

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
FEBRUARY 15, 2007**

The Lakewood Township Committee held a Meeting on Thursday, February 15, 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
Charles Cunliffe
- Municipal Manager..... Frank Edwards
- Municipal Attorney..... Steven Secare
- Municipal Clerk..... Bernadette Standowski

CLOSED SESSION

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller.
Resolution No. 2007-87 - 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 Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 2/1/07

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 2/1/07

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

Mr. Cunliffe abstained.

PRESENTATIONS: Proclamation to James Bivins on his retirement

Mayor Coles presented Mr. Bivins with a Proclamation acknowledging his forty years of service and dedication to the Township of Lakewood, and wished him best of luck on his retirement.

ORDINANCES FOR DISCUSSION:

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.

Diane Reeves, Holly Street – Offered an update on the gang graffiti in her neighborhood. Also suggested various regulations for renters.

Alice Kelsey, 295B Malvern Court – Commented on the appointments to the Homeless Advisory Committee.

David Drukaroff, 1433 Laurelwood Avenue – Commented on the discussion on gangs held last week at the Ocean County Library.

George Lindsey, Sage Foundation – Submitted his request for a block party to be held in May.

Mayor Coles suggested that the above request be reviewed by the various departments in order to allow sufficient time for preparation for the event.

Brett Harlon – Requested an appointment for an interview with a member of the governing body for a project in his state and local government class.

Bill Hobday, 30 Schoolhouse Lane – Commented on the program with regard to gang awareness held at the library last week. Also commented on the day laborer issue, and the recall issue. Also suggested a park location for the southwest area of town.

Larry Simons, 7 Schoolhouse Court – Commented on the schedule of meetings for the Township Committee.

Maryann Sorensen Allacci, for Mi Casa – Commented on affordable housing and homeless issues.

Noreen Gill, 192 Coventry Drive – Commented on the landlord lawsuit.

Mr. Secare advised they are working on a settlement resolution.

Joseph Mutterperl, 801 Central Avenue – Commented on the violation notice he received with regard to his property.

Mayor Coles suggested that he speak with Mr. Mack privately with regard to this matter.

Gerry Ballwanz, Governors Road – Commented with regard to the homeless issue. Also commented on a recent Planning Board application.

Moshe Raitzcik, 1304 Twin Oaks Drive – Commented on the property between 345 Squankum Road and the Farm Fresh Market; there is standing water on the property, which is owned by the Township, and he asked if there was a survey of the property available.

Mr. Mignella advised it is public property, however, no one maintains it in the sense that the trees are not cut and the grass is not cut; it remains in a natural state. He further advised that the water is stormwater runoff.

Mr. Franklin added that the water moves through the property.

Sam Christopher, Central Avenue – Offered comments with regard to the problems in Brick.

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

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

As to the issue of school buses in Lafayette Greens, Chief Lawson advised that he spoke with Lynn Celli with regard to this issue. That area is not covered by Title 39 so the Police Department does not have enforcement powers in that development. Mr. Secare had suggested that Title 18 be researched.

Mr. Secare advised that he directed a letter to Ms. Celli with regard to this matter.

Mr. Cunliffe advised that he spoke with Mr. Inzelbuch to request that a meeting be arranged with the Superintendent and Ms. Celli to try to resolve the problems.

As to the Cross Street/Prospect Street light situation, Mr. Mignella spoke with Mr. McManus with regard to additional street lights. He believes that the utility company has come to an agreement and they will be installing additional street lights.

Chief Lawson further advised that Sgt. Work inspected the area and found there were light outages.

As to the metal rods in the area of the railroad crossing on Prospect Street, Mr. Franklin advised he will do the repairs.

As to the light survey on Martin Luther King Drive, Chief Lawson advised that the survey was done and he has a recommendation from Sgt. Work which indicates there is one light post at the intersection, and one approximately two hundred feet away from the intersection. The lighting appeared to be marginally adequate; there is the possibility that they can increase the wattage of the bulbs in those particular poles rather than going through the expense of installing another pole.

Senator Singer commented as to Pine Street and Martin Luther King Drive; that if you are traveling in an easterly direction coming off of Route 9 and Pine Street, and cars are trying to make a left hand turn onto MLK Drive, there are always cars parked there during the week, so you can not go around that car to make a turn. The traffic backs up to Route 9. They had talked about doing a survey to see if maybe between 7:00 AM until 6:00 PM there would be no parking in that area, so that people can make that turn. There does not appear to be a problem at night or on weekends; it is only a problem during the week, Monday through Friday, during rush hour, in the mornings and evenings.

