

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
THURSDAY, FEBRUARY 1, 2007**

The Lakewood Township Committee held a Meeting on Thursday, February 1, 2007 in the Lakewood Municipal Building, at 6:30 P.M. for the Executive Session and 7:30 P.M. for the Public Meeting, with the following present:

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

CLOSED SESSION

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller.
Resolution No. 2007-68 – 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 Senator Singer, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 1/18/07

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 1/18/07

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

PRESENTATIONS: Boy Scouts of America

Mayor Coles presented a Proclamation in recognition of the 97th Anniversary of the Boy Scouts.

ORDINANCES FOR DISCUSSION: None

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.

Larry Simons, Schoolhouse Court – Commented with regard to the status of the current landlord lawsuit.

Mr. Secare advised he has received a draft of a proposal for settlement, which is being reviewed. They are getting close to settling the lawsuit, both in the civil suit, the municipal court complaints, and the complaint that was filed with the Housing and Urban Development Corporation.

Mr. Simons also asked about the seven trailers on the site next to the former Peterson's restaurant.

Mayor Coles asked Mr. Edwards to look into it.

Christine Abrams, Coral Avenue – Asked about the date for the public hearing on the Initial Plan Endorsement.

She was advised that the date has not been set.

Mrs. Abrams also asked where the professionals were as she wanted to ask about the DEP violation matter in her neighborhood.

Mayor Coles advised that the professionals would be attending one meeting a month, which will be the second meeting of the month.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the recall petition; the day laborer issue; and school budget matters.

Bert Albert, Joseph Drive – Commented with regard to the passing of Betty Mueller.

Sam Christopher, Central Avenue – Commented with regard to the passing of Betty Mueller.

Gerry Ballwanz, Governors Road – Commented with regard to the Resolution concerning

the Regional Contribution Agreements.

Vince Corsaro, Autumn Tide Drive – Commented with regard to the Resolution concerning the Regional Contribution Agreements.

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

CONSENT AGENDA

The below listed items 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 opposing A-3857 and S-2451, and S-2451 which, if enacted, would eliminate RCA's as a tool to facilitate Municipal Compliance with Mount Laurel.
Resolution No. 2007-69
2. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the appropriation reserve transfers in the 2006 Municipal Budget.
Resolution No. 2007-70
3. Resolution authorizing a reimbursement agreement with Washington Square Apartments as a Qualified Private Community.
Resolution No. 2007-71
4. Resolution authorizing the Township to apply for the Municipal Recycling Tonnage Grant program for Calendar year 2006.
Resolution No. 2007-72
5. Resolution authorizing the application for a 2007 Ocean County Tourism Promotional Matching Grant.
Resolution No. 2007-73
6. Resolution appointing a member to the Lakewood Township Transportation Board.
Resolution No. 2007-74
7. Resolution authorizing the award of a Professional Services Contract to Birdsall Engineering to provide engineering services for compliance with the Township's Municipal Stormwater General Permit, sum not to exceed \$29,500.00.
Resolution No. 2007-75
8. Resolution accepting bids as a result of the public land sale on Block 806 Lot 1.
Resolution No. 2007-76
9. Resolution accepting bids on as a result of the private land sale on Block 548 Lot 194.
Resolution No. 2007-77

10. Resolution supporting the Farmland Preservation Program's purchase of Murray Farm Block 251.01 Lots 30 and 31.
Resolution No. 2007-78
11. Resolution granting approval for fireworks displays to be held at Lakewood Stadium.
Resolution No. 2007-79
12. Resolution releasing a performance bond posted by Lakewood Associates, L.P. in connection with Block 1600 Lot 5.
Resolution No. 2007-80
13. Resolution releasing a performance bond posted by Nexus Properties in connection with Block 420 Lot 16 and Block 420.01 Lots 23, 24 and 26.
Resolution No. 2007-81
14. Resolution releasing a performance bond posted by Sean Kohn as nominee for Brei Moishe in connection with Block 148 Lot 2.
Resolution No. 2007-82
15. Resolution releasing a performance bond posted by S & H Builders in connection with Block 121 Lots 15, 16 and 17.
Resolution No. 2007-83
16. Resolution reducing a performance guarantee posted by Mark Engle in association with Block 25.05 Lots 45 and 58.
Resolution No. 2007-84
17. Resolution releasing a performance bond posted by Ernie Schreiner, Excel 4, in connection with Block 402 Lot 1.
Resolution No. 2007-85

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, to approve Resolutions 1 through 17 on the Consent Agenda.

