

**LAKWOOD TOWNSHIP COMMITTEE  
MINUTES  
SEPTEMBER 25, 2008**

**The Lakewood Township Committee held a Meeting on Thursday, September 25, 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>Absent..... Meir Lichtenstein</b>
<b>Committee Members.....</b>	<b>Senator Robert Singer Menashe Miller Charles Cunliffe</b>
<b>Municipal Manager.....</b>	<b>Frank Edwards</b>
<b>Municipal Attorney.....</b>	<b>Steven Secare</b>
<b>Deputy Clerk.....</b>	<b>MaryAnn DelMastro</b>

**CLOSED SESSION**

Motion by Mr. Cunliffe, second by Mr. Miller.  
**Resolution No. 2008-337 – 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 Mr. Miller, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 09/11/08**

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

**MOTION TO APPROVE CLOSED SESSION MINUTES: 09/11/08**

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

**(There was no recording of the following portion of the meeting.)**

**PRESENTATIONS - None**

**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.

Gerry Ballwanz – Commented with regard to the land sale Resolutions on the Consent Agenda.

**(Recording of the meeting resumed with the following public comments.)**

Noreen Gill – Spoke in opposition to the proposed payments to the Board of Education.

Senator Singer responded that the Board received a check that is in their Attorney's trust account, for between \$600,000.00 and \$700,000.00. The Closing was scheduled for July and the School Board asked that it be pushed off until the end of December because they had no place to move to. They sold the building on the urging of the County Superintendent; the building was antiquated and was costing over a half of a million dollars to run, and it was not being used for public school children; it was being used as administrative offices only. They were renting out most of the building to private schools. The subject \$500,000.00 is not a loan, and it is not money that has to be paid back; it is an advance on money that is paid by the Township to the Board of Education each month. So over the next three months, the Township is paying the Board of Education one third more than they normally would have gotten for that three month period. The Board Education has asked that the Township advance them a half of a million dollars over a three month period, and it will be deducted from the payments after that. There is no money being loaned; they will be given that half a million dollars less in February, March and April. And, because of the shortfall, the State of New Jersey is advancing them \$900,000.00 a month, for September, October and November, which is money they would normally be getting in January, February and March. Again, it is an advancement of money that is owed to them anyway; it is not a loan.

Mr. Cunliffe responded that he intends not to support the Resolution when it comes up for a vote. He has a different viewpoint of the transposition of the funding in June and July. That is not his understanding of why those payments were like that. If it were ten years ago, and the Township was sitting on a sixteen million dollars surplus, he would maybe have a different viewpoint about forwarding them a half of a million dollars. But when this country is faced with a seven hundred billion dollar rescue of the financial fabric of this country, when foreclosure rates are going through the roof, when the funding and the fiscal well-being of the State of New Jersey is in question, he does not

think it is prudent for the Township to forward the \$500,000.00 now, because he is afraid the Township might need that \$500,000.00, and once they forward it to the Board of Education, they can not get it back. He understands it is not a loan, it is not a give-away, but he thinks in these financial times it is the wrong time to do it.

Senator Singer advised that he verified the advancement of the monies to the School Board over the three month period with the Township CFO, who advised there will be no problem with that, and that it will not affect the Township financially. Also, over the course of the year, seventy-one million dollars are given to the Board of Education. The half of a million dollars over the three month period is a small portion of the money that is given to them. The Township is giving them an extra \$167,000.00 a month, for three months, and they will deduct it from the following three months.

Mayor Coles added that the full \$500,000.00 will be returned to the Township in February of 2009. It will not be spread over three months.

Mr. Cunliffe stated that he understands that they are not giving them the money; the Township is forwarding them the money in advance. He just feels that with the financial situation as it stands right now, he is a little more conservative. Mr. Rieker, the CFO, is a great man, he has done good things for the Township in terms of working on the Committee's suggestion to refinance bonds. But on this one, he respectfully disagrees. He thinks it is too tough of a time for the Township to forward the money in advance.

David Drukaroff, 1433 Laurelwood Avenue – Stated that the only difference between the request for \$500,000.00 for the Board of Education, and seven hundred billion dollars for Wall Street, is the amount of money involved. The failure of character is the same. Mr. Drukaroff continued with comments regarding the past practices of the Board of Education.

