

**LAKWOOD TOWNSHIP COMMITTEE MEETING
MINUTES
SEPTEMBER 22, 2005**

The Lakewood Township Committee held a Meeting on Thursday, September 22, 2005, 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.....	Charles Cunliffe
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Menashe Miller
	Senator Robert Singer
	Raymond Coles
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Ed Delanoy
Municipal Clerk.....	Jodi Pellicano

CLOSED SESSION

Motion by Mr. Coles, second by Mr. Miller.
Resolution No. 2005-375 – 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 2, 2005 and published in the Ocean County’s Observer on January 7, 2005.

ROLL CALL

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

MOTION TO APPROVE MINUTES OF: None

MOTION TO APPROVE CLOSED SESSION MINUTES: None

PRESENTATIONS: None

PUBLIC LAND SALE: BLOCK 842 LOT 1

Mr. Delanoy advised this is the public land sale for Block 842, Lot 1, which has been advertised for this evening, and asked if anyone is interested in bidding, to please come forward.

Mr. Delanoy advised this land sale includes the vacated area of Midwood Street which is adjacent thereto. The minimum bid is \$450,00.00. Bidders should be aware that any potential buyer must record this Deed within thirty (30) days. The Township of Lakewood will reserve the right to reject any and all bids that may be tendered this evening on the property. A deposit is required in the amount of ten percent in cash or certified check based upon the bid. The Township of Lakewood will make no representations with regard to the property or title. The sale is as is. The bidding will close after the traditional "going once, going twice" bidding close call, and there will be further bidding after the bidding closes at that time.

David Schrieber offered a bid in the amount of \$450,000.00.

Moshe Weinberg, 34 Sherry Court, Lakewood, offered a bid in the amount of \$452,000.00.

Mr. Delanoy asked the bidders to come forward.

Mayor Cunliffe reminded everyone this is a public land sale and any conversation should be public.

One of the bidders asked if they could take a break in the proceedings to step outside, and Mr. Delanoy answered no, that the bidding would continue.

Mr. Schrieber offered a bid in the amount of \$455,000.00.

Mr. Delanoy stated as there were no further bids, the bidding was closed at \$455,000.00.

Mayor Cunliffe asked the winning bidder to submit his ten percent deposit to the Township Clerk.

ORDINANCES FOR DISCUSSION:

1. Fences
2. Trailers

Deputy Mayor Lichtenstein advised that he has been discussing these issues with Mr. Mack for some time. With regard to fences, when he was on the Zoning Board, they had some issues with fences. Due to the fact that a large part of the community needs more than a four or six foot fence, he has asked that the Committee consider an Ordinance which would allow above what the UDO says, which is the eight foot fence, for every five feet

back you can add a foot. If you have neighbors who actually want a fence that is higher, they want to be able to authorize the Zoning Officer to make that decision. One thing that the Zoning Officer does not control, but obviously would be a requirement, a certain height of fence does need to have proper engineering, architecture, or some sort of a building permit. That would be the first Ordinance he wanted to bring to the Committee's attention.

Senator Singer asked if the Zoning Officer will have sole discretion as to the height of the fence.

Deputy Mayor Lichtenstein answered no. The Zoning Officer will be the sole sign-off on it, but it will be the neighbors who have to agree to it, the people who are affected by it. And the Zoning Officer will have to speak to them and know that everyone wants this to happen, and then the Zoning Officer could sign-off on it.

Mayor Cunliffe asked if the new UDO establishes a maximum fence height, and for every five feet in, you could add an extra foot of height.

Mr. Mack answered yes. They were finding that most of the fences were being built by people because of religious restraints, because of a pool. It created a situation where it just could not be done; under the current Ordinance, unless you had an acre of property, as most pools are installed ten feet off a property line which is the zoning requirement.

Mayor Cunliffe stated that would give you a maximum of ten feet. He further stated that people have told him that they would rather see a fence than what they have now, such as blue tarps and canvas hanging from wires and trees.

Mayor Cunliffe reminded everyone that he was asked to have this on the Agenda for discussion before they have first and second reading. This is just at concept stage right now, and they will have first and second reading on the Ordinance, and public comment.

Senator Singer stated that something should be put in the Ordinance that says, if it is going to be on a street, that is not an interior street that is facing the roadway, that the aesthetics of what fence is being designed must be aesthetically pleasing.

Mayor Cunliffe suggested that they bring this issue back again for discussion in the form of a written Ordinance before they do first and second reading.