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

Resolution Nos. 2007-69 through 2007-85 – Adopted.

Mayor Coles offered the following Resolution:

Resolution amending Resolution adopted on January 1, 2007 with regard to Bank Depositories, to reflect the change of The Bank – First Washington Division.

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller.

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

Resolution No. 2007-86 – Adopted.

ORDINANCES SECOND READING

- **An Ordinance within Article VIII “Design Standards” of the Township of Lakewood’s Land Use Regulations and adopting a new Section 815.1 “Storm Water Management/ Residential Site Improvement Standards” of Article VIII “Design Standards”.**

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Gerry Ballwanz – Commented on the changes to the Ordinance from the Ordinance that was adopted in March 2006.

Mayor Coles advised they are required by the State to adopt this Ordinance annually.

Mr. Edwards advised they are required to submit this Ordinance to the Ocean County Planning Board. They required the version that was adopted, and then they made some minor changes to it, and sent it back to the Engineer’s Office. It is now before the Committee for adoption the way that the County Board has approved it.

Mayor Coles advised that the Engineer’s Office could provide the information as to the changes.

Bill Hobday – Asked how this Ordinance came to the Township; was it a suggestion from the County.

Mayor Coles answered that it is a State requirement.

Mr. Edwards advised that a model Ordinance is provided to each community with some minor changes based on the County and your own circumstances. It was prepared by the Engineers using the model Ordinance provided by the State. The County reviewed it, and made only four or five minor changes, which were technical engineering issues.

Mr. Hobday continued that his concern is that there is some language in the Ordinance that talks about detention basins, and it says that the Planning Board shall endeavor to share these detention basins. His concern is that if there is an application for development to the Planning Board, and it appears that this Ordinance says it is okay to gain an easement to put your stormdrain water onto someone else’s property. That sounds illegal...he does not know how they could force a property owner to allow someone else to pipe stormwater onto their property. Therefore, the text and language of this Ordinance sounds unenforceable to him.

Deputy Mayor Lichtenstein explained that he believes that the Ordinance says, under General Standards...it shall be the policy of the Lakewood Planning and Zoning Boards to minimize the number of basins by encouraging the joint use of basins between various developments and minimizing the number of basins. He does not believe that means that they can force anything; he believes they are saying that if someone comes in front of the Planning Board with an application, and you could join it, and it makes sense, then you would have the two communities share in the cost. Therefore, you have less basins, and more people contributing to the same basins. He believes that is what the Ordinance says.

Mr. Secare agreed that Deputy Mayor Lichtenstein's interpretation is accurate. You could not compel someone to do what was suggested. It is a matter of cooperation in the spirit of getting rid of stormwater, so it does not run into the ocean.

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. Miller, second by Deputy Mayor Lichtenstein.

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

Ordinance No. 2007-1 adopted on second reading.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Block 129, Lot 21, in the Township of Lakewood, at a private sale pursuant to N.J.S.A. 40A:12-1, et seq.**

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 Deputy Mayor Lichtenstein, second by Mr. Miller.

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

Ordinance No. 2007-2 adopted on second reading.

Mayor Lichtenstein requested that the record reflect that he will be stepping away from the dais on this matter.

• **An 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 Parkway Lodging Realty, LLC (for purposes of Starbucks) for facilities located at Block 1235, Lots 33 and 36, 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 second reading.