Joe DeFalco, 38 Oakmont Road – Commented with regard to the Board of Education request for advancement of monies.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the Resolution on the Agenda this evening authorizing the Mayor to execute an amended Option Agreement for the Cedarbridge Development Urban Renewal Corporation.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the advancement of monies to the Board of Education. Also commented on the Resolution regarding the amended Option Agreement for Cedarbridge Development Urban Renewal Corporation.

Mr. Hobday also asked Mr. Mignella about proposed streets lights at Cross Street and Massachusetts Avenue.

Mr. Mignella answered that the Purchasing Agent has advised him that the work order was cut, and JCPL should be doing the work soon.

Howard Suchno, 50 Foxwood Road – Commented with regard to the Board of Education budget.

Zipora Chapler, 172 Carasaljo Drive – Advised she was at the meeting two weeks ago regarding her request for no parking signs on Carasaljo Drive.

Mayor Coles advised they have not received a report back from Traffic & Safety as of this date.

Mr. Edwards advised that he sent the information to Engineering and the Police Department, but he believes that the petition just came in this afternoon with a series of requests and recommendations from the neighborhood. So obviously, no one has had the chance to review this yet, because it just came in today.

Mrs. Chapler stated she would like to add some more points, something that has transpired over the past two weeks that would definitely put some more weight to the urgency of getting the no parking signs installed. There was one day that there were many cars on the side of the road; she showed pictures of the school buses that were unable to pass through the street. Also a child was hurt while roller-blading down the street. They do not want to have any more incidents. They are asking for no parking signs for safety reasons.

Chief Lawson advised that he spoke with Sgt. Work in Traffic & Safety. He did go out and investigate this, and he has his recommendation, that he would eliminate parking on the entire length of Carasaljo Drive, on the south side. He would not recommend that parking on both sides be prohibited because he feels it would have a significant impact on the residents in the area.

Mrs. Chapler stated that the concern was not to do both sides because of the residents, but if the residents are requesting it, she asked where does that concern sit now.

Chief Lawson advised they did not take a survey of all the residents up and down Carasaljo Drive from South Lake Drive to Miller Road. He does not know if that petition encompasses every resident who lives on that block. They can check that out, and certainly that would be taken into consideration.

Mrs. Chapler advised that the majority of neighbors up to Shady Lane are in favor of no parking on both sides.

Mayor Coles advised they will draft the Ordinance to prohibit parking on the south side.

Mrs. Chapler stated it will have to be reversed; the children live more on the other side. She does not know what the reason of south side versus north side is; the parking has to be eliminated on the side where the majority of the children live.

Chief Lawson answered that he does not have a rationalization for the south side. Traffic & Safety is run by Sgt. Work, who is the traffic expert. He will check with him tomorrow.

Senator Singer stated they have to go with the recommendation of Traffic & Safety. And secondly, they have to look at all the residents. When people buy a house on a block, and expect to have parking; what happens when someone comes to visit...where do they park.

Chief Lawson answered that he thinks that is what Sgt. Work's concern was, and why he thought eliminating parking on one side would be a pretty good compromise.

Mr. Edwards added that this is not the time to debate this, because the professionals have not had the chance to review this, and the speaker only brought her petition in today.

Fred Gincel, 144 Carasaljo Drive – Complained about the traffic conditions on Carasaljo Drive. There is not even enough room for cars to pass each other when there are cars parked on one side. It is a thirty foot right-of-way, and according to Township rules, parking is only permitted on one side. There is an unfinished curb line on both sides of the road that juts out three feet on both sides, alternately. Eliminating parking on one side does not solve the problem where the road still juts out on the wrong side. The actual answer is putting curbs and sidewalks down the entire road. The homes on Carasaljo Drive are kept up neatly. He followed the rules when he built his home. In order to build his home, he had to get a Certificate of Occupancy, and that included completing the road. Also complained about the unfinished construction sites along the street. As to 119 Carasaljo Drive, he would like to know their intentions. There are lights all over the building, that are out of character in a residential neighborhood. The road is not completed; there is a water meter in the road which presents a hazard. As to 105 Carasaljo Drive, it is an undersized lot where the house was leveled. A huge foundation was installed; there is no permit hanging, and it appears to be only four or five feet from the lot line. He asked if a 10,000 square foot structure in an R-15 Zone needs a variance.