As to the issue of trailers, Deputy Mayor Lichtenstein explained that many of the non-profits came to the Committee and advised that when they go to the Planning Board, a lot of the schools in town that are starting off as young and budding schools, and need the opportunity to grow. They need a place to temporarily put the children on their property while they do the construction. And what the trailer Ordinance basically suggests is that you are allowed to put a school trailer on a property, with the Zoning Officer's permission for one school year, with two one-year extensions if, and only if the school is making progress, and they have plans before the Planning Board already to build their regular permanent building and they are actually moving along in the process. Obviously they do not want people dropping trailers down on property and leaving them there for three or four years.

Mayor Cunliffe confirmed they are talking about a permanent trailer, that is code inspected, has electric, running water, and all amenities.

Deputy Mayor Lichtenstein added that instead of trailer, the real word to refer to these structures is pre-fab classroom. Some places actually use these structures for classrooms for many years.

Senator Singer spoke from an aesthetic standard, you are giving all this power to the Zoning Officer, and if for some reason he does not like the school, he could say no. Why can't there be set standards, where the criteria is the same for everyone, it is an equal decision, instead of leaving it under a judgment call of the Zoning Officer. He would not have a problem with it if the Zoning Officer refuses an extension, they have the opportunity to appeal to the Township Committee, and he would not have a problem with that.

Mr. Miller stated that as a sitting member of the Planning Board, he is very much in favor of this Ordinance for the mere fact that it will ease up on some of the congestion that is going on. They see that a lot of the schools have purchased land from the Township, and are actively pursuing all of their approvals, and unfortunately there are only a certain amount of projects they can hear before the Planning Board at each meeting. By putting this Ordinance in place, at least it will give the students of the school a place to be educated during the building process. If it will be under the watchful eye of the Township Committee and the Zoning Officer, he feels it will work out very well.

Mayor Cunliffe asked Mr. Mack if he has anything prepared on this matter to be reviewed by the Committee.

Mr. Mack advised he submitted his report along with the Fence Ordinance material.

Mayor Cunliffe asked Mr. Mack to forward his report to Mr. Delanoy's office to be placed on the next Agenda, together with the Fence Ordinance.

Mayor Cunliffe reviewed quality of life issues from the previous meeting.

Mr. Peters reported on the matter of the stop sign at Kings and Queens Court. They submitted information to the Engineer's Office, wherein they recommended that the proper signage be installed so as to eliminate the confusion.

Mr. Edwards reported on the Board of Education website. They have not as yet responded to his letter. With regard to the link to the state website, the link is already on the website.

Mayor Cunliffe asked that a shortcut be placed on the Township Website to the State Website.

Mayor Cunliffe asked Mr. Lines about the buffer areas on Chestnut Street and Cross Street. The buffer around Hearthstone is almost gone, and further west on Cross Street, the buffer has been destroyed. A letter should be sent to JCPL regarding the replanting of these buffer areas.

Mr. Lines agreed that JCPL should be required to provide some evergreens to reforest the buffer areas. Also, three homes have encroached into the buffer area.

Mayor Cunliffe further commented that on Cross Street where the high voltage poles are located, trees were taken down that don't even touch the wires.

Mr. Lines was requested to look into it.

Mr. Miller asked if there was any follow up information regarding the railroad crossings at Fourth Street and Main Street.

Mr. Lines advised he has not received a response to his letter to Conrail.

Mayor Cunliffe requested the Township Attorney to draft a letter to Conrail regarding the dangerous conditions at the subject railroad crossings.

Deputy Mayor Lichtenstein commented with regard to Central Avenue area traveling west, on the left side, near South Glenn, there is a street called Elliot Street that runs from Columbus to St. Nicholas Avenue to South Glenn. It traverses all three streets. All three intersections are missing stop signs. Also, in that area, there is no stop sign at Cedar Court. It runs from Carlton to South Glenn, and both those intersections are not signed.

Senator Singer complimented the County on their cooperation with the Township during the construction on Hope Chapel Road in keeping with road open during the construction project.

Mayor Cunliffe advised they received an urgent release from NJ American Water Company who has issued mandatory outdoor water restrictions for all of their Ocean and Monmouth County customers, due to the hot and dry weather and drought conditions, and repair work in Monmouth County. This information will be placed on the website, as well as in the newspapers.

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 Cunliffe opened the meeting to the public.

David Drukaroff, 1433 Laurelwood Avenue – Thanked Deputy Mayor Lichtenstein for attending the recent NAACP meeting, and commented on gas prices.

