. They usually sit down with Officer Reddington and the utility company and try to set up a work plan, a traffic control plan, and a start date.

Deputy Mayor Lichtenstein commented on the construction projects in the downtown area. Recently there were a couple of times that the utility companies proposed to do work in the downtown area at miserable times; it did not make sense. It was at times when it was a very busy shopping season. He asked if they could make sure that they understand, that even if it is a smaller job, that it gets reviewed with the Engineering Department, and Traffic & Safety, so as to avoid problems in the future.

COMMENTS FROM THE PUBLIC will be heard for a limit of one (1) hour. Each speaker will have four (4) minutes and shall be limited to one time at the podium.

Mayor Coles opened the meeting to the public. He asked if anyone has specific questions on the presentation this evening, to please come forward first.

Alice Kelsey, OLV – Stated that if Town Square is preserved, she is excited about the parking structure. However, she uses downtown Clifton Avenue as a thoroughfare from going to one side of town to the other; occasionally she goes to the library. Looking at the stores that are proposed, she feels that going down Clifton Avenue will be even a worse experience because of deliveries, and that should be taken into consideration. She also asked that the Township Committee make a request of the County to upgrade the Lakewood Branch of the Ocean County Library.

Mayor Coles asked Mr. Edwards to draft a letter to Elaine McConnell and request to set up something for maybe in October.

Mr. Cunliffe asked Mr. Corby to make a note that when they start to do the proposals that they need to create some loading zones.

Mayor Coles stated it is also important to remember that they are in the process of having a complete traffic and circulation study for downtown. So you may very well see one-way streets. Clifton Avenue theoretically could become one way also. All that will be taken into consideration.

Mrs. Kelsey further spoke in support of protecting the Town Square.

Larry Simons, 7 Schoolhouse Court – Commented on the presentation this evening. Asked who will be the landlord of the commercial space in the Town Square; will there be any fees charged for parking, he presumes not; will Mr. Heineman have to reimburse the LDC for any funding; one of the original submissions of the original parking was estimated to be a thirteen million dollar cost for a five-story building....the current proposal was for four stories....the original was for 171,000 square feet....the LDC was originally committed to 7.2 million dollars...what will their commitments be now; as to the current Police parking, where will they be parking under this new concept; the Town Square is currently used by many various groups, a number of them are religious in nature to the extent there are also gatherings for the needy for distribution of food, clothing, etc. He can not see a vision of the needy being out in the Town Square in front of all of the commercial areas. What is going to happen to that proposal? Where will BP Graphics be located in this building.

Mayor Coles answered that the building they are talking about constructing around the Square will be privately owned, he assumes by Mr. Heineman, or whatever group he builds it with. In that sense, he would be the landlord of any tenants who are in that building. As to any fees for parking, as far as he is concerned at this point in time, there will be no fees for any parking. He can not say that future Township Committees will not change that, but that is really beyond their control. He does not think Mr. Heineman has to reimburse the LDC for anything because they have not spent anything for him yet. He has every right as an LDC or UEZ business to approach them for a joint participation loan or some other type of LDC financial support that is given to any business in the town that is part of the UEZ. That is between him and the LDC. He assumes he will attempt to get some financial help from them, but again, that has to be presented to the LDC. The original concept was a parking garage incorporating all of the commercial and retail space. This is different. What Mr. Corby talked about this evening is strictly the parking. There is no retail or commercial in the parking. They are talking about two completely separate projects. If Mr. Heineman decides for whatever reason that he does not want to go forward with this, the parking garage can still go forward. The two are not related. They also heard Mr. Corby say he has heard estimates from seven to eleven million dollars. Until they actually get some professionals to do some design work and provide the Township with some estimates, they are just pulling numbers out of the air. So that is one of the things the Committee did this evening, was to give them conceptual approval so that the LDC, if they should approve it in October, can move forward and hire some professionals to get some solid costs to see how far they can go with this. The current Police parking, is the current Police parking. It is not going to change. As to Town Square, the one concern when this all came about was maintaining Town Square, because it does belong to everyone in town. And he disagrees with Mr. Simons that the needy would not be able to be there at the same time as other folks. There is no reason why they can't. The stores there will hopefully be able to compliment some of the things that are going on for people, and give people the opportunity to enjoy the Square, because a lot of people do not use the Square right now. And he thinks that something like this might be able to bring more people out and get people mixing in a better way than they do now. As to where Mr. Heineman's office will be located, he has no idea...he does not know if that has been figured into the plan. But he assumes that Mr. Heineman will be in a big portion of that building because that is the whole reason to go forward with this, as he is out of space in his current location and is looking to expand.