Mayor Coles opened the meeting to the public.

Vince Corsaro - Asked if this property is where the hotel is being built.

Mayor Coles answered yes.

Mr. Corsaro stated he remembers hearing, or reading, that the applicant was given tax abatement for that property, and part of the restrictions were that if there were going to be any additions, that they would not fall under the tax abatement, and that they would have to pay the ratable.

Mayor Coles advised he does not recall anything to that effect.

Mr. Corsaro asked that they check into it before the Ordinance is passed.

Senator Singer stated that was not correct.

Mr. Edwards added that a presentation was made, and because there were only certain known uses, or users of the property, they could only be voted on at that time. And the Starbucks came in later. He believes it was implied that once they knew who was going to be on that site, the Committee would approve it.

Senator Singer stated he believes what happened was the Committee knew they were granting an abatement for the hotel. There were other pads on the site, but they had to know what was being built there before the abatement was granted. That is why they are coming in this way; they must apply for each abatement prior to the CO being issued.

Mr. Corsaro stated he believes that the Ordinance specified that if they were going to do anything to expand, that it would not fall under the tax abatement. He asked the Committee to check into it.

Mayor Coles advised they will look into it. But he has never seen that in a tax abatement that they have done before.

Larry Simons – Commented as to this evening's second reading Ordinances; asked it if would be possible, in order that the public is informed, that when a Block and Lot is to be sold, if there could be an insertion that the property is located on the corner of....., or next to.....

Mayor Coles agreed, and asked Mr. Secare to do that on all pertinent Ordinances.

Mr. Secare asked if it would be preferable to attach a Map.

Mayor Coles answered he would like both.

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. Miller, second by Senator Singer.

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

Ordinance No. 2007-3 adopted on second reading.

• **An 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 Avallone Partners, LLC, for facilities located at Block 1606, 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 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 Deputy Mayor Lichtenstein, second by Mr. Miller.

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

Ordinance No. 2007-4 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 streets described in section two in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, et seq.**

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Christine Abrams – Asked why all these paper streets were not vacated before when the other streets were vacated.

Mayor Coles answered that they did not have title to all the property within the site; there were two lots yet to be acquired. Now that the lots have been acquired, they can proceed with the vacation of the other streets. You are not allowed to landlock anyone's property. If there is a lot in the middle of a block that is owned by someone else, and that is aligned with the paper street, you can not cut off access to that piece of property, unless the owner agrees.

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.

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

Ordinance No. 2007-5 adopted on second reading.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 2/15/07)

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, vacating all right, title and interest of and to Aspen Road described in section two, in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, et seq.**

Read by title only for first reading.

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

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

Ordinance No. 2007-6 adopted on first reading. Second reading and public hearing to be held on February 15, 2007.

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII of the Code of the Township of Lakewood entitled Unified Development Ordinance.**

Read by title only for first reading.

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

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

Ordinance No. 2007-7 adopted on first reading. Second reading and public hearing to be held on February 15, 2007.

- **An Ordinance amending and supplementing an Ordinance entitled “ An Ordinance establishing the annual salaries for AFSCME Local 3790, Council 71, Township Employees” and providing for an effective date 20 days after publication after final adoption.**

Read by title only for first reading.

The above Ordinance was offered by Senator Singer, second by Mr. Miller.

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

Ordinance No. 2007-8 adopted on first reading. Second reading and public hearing to be held on February 15, 2007.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, canceling taxes to Block 48, Lot 10.**

Read by title only for first reading.

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

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

Ordinance No. 2007-9 adopted on first reading. Second reading and public hearing to be held on February 15, 2007.

CORRESPONDENCE

Per schedule of two (2) items, attached hereto and made a part hereof.

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein, to approve the above requests.

MOTION TO APPROVE BILL LIST OF: 1/30/07

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller advised he attended the annual Veterans Advisory Committee Meeting this morning, and they discussed the upcoming Memorial Day Parade. They encouraged anyone who would like to attend or be part of the parade to please contact the Manager's Office.

