

**LAKEWOOD TOWNSHIP COMMITTEE  
MINUTES  
JULY 10, 2008**

The Lakewood Township Committee held a Meeting on Thursday, July 10, 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:

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 Mr. Cunliffe, second by Deputy Mayor Lichtenstein.  
**Resolution No. 2008-253 – Adopted.**

**SALUTE TO THE FLAG AND PRAYER**

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, by Resolution of the Township Committee adopted January 1, 2008 and published in the Asbury Park Press on January 8, 2008.

**ROLL CALL**

**OPEN SESSION**

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

**MOTION TO APPROVE MINUTES OF: None**

**MOTION TO APPROVE CLOSED SESSION MINUTES: 06/26/08**

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

Mr. Cunliffe abstained.

**Closed Session Minutes approved.**

**PRESENTATIONS:**

Deputy Mayor Lichtenstein and Senator Singer offered a presentation to the \_\_\_\_\_ Citizen Group, in recognition of their contributions and assistance to the town.

## **ORDINANCE FOR DISCUSSION:**

### **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Prohibiting the Use of Private Containers on Township Property**

Senator Singer advised that he has noticed clothing bins have been placed on various Township properties. There are a few that have been placed on Drake Road as well, without any identification on the bin. He called the Inspection Department advising that the bins were placed there improperly, and requested that they be picked up. Bins were also placed at the Second Street parking lot near Madison Avenue, with clothing strewn all over the Township lot. There were also a number of bins placed at the Township parking lot on Second Street, across from the Municipal Building. No one ever came before the Township Committee to ask permission to place the clothing bins on Township property. There presently is no Ordinance that prohibits the placement of anything on Township owned property without permission of the governing body, and they feel an Ordinance is required to do so. These bins are unsightly. Bins have been properly placed at shopping centers, etc., but to just place these bins on Township property, without the permission of the governing body, is improper and illegal.

Deputy Mayor Lichtenstein agrees with Senator Singer's comments. When you try to track down the owners of the bins, it is very hard to get a return phone call. He was advised that the Police Department was doing an investigation into the stolen containers that were picked up by the Public Works Department. There are some legitimate containers that are benefiting the Police programs in town, and it was a simple case of miscommunication. He does support what Senator Singer is saying, they do need an Ordinance. However, he would also like to have the provision that they have the right to issue a permit to a legitimate organization, such as PALS or DARE. The Township can provide for them; the town knows where the bins are to be located and Public Works can maintain them.

Senator Singer stated that he has no problem with that. But when you deal with money and Township property, it has to come through the Treasurer, and they can disperse it to the program.

Senator Singer continued that he has no problem with locating bins on the Second Street parking lot, but he does feel that the placement of bins across from the Municipal Building is not satisfactory. There is not enough room, and they are unsightly.

Mayor Coles agreed that they need to regulate the placement of the bins, and that they are emptied frequently. It is unacceptable for the items to be pouring out onto the ground. They have to make sure that the bins are regularly checked and emptied.

Mr. Secare asked Mayor Coles if they wanted him to revise the Ordinance, in Paragraph 3, to read....it is hereby prohibited unless a permit is obtained through the office of the Township Clerk....that would cover it.

Senator Singer stated he wanted the requests to come before the Township Committee.

Mayor Coles agreed that it should come through the Township Committee to see what types of requests come in.

Mr. Secare answered he would revise the Ordinance to read that the approval of the Township Committee is required.

Mr. Edwards advised that the DARE people did submit a list, three or four years ago, as to the locations of the bins, and the Committee said they would leave it up to Mr. Franklin. Mr. Franklin went through the list with them and approved the locations. The other bins just appeared, and they were picked up. The DARE bins were already approved.

Mayor Coles stated he has no problem “grandfathering” the DARE bins provided they are not blocking any access. All others need the Township Committee’s approval.

Mr. Secare confirmed that the Committee does not want a permit; they just need the approval of the Township Committee.

