

**Lakewood Township Committee  
Minutes  
August 28, 2008**

**The Lakewood Township Committee held a Meeting on Thursday, August 28, 2008 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:**

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

**CLOSED SESSION**

Motion by Mr. Cunliffe, second by Mr. Miller.

**Resolution No. 2008-306 – 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, 2008 and published in the Asbury Park Press on January 8, 2008.

**ROLL CALL**

**OPEN SESSION**

Motion by Mr. Cunliffe, second by Senator Singer, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 08/07/08**

Motion by Senator Singer, second by Mr. Miller, and carried, to approve the above Minutes.

Deputy Mayor Lichtenstein abstained.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 08/07/08**

Motion by Senator Singer, second by Mr. Miller, and carried, to approve the above Closed Session Minutes.

Deputy Mayor Lichtenstein abstained.

**LAND SALE:**

Block 190.04, Lot 41; Block 199, Lot 1; Block 199, Lot 3; Block 200, Lot 1; Block 200, Lot 5; Block 201, Lot 1; Block 202, Lot 1

Mr. Secare asked if anyone in the audience was interested in purchasing the subject lots, and to please come forward.

Aharon Rottenberg, 207 Carey Street, Lakewood  
Joseph Goldberg, 409 Hope Chapel Road, Lakewood  
Ovadi Malachi, 606 South Lake Drive, Lakewood

Mr. Secare advised that the lots for sale are Block 190.04, Lot 41, Block 199, Lot 1, Block 199, Lot 3, Block 200, Lot 1, Block 200, Lot 5, Block 201, Lot 1 and Block 202, Lot 1. He advised it is approximately \$35,000 for the minimum bid. The way the auction works is someone will offer the minimum bid, if they so choose. Then they will go in alternative order until either someone wins the bid, or they drop out. He asked if everyone has read the Ordinance and understand the terms and conditions of the sale. He advised that no matter what the ultimate bid is, they must have ten percent in cash or certified check in order to be successful this evening. They proceeded with the bids, one lot at a time.

Block 190.04, Lot 41

Mr. Secare advised that the minimum bid is \$2,700.00.

Mr. Goldberg - \$2,700.00  
Mr. Rottenberg - \$4,000.00

Mr. Rottenberg was the successful bidder.

Block 199, Lot 1

Mr. Secare advised that the minimum bid is \$4,900.00.

Mr. Rottenberg - \$4,900.00  
Mr. Malachi - \$5,500.00  
Mr. Rottenberg - \$6,000.00  
Mr. Malachi - \$7,000.00

Mr. Malachi was the successful bidder.

Block 199, Lot 3

Mr. Secare advised that the minimum bid is \$5,900.00.

Mr. Rottenberg - \$5,900.00  
Mr. Goldberg - \$7,000.00  
Mr. Rottenberg - \$8,000.00

Mr. Rottenberg was the successful bidder.

Block 200, Lot 1

Mr. Secare advised that the minimum bid is \$4,700.00.

Mr. Goldberg - \$4,700.00  
Mr. Rottenberg - \$6,000.00

Mr. Rottenberg was the successful bidder.

Block 200, Lot 5

Mr. Secare advised that the minimum bid is \$5,600.00.

Mr. Rottenberg - \$5,600.00  
Mr. Goldberg - \$6,500.00  
Mr. Rottenberg - \$8,000.00  
Mr. Goldberg - \$9,000.00  
Mr. Rottenberg - \$11,000.00

Mr. Rottenberg was the successful bidder.

Block 201, Lot 1

Mr. Secare advised that the minimum bid is \$6,200.00

Mr. Goldberg - \$7,500.00  
Mr. Rottenberg - \$9,000.00  
Mr. Goldberg - \$10,000.00  
Mr. Rottenberg - \$12,000.00

Mr. Rottenberg was the successful bidder.

Block 202, Lot 1

Mr. Secare advised that the minimum bid is \$6,200.00

Mr. Rottenberg - \$6,200.00  
Mr. Goldberg - \$7,000.00

Mr. Rottenberg - \$9,000.00  
Mr. Goldberg - \$10,000.00  
Mr. Rottenberg - \$12,000.00  
Mr. Goldberg - \$12,500.00  
Mr. Rottenberg - \$14,000.00

Mr. Rottenberg was the successful bidder.