Mr. Miller further commented with regard to the burial site at the corner of Caranetta Drive and Central Avenue, where twenty-seven Civil War Veterans are buried. The Veterans Advisory Committee would like to place a memorial plaque and landscaping at that site.

Mr. Miller also commented on the memo that he sent to Traffic & Safety on January 15th, with regard to a complaint from a resident on Sharon Court, who had called JCPL many times to report a street light outage. Mr. Miller wanted to document the amount of response time, and also advised that to date, the repair has still not been completed. He provided the information to Mr. Edwards.

Deputy Mayor Lichtenstein asked that once he has signed off on a Bill, can that Bill be held.

Mr. Edwards advised they have already voted on the Bill List.

Deputy Mayor Lichtenstein suggested that they not pay JCPL next month.

Senator Singer suggested that the Township of Lakewood write to the League of Municipalities, asking them to take action against JCPL, with regard to the fact that the Township is paying for street lights that are not working; and that the time frame between reporting the outage to the time the repairs are completed is too long; and that the Township should receive substantial credit from JCPL as they were paid for light service when the lights were not working; and there should be a fine imposed if the lights remain out for a certain period of time. It is understood that if there is an emergency there may be an outage, but they see this on a periodic basis that lights are out for weeks; then JCPL is notified, and it takes them weeks to confirm the outage. And for some reason, service has gone downhill, and they should be held accountable.

Mr. Secare added that those would be appropriate subjects for legislation, especially if you wanted to include fines. It would be impossible to implement fines without enabling legislation by the State that would permit the Township to do it.

Senator Singer answered that the BPU could do it. But he would want the League to at least agree that it is a problem, and not only in Lakewood, and that it is becoming an aggressive problem. If they want him to do legislation, that is what he will do. He can not understand why they have to pay for lights that do not work. And if the League refuses to take action, the Township should take legal action against JCPL.

Mr. Secare agreed, and that it is a statewide problem. It is not specific to Lakewood. But it would be better to have some legislation upon which to base the legal action.

Senator Singer advised that maybe the League would join in with the Township, and they would have the clout of the League of Municipalities, as opposed to just the Township. If not, the Township would institute the suit, and he would introduce legislation.

Mr. Secare stated that he would suggest either a letter from the Mayor to Bill Dressel, or a Resolution from the Township Committee to the League of Municipalities, or both, would be appropriate.

Mayor Coles agreed that they should do both.

Deputy Mayor Lichtenstein offered a second to Senator Singer's Motion.

Mayor Coles stated there has been a problem in the newspapers and in front of their faces for many years, and that is homelessness. He does not think anyone in this town will dispute the fact that they have a lot of people who are homeless, and it is something they need to address. It is not restricted to Lakewood; the entire state has a problem, and all of Ocean County has a problem. To that end, he offered the following names to be appointed to the Mayor's Advisory Committee on the homeless issue in town: Charles Anthony, Patti Cash, Rev. June Stitzinger-Clark, Rev. Peter Hartney, Hannah Havens, Marilyn Karl, Colin Lewis, Camille Lopez, Rabbi Lee Paskind, Dave Quinn, Pastor Gary Stiegler, and he will act as Township Committee Liaison to this group. The first meeting will be scheduled for later this month. This is the first step into looking to see what they can do as a Township to advocate to get help for some of these people who so desperately need it.

Mayor Coles further commented that at the last meeting he appointed a Committee made up of Senator Singer and himself to look at the traffic and various issues in downtown Lakewood. He would like to expand that Committee this evening to include a sub-committee on parking issues, and he asked Deputy Mayor Lichtenstein to Chair that sub-committee.

Deputy Mayor Lichtenstein asked that he be permitted to include any sort of mass transit that may be associated with a good parking area. He advised he had some people in mind for the committee, and he will forward that information.

ADJOURNMENT

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to adjourn the meeting.

Meeting adjourned at 8:20 P.M.