

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
NOVEMBER 16, 2006**

The Lakewood Township Committee held a Meeting on Thursday, November 16, 2006 in the Lakewood Municipal Building at 6:30 P.M. for the Executive Session and 7:30 P.M. for the Conference Meeting, with the following present:

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

CLOSED SESSION

Motion by Mr. Cunliffe, second by Mr. Miller.
Resolution No. 2006-450 – Adopted.

SALUTE TO THE FLAG

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, 2006 and published in the Ocean County Observer on January 17, 2006.

ROLL CALL

Motion by Mr. Cunliffe, second by Mr. Miller, that due to overcrowding conditions in the upstairs Conference Room, it was suggested to move the meeting downstairs to the Auditorium, and reconvene the meeting in the Auditorium

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

OPEN SESSION

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

Mayor Lichtenstein advised that they posted a sign upstairs advising that the meeting was moved downstairs to the Auditorium. Also, staff upstairs will direct anyone to the meeting downstairs.

MOTION TO APPROVE MINUTES OF: 11/9/06

Motion by Deputy Mayor Coles, second by Mr. Cunliffe, to approve the above Minutes.

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

Minutes approved.

MOTION TO APPROVE CLOSED SESSION MINUTES OF: 11/9/06

Motion by Deputy Mayor Coles, second by Mr. Cunliffe, to approve the above Closed Session Minutes.

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

Closed Session Minutes approved.

PRESENTATIONS: T & M Plan Endorsement

Mayor Lichtenstein advised that with regard to the presentation on the Plan Endorsement process, they received a letter yesterday, via fax, from the State, where the State asked them not to submit that part of the petition, specifically, the proposed Regional Center..... the center concepts, etc.....there were a couple of items that the State asked them to hold off on. The items, he knows, have been brought to the attention of a lot of the people present this evening, and were mentioned to him... were the center concepts. He announced that they were not going to hold a public hearing this evening because they would be having a public hearing on a petition that they would not be submitting. They are going to wait to have the discussions with the State, as per the State's request. When they are finished with that, they will then, once again, have public hearings. And then, they will submit a petition to the State. There was some confusion today about the Township's website. He did get some phone calls about that. They tried to get a lot of this information onto the server, and the server crashed. So therefore, even though they are not legally obligated to do that, they would like to do that so that people have an easy way to access what goes on at the meetings. Mr. Cunliffe, the web liaison, advised him that they are going to be doing the proper upgrade to the server. So hopefully, well before the meeting, because he does not think they will be having the meeting with the State before December, they will have the server corrected and then when the information becomes available they will put it back on the website.

Mayor Lichtenstein further apologized for any inconvenience this may cause to the public. He knows there is a large crowd present this evening; some people have approached him about meeting with them privately, and he advised he will gladly do that.

Mr. Cunliffe asked Mr. Slachetka a question about the November 8th letter. He stated that the Mayor said that Mr. Slachetka had reviewed the letter, and he wanted to make sure that he understood it. Does the letter say that the State has received the Township's information on the Regional Center, the center concepts, the southwest acquisition, and affordable housing, and at this point, the Township is status quo on that? And that the balance of everything else that they are waiting for? Is that what this letter means?

Mr. Slachetka answered that they have satisfied all the requirements under the Memorandum of Understanding between the Township and the State, specifically the Office of Smart Growth, with regards to the materials and information they were required to this point. The next goal, the next benchmark, was November 23rd, or more practically November 22nd, because the 23rd is Thanksgiving, where they would have to have had the public meetings that the Mayor had indicated and submit a formal petition, or final petition, to the Office of Smart Growth for them to review, and to review as part of their Initial Plan Endorsement review process. That part of it they are being permitted to delay pending the discussions with the State that the Mayor mentioned.

Mr. Cunliffe read from the letter...."we look forward to receiving the remainder of your action plan items for Initial Plan Endorsement by November 23rd"....which should be corrected to November 22nd"...so he asked, as they do not have any Township meetings between now and the 22nd, so will there be a separate publicly advertised public hearing?

Mr. Slachetka answered, absolutely. In fact, the process has to be publicly advertised.

Mayor Lichtenstein asked...between now and November 22nd?

Mr. Slachetka answered no.... that maybe he misunderstood Mr. Cunliffe's question. There needs to be public hearings and public meetings before the finalization of the petition application to the State. However, there are draft documents and documents that they are going to submit to the State that already have been on file, including the draft of the Housing Plan Element, and the Natural Resources Inventory which was adopted by the Township's Environmental Commission. Those background documents which are part of the submission package, will be submitted along with a copy of the draft Master Plan re-examination to the point in which, however it may be completed, as of November 22nd. There will be additional public hearings on the Master Plan document, but they will be submitting the draft document as of November 22nd.