Mr. Secare thanked the bidders, and asked that the successful bidders come forward and pay the Clerk the appropriate deposits.

Block 853, Lot 1 – Removed from Agenda

**PRESENTATIONS - None**

**ORDINANCES FOR DISCUSSION: None**

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

As to 192 Coventry Drive and Hearthstone, Mr. Mack advised they wrote a number of notices and summonses.

As to the issues on Morris Avenue, Mr. Mack advised there are outstanding summonses regarding trash and debris at 802 Morris Avenue, and a summons for the trailer.

As to the pool Ordinance issue, Mr. Mack advised they are looking at the BOCA Property Maintenance Code to make sure they are not in conflict with that.

As to Morris Avenue, Chief Lawson advised they have had the Community Resources out there and he has spoken with Mrs. Eisenberg regarding her concerns.

As to the request for crossing guards at MLK, Pine Street and Marc Drive, Chief Lawson advised that has been taken care of.

Mr. Mignella advised that the Developer has agreed to install a guard rail at the access road on Shorrock Street. They are coordinating with the County to determine the length of need. The guardrail will be installed as soon as the County approves the installation.

As to the signal for the crossing, the County advised they have reviewed this and sent a letter to the Township recently, stating that the signal is operating properly and it is a safe intersection.

Also, the barricades have been set up at the access road.

Comments from the Committee:

Mr. Cunliffe questioned Mr. Mignella with regard to the newly paved road, with sidewalks, Vermont Avenue that goes to Chestnut Street, and asked if there were plans to get minimal lighting on that road.

Mr. Mignella answered they are discussing that as well as getting speed limit signs, stop signs and streets signs installed.

Mr. Cunliffe asked Mr. Mignella and Chief Lawson if they could go back to the County, as they did a good job with the safety box at the end of Chestnut and Cross, but it still remains to be a pretty big problem there. He also asked if they could talk about Phase 2 of Vine Street where they eliminate the jug handle and make people go up to a new jughandle at Vermont; perhaps they will entertain, at least a temporary light that works with Route 70.

Mr. Cunliffe thanked Mr. Franklin, Mr. Mack and Chief Lawson, on behalf of the residents of Mackenzie, Tiffany, Cecil, and Manor Drive. There was a mini-crime wave about two weeks ago, with vandalism, and he thanked them for their efforts on behalf of his neighbors for taking care of the situation.

Deputy Mayor Lichtenstein also thanked the professionals for responding to the area that Mr. Cunliffe mentioned.

Deputy Mayor Lichtenstein also thanked Chief Lawson for the installation of the cameras in the downtown area. There have been seventy-five arrests regarding quality of life offenses.

Deputy Mayor Lichtenstein asked Mr. Mignella to follow-up on issues on Shonny Court, as far as water ponding, and the detention basin.

Mr. Mignella advised he spoke with the Developer, and he is asking for an extension, as he received a proposal, and he is not happy with the dollar value of the proposal. There are no guarantees that they can correct the problem. They are seeking other proposals at this time. They are willing to correct the problem, if they get the right proposal.

Deputy Mayor Lichtenstein asked Mr. Mignella for an update with regard to his request for sidewalk on the small piece of Kent Road.

Mr. Mignella advised he prepared a rough cost estimate. They are awaiting clarification as to the right-of-way for the sidewalk. They need to secure an easement in order to construct those sidewalks.

Deputy Mayor Lichtenstein requested that Mr. Mignella contact the property owners to see if they would be willing to donate the easement for the installation of sidewalks. He would like then to bring this matter back to the Committee to see if they would entertain the installation of the sidewalks.

Senator Singer advised there has been a horse trailer parked on James Street by the railroad tracks on the north side for the past few months. He does not know if it has been abandoned or not, but it has been sitting there for a long time. He asked that they get rid of it, or have it moved.