As to the issue of ATV's, Chief Lawson advised that the vehicles are back in service. The Crime Analyst has prepared a report on this issue as to the areas of complaint, and it is predominantly in the areas of the John Patrick Sports Complex, the Brook Road Sports Complex, and the Hearthstone area. As soon as the weather breaks, the officers will be on the vehicles doing enforcement.

Comments from Committee Members:

As to the street light issue on MLK Drive and Pine Street, Mr. Miller requested that Mr. Edwards ask the Purchasing Agent to submit a wattage increase for the two poles involved.

Mr. Miller further advised there was a recent accident on the corner of Spruce Street and Marc Drive. The homeowner involved has requested that a sign be placed at the Marc Drive location. Also, there is a telephone pole at that intersection; he requested that a light be placed on that pole.

Mr. Miller further advised that on East Fourth Street there are two new developments. East Fourth Street is a one way street, and when you come out of the development, unless you are a resident of the area and know that it is a one way street, it can be confusing and you may make a right turn. He recommended that directly opposite the exit of that development, there should be a one way street sign placed at that location. He will provide the exact location to Public Works.

Senator Singer requested that a letter be sent to the Planning Board. If a development was built, there should have been a sign mandated by the Planning Board, stating left turn only. The Developer has some responsibility for doing this. The contractor should be required to put in the required signs. He suggested that the Zoning Board and the Planning Board be reminded that when they do grant these approvals, that they make sure the required signs are part of the approval.

Mr. Cunliffe advised that back in the Fall, he received many calls regarding the way the trees were cut back by the power company on Cross Street and Chestnut Street. The power company has been back to Chestnut Street and they have pruned and taken down more trees. He asked that the Engineering Department look into it. Some of the trees have been cut back so that he does not believe they will survive; also stumps have been left in the area.

Mr. Mack and Mr. Mignella advised that a separate crew will most likely come in to complete the job.

Mr. Cunliffe asked that they look into it to make sure the job is completed.

Meir Lichtenstein advised that a street light is needed at the corner of Buttell and Rose; it is a very dark intersection. He provided the information to Mr. Edwards to be forwarded to the Purchasing Department.

Mr. Lichtenstein further advised he received a petition from the residents of Shonny and Irene Court. These are two courts that are back to back, off of Hope Road. There is an emergency vehicle access road between the two developments, but it is not marked properly or clearly defined. The residents have asked that no parking, no stopping signs be placed at this location, together with yellow striping and cones. He provided the information to Mr. Edwards to be forwarded to Public Works and the Police Department.

At this time, the professionals left the meeting.

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 the person to person transfer of liquor license number 1514-33-032-012 from Sandra Fore to Lakewood Liquor, LLC.
Resolution No. 2007-88
2. Resolution releasing a maintenance bond posted by Cross Street Associates, LLC (Fairways at Lake Ridge) in connection with various blocks and lots.
Resolution No. 2007-89
3. Resolution reducing a performance guarantee posted by M & S Enterprises in association with Block 267 Lot 7.
Resolution No. 2007-90
4. Resolution releasing a performance bond posted by Lugano Estates LLC in connection with Block 174.04 Lots 54 and 55.
Resolution No. 2007-91
5. Resolution appointing members to the Lakewood Township Airport Authority.
Resolution No. 2007-92

6. Resolution urging the Board of Public Utilities to take action against GPU Energy Company.
Resolution No. 2007-93
7. Resolution authorizing the refund of money to Yeshiva Kol Torah.
Resolution No. 2007-94

Motion by Mr. Cunliffe, second by Mr. Miller, to approve Resolutions 1 through 7 on the Consent Agenda.

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

Senator Singer abstained on Item 2.

Resolution Nos. 2007-88 through 2007-94 – Adopted.

ORDINANCES 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 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 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.
Negative: Mr. Cunliffe.

Ordinance No. 2007-6 adopted on second reading.

• **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. (Plot Plan)**
Read by title only for the 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. 2007-7 adopted on second reading.

- **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 the 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 and
Deputy Mayor Lichtenstein.
Negative: Mr. Cunliffe and Mayor Coles.

Ordinance No. 2007-8 adopted on second reading.

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

Read by title only for the second reading.