Mr. Cunliffe, asked...the draft document, November 22nd, there is no need for any more public hearings before that?

Mr. Slachetka answered there is no need for any public hearings before November 22nd on Plan Endorsement.

Mr. Cunliffe continued....but there will be future meetings on it?

Mr. Slachetka answered yes, there has to be.

Mr. Cunliffe continued....all of the documents, like the tree save, the affordable housing, he believes he was trying to access remotely today, he believes it is available now, even though they crashed the website. They were able to bring it back up again; that information was supplied and is available. So those elements that are going to be forwarded to the State before November 22nd are on the website, for public review?

Mr. Slachetka answered, that is his understanding in having conversations with the website representative. He believes that issue has been resolved. He should point out as well, there is, and has been, a hard copy of all the documents and maps on file at the Township Clerk's Office in accordance with the notice requirements pursuant to the Plan Endorsement process. That has been on file for quite some time, since they did the first notice....they have done two public notices.

Mr. Cunliffe thanked Mr. Slachetka.

Mayor Lichtenstein asked if there were any other questions from Committee members. Seeing none, they moved on with the regular meeting.

ORDINANCES FOR DISCUSSION: None

COMMENTS FROM THE PUBLIC will be heard for a limit of one half-hour. Each speaker will have four (4) minutes at the podium.

Mayor Lichtenstein opened the meeting to the public.

Alice Kelsey, 295B Malvern Court East – Asked about the copy of the Master Plan to be placed in the library.

Mayor Lichtenstein asked Mr. Slachetka to place several copies of the draft Master Plan in the library.

Mrs. Kelsey also commented with regard to the Public Safety Director, and the Muster Zone site.

David Drukaroff, 1433 Laurelwood Avenue – Commented with regard to overcrowding conditions.

Christine Abrams, Coral Avenue – Commented with regard to the Initial Plan Endorsement process.

Joanne LoRocca, Vine Street – Commented with regard to the Smart Growth application.

Joe DeFalco, 38 Oakmont Road – Commented with regard to Lakewood becoming a Regional Center.

Bill Hobday – Commented with regard to the protection of wellheads, and a water resources study. Also commented regarding the Smart Growth application.

Joe Barina, 160 Ocean Avenue – Commented with regard to the Public Safety Director.

Marilyn Fontanetta, 1188B Clyde Bank Court – Commented with regard to CAFRA legislation.

Ann Richardson, Lanes Mill Road – Commented with regard to the Smart Growth application, and the proposed parking garage in the downtown area.

Jimmy Esposito, 381 Rose Court – Commented with regard to open space areas.

Jeff Golub – Commented with regard to campaign signs and literature.

Michael Billig, 36 Monterey Circle – Commented with regard to Regional Center status and overdevelopment in Lakewood.

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

Mayor Lichtenstein commented with regard to campaign signs and campaign literature.

Senator Singer commented with regard to the Kara Home development. He feels the Township needs to be advised as to where they stand concerning the Bond Company. The roads can not be left in such poor condition throughout the coming Winter season; snow removal will be problematic. He further suggested that the Township petition the Bankruptcy Court directly regarding the completion of this development.

Mayor Lichtenstein advised that at the last meeting he instructed the Inspection Department and Public Works Department to clean up the site, which has been done. The Attorney was also instructed to draw down on the Bond, and the Engineering Department is working on that.

Mr. Cunliffe agreed. The poor condition of the development needs to be addressed, and it will be a huge problem for the Township as well as the residents.

Senator Singer asked that the Committee authorize the Engineering Department to work with the Township Attorney to formulate a plan to go into Bankruptcy Court concerning the Kara Homes matter. Mr. Cunliffe offered a second.

Senator Singer added they need to petition the Court regarding all of the items that need to be completed.

Mr. Delanoy advised that they need someone from Engineering to say what exactly remains incomplete, what percentage of items need to be completed.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 11/30/06)

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Block 548, Lot 194, 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 first reading.

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

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

Ordinance No. 2006-77 adopted on first reading. Second reading and public hearing to be held on November 30, 2006.

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, vacating all right, title and interest of and to a portion of streets in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1 et seq. (DeKalb Ave. between James St. & Ridgeway Pl.)(Filbert Ave. between James St. & Ridgeway Pl.)**

Read by title only for first reading.

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

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

Ordinance No. 2006-78 adopted on first reading. Second reading and public hearing to be held on November 30, 2006.

- **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. (One way Streets) (East End St. southbound from East County Line Rd. and East Harvard St.)**

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 Coles and Mayor Lichtenstein.

Ordinance No. 2006-70 adopted on first reading. Second reading and public hearing to be held on November 30, 2006.