Bernard Williams – Commented on tree removal and buffer areas.

Noreen Gill, 192 Coventry Drive - Commented on the proposed fence Ordinance.

Lynn Celli, 579 Patriots Way – Commended Senator Singer and Deputy Mayor Lichtenstein.

Joseph Goldberg, 409 Hope Chapel Road – He was recently cited for violations at a property he owns on Ocean Avenue, for the property not being clean. Unfortunately, the notices were sent to his old address, that he lived at two years ago. He did not receive the notices, therefore, a violation was issued, also to his old address. A warrant was issued for the record owner of the property, his wife, who was arrested. They went to Court and paid a fine for the violations. He also received a bill from the Township for cleaning up the property, and he requested a copy of that bill justifying those charges.

Mayor Cunliffe asked Mr. Mack and the Township Attorney to look into this matter.

Mr. Mack advised that notices were sent to the best address available. There was such a large pile of trash on the property, and together with the cleanup, that is why the bill was high. He has pictures of the property.

Mayor Cunliff asked Mr. Mack to meet with Mr. Goldberg, and forward the information to the Committee.

Shumi Basch, 2 Evian Court – Owns a store on Clifton Avenue, and complained about people drinking on the property. Also complained he was fined for having garbage on his property.

Mayor Cunliffe asked Mr. Basch to provide all information to the Public Safety Director, and that the Township Ordinances be enforced to alleviate the problem.

Rich Orne, Chairman of the Airport Authority – Commented with regard to disaster preparedness. He publicly offered that they would like to liaison with the Township and Emergency Services, to make sure that the Airport could be an integral part of whatever the Township needs.

Gerry Ballwanz, Governors Road – Commented on the Resolution vacating the Deed restriction.

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

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 Bingo and Raffle Applications: The Arc, Ocean County Chapter, Inc., Jewish War Veterans, Dept. of New Jersey, Lakewood Elks Lodge. Resolution No. 2005-376

2. Resolution authorizing submission of an amendment application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the year 2006.
(Job Link)
Resolution No. 2005-377
3. Resolution authorizing a 50% Corporate Structure Change of Zach Corp. t\A Lakewood Plaza Liquors, Liquor License No. 1514-44-017-006.
Resolution No. 2005-378
4. Resolution awarding contract to A & J Construction Company for the installation of the fueling system at the new Public Works Complex, sum not to exceed \$522,402.00.
Resolution No. 2005-379
5. Professional Services Resolution awarding contract to Birdsall Engineering for roadway improvements for Chestnut to Pine Street, sum not to exceed \$98,000.00.
Resolution No. 2005-380
6. Resolution authorizing the amendment to a Professional Services Contract awarded to Atlantic Engineering Laboratories.
Resolution No. 2005-381
7. Resolution releasing a performance bond posted by Somerset Development in connection with Block 778 Lots 17, 42 and 82.
Resolution No. 2005-382
8. Professional Services Resolution awarding contract to T & M Associates for the annual quarterly maintenance inspection and gas survey ground water reports for next year at the Cross Street landfill, sum not to exceed \$24,233.00.
Resolution No. 2005-383
9. Resolution vacating a Deed Restriction on Block 1160.03 Lot 47.
Resolution No. 2005-384
10. Resolution authorizing the temporary assignment of police personnel for Hurricane Katrina Rescue\Recovery.
Resolution No. 2005-385

Motion by Mr. Coles, second by Mr. Miller, to approve Resolutions 1 through 10 on the Consent Agenda.

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

Mr. Miller abstained on Resolution No. 1

Senator Singer abstained on Resolution No. 1

Resolution Nos. 2005-376 through 2005-385 – Adopted.

RESOLUTION NOT INCLUDED ON THE CONSENT AGENDA.

ORDINANCES SECOND READING

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for containerized yard waste.

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

No Motion was offered.

Ordinance No. 2005-89 died due to lack of Motion.

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for the improper disposal of waste.

Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-90 adopted on second reading.

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for illicit connections.

Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-91 adopted on second reading.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter III of the Code of the Township of Lakewood entitled Police Regulations. (Littering)

Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-92 adopted on second reading.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter V of the Code of the Township of Lakewood entitled Animal Control. (Definitions)
Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-93 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 the Lakewood Township Unified Development Ordinance of 2005.
Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-94 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 the Lakewood Township Unified Development Ordinance of 2005 specifically Section 901 entitled Establishment of Zoning Districts and Zoning Map and Section 902 entitled Residential Zoning Districts to rezone a portion of the M-1 zone to R-15/10 cluster and permit cluster development in designated areas of the R-15 zone.
Read by title only for second reading.