Mr. Mignella answered that it should have gone before the Zoning Board for a variance.

Mr. Gincel stated there was a house there that was leveled. The neighbor across the street witnessed the footing being poured, and there was no steel in the rebar. So, you have the complete foundation, very close to the lot lines where you can not access the

backyard in a reasonable manner, and he would like someone to tell him why they were permitted to build without a variance, or if a variance was needed.

Mayor Coles asked Mr. Mignella to look into this.

Mr. Gincel further advised that Deputy Mayor Lichtenstein visited the street and has witnessed the traffic and lack of accessibility for school buses and emergency vehicles.

Carol Suchno, 59 Foxwood Road – Commented on the proposed advancement of monies to the Board of Education.

Bert Albert, Lions Head Woods – Commented on the Resolution to replace the roof at the Blueclaws stadium.

Aharon Rottenberg, 207 Carey Street – Commented on the advance of monies to the Board of Education. Also commented on the land sale of Block 202, Lot 1.

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

Mayor Coles asked if the Committee has any questions for the professionals.

Senator Singer asked Mr. Mignella to look at the intersection of Prospect Street and Cross Street, and at James Street and Cross Street, where the intersections are very poorly lit. There is only one light at each intersection. Also, the intersection of James Street and Sunset Road needs improvement and there is no lighting.

Senator Singer further commented on the amount of street lights that are out in town. JCPL is telling him that street lights are repaired within three working days. The outages are being reported, but the repairs are not being done. He suggested that JCPL be brought in, and the Police Department provide them with the list of outages.

Chief Lawson advised Senator Singer that Traffic & Safety looked at some of the intersections he mentioned, specifically James Street and Cross Street; their recommendation is to upgrade the existing light on the pole to a 250 watt fixture, and install a new light fixture on a pole located on Cross Street and Franklin Avenue with a minimum of 150 watts. Secondly, as to the lighting issue at Prospect Street and Cross Street, to upgrade the current 50 watt bulb to 250 watts, and install a new light fixture with a minimum wattage of 150 watts. And finally, on James Street and Sunset Road, to upgrade the current light from 150 watts to 250 watts, and install a new light fixture at 180 Sunset Road with a 250 watt bulb.

As to the safety box at the end of Chestnut Street and Cross Street, Chief Lawson spoke with Traffic & Safety and the message board will be placed at that location, with a warning message for motorists.

As to Phase 2 of Vine Street, Mr. Mignella advised they will discuss this issue with DOT when the time comes.

Senator Singer also asked Mr. Mignella about the condition of James Street.

Mr. Mignella answered that James Street, Sunset Road, Kimball Road, Caranetta Drive, and South Lake Drive, will all be repaved. He has a meeting with the Water Company next week to write the punch list. He further advised them that they have to re-do Pine Street.

Mr. Miller asked Mr. Mignella to advise the Water Company that Sunset Road currently has sidewalk from Central Avenue to James Street, and is only missing one area, in front of the Water Company. He asked that they be requested to put sidewalks in front of their property.

As to the water ponding problem at Shonny Court, the Developer has engaged the services of French & Parrello, and they should be out there by next week doing soil samples and coming up with a design. They were given the date of December 1<sup>st</sup> by which time to have the problem remedied.

As to the small portion of Kent Road sidewalk, Mr. Mignella spoke with the homeowner and they said they gave enough when County Line Road was widened. The really do not want to give an easement or right-of-way for sidewalks. They referenced that the school across the street, part of their Planning Board approval was to install sidewalks, so the homeowner believes that the residents can walk across the street and cross over. The homeowner is not willing to give up any easement for sidewalks.

Mayor Coles asked Mr. Mignella if he prepared a rough cost estimate on what it would cost if the Township did the work.

Mr. Mignella answered it would cost about \$5,300.00 for approximately 130' of sidewalk, driveway apron, having a tree cleared, and relocating a fence.