Mr. Simons stated then basically the LDC will finance Mr. Heineman's expansion.

Mayor Coles answered that was not what he said. He said that the LDC will build the parking garage. If Mr. Heineman decides he would like to ask the LDC to give him a loan, similar to the loans they have given to any of a dozen businesses in this town, that is his right as a UEZ business to do that. They may provide financing, but he will be paying it back. So the LDC will be making out in the long run because they collect all of the interest on the loan.

Mr. Cunliffe confirmed with Mr. Corby that his presentation was about the parking garage only.

Mr. Corby answered, that was correct.

Mr. Cunliffe confirmed that if Mr. Heineman wants to get commercial funding someplace, he could go to a bank or he could go to the LDC. If he goes to the LDC, and the LDC approves it, it is going to be a loan, and that is only going to make the LDC money on the interest. They are not giving him a grant; he is not asking for that. And the only thing that the Township would do, as a municipality, would be to focus on the parking garage.

Diane Reeves, 19 Holly Street – Commented with regard to the Rental Advisory Committee; that at the beginning of August, the members presented to the Township Committee a list of their recommendations; requested a status on the review of the recommendations. Also requested that their committee be made a permanent committee. Also commented on her rally which is scheduled for October 20th.

Ms. Reeves further commented with regard to the condition of the railroad track area between Route 88 and Route 9; grass is high, trash is everywhere, chickens, roosters and goats are on the tracks; the area is in need of clean-up.

Mr. Mignella advised he will look into it, as to whose responsibility it is to clean up the right-of-way.

Mr. Mack added he is working on the recommendations of the Rental Advisory Committee; they are formulating the new Ordinance.

David Drukaroff, 1433 Laurelwood Avenue – Read a statement by Rabbi Geller.

James Waters, 1275 Old County Line Road – Commented with regard to the recent Jamarr Dickerson/Rabbi Zimmerman trial.

Gerry Ballwanz, Governors Road – Spoke in opposition to the approval of Resolution No. 2 on the Consent Agenda, with regard to the sale of four lots in the area of Prospect Street, Massachusetts Avenue and Cross Street; feels this land should be preserved in accordance with the recommendations contained in the Master Plan.

Mrs. Ballwanz further commented with regard to a proposed townhouse development off Route 88 that was rejected by the Planning Board.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the presentation this evening. Further commented in opposition to the sale of parcels in the Cross Street/Massachusetts Avenue/Prospect Avenue area; feels the area should be preserved.

Mr. Hobday further commented with regard to the reconstruction of the traffic signal at Route 70 and Massachusetts Avenue, that is forcing more people all of the time to go down Honey Lane to Route 9, which is an extremely dangerous intersection. In January of this year, they talked about County approval for a traffic light at that intersection, and he was of the understanding that it would be constructed in the Fall of this year. But he has not heard anything further. He asked if the Committee could look into that.

Mr. Mignella advised he will call the DOT with regard to this issue.

Mr. Hobday further commented on the intersection of Chestnut Street and New Hampshire Avenue. He knows that the County has said it is too close to the light on Route 70. Nevertheless, people are inclined to block that intersection and even if it is not a red/green light, perhaps some type of flashing light, that says....don't gridlock that intersection.

Mayor Coles agreed, and that was one of the things they were talking about earlier, what they need to do to enhance the safety on the whole length of New Hampshire, but specifically in that area.