Senator Singer also advised he received a telephone call from Mr. Fuentes, who owns the barber shop in town concerning the building being constructed next to him. He is concerned that the construction is undermining his basement. He asked that they take a look at that to make sure it is not.

Mr. Mignella answered that he spoke with Mr. Fuentes, and sent a message to Mr. Saccamanno, and there has been a stop work issued until they resolve the matter.

Senator Singer also commented with regard to the paving work on Pine Street. The repaving that was done by the Water Company is a poor job.

Mr. Mignella advised that they did sub out a professional paver to do that work. It is a little wavy, and they have not accepted the paving.

Senator Singer advised they patched James Street, and it is very bad; Sunset is the next road. His concern is that if they accept Pine Street, he will have to accept the same quality on all the other streets where they are doing work. Their job is to make sure the street is better, not worse. And he does not think they are doing their job.

Mr. Mignella stated that in the case of James and Sunset, the Ocean County Engineer has to approve that paving; it is their right-of-way. It is still the Water Company, but it is two different contractors. But for Pine Street, they tamped it well, and they did not mill out, and they filled it quite a bit. They just really did not have a profile.

Senator Singer stated he understands that the County has the jurisdiction over the streets, but they are Lakewood streets; Lakewood residents have to drive on them. He is not happy with Pine Street and Mr. Miller is not happy with Pine Street. He is not happy with the way they have done the entire project.

Senator Singer further advised that in the Bond Issue on the Agenda this evening, all the streets are listed that have been disturbed by the Water Company. He asked why the Water Company is not repaving those streets prior to the installation of curbs and sidewalks.

Mignella answered that the Water Company is going to repave those streets.

Discussion continued with regard to the installation of curbs and sidewalks throughout town, and whether or not homeowners should be responsible for paying for those installations.

Mayor Coles stated that sidewalks are something they can not ignore in this town; it has changed a lot over the last ten years, to the point where it is a necessity in every neighborhood. He is asking that the Committee consider if they want to continue along the path that they are going, and doing it a little at a time, or get really serious about it and consider a Bond Ordinance that over a period of five or ten years would address the situation, and whether or not they want to assess the homeowners in areas where they do not want to pay for it themselves. He asked that the Committee give it some thought over the next week, and discuss it at the next meeting.

Mr. Miller advised that as he sits on the Planning Board, with John Franklin, one of the policies that the Planning Board has incorporated is that with any new construction they demand that they must install curb and sidewalks.

As to the repaving on Pine Street, Mr. Miller asked that Mr. Mignella go back out on Pine Street, Daniel Drive, Ned Drive and Marc Drive, and look over that area where the Water Company repaved the area, and did a very poor job.

Mr. Mignella answered that Daniel Drive, Marc Drive and Ned Drive have only been base paved to allow the trenches to settle. The only street that has been final paved is Pine Street.

Mr. Miller thanked Chief Lawson for placing a crossing guard at MLK. He asked that during the school year that also be done.

Mr. Miller asked that the following information be passed on to Al Dineros, the Purchasing Agent. Regarding the 1400 address area on North Lake Drive, he has received letters from residents that the area is dark; he asked if they can raise the wattage on the bulbs in that area.

Deputy Mayor Lichtenstein advised that he was of the opinion for many years that they should not have a traffic light on Forest Avenue at Sixth Street, and possibly by Seventh Street, because there is a big hill there and people coming up the hill would see a green light and would not slow down. If there is no light, he would hope that people would

slow down somewhat. With regard to the traffic report being prepared by T & M Associates, he sees they are starting to recommend traffic lights for that area. He knows that these reports take some time, but it seems that the traffic report is preliminarily calling for traffic lights in that area. If that is the case, he wanted to request that the Committee support him in contacting the County Engineer to see if they would help put traffic lights there.

Senator Singer stated they have been waiting for that report since the first of the year. He has not seen it yet.

Mayor Coles answered that the report has been completed. He met with three people from T & M Associates to talk about some of his concerns, and they have assured him that he will have a final copy by the middle of September.

Deputy Mayor Lichtenstein offered a Motion to have the Engineers write to the County to see if they would assist the Township in the installation of traffic signals at Seventh Street and Sixth Street and Forest Avenue. A second to the Motion was offered by Mr. Miller.