Mr. Mignella advised Senator Singer that he does have a plan regarding the intersection improvement for James Street and Sunset Road, showing some striping, widening, a left turn slot, etc., and he will provide him with a copy.

Mayor Coles asked Marilyn Rodriguez if she had any information on the Hearthstone Development.

Ms. Rodriguez advised she has issued several summonses in the Hearthstone development.

Senator Singer advised he spoke with Mr. Mack about the problems in the development. There are more rentals than homeowner occupied homes in the area. Also, there are many absentee landlords. Even though they give dual notification, which was part of the Court settlement, the process of evicting a tenant takes months. Part of the compromise could be that once a landlord has been convicted of a violation, that would trigger the requirement every year to have the CO reviewed. That is something to think about; it might be a feasible solution. It might be an incentive to keep your property in order. The smart landlord can push off Court dates for months. Maybe the Township could have a special Court date just for these types of violations. They need to do something. Maybe they have to help the Inspection Department so they can speed up the Court appearance.

Ms. Rodriguez further advised that the other problem they have is that a lot of the landlords are hiding under LLC's, and they have to go after the LLC, and they do not show up at Court.

Mayor Coles agreed that they need to do something. He asked Mr. Secare to set up a meeting with Ed Mack next week to discuss that CO Ordinance, and whether or not they can enact some of the suggestions that Senator Singer mentioned.

As to the safety issues at Pine River Village, Mr. Mignella advised that one of their inspections did a thorough walk-through of the development, and they are in the process of finalizing a punch list for them to upgrade and provide safety measures.

Due to the traffic back-up, Mr. Cunliffe asked Chief Lawson and Mr. Mignella to check the timing of the traffic light at Route 88 and Clifton Avenue.

Mr. Cunliffe also advised of the traffic congestion entering the municipal parking lot on the Second Street side because of two large construction dumpsters.

Mr. Mignella answered that the owners are doing some rehab work on store units. He advised the store owner he had to clear it with Zoning; he does not know if the dumpsters are permitted.

Mayor Coles asked Ms. Rodriguez to check with Mr. Mack on this matter.

Mr. Miller asked if anyone followed up on the street lights on the 1400 address area on North Lake Drive.

Mr. Mignella advised he referred that matter to Al Dineros, the Purchasing Agent, who will coordinate the work with JCPL if it is required.

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 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.**
- 2. Resolution reducing a Performance Guarantee posted by Somerset Mam, LLC in association with Block 761, Lots 1 to 3.  
Resolution No. 2008-338**
- 3. Resolution releasing a Performance Bond posted by Auto Zone, in connection with Block 104, Lots 42 & 43.  
Resolution No. 2008-339**
- 4. Resolution authorizing the Sale of \$21,800,00 Principal Amount of General Improvement Bonds, Series 2008, 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. 2008-340**
- 5. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 190.04, Lot 41.  
Resolution No. 2008-341**
- 6. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 199, Lot 1.  
Resolution No. 2008-342**
- 7. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 199, Lot 3.  
Resolution No. 2008-343**

- 8. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 200, Lot 1.  
Resolution No. 2008-344**
- 9. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 200, Lot 5.  
Resolution No. 2008-345**
- 10. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 201, Lot 1.  
Resolution No. 2008-346**
- 11. Resolution accepting bids on the following parcel, as a result of the Public Land Sale on Block 202, Lot 1.  
Resolution No. 2008-347**
- 12. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget, in the amount of \$438,220.00. (Chapter 159 - UEZ – Job Link Year 13)  
Resolution No. 2008-348**
- 13. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget, in the amount of \$1,838.546.00 (Chapter 159 - UEZ – Stadium Year 10)  
Resolution No. 2008-349**
- 14. Resolution Pursuant to the Directive of the Department of Transportation receiving funds allocated for the Kettle Creek and Vine Street Access Project Phase II.  
Mr. Cunliffe removed this Resolution from the Consent Agenda.**
- 15. Resolution authorizing the Execution of an Interlocal Service Agreement between the Township of Lakewood and the County of Ocean. (DWI Checkpoints Program)  
Resolution No. 2008-350**
- 16. Resolution advancing Tax Revenue payments to the Lakewood Township Board of Education.  
Mr. Cunliffe removed this Resolution from the Consent Agenda.**
- 17. Resolution authorizing the award of professional services contract to Birdsall Engineering, in the amount of \$60,300.00. (Completion of Oak Street)  
Resolution No. 2008-351**