Christine Abrams, Coral Avenue – Advised she is opposed to the approval of Resolution 2 on the Consent Agenda. Agrees with Mrs. Ballwanz' comments. Also stated she agrees with Committeeman Cunliffe's comments about New Hampshire Avenue, being that she lives in the area. Stated she has witnessed the speeding cars, and she can hear the loud cars traveling from Route 70 all the way down through Oak, through that light, and continuing along New Hampshire Avenue. She is concerned about the intersection of New Hampshire Avenue and Oak Street, and the cars trying to beat the traffic light. She also asked if anything can be done about the loud cars, when you are pulling them over for speeding.

Ms. Abrams further commented on the parking garage. She stated she was reading on line about a \$50,000 grant that the Township received from Smart Future for parking solutions. She was wondering if that was being applied towards Mr. Corby's presentation, or how was that working.

Mayor Coles answered that was being applied to the traffic and circulation study that he spoke about earlier.

Mr. Edwards advised there was specifically a parking study that was proposed by T & M, and the Township awarded the Contract, and that grant will pay for that study. They have not received the actual grant agreement from the State, other than a letter of approval. So no expenses have been paid for that particular study as of yet because they do not have the grant agreement yet.

Janet Payne, 120 Massachusetts Avenue – Spoke in opposition to the adoption of Resolution No. 2 on the Consent Agenda, and any sale of lands in the Prospect Street/ Massachusetts Avenue/Cross Street area. Spoke in favor of the preservation of all land in this area.

Seeing no one else wishing to be heard, Mayor Coles closed the meeting to the public.

At this time the professionals left the meeting.

CONSENT AGENDA

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

1. Resolution of the Township of Lakewood releasing a Performance Bond for Fourth & Forest, LLC, Block 174.04, Lots 54 & 55
Resolution No. 2007-290
2. Resolution of the Township of Lakewood accepting bids on the following parcels, Block 448, Lot 3; Block 466, Lot 3; Block 467, Lot 6; and Block 477, Lot 11
Mr. Cunliffe removed this Resolution from the Consent Agenda.
3. Resolution Authorizing submission of application to the New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the Fiscal Year 2008 (Strand Theater)
Resolution No. 2007-291
4. Resolution Authorizing submission of application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the year 2008 (Police Officers)
Resolution No. 2007-292
5. Resolution providing for an issue of General Improvement Bonds, authorizing the sale of \$9,800,000 principal amount of general improvement Bonds, series 2007, authorizing advertisement of a notice of sale; authorizing the Chief Financial Officer to sell and award the Bonds; determining the form and other details of the Bonds; and authorizing other matters relating thereto.
Resolution No. 2007-293
6. Resolution of the Township of Lakewood Authorizing the Division of Purchasing/ Finance Office to advertise for and receive proposals for Banking services
Resolution No. 2007-294
7. Resolution of the Township of Lakewood Authorizing the submission of an Administrative Budget Amendment for the Lakewood Development Corporation to the NJ Urban Enterprise Zone Authority in the amount of \$40,000.00 (LDC Budget Submission)
Resolution No. 2007-295
8. Resolution of the Township of Lakewood amending a Leave of Absence without pay, for Jeanette Kaminek, from September 4, 2007 through September 12, 2007
Resolution No. 2007-296
9. Resolution of the Township of Lakewood designating the National Incident Management System (NIMS) as the basis for all incident Management in the Township of Lakewood
Resolution No. 2007-297

10. Resolution of the Township of Lakewood Awarding a contract to JADS Construction Company for the installation of curb/sidewalk on the south side of 14th Street between Route 9 and Forest Avenue pursuant to and in accordance with N.J.S.A. 40A:11-1 ET SEQ.
Resolution No. 2007-298
11. Resolution of the Township of Lakewood Authorizing the Insertion of a Special Item of Revenue into the 2007 Municipal Budget for the UEZ 2007/2008 Administrative Budget (UEZ 2007/2008 Budget)
Resolution No. 2007-299
12. Resolution of the Township of Lakewood Authorizing the Award of a Professional Services contract to T & M Associates
Resolution No. 2007-300
13. Resolution of the Township of Lakewood Appointing Members to the Lakewood Township Zoning Board of Adjustment
Resolution No. 2007-301

Motion by Deputy Mayor Lichtenstein, second by Mr. Cunliffe, to approve Resolution Nos. 1 and 3 through 13 on the Consent Agenda.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.
Mayor Coles abstained on Resolution No. 3.