On Roll Call – Affirmative: Mr. Miller, Deputy Mayor Lichtenstein, Mayor Coles.  
Abstain: Senator Singer, Mr. Cunliffe

**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.

Gerry Ballwanz, Governors Road – Voiced her concerns about the land sale earlier this evening.

Glen Bradford, 615 Sterling Avenue – On behalf of his church, he thanked the Committee for their support.

Noreen Gill, 192 Coventry Drive – Thanked Mr. Mack for looking into Coventry Square. Complained about the traffic conditions in the downtown area.

Barbara Eisenberg, Morris Avenue – Thanked everyone for assisting her with the issues at 802 Morris Avenue. Still complained about the renters running their business out of this house, and doing repairs to their lawn equipment in the driveway. There is still garbage on the property, in front and back, as well as gasoline cans on the property. She thanked Kevin McAllister for taking care of the situation of the dogs barking at all hours of the day and night. She also complained about the conditions of the pool and

fencing. As to the traffic light at Prospect and Massachusetts, she thinks it is a great idea, because cars race along that road all night long.

Mr. Mack advised there have been many summonses written. Part of the problem regarding the pool fence, is that there are state laws they have to follow. Eventually, he feels that everything will fall into place.

Mayor Coles asked Chief Lawson to look into the cars racing along Prospect Street.

Chief Lawson advised they will place the radar board along that road.

Bill Hobday, 30 Schoolhouse Lane – Commented that the utility box on Cross Street, near the railroad tracks, is loaded with gang graffiti. He asked that be removed. Stated that the County did a wonderful job on Massachusetts Avenue. Also commented that the intersection of Cross Street and Massachusetts Avenue is extremely dark. He requested additional streets lights be installed in the area.

Mr. Mignella advised they are going to replace one of the pole arms, increase the wattage, and add a light on the opposite corner.

Mr. Hobday also complained about the approval of office buildings in the downtown area, when there is a corporate park with nothing in it.

David Drukaroff, 1433 Laurelwood Avenue – Commented on the issue of rental housing.

Mike O'Neill, 209 Lincoln Street – Commented on the issue of affordable housing. Thanked the Committee for supporting the housing initiative in Lakewood.

Larry Simons – Suggested the use of CDBG monies for the construction of sidewalks. Commented on the Resolution on the Agenda this evening regarding the amendment to the existing Option Agreement for Cedarbridge Urban Renewal Corporation. He urged the Committee not to vote on this Resolution this evening until the public has the chance to review the amendments.

Mr. Cunliffe advised he intends to request that this Resolution be removed from the Consent Agenda. He feels that something of this magnitude, that they just received, should be sent to the Planning Board for their review, and furthermore, the full documentation of this amendment should be posted on the website for public review.

Mayor Coles stated that the Resolution on the Agenda this evening has nothing to do with the Township Committee approving this amendment. The amendment was sent to the Township Committee who received an initial copy earlier in the week, and a final copy today. Before he opened up the Consent Agenda, he intended to request that they entertain a Motion to send that amendment to the Planning Board for their review. That

is the next legal step before anything can be done. The Resolution that is on tonight is a Resolution that once the Planning Board has its say, accepts, rejects or modifies that amendment, and everyone agrees to it, that it allows the Mayor to sign the agreement. They are not voting on the agreement this evening. They are not doing anything with the agreement this evening, other than if they get enough votes, they will send it to the Planning Board for their review so that they can go through it, hold a Public Hearing, give their comments, take comments from the public, and post it on the website. But they are not doing anything as far as voting on accepting that amendment this evening.