- 18. Resolution awarding a contract to Hall Building Corporation, for the partial roof replacement/Shingle project, at the Blue Claws Stadium, in the amount of \$735,000.00.  
Resolution No. 2008-352**
- 19. Resolution amending the Award of a Professional Services Contract to Glenn Harrison, Esq.  
Resolution No. 2008-353**
- 20. Resolution authorizing the Lakewood Township Tax Collector to Cancel Taxes as to Block 820, Lot 1, in the amount of \$3,999.70.  
Resolution No. 2008-354**

Motion by Mr. Miller, second by Senator Singer, to approve Resolution Nos. 2 through 13, 15 and 17 through 20 on the Consent Agenda.

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

Negative: Mr. Cunliffe, as to Resolution Nos. 5 through 11

**Resolution Nos. 2008-338 through 2008-354 – Adopted.**

Resolution Nos. 1, 14 and 16 that were removed from the Consent Agenda, were discussed and acted upon as follows:

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

Motion by Senator Singer, second by Mr. Miller.

Mr. Cunliffe advised of his concern that he would like the Township to reflect before they take action on this Resolution. The commencement date, in Section 2, Paragraph B...the commencement date means July 21, 2006. He asked Mr. Secare how this date was established as the commencement date.

Mr. Secare answered that the approvals as outlined in the Option Agreement, in his opinion, would mean the last approval given, not to select any one particular approval and use that as a starting date. In analyzing the approvals, one of the approvals that would be a triggering event, or the last triggering event, would be an approval by the MUA. The Attorney for Cedarbridge sent him a package, which he thought he forwarded to everyone at the Mayor's request, and he gave an opinion letter to the Township predicated upon when he received it from the MUA. And in that package, and that is why the date that is in the Resolution is incorrect, and that was his office's mistake...the date should be June 15, 2006. It goes back a few weeks before that. And he thought he had corrected that. The reason he selected the June 15<sup>th</sup> date, is that he has a letter from Teresa Petrick, the former engineer for the LTMUA, and in that letter, and he quotes...“therefore, your application for sanitary sewer is deemed administratively complete” and the date of that letter is June 15, 2006. Mr. Secare advised that he was

told there were other permits, and he had said that he had asked the Mayor if he should call Ms. Petrick and ask more about that letter, but unfortunately she is deceased. So, in his opinion, based on that letter, that is your commencement date.

Mr. Cunliffe, stated to Mr. Secare, in all due respect, "administratively complete" means one thing, and they are getting that from the client's Attorney. The Attorney for the applicant of course is going to do what is in the best interest of that applicant. He thinks it is the duty of the Committee to do what is in the best interest of the Lakewood taxpayers, and he can not accept that date of June 15<sup>th</sup> because being "administratively complete" is one thing, but he has Resolution 02-23, passed on the 9<sup>th</sup> day of April, 2002, where Cedarbridge Development has applied to the LTMUA for approval of distribution and sanitary system....they got their approval on April 9<sup>th</sup>, 2002. He also has documents from the State of New Jersey and they got their DEP water permit on July 11, 2003, and they got their DEP sewer permit on September 27, 2003.

Mr. Secare answered that they may be DEP permits, but the permit that was given by the MUA he deems as an approval.

Senator Singer stated it is his understanding that getting a permit, and completion, are two different things. The comment that was made was "it was deemed complete", which means they finished the job.

Mr. Cunliffe stated they pulled the permit in 2002.

Senator Singer stated it was a big job.

Mr. Cunliffe added that the section of the contract talks about the very first time the permits are pulled. It does not talk about it being "administratively complete". And, it says, except for final subdivision, final subdivision map, and the actual permits, are excluded from the commencement date.

Mr. Secare advised that the Attorney tried to say that the filing of the subdivision map would be the triggering date, and he did not agree. But he does agree with the fact that the letter says "administratively complete".

Mr. Cunliffe stated that the documentation that he found does not support that date, and unfortunately, they can not follow up on that.