Mayor Coles opened the meeting to the public.

Larry Simons – Commented that the Ordinance states that the purpose of the Ordinance is to cancel taxes for Chevrah Lomdei Torah. He asked for an explanation as to the good cause demonstrated by Chevrah Lomdei Torah that the timely claim was not filed.

Mr. Secare answered that they told the Township by way of affidavit that they did not receive notice. He accepted the affidavit and provided a legal opinion to the Committee that it was an acceptable good cause, and it made sense, because if anyone had received a notice from the tax office, they would have taken the appropriate action. The Committee agreed with his recommendation.

Mr. Simons stated that the notice was supposedly not sent out by the Tax Assessor.

Mr. Secare answered that it was not received; he did not say it was not sent out.

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 Mr. Secare if this was the Ordinance that was discussed several weeks ago, and was discussed under possible litigation in Closed Session.

Mr. Secare answered yes.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Lichtenstein and Mayor Coles.
Ordinance No. 2007-9 adopted on second reading.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 3/8/07)

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II of the Code of the Township of Lakewood entitled “Administration”. (Fees for Misc. Services)**
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, Mr. Cunliffe,
Deputy Mayor Lichtenstein and Mayor Coles.
Ordinance No. 2007-10 adopted on first reading. Second reading and public hearing to be held on March 8, 2007.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, adopting the Codified Tax Abatement Ordinance, Section 24-1 of the Code of the Township of Lakewood, so as to renew the Tax Abatement Ordinance.**
Read by title only for first reading.

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

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Lichtenstein and Mayor Coles.
Ordinance No. 2007-11 adopted on first reading. Second reading and public hearing to be held on March 8, 2007.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the exchange of certain lands within the Township of Lakewood, in particular, the Township of Lakewood to acquire Block 820 Lot 1 and to convey Block 834 Lot 1 as part of an exchange of lands pursuant to N.J.S.A. 40A:12-16. (Kinsey Ave. & Wilson Ave.) (Sherman & Funston)**
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, Mr. Cunliffe,
Deputy Mayor Lichtenstein and Mayor Coles.
Ordinance No. 2007-12 adopted on first reading. Second reading and public hearing to be held on March 8, 2007.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the private sale and conveyance of Block 1175, Lot 1; Block 1184, Lot 1; and Block 1187, Lot 1 lying within the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:12-13, et seq., to the Lakewood Township Industrial Commission for nominal consideration. (Ann Ave., Nan 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 Lichtenstein and Mayor Coles.

Ordinance No. 2007-13 adopted on first reading. Second reading and public hearing to be held on March 8, 2007.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Block 815 Lot 7 and Block 816 Lot 3, in the Township of Lakewood, at a private sale pursuant to N.J.S.A. 40A:12-1, et seq. (Towers 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 Lichtenstein and Mayor Coles.

Ordinance No. 2007-14 adopted on first reading. Second reading and public hearing to be held on March 8, 2007.

• **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing a lease of Block 126 Lot 14 in the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:12-1, et seq. (Second 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 Lichtenstein and Mayor Coles.

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

CORRESPONDENCE – PARKS & EVENTS

Per schedule of four (4) items attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 2/13/07

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

Senator Singer advised he would like to note that Deputy Mayor Lichtenstein is not signing the JCPL voucher this month, and he thinks it is a very positive move. They are also aware that Rabbi Shain is taking action against the power company. The Township is at wits end as to what is going on. Streets lights are out for weeks at a time, and the Township is being billed for them, and expected to pay. He understands that JCPL is short crews, and that there has been a major power outage, which does take preference at this time, but that is not the case the other eleven months of the year. He feels it is absolutely ridiculous that there is no penalty for them not fixing the light outages. He believes the Township has to take formal action against them, through the BPU, changing their policy when it comes to clearing areas and how the areas are restored, and about being billed for lights that are not working on a constant basis, and there should be a set amount of time that should be allowed before they have to be restored. That is their responsibility, they have the franchise. The people who are being short-changed are the taxpayers. It is wrong, and financially wrong for this Township, and it is dangerous for them not to do the work on the street lights. It has gotten progressively worse as the company has been purchased by out of state companies.

Deputy Mayor Lichtenstein echoed Senator Singer's comments.

Mr. Miller added that he observed many light outages on streets, First through Fourteenth.

ADJOURNMENT

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

Meeting adjourned at 8:55 PM.