Mr. Secare offered an explanation, since he felt there was some confusion. He advised that the amendments that are in this Option Agreement are very simple and proceeded to explain the amendments. He continued that it is the amended Redevelopment Plan that has to go through a series of legal steps. Until those legal steps are completed they can not be acted upon by the Committee. The next step is for the proposed amended Redevelopment Plan to go to the Planning Board. That meeting will be advertised. In the Planner's opinion, and in his opinion, it is not necessary to advertise it, but because this is a somewhat sensitive issue, it will be advertised. So the public will be on notice as to when that hearing will be held before the Planning Board. It may or may not be a special meeting. He suggested to the Planner, and he will speak to the Planning Board Attorney, that they hold a special meeting for the sole purpose of getting public input on this, and he thinks that is very important. He does not think that process will be at the next Planning Board meeting. So until the Planning Board reviews, takes input from the public, makes a recommendation, the governing body can not act on that legally. That is what the redevelopment law states. That is where we are now. This amendment to the Option Agreement is a rather benign amendment. It only means something dependent upon what comes back from the Planning Board on the amended redevelopment plan.

Mr. Simons requested and was provided with a copy of the amendments.

Alice Kelsey, 295B Malvern Court East – Questioned the amount of time provided to the speakers during the public comment session.

Mrs. Kelsey was advised that is was policy adopted by the Township Committee.

Chris Abrams, Coral Avenue – Thanked Mr. Franklin for the garbage receptacle on Salem Street and New Hampshire Avenue.

George Cole, Riverview Drive – Commented with regard to the landlord/tenant problems in his neighborhood.

Carl Stratinger, 20 Lucy Road – Advised he has lived at this address since 1975, and has been the sole owner; he received a summons indicating that there was no

documentation as to who was living at his address. The summons was for parking his vehicle on his unpaved driveway.

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

Mr. Cunliffe commented with regard to the land sale that was held this evening. He had been assured that the land that was sold was definitely outside of any protected land, but he would like to ask that the Engineer and T & M Associates put in writing to the Committee that the area will be double-checked. The Committee would not be selling land that was within a protected corridor, or within a delineated wetlands area. But for their benefit, he would ask for another opinion from the professionals.

Mr. Edwards explained that the Township Committee directed him to get the map from T & M Associates that shows all areas marked in green, that the DEP is possibly interested in preserving. The properties that were sold this evening are not in the green area.

Deputy Mayor Lichtenstein also asked that T & M Associates double check it.

Mr. Secare advised that he understands the issue, but the problem is that they have already gone to bid.

Mr. Cunliffe stated they do not have to accept the bids.

Mr. Secare agreed.

Mayor Coles added they can reject the bids if there is a problem, and asked Mr. Mignella to look into it.

Mr. Cunliffe asked that T & M Associates check to see if the property is preserved, or not; for them to check the official maps put out by the DEP where they delineate where specific wetlands areas are located, as well as preservation areas.

Senator Singer added that if it is wetlands, they can not build on it anyway.

Mayor Coles further that before they proceed to the Consent Agenda, that they entertain a Motion to send the Redevelopment Plan Amendment to the Planning Board.

Motion by Deputy Mayor Lichtenstein, second by Mr. Cunliffe, and carried, to send the Redevelopment Plan Amendment to the Planning Board, and to post the Redevelopment Plan Amendment on the website as soon as possible.

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 Releasing a Maintenance Bond posted by J & J Group, Inc., in Connection with Block 423, Lot 55  
Resolution No. 2008-307**
- 2. Resolution Releasing a Performance Bond posted by Lakewood Plaza, Inc., in Connection with Block 536, Lot 70  
Resolution No. 2008-308**
- 3. Resolution Releasing a Performance Bond posted by J & J Group, LLC, in Connection with Block 430, Lots 56, and 58  
Resolution No. 2008-309**
- 4. Resolution Releasing Escrow posted by Lakewood Township Board of Fire Commissioners, in connection with Block 125.01, Lots 9, 10, and 11  
Resolution No. 2008-310**
- 5. Resolution Releasing a Maintenance Bond posted by Knipper, in connection with Block 1160.02, Lot 8.01  
Resolution No. 2008-311**
- 6. Resolution Authorizing the Liquor License Renewal for Forresters of America, for the year 2008-2009, License No. 1514-31-039-001  
Resolution No. 2008-312**
- 7. Resolution Releasing a Maintenance Bond posted by Autumn Ridge, in connection with Block 232, Lot 1  
Resolution No. 2008-313**
- 8. Resolution Authorizing the Cancellation of old Outstanding Checks appearing on the records of the Township of Lakewood  
Resolution No. 2008-314**