Mayor Coles suggested that DARE submit a current list of the locations of their bins so the Township has a formal record.

**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.

Noreen Gill, 192 Coventry Drive – Commented with regard to yeshiva world news. Also commented on landlord issues.

Moshe Raitzik, 166 North Crest Place – On behalf of the residents of West Gate, he publicly thanked Committeeman Miller for the installation of the fence around the detention basin. He also requested consideration for a fence around the other detention basin near Kingsfield Drive.

Glen Bradford, 615 Sterling Avenue – Commended the recreation program. Requested that the program be extended. Also commented on incidents in his neighborhood; requested additional police patrols and additional street lighting.

Deputy Mayor Lichtenstein requested that he submit the pole number, and the nearest address, and they will forward the information to JCPL.

Mayor Coles requested that the information be submitted to his office tomorrow.

Robert Lubin, Lakewood Courtyard – Commented on the placement of clothing receptacles.

Gerry Ballwanz, Governors Road – Commented with regard to the geese problem in Leisure Village.

Diane Iannarone, President of Leisure Hack and Laurel Transportation – Complained about the Township’s requirements regarding fingerprinting for the issuance of taxi licenses. Also complained about the many illegal cabs in Lakewood.

Deputy Mayor Lichtenstein will look into the fingerprinting issue.

Mr. Cunliffe commented with regard to the illegal cab issue.

Bernie Gindoff, Chairman of the Transportation Board, agreed that something has to be done about the illegal cabs.

Mr. Cunliffe suggested that a meeting be set up between the Police Chief and representatives of the Transportation Board, together with the taxi operators.

Mayor Coles suggested that they find out when the Police Chief can be available, then poll the members of the Transportation Board, and he would not mind having a special meeting, that is advertised, and then perhaps more than two Committeemen can attend. If they want to take that initiative, they would be more than happy to accommodate them.

Mr. Cunliffe further requested that the Committee consider having the Attorney look at the present Taxi Ordinance. The rate structures were set up when gas was \$1.35 per gallon. It is now \$4.00 per gallon, and they need to look at the rate structures, or allow them to have some type of fuel surcharge.

Mayor Coles suggested they put their ideas together, and submit them to the Committee and Attorney, and the Ordinance can be prepared for discussion.

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

## **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 Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority NJ Manufacturing Extension Program Partnership, in the amount of \$210,000.00 (UEZ-159)**  
**Mayor Coles removed this Resolution from the Consent Agenda. This is an item that the Development Corporation de-authorized for consideration in Trenton, so there is no reason for the Committee to vote on it.**
- 2. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for a State Homeland Security Grant, in the amount of \$264,430.00 (UEZ-159)**  
**Resolution No. 2008-254**
- 3. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority FY 2008 LDC Administrative Budget, in the amount of \$5,000.00 (UEZ-159)**  
**Resolution No. 2008-255**

4. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority Franklin Street Redevelopment Area/Appraisals and Evaluation, in the amount of \$100,000.00 (UEZ-159)  
Resolution No. 2008-256**
5. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority Downtown Parking Phase II Property Acquisition, in the amount of \$25,000.00 (UEZ-159)  
Resolution No. 2008-257**
6. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority Redevelopment Plan for Block 93, lot 119, in the amount of \$26,000.00 (UEZ-159)  
Resolution No. 2008-258**
7. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority, in the amount of \$12,000.00 (UEZ-159)  
Resolution No. 2008-259**
8. **Resolution certifying that the Governing Body of the Township of Lakewood has reviewed the annual audit and complied with the promulgation of the Local Finance Board  
Resolution No. 2008-260**
9. **Resolution authorizing the Appointment of H. Steven Berkowitz, Esq., as Public Defender pursuant to and in accordance with N.J.S.A. 19:44A-20.4 ET. SEQ.  
Resolution No. 2008-261**
10. **Resolution releasing an Escrow Posted by Chevra Lomdei Torah in connection with Block 48, Lot 10  
Resolution No. 2008-262**
11. **Resolution releasing an Escrow Posted by Woodhaven Lumber and Millwork, Inc., in connection with Block 345, Lots 4, 8, and 11  
Resolution No. 2008-263**

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein, to approve Resolution Nos. 2 through 11 on the Consent Agenda.