Mr. Secare advised he could ask another engineer, who he has dealt with in the past, what was his understanding of an approval, as well. He will do whatever he is directed to do. He can only work with the material he has, and what was sent to him by the Attorney.

Mr. Cunliffe stated he is suspicious. He would also like the Committee to think about, that based on the situation where they have the two dozen homeowners from the other Cedarbridge Avenue project, south of Pine Street. If they change the commencement date, does this change any other Agreement or Option that is running concurrent with this.

Mr. Secare answered no. In his opinion the commencement date is only relevant to the Option Agreement. That is what they are dealing with.

Mr. Cunliffe asked if there was any other Agreement with any other entity. As he understood it, that land south of Pine Street was to be a senior development so that they could build it and raise money to support the construction of the buildings around

the stadium. If they change the commencement date on this, what effect does it have on that other project and any other Agreements that are running concurrently with that. Mr. Secare answered probably none, but he would have to analyze it more before he can give a final answer.

Mr. Secare added that the group of people came to the last meeting asking the Committee to change the age restriction, and he had given the Mayor the opinion that he does not think they can do that at this point. Subsequent to that, he received a call from the Developer, who he advised had to do certain things, such as going to DCA, etc., before he can in good conscience recommend to the Committee that it be done. The wishes of the people are there, but until he gets some kind of comfort level from the DCA, and that the Fair Housing Act Standards are met, he can not recommend to the Committee that it be done. And his opinion stands today because he has not heard anything to the contrary.

Mr. Cunliffe asked if those two projects are still connected.

Mr. Secare answered he does not believe so, but again he wants to analyze the documents further.

Mr. Cunliffe stated that he thought that when they built that development, the money they raised from that project, was going to be the seed money for construction of Cedarbridge Development.

Mr. Secare added he believes that was the theory.

Mr. Cunliffe asked if that was still true.

Mr. Secare stated it is not part of the Option Agreement; that was something that was separate and distinct.

Mayor Coles advised he still has a lot of questions on this matter. He would really like to get in touch with the MUA Engineer, and have Mr. Secare sit down with him. He is not going to rely on information from the Developer's Attorney, or anyone else's Attorney, other than his own. He really needs to get into this, and wants to know what the correct date is. He understands all the points. He was under the impression that the start date was when the infrastructure was complete.

Mr. Secare added that approval is clearly a pivotal word, but he does not want to get the Committee into a situation where they could be sued, and loose. So they should tread cautiously. But he will talk to the MUA Engineer.

Mayor Coles further advised that he spoke with Mr. Mueller, from Cedarbridge. Though they would like to get this resolved, it is not a very time sensitive issue. He asked if they should let this die tonight, should they table it, should they carry it, but he does not want to carry it to a date, until he knows they have the information.

Mr. Secare stated there was a Motion, and a second, so it is on the floor.

Mayor Coles stated they would have to either amend it, or vote no on it. He does not want to kill it because it needs to be addressed. Because there is no commencement date in that Option Agreement, and they need to come up with the correct date.

Mr. Secare advised they can bring it back whenever they want. And as it is not time sensitive, maybe the easiest thing to do at this point is vote it down. If you carry it, it will keep coming up on the Agenda.

Mayor Coles advised he is not telling anyone how to vote, but he would like to let this die tonight.

Mr. Secare advised you can carry it without date, so it does not come up on the next Agenda.

Mr. Edwards added this is a Resolution so there is no advertising requirement. You can bring up a Resolution anytime you want, but if you vote and continue it, you are making it reappear all the time.

Senator Singer amended his Motion to carry the Resolution to a future meeting; Mr.

Miller amended his second to the Motion to carry the Resolution to a future meeting.

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

Negative: Mr. Cunliffe

Resolution carried to the future date.

#### **14. Resolution Pursuant to the Directive of the Department of Transportation receiving funds allocated for the Kettle Creek and Vine Street Access Project Phase II.**

Motion by Mr. Miller, second by Senator Singer.