- 9. Resolution Authorizing a Leave of Absence, without pay, for Kitty Chang, from October 24, 2008 to February 15, 2009  
Resolution No. 2008-315**
- 10. Resolution Authorizing the Department of Public Works to dispose of Scrap Vehicles in the possession of the Township of Lakewood  
Resolution No. 2008-316**
- 11. Resolution Authorizing the Execution of a Traffic Signal Agreement, with the County of Ocean, for the Intersection Prospect Street, and Massachusetts Avenue  
Resolution No. 2008-317**
- 12. Resolution Authorizing the Execution of a Traffic Signal Agreement, with the County of Ocean, for the Intersection of Lanes Mill Road, and Joe Parker Road  
Resolution No. 2008-318**
- 13. Resolution Releasing a Performance Bond, for JWEI, LLC in connection with Block 423, Lots 21, 22, 28, 75, and 20  
Resolution No. 2008-319**
- 14. Resolution Releasing a Performance Bond, posted by, Nathan Schlesinger in Connection with Block 855.03, Lot 30  
Resolution No. 2008-320**
- 15. Resolution Reducing a Performance Guarantee, posted by, Polwei, LLC in Association with Block 1051.01, Lots 16, and 17  
Resolution No. 2008-321**
- 16. Resolution granting approval for Fireworks Displays to be held at Georgian Court University  
Resolution No. 2008-322**
- 17. Resolution Authorizing Submission of Amendment Application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the Year 2009, in the amount of \$130,000.00 (UEZ–Downtown Parking Phase 2)  
Resolution No. 2008-323**
- 18. Resolution Authorizing the filing of a complaint for a Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 requesting the Superior Court of New Jersey to review the Township’s Third Round Compliance Plan and Award it a Judgment of Compliance and Repose**

**Resolution No. 2008-324**

- 19. Resolution Authorizing the Mayor to Execute an Amended Option Agreement for the Cedarbridge Development Urban Renewal Corporation**  
**Mr. Cunliffe removed this Resolution from the Consent Agenda.**
- 20. Resolution Authorizing the Lakewood Township Tax Collector to cancel taxes as to Block 174.01, Lot 32.01**  
**Resolution No. 2008-325**
- 21. Resolution Supporting the Application and Acceptance of Neighborhood Preservation Balanced Housing Program Funds (Maple Tree Village)**  
**Resolution No. 2008-326**

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, to approve Resolution Nos. 1 through 18, 20 and 21, on the Consent Agenda.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Resolution Nos. 2008-307 through 2008-326 – Adopted.**

Resolution No. 19 that was removed from the Consent Agenda was discussed and acted upon as follows:

- 19. Resolution Authorizing the Mayor to Execute an Amended Option Agreement for the Cedarbridge Development Urban Renewal Corporation**

Motion by Deputy Mayor Lichtenstein, second by Mr. Cunliffe, for purpose of discussion. Mr. Cunliffe agrees with Mr. Secare that this amendment is very simple; it is just Items 2A and 2B. But what he was particularly disturbed about, and he will not support this tonight, and he hopes that the Committee will not support this, that he is completely disturbed by Amendment 2B, redefining the commencement date as July 21<sup>st</sup>, 2006. They were in negotiations and they signed, in either 1998 or 1999, that Agreement. His point is that the clock should have been ticking. They put the roads in and that land has sat there; he wants to see development in that area. It is doing nothing; it is not bringing any tax dollars in, and he is absolutely, positively, against moving that whole window forward and having the start date in 2006 is absolutely ridiculous.

Mayor Coles asked Mr. Secare to explain where that date came from.

Mr. Secare explained that unfortunately, there were no time lines in the original Agreement. So in his negotiations with the Attorney for Cedarbridge, he wanted to make sure they had a start date. He does not know why that date was picked; he will look into it. The way the Agreement was written, there was just no start date in it.