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

**Resolution Nos. 2008-254 through 2008-263 – Adopted.**

## **ORDINANCE SECOND READING**

### **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 (Clifton Avenue)**

Read by title only for second reading.

Mayor Coles opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

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

Mr. Miller asked that Mr. Edwards notify Mr. Franklin to install the proper signs in accordance with this Ordinance, as soon as possible. The signs are still not installed in connection with the Ordinance on the last meeting agenda, so he requested those signs be installed as well.

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

**Ordinance No. 2008-32 adopted on second reading.**

### **Ordinance for Determining Positions Eligible for the Defined Contributions Retirement Program**

Read by title only for second reading.

Mayor Coles opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

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

Mr. Cunliffe asked for an explanation on this Ordinance since he was not at the last meeting.

Mr. Edwards explained that Local Government Finance and DCA have required that each municipality adopt an Ordinance. By statute, there are certain positions that anyone who is hired new, and is not in the current PERS retirement system, would have to join this Defined Contribution Retirement Plan, which is essentially like a 401K. The statute also exempts certain positions.

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

**Ordinance No. 2008-33 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 a portion of Lafayette Boulevard, Sight Triangle Easement, Shade Tree and Utility Easement in the Township of Lakewood, pursuant to, and in accordance with N.J.S.A. 40:67-1, ET. SEQ. (Lafayette Blvd.)**

Read by title only for second reading.

Mayor Coles opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

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

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

**Ordinance No. 2008-34 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing 07/24/08)**

**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 Rockefeller Avenue and Gold Avenue in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, ET. SEQ. (Rockefeller Ave.)**

Read by title only for first reading.

The above Ordinance was offered by Senator Singer, second by Deputy Mayor Lichtenstein. On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

**Ordinance No. 2008-35 adopted on first reading. Second reading and public hearing to be held on July 24, 2008.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the private sale of Block 565, Lot 6 for nominal consideration to the Lakewood Township Municipal Utilities Authority pursuant to and in accordance with N.J.S.A. 40A:12-1(a), ET. SEQ. (Hughes Ave.)**

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

**Ordinance No. 2008-36 adopted on first reading. Second reading and public hearing to be held on July 24, 2008.**

**CORRESPONDENCE**

Per list of five (5) correspondence items, attached hereto and made a part hereof.

Mr. Cunliffe asked Mr. Edwards if all of the requests and dates been reviewed and approved for the street closures, etc.

Mr. Edwards answered that as to the requests concerning Town Square, there should be a copy of a memo from the Police Chief, where he reviewed the two requests for street closures and block parties. He had no problem with the one on East Fourth and Ridge Fourth, but he had a concern that the Macedonia Family Life Group wanted to close John Street all the way from Route 9 to Martin Luther King Drive. He suggested that only a portion of the road adjacent to the park be closed, as opposed to closing the whole street.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to approve the above correspondence items, according to the recommendations of the professionals

## **PARKS AND EVENTS CORRESPONDENCE**

Per schedule of five (5) items, attached hereto and made a part hereof.

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

### **MOTION TO APPROVE BILL LIST OF: 07/08/08**

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, 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 had a request from the Reverend Clayton Senior Citizen Housing. They have knocked down an existing house that was adjacent to their senior park. The property needs some additional help; it needs to be leveled, etc. He asked Mr. Secare to review this. As it is a non-profit senior citizen housing project, can the Township do anything to help them out.

Mr. Secare answered he needs more information, but he will look into it.