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 authorizing Bingo and Raffle Applications:
2. Resolution authorizing the Corporate Structure Change of Wine and Liquors R US License No. 1514-44-005-009.
Resolution No. 2006-451
3. Resolution authorizing submission of an amendment application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the year 2007.
(Job Link)
Resolution No. 2006-452
4. Resolution authorizing submission of a Project Application to the New Jersey Urban Enterprise Zone Assistance Funds for the Year 2007. (Blinds to Go)
Resolution No. 2006-453
5. Resolution authorizing the execution of Change Order No. 1 in connection with a project known as Roadway and Drainage Improvements Oak Street Extension.
Resolution No. 2006-454
6. Resolution awarding a contract to Check Electrical Corp. for the installation of an emergency generator at Lions Head Woods.
Resolution No. 2006-455
7. Resolution authorizing a state contract purchase of playground equipment.
Resolution No. 2006-456
8. Resolution authorizing a state contract purchase of recycling containers.
Resolution No. 2006-457
9. Resolution authorizing the execution of a supplemental agreement between the Township of Lakewood and Alfred D. Peters.
Mr. Cunliffe removed the above Resolution from the Consent Agenda.

Motion by Senator Singer, second by Deputy Mayor Coles, to approve Resolutions 1 through 8 on the Consent Agenda.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Coles and Mayor Lichtenstein.
Resolution Nos. 2006-451 through 2006-457 – Adopted.

Resolution No. 9 that was removed from the Consent Agenda was discussed and acted upon as follows:

9. Resolution authorizing the execution of a supplemental agreement between the Township of Lakewood and Alfred D. Peters.

Motion by Senator Singer, second by Mr. Miller.

Mr. Cunliffe stated that generally it has been his practice not to comment or to participate in police matters, since his daughter is an officer in the Lakewood Police Department. Tonight he will participate in this item, as least in the discussion phase, if not in the direct vote. With no disrespect to Mr. Delanoy, he advised he spoke with other attorneys, and someone at DCA, and the advice he received was that when it is a situation that involves his daughter, and he would be voting on a Contract, he should not vote on that. If it were a situation where he would be voting on something that would be giving her more paid holidays, he should not vote on that. But in general terms, in philosophical terms, whether they should have more police cars, more police radios, he is not directly in technical conflict in that type of vote. So, he wanted to let the public know, that his daughter is an officer here in the Police Department, and he is proud that she is an officer in the Police Department. She should not be withheld from her ability to protect and serve this town. He should not be prevented from speaking out on issues that do not directly affect his daughter. The letter of the law says if you have a conflict and someone in your family is going to be enriched by that, then you have a conflict. He just wanted to say that if in fact the Township Committee is going to vote in the affirmative on this, and he has no idea how they will vote.....he knows the Township Committee, last year, by a majority moved very quickly that the Chiefs test be given. They are a Civil Service town....the Chiefs test is given. If this action tonight is going to leave the Police Department without a single leader at the top, that is not a good position for the department to be in. He does not care whether it is a Police Department, a place of business, a baseball team, you have got to have someone at the top to lead the organization. So he would say that if the Township Committee is going to go forward and do this, then they have to move forward, and have a test, have a candidate who came out number one, and if the Township Committee does this and effectively removes Mr. Peters as the Director of the Police Department, which he is sorry to see they are considering, he is going to say that he is proud to stand, and he does not always agree with Senator Singer....but he will stand with Bob Singer on this, and he is going to say that if the Township Committee is going to do this, then they should go back to a Chief. They have a number one candidate, and if they are going to get rid of Mr. Peters, unfortunately, they should institute another Chief. They have a candidate and they should move forward and name a Chief.

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

Resolution No. 2006-458 – Adopted.

MOTION TO APPROVE BILL LIST OF: None

CORRESPONDENCE

Letter from Cornerstone Calvary Chapel requesting to use Town Square on December 9 and 23, 2006 from 12:00 Noon until 4:00 PM to pass out free food and clothing.

Letter from Lakewood High School requesting to use the Clifton Avenue Grade School Athletic Field for a bonfire to begin at dusk on November 22, 2006.

Letter from Movimiento Misionero Mundial Inc. requesting to use Town Square on November 18, 2006 from 3:00 PM until 6:00 PM.

Motion by Senator Singer, second by Mr. Cunliffe, and carried, to receive and approve the above correspondence.

Mr. Miller asked if the appropriate permits have been obtained regarding the bonfire.

Mayor Lichtenstein advised that the Motion was to accept the correspondence into the file, and then whatever the professionals recommend obviously needs to be done.

COMMENTS FROM COMMITTEE MEMBERS – None

ADJOURNMENT

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

Meeting adjourned at 9:00 PM.