Resolution Nos. 2007-290 through 2007-301 – Adopted.

Resolution 2 that was removed from the Consent Agenda was discussed and acted upon as follows:

2. Resolution of the Township of Lakewood accepting bids on the following parcels, Block 448, Lot 3; Block 466, Lot 3; Block 467, Lot 6; and Block 477, Lot 11

Motion by Mr. Cunliffe, second by Mayor Coles, for discussion.

Mr. Cunliffe advised he brought his copy of the 2007 Master Plan with him, and went through the conservation and open space section and thinks perhaps what the people are talking about tonight may be referring to the 1999 Master Plan which has now been superseded by the 2007 Master Plan. Requested to make a change to his Motion; he wanted to get it on the floor for discussion; requested to move to carry it and have it reviewed by the professionals and have them get a written report to the Committee before the next meeting to see if there were any violations with the current Master Plan.

Mr. Secare advised that if you move it for discussion, you can do whatever you want as the product of that discussion. You are not moving it for a vote. And the record shows that Meir Lichtenstein has a conflict on this and has recused himself.

Mr. Cunliffe stated he wanted to move to carry it and refer it to the professionals and have the Township Clerk prepare the complete comments of the public to be forwarded to the Engineer and Planner. Once that is done, he asked Mr. Edwards to request that they get back to the Committee with their interpretation on this. He does not see that specific area as an area that is earmarked for conservation and open space but just wanted to make sure that he was interpreting it correctly.

Mr. Edwards confirmed that Mr. Cunliffe wanted the professionals to interpret what the actual recommendation is of the Master Plan Re-examination Report.

Mr. Cunliffe added that the public advised that their comments were in connection with the 2007 Master Plan, so he wanted the comments sent directly to the professionals so they can review it and report back to the Township Committee.

Mr. Secare advised that it still has to be done in the form of a Motion that should be voted on by Mr. Cunliffe and Mayor Coles to do that.

Mr. Cunliffe offered a Motion to carry the Resolution and send the information to the professionals for their review and get back to the Committee before the next Township meeting to be held on October 11th.

Mr. Edwards asked if he was referring to the entire little triangle of Prospect and Massachusetts?

Mr. Cunliffe answered, no.....that is what the public was talking about. But these are just four very small lots and it is all surrounded by someone who owns all of the land around it so he just wanted to get their input as professionals as to these four particular lots, in relation to what is being cited by the residents.

Mayor Coles asked for a Roll Call.

On Roll Call – Affirmative: Mr. Cunliffe, to carry, yes; and Mayor Coles
Abstain: Deputy Mayor Lichtenstein

From the audience.....a question was raised as to a quorum....

Mayor Coles asked Mr. Secare if there was a problem.

Mr. Secare answered that there were two out of three, and Deputy Mayor Lichtenstein recused himself initially, so you have only two people so you do not have a quorum to make any kind of application.

Mr. Cunliffe asked.....is the quorum rule that three members are present at the meeting.

Mr. Secare answered, three eligible voting members.

Mr. Edwards explained that in reality this is a Resolution so if you did not approve it tonight you could just automatically bring it up on October 11th, which is the same thing as carrying it.

Mr. Secare agreed, and that Mr. Cunliffe's request can certainly be done by the professionals.

Mr. Edwards added that it is not an Ordinance with two readings.

Mr. Secare explained that because of the fact that there was no quorum, the issue is dead on Resolution No. 2. It doesn't even exist for a vote.

Mr. Cunliffe confirmed that all he had is just a request to ask the professionals to review it.

Mr. Secare agreed, and added that it was appropriate under the circumstances of failure to have a quorum.