Mr. Cunliffe advised that he has received many e-mails, phone calls and personal visits to his home regarding quality of life issues. As the professionals are not present this evening, he would like to spend some time at the next meeting when they are present to take a look at any current Ordinances, or planned Ordinances, on quality of life issues, property maintenance issues, partying, drag racing, etc. The complaints seem to be increasing, and he feels they need to do something about it.

Mr. Secare asked that Mr. Cunliffe advise him what his general areas of concern are, so he can be prepared for the next meeting. He would like to review the appropriate Codes so he can be prepared.

Mr. Cunliffe also asked if Lakewood would want to take the lead and become one of the first towns to go in this direction on the matter of going forward on finding ways to save energy. He does not know if they need to hire an outside agency, or if Mr. Franklin can advise them on moving more of the Township vehicles over to diesel fuel, and since the Township has their own fueling station, if they could take a look at converting E to E85, for all of the police cars and inspection vehicles; if they could be one of the first municipalities in New Jersey to take a serious look at moving all of the Township vehicles over to E85, and get away from foreign oil.

Mayor Coles stated that he would be in favor of that.

Deputy Mayor Lichtenstein commented with regard to the stabbing incident which recently occurred. He commended the Police Department on the apprehension of those responsible.

They also need to concentrate on issues, with the Police Department, and take a pro-active approach, and increase patrols, and see what they can do about having the Police Department work with the civilian patrols. They need more eyes and ears on the street.

Deputy Mayor Lichtenstein further commented that the cameras in the downtown area are up and running in the supervisors offices, and will be up and running in the Watch Commander's Office next week. It will give them a constant view of the downtown area, from Clifton Avenue, starting at Route 88, up to Fifth Street. They can see up and down Fourth Street and Second Street, from Monmouth Avenue to Route 9, and possibly to Forest Avenue. That should cover a good portion of the downtown area where they are having problems.

Deputy Mayor Lichtenstein asked if the Attorney could prepare an Ordinance for discussion, for the next meeting, for no soliciting in the downtown area. He feels that would resolve a lot of the issues downtown. He does not remember what was considered to be legal or not, so he would need the Attorney to look into it. But if a legal "No Soliciting Downtown" Ordinance could be implemented, he asked if the Committee would consider it.

Mayor Coles asked Mr. Secare to prepare the subject Ordinance for consideration by the Committee.

Mr. Secare answered he did not know if it would be legal or legitimate, but he would look into it. He asked for clarification on what type of soliciting.

Mr. Cunliffe answered it could be written in a general way, if you solicit for drugs, if you solicit for prostitution, if you solicit for work....any type of solicitation at all, you make it illegal. And cruising for the purpose of solicitation should also be illegal.

Mr. Secare advised there are already rules on the books that you can not, for example, loiter to solicit drugs. There is a State statute on that.

Deputy Mayor Lichtenstein added that what they are looking for is something specific to the downtown area of Lakewood.

Mr. Secare explained that you can not do it anywhere in the State of New Jersey. So he would assume that would apply to the downtown area.

Mr. Miller stated he was confused in that he was always told you could not enforce loitering in the downtown area.

Mr. Secare explained you can not just have a generic anti-loitering statute or Ordinance, but there are specific State statutes that prohibit loitering or cruising for illegal acts, such as illegal act of prostitution, or an illegal act of drug sale. It is not illegal to merely loiter.

Someone asked if it is illegal to pick up workers.

Deputy Mayor Lichtenstein answered it is not illegal to pick up workers, but he is asking for a Municipal Ordinance that would not allow solicitation as described by Mr. Cunliffe in the downtown district of Lakewood.

Mr. Secare repeated there are already laws on the books.

Deputy Mayor Lichtenstein answered, not for everything.

Mr. Secare repeated you can not stop people from picking up people for going to the store, for example.

Mr. Miller added....for the purpose of work.

Deputy Mayor Lichtenstein added.....solicitation for purpose of prostitution..... for the purpose of drugs.