Mr. Cunliffe stated they have a six-year window, and that window should have started from when they executed that Agreement, and they can not be moving it forward now. You would not do that for any other Developer; that is not fair. You have a Contract, you have an Agreement, the Agreement should be good, and you can't be changing the start date now to 2006.

Mayor Lichtenstein stated he did not know what the six-year window meant.

Mr. Cunliffe explained there was an Agreement and there was specific language; you really need to read the document, which was very lengthy and detailed. There were all types of benchmarks as to what is supposed to happen with that land. A great job has been done on the infrastructure, the roadway, the lighting, but he knows for a fact there have been people who wanted to buy land in there, and were not successful in buying the land. So, that land has sat there, and nothing has happened. They are losing people out of the Industrial Park, and that land sits there. If you read the language carefully, it talks about a window, a start date, and there is a window where they are supposed to get something done by. He believes it was six years. His opinion was that, in either 1999 or 2000, when things were agreed to, the clock was supposed to start from then. Where this 2006 date comes from boggles his mind. He feels that means the Developer got four or five years of land for free.

Mayor Coles asked Mr. Secare to look into this. His understanding was that the clock that Mr. Cunliffe is talking about started ticking once those roads were done and complete, when the infrastructure was put in, and that is when, he thinks, that date came from. Before he votes on this, he wants to know. So he is going to ask the two people who made the Motion.....do they have to vote on it, or can they rescind the Motion, because he would like to carry this until September 11<sup>th</sup> until he can get an answer.

Mr. Secare advised he does not have an answer at this time. He respectfully disagrees with Mr. Cunliffe's interpretation, but frankly has not looked at the document in a while; he has to look at it again. He did not think there was any time line in it. He faulted himself for not having any parameters in there, because it did seem it would extend forever.

Mr. Cunliffe stated that the language, with all due respect, is very confusing, and imprecise.

Mr. Secare requested to take another look at it and he will report back to the Committee.

Mayor Coles asked if they could amend the Motion, to carry the Resolution.

Senator Singer asked if this is being sent to the Planning Board.

Mayor Coles answered it is a separate issue.

Mr. Secare explained that it coalesces. This does not become effective unless the Planning Board goes through the process of the statutory Redevelopment Law mechanics.

Mr. Cunliffe stated, with all due respect, that he believes that these amendments take effect when they vote on it. This specifically changes the language in two portions of the Contract immediately. It changes 2B immediately, and it takes Commencement Date out, and it deletes it, and replaces it with the Commencement Date of July 21, 2006.

Mr. Secare stated that part may be accurate, but the part about the Redevelopment aspect of it, as the Mayor specifically wanted him to write it the way it is written, it has to go through the process before it becomes effective. It should be read in the disjunctive, and if that is the case, he will have to check it. The document is somewhat confusing.

Mayor Coles asked what does this (the Commencement Date and change in the project definition) have to do with the plan that was developed to amend the Redevelopment.

Mr. Secare again stated that nothing happens until the other process takes place. It is just a matter of timing. He thought they would coalesce it; they discussed it and they could do it in concert so it has some flow to it.

Deputy Mayor Lichtenstein asked if he could amend his Motion to vote only on A and not on B so they could get this to the Planning Board.

Mr. Secare answered yes, that could be done.

Mayor Coles stated they have already voted to send it to the Planning Board.

Mr. Edwards added that the Option Agreement does not go to the Planning Board.

Mr. Cunliffe stated that this document is telling you that specifically within the Option Agreement, not what they are going to amend and not what they are sending to the Planning Board, but the Option Agreement that was struck with Cedarbridge Development.... you are doing two things, in A, you are changing the language, and in B you are specifically changing the documentation and making the Commencement Date July 21<sup>st</sup>, 2006. If you vote on that tonight, you are doing it now.

Deputy Mayor Lichtenstein stated he understands that Mr. Secare is not clear on 2B, but his question is on 2A, why don't they vote, get it to the Planning Board, where it says with the exception of Residential.... at least they can get it to the Planning Board.

Mr. Secare stated it is going to the Planning Board. The Redevelopment Plan is going to the Planning Board. It is two separate issues.