Resolution No. 2 – Died.

ORDINANCE SECOND READING

• An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Exchange of Certain Lands within the Township of Lakewood, in Particular, The Township of Lakewood to acquire Block 1044, Lots 5 & 8 and Block 1045, Lots 5 & 8, and to convey Block 1036, Lot 5, and Block 1038, Lot 3 as part of an exchange of lands pursuant to N.J.S.A. 40A:12-16.

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Gerry Ballwanz, Governors Road – Asked for an analysis as to why this is being done. What is the rationale for this swapping of land.

Mr. Edwards answered there is an individual who owns four lots that are adjacent to the recreation complex. The Township would get the ownership of those four lots and in return he would get the other two lots. So basically, it is like a buffer, for keeping development from that side of the complex.

Mrs. Ballwanz stated it was similar to what she was talking about off of Cross Street...land to be able to swap, to be able to build something larger and more contiguous.

Mr. Cunliffe stated he did not think there was any similarity whatsoever. This is strictly a mechanical boundary around a park and they are trying to enhance it so the activity of the recreation does not offend the residents that are nearby.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

**On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.
Ordinance No. 2007-43 adopted on second reading.**

- **An Ordinance of the Township of Lakewood in the County of Ocean and State of New Jersey amending Ordinance 2005-7 (Salary)**

Read by title only for second reading.

Mayor Coles opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2007-44 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 10/11/07)

- **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI of the Code of the Township of Lakewood Entitled Traffic (No Parking)**

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2007-45 adopted on first reading. Second reading and public hearing to be held on October 11, 2007.

- **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Private Sale and Conveyance of Block 549.01, Lot 2 and Block 549.02, Lot 2 lying within the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-13, ET SEQ. to the Lakewood Township Industrial Commission for nominal consideration**

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2007-46 adopted on first reading. Second reading and public hearing to be held on October 11, 2007.

- **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Prohibiting Annoying and Offensive Illumination**

Read by title only for first reading.

Mr. Secare advised that Mr. Mack has called him about this Ordinance, he has some “tweaking” he would like to do, and Committee people have called him individually...they

have some “tweaking” they would like to do, so he would ask that this Ordinance be sent back to him for rewriting. It can be carried to another date.

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, that the above Ordinance be carried, to allow for professional review, until the meeting of October 18th, 2007.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance carried to the meeting of October 18, 2007.

- **Ordinance of the Township of Lakewood County of Ocean, State of New Jersey, Authorizing a Lease of Block 778.01, Lot 18.01 in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to and in Accordance with N.J.S.A. 40A:12-1 et. seq.**

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2007-47 adopted on first reading. Second reading and public hearing to be held on October 11, 2007.

- **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:21-1 et. seq., granting Abatement to local Property Taxes to 175 N. Oberlin Associates, LLC for Facilities Located at Block 1605, Lot 3, and Authorizing the Mayor and Township Clerk to execute any and all documents Necessary and proper to enter into a Tax Abatement Agreement**

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, for discussion.

On the Motion, Mr. Cunliffe asked if Mr. Corby or someone will come back to make a presentation?

Mayor Coles advised that the property owners will be here.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2007-48 adopted on first reading. Second reading and public hearing to be held on October 11, 2007.

CORRESPONDENCE

Correspondence received from Vision of Promise Ministries, requesting Bergen Avenue be closed from their Church to Sampson Avenue, for a “Fun Day & Community Outreach Event” on September 22, 2007 from 10:00 AM to 3:00 PM.

Correspondence received from No Limit Worship Center requesting the use of Town Square on October 12, 2007 from 4:00 PM to 8:00 PM.

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to receive, file and approve the above two items of correspondence, and to approve the following three picnic requests.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of three (3) items attached hereto and made a part hereof.

MOTION TO APPROVE BILL LIST OF: 9/18/07

Motion Mr. Cunliffe, second by Deputy Mayor Lichtenstein, to approve the above Bill List.

On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles. Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS - None

ADJOURNMENT

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 9:10 PM.