Mr. Secare repeated it is superseded by State Law, you can not do it.

Deputy Mayor Lichtenstein added.....for the purpose of picking someone up for work, for the purpose of....they want to make it general.

Mr. Secare repeated there are laws on the books for that. You can not supersede State Law.

Deputy Mayor Lichtenstein stated, so the answer is no, you can not do it.

Mr. Edwards suggested that the State Statutes be identified.

Mr. Secare repeated there are specific laws against soliciting prostitution obviously, whether they do it by vehicle, by foot, by hand signal.....you can not do it.

Mayor Coles added that the question might be, how does someone make an arrest for that. What has to be done in order to trigger that type of arrest.

Mr. Secare answered that as to loitering for the purpose of soliciting.....

Mayor Coles asked if the police officer has to be the recipient of that solicitation.

Mr. Secare answered no, they have to witness it.

Mr. Cunliffe asked if was legal in the State of New Jersey to just go to any road, and peddle whatever you sell.

Mr. Secare answered, if you are paying the sales tax, yes. But you can not just set up shop on any street. You need a mercantile license from the town.

Mr. Cunliffe asked if you are selling your ability to be a day laborer, how do you make it illegal to do that in the downtown area. Because it is not safe for people to be just stopping in the middle of the street, running back and forth, and being solicited.

Mr. Secare repeated that they have that on the books, and there are also statutes for obstruction of traffic, and obstruction of movement. There are laws on the books. Whether they are enforced or not, they are enforceable.

Mr. Miller stated it was mentioned that you need a mercantile license if you want to peddle something. Someone who wants to peddle himself to get a job, does he need to get a license.

Mr. Secare explained that the license is for the vendor.

Mr. Miller asked what about a person vending himself, for work.

Mr. Secare answered that was a stretch. He will draft anything that he thinks is reasonably constitutional.

And on another matter, Deputy Mayor Lichtenstein continued that they spoke with the Freeholders, who informed the town that they are going to move on the tent cities on County property. He hopes that he can get the Committee's support to put forth a Resolution that says they will ask the Attorney to mimic exactly what the County did. At the same time, they need to go out there, remind them they can partner with the County, and let the people know there is a place for them, but let them know that they can not stay on that property any longer. Because he envisions what is going to happen is that as soon as the people are moved off of the County property, they are simply going to move over onto Township property, and the Township property will become a bigger eyesore, unsafe and a liability. With the Committee's permission, he would like to offer that Resolution for consideration. Mr. Miller offered a second to the Motion.

Mr. Cunliffe confirmed they would follow the County model, and give them everything that is available to them.....mental health, substance abuse....everything that the County has been doing, and present all of the options to them.

Deputy Mayor Lichtenstein answered, yes. Mayor Coles has been on the forefront of trying to help these people, and he knows how frustrating this can be. With all due respect, he feels it is time for them to take a decisive move.

Mr. Cunliffe added if they do not avail themselves of the services offered to them, then just as the County has evicted them, the Township would do the same.

Deputy Mayor Lichtenstein answered, correct.

Senator Singer suggested that they request the County to bring in their team, consisting of mental health professionals, social workers, addiction specialists, members of the County Board of Health, environmental people, as well as the Sheriff's Department, to come in and work with those individuals and try to find housing and help for them in various ways. As that was rejected, the County went to Court and obtained an eviction notice. The Township would do the same thing.

Deputy Mayor Lichtenstein stated he would like to amend his Motion to include, if the second to the Motion would also reflect the amendment, as to the tent city that is located on the private property, to let them know that if they take the same eviction legal action, that they

could work in concert with them, so that when the eviction is done, and the County team comes out, they not only cover the Township property, but they cover the private property as well.

Mr. Miller amended his second to the Motion to reflect those provisions as well.

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

### **ADJOURNMENT**

Motion by Mr. Cunliffe, second by Senator Singer, and carried, to adjourn the meeting.  
Meeting adjourned at 8:48 PM.