Deputy Mayor Lichtenstein rescinded his Motion. Mr. Cunliffe removed his second to the Motion.

Mayor Coles asked for a Motion to carry this Resolution to September 11<sup>th</sup>.

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to carry this Resolution to the meeting of September 11, 2008.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Deputy Mayor Lichtenstein and Mayor Coles.

Negative: Mr. Cunliffe

Resolution carried to the meeting of September 11, 2008.

## **ORDINANCE SECOND READING**

### **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, regulating Basement Apartments**

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

David Drukaroff, 1433 Laurelwood Avenue – Offered a word of advice. They have only one person doing rentals as it is. They have only one housing inspector who presently already works overtime. His advice to the Committee is that if they do pass this, they need more people, and he would also suggest they adopt software. They are presently doing much of the work by hand; some of the work is in notebooks. The time has come where the people should be able to apply on line.

Alice Kelsey, 205B Malvern Court East – Stated that she can not believe that at every meeting she comes to she hears about parking. She can not believe that everyone who goes downtown knows that there is no place to park on Main Street, and you can not get through. This Ordinance will legitimize basement apartments, which will increase parking. And there is absolutely nothing in this Ordinance that talks about where those people who are in the basements are going to put their cars. It is bad enough bad that you are going to grandfather in apartments that are already existing. That is not her concern. Her major concern is that this opens up the concept of people making basement apartments. Is it in the best interest of the community. Is it in the common good of the rest of us, to increase the density of population when there is absolutely not a single provision for what people are going to do with their cars. You can't live in

Lakewood today without a car. She does not understand how you can talk about traffic, and parking, and yet continue to pass Ordinances that only to add to the problem. And if you are, there should be something in there that adds some kind of resolution. You have got to do something that is restorative. Because you certainly have done enough that is retributive to Lakewood as far as parking is concerned.

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

The above Ordinance was offered by Deputy Mayor Lichtenstein, second by Mr. Miller. Mr. Cunliffe asked if the Committee would consider an amendment, in Section 4, where it says that basement apartments are permitted in all residential zones, and could they add, except for those excluded in Section 9.

Mr. Secare answered they could do that; it is just a clarification.

Deputy Mayor Lichtenstein and Mr. Miller agreed to amend their Motion.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Ordinance No. 2008-39, as amended, adopted on second reading.**

**An Ordinance of the Township of Lakewood, in the County of Ocean, New Jersey, amending Ordinance No. 06-58 of the Township finally adopted September 7, 2006 as heretofore amended on November 1, 2007 to provide for an amendment of the purpose set forth in section 3(C) thereof.**

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 Mr. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Ordinance No. 2008-40 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Vacating all right, title and interest of and to portions of Wakefield Avenue, in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, Et. Seq. (Wakefield Ave.)**

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 Mr. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Ordinance No. 2008-41 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing 09/11/08)**

**Bond Ordinance of the Township of Lakewood in the County of Ocean, New Jersey, providing for various Capital Improvements and other related expenses in and for the Township of Lakewood and appropriating \$2,480,133.00 therefore, and providing for the issuance of \$2,362,031.00 in General Improvement Bonds or Notes of the Township of Lakewood to finance the same**

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. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Negative: Senator Singer

**Ordinance No. 2008-42 adopted on first reading. Second reading and public hearing on this Ordinance to be held on September 11, 2008.**

**An 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 (Energy Way)**

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Mr. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Ordinance No. 2008-43 adopted on first reading. Second reading and public hearing to be held on September 11, 2008.**

**CORRESPONDENCE**

Per attached list of four (4) correspondence items, attached hereto and made a part hereof.

**PARKS AND EVENTS CORRESPONDENCE**

Per schedule of eight (8) items, attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to approve correspondence and picnic items.

**MOTION TO APPROVE BILL LIST OF: 08/26/08**

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

On Roll Call – Affirmative: Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Negative: Senator Singer

**Bill List approved.**

**COMMENTS FROM COMMITTEE MEMBERS**

Birthday wishes to Mayor and Mrs. Coles !!!

**ADJOURNMENT**

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to adjourn the meeting.

Meeting adjourned at 9:15 PM.