Mr. Edwards advised that this Ordinance, as well as the next, rezone properties, so they have been referred to the Planning Board. They have not received a response from the Planning Board. But the advertising has to go out to adjoining property owners. These Ordinances need to be continued to the October 27th meeting.

Motion by Mr. Coles, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to October 27th.

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

Second reading and public hearing on Ordinance No. 2005-95 carried, to the meeting of October 27th, 2005.

- 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 the Lakewood Township Unified Development Ordinance of 2005 specifically Section 903 entitled Non-Residential Zoning Districts to create a Corporate Campus/ Stadium Support B-6 Zone.

Motion by Mr. Coles, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to October 27th.

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

Second reading and public hearing on Ordinance No. 2005-96 carried to the meeting of October 27th, 2005.

- 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. (Kings Ct.)
Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Mr. Miller.

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

Ordinance No. 2005-97 adopted on second reading.

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 4 in Block 1099 in the Township of Lakewood, County of Ocean, State of New Jersey, at open public sale pursuant to N.J.S.A. 40A:12-1 et seq. (Powell, Caldwell, Gates, Rockaway)
Read by title only for second reading.

Mayor Cunliffe 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.

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

Abstain: Senator Singer

Negative: Mr. Coles

Ordinance No. 2005-98 adopted on second reading.

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 2 in Block 1098 in the Township of Lakewood, County of Ocean, State of New Jersey, at open public sale pursuant to N.J.S.A. 40A:12-1 et seq. (Fulton, Caldwell, Powell, Rockaway)
Read by title only for second reading.

Mayor Cunliffe 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: Mr. Miller, Deputy Mayor Lichtenstein and Mayor Cunliffe.

Abstain: Senator Singer

Negative: Mr. Coles.

Ordinance No. 2005-99 adopted on second reading.

- Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing the salaries and positions of persons employed by the Township of Lakewood in the County of Ocean and State of New Jersey for certain Employees of the Lakewood Township IBT Local #469 Teamsters Union.
Read by title only for second reading.

Mayor Cunliffe 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. Coles, second by Deputy Mayor Lichtenstein.

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

Abstain: Mr. Miller

Ordinance No. 2005-100 adopted on second reading.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 10/6/05)

- 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. (Fees for Copies)
Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.

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

Ordinance No. 2005-101 adopted on first reading. Second reading and public hearing to be held on October 6, 2005.

- 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" (No Parking Heathwood Ave.)

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.

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

Ordinance No. 2005-102 adopted on first reading. Second reading and public hearing to be held on October 6, 2005.

CORRESPONDENCE

Letter from Desire Entertainment requesting a contribution for Talent Expo held at the Strand Theater annually.

Motion by Mr. Coles, second by Deputy Mayor Lichtenstein, and carried, to see if they can offer some type of money in the 2006 Budget to help them to afford to continue to provide this talent showcase.

Letter from Cornerstone Calvary Chapel requesting to use Town Square on October 22, 2005 from 12 Noon until 4:00 P.M. to pass out free food and clothing.

Motion by Deputy Mayor Lichtenstein, second by Mr. Coles, and carried, to approve this request.

Letter from Rabbi Menachem Spiegel of Talmud Torah Ohr Eichonon objecting to the request of the vacation of the right-of-way of Wakefield Avenue between James Street and the school's property.

Motion by Mr. Coles, second by Deputy Mayor Lichtenstein, and carried, that the above correspondence is received and filed.

Letter from David Schrieber of Somerset Development expressing his thanks to the Lakewood Inspection Department in the building of Yeshiva Nesivos Ohr.

Motion by Mr. Coles, second by Deputy Mayor Lichtenstein, and carried, that the above correspondence is received and filed, and that a copy be forwarded to the Inspection Department.

PARKS AND EVENTS CORRESPONDENCE

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

Motion by Deputy Mayor Lichtenstein, second by Mr. Coles, and carried, to approve the above request.

MOTION TO APPROVE BILL LIST OF: 9/20/05

Motion by Mr. Coles, second by Mr. Miller.

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

Negative: Senator Singer

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller wished everyone a Happy New Year.

ADJOURNMENT

Motion by Mr. Coles, second by Mr. Miller, and carried, to adjourn the meeting.
Meeting adjourned at 9:00 P.M.