Mr. Cunliffe stated he would like to convince the Committee not to vote in the affirmative on this. If the professionals were still present they would tell you that every single scrap of paperwork, application, etc., that they sent to the State was approved for the Vine Street Project, Phase 2. They also have reports from the lobbyist that were given to the Lakewood Industrial Commission, telling the Township, congratulations, they got the Township a \$1,000,000.00 grant for Vine Street. He is going to speak quite frankly, he thinks that the State is out of money, or they want the Township to create some kind of conduit for them to move money around which he is not going to be part of. But he thinks the State is punishing the Township and they should not be doing this. They should say to the State, thank you, but no thank you, if you want the money, come take it, because all of the paperwork that the Township did was proper, and the State approved the funding, and what is not on the Resolution, but is in the letter from the State of New Jersey, is that they want to take the money from the Township for a \$1,000,000.00 road project that benefits everyone, and they want to give it to Cedarbridge Development.

Mayor Coles stated he agrees with Mr. Cunliffe, except there is one problem. They do not have the money from the State. They never gave the Township the seventy-five percent up front. Basically, they are telling the Township that they are not giving the Township the million dollars. The Township does not have any say in it. What this Resolution does is it gets the Township the \$189,000.00 they have already committed for contracts there. So, in essence, the Township is losing it. He has been fighting this for quite some time. This letter came in at the end of August, basically saying, sorry, they are canceling this Agreement, the Township is not getting the money, and he was told that if the Township was going to get the \$189,000.00, the Township has to pass this Resolution to have the State send it.

Mr. Cunliffe stated he can not support this.

Mr. Secare stated that the letter from the State required that a Resolution like this be placed on the Agenda; that is why it is on the Agenda.

Mayor Coles repeated that he agrees, but he does not want to give up close to \$200,000.00.

Mr. Edwards clarified that the amount is actually \$150,000.00 because unknowingly, the Township was permitted to take \$36,000.00 from some other previous approvals that were left over and they earmarked it for that Birdsall Contract. So the Township is actually paying that \$36,000.00 out of the Township's money and it is \$150,000.00 they are talking about with DOT. But they have already contracted, and committed the money with Birdsall.

Mayor Coles asked if they have any recourse against the State.

Mr. Secare answered no, it is a grant; they do not have to give it to the Township. It would be no different if they said they do not have the money, regardless of any reallocation. He would not want to sue the State; they probably have more immunities than the Township. But he is strongly recommending that the Resolution be passed so that the Township can fulfill their contractual obligations to the Contractor.

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

Negative: Mr. Cunliffe

**Resolution No. 2008-355 – Adopted.**

**16. Resolution advancing Tax Revenue payments to the Lakewood Township Board of Education.**

Motion by Senator Singer, second by Mr. Miller.

Mr. Cunliffe requested that the Committee not do this. They will have no leg to stand on. Every time they are told there will be no problem, then there is always another problem.

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

Negative: Mr. Cunliffe

**Resolution No. 2008-356 – Adopted.**

**ORDINANCE SECOND READING - None**

**ORDINANCE FIRST READING - None**

**CORRESPONDENCE**

Per list of one (1) correspondence item, attached hereto and made a part hereof.

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

## **PARKS AND EVENTS CORRESPONDENCE**

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

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

### **MOTION TO APPROVE BILL LIST OF: 09/23/08**

Motion by Senator Singer, second by Mr. Miller, to approve the above Bill List.

Mr. Cunliffe asked if this Bill List covers the \$500,000.00 being forwarded to the Board of Education.

Senator Singer answered no.

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

Negative: Mr. Miller.

**Bill List approved.**

## **COMMENTS FROM COMMITTEE MEMBERS**

Senator Singer commented that he was present at the Ocean First Foundation presentation last week. The libraries in the school systems in Lakewood received a total of \$70,000.00 in grants, to be spent on books and similar items. It was the largest grant to schools in Ocean and Monmouth Counties. They got \$25,000.00 for the High School Library, \$25,000.00 for the Middle School Library, and \$10,000.00 each for Clark School and Oak Street School. He requested that they prepare a Proclamation to send to Ocean First Foundation thanking them for their generosity. Motion by Senator Singer, second by Mayor Coles, and carried, to prepare and send the Proclamation.

## **ADJOURNMENT**

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

Meeting adjourned at 9:08 PM.