



## **PRESENTATIONS:**

### **Ben Daniel, NJ American Water**

Mayor Coles advised there would be a presentation by representatives from New Jersey American Water Co., with regard to charges that are appearing on bills.

Ben Daniel, New Jersey American Water, spoke regarding various programs they offer. The Low Income Payment Plan is designed for those who have difficulty in paying their bills. The grant based program gives up to \$500.00 per customer, per year, for those who need assistance. The other program helps with monthly payments; both are determined by income requirements, and are administered by the dollar energy fund. The information about the program is on the inserts available this evening. With regard to questions and concerns about billing, John Fonseca and Linda Stromoski, from NJAW, were available to answer any questions.

Jesse Roth, 1435 Kimberly Drive – Stated he has had difficulty with NJAW over the past few weeks with regard to his sewer charges. He has received an increase in excess of four hundred percent.

Linda Stromoski explained the billing process.

Abraham Beer, 1128 Somerset Avenue – Asked additional questions with respect to the charges on this bill. Asked why they received a rate increase.

Mr. Daniel explained the services and infrastructure upgrades.

Mr. Miller asked for a general explanation of billing.

Ms. Stromoski explained the terms contained in the billing.

Victor Trumper, 119 Shady Lane – Commented with regard to water availability.

Deputy Mayor Lichtenstein commented with regard to deregulation in the water company in order to keep the rates down.

Alan Gunter, 1502 Twin Oaks Drive – Asked if when they purchased a home, would there be any way they could choose between NJAW or the LTMUA.

Mayor Coles answered no; if they were to attempt to have the MUA buy out their rights, and take it over, the expense would make it so that the MUA rates would be equal to, or more, than what you are paying now.

Christine Abrams, Coral Avenue – Commented on a study being performed by NJAW called the Coastal North Supply Development Plan, to determine supply augmentation alternatives during the planning horizon for Lakewood. Asked if it has been completed and how could she obtain a copy.

Mr. Daniel answered it has not been completed; it is still with their engineering department. As soon as it is made available, he will provide a copy.

Mayor Coles also asked that the Township receive a copy, to be placed on the web site.

Jesse Roth – Advised that as a realtor and property manager, they do work with the MUA, and their bills are much less than that of NJAW.

Noreen Gill, 192 Coventry Drive – Commented on the collection of unpaid water bills.

Mayor Coles spoke on the construction of the affordable housing projects, and the availability of the necessary water and sewer lines. The developers of the projects can not get a commitment from NJAW as to when the pump station will be built. Therefore, they can not get financing for their projects.

Mayor Coles asked that the information be given to Mr. Daniel to look into it.

**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.

Diane Reaves, 19 Holly Street – Read statement regarding the proposed Ordinance for annual Rental Inspections.

James Waters, 1275 Old County Line Road – Commented with regard to security issues in the schools.

Michael Billig, 36 Monterey Circle – Commented on the proposed Ordinance for Annual Rental Inspections.

Tom O'Malley, Four Seasons – Spoke in favor of the proposed Ordinance for Annual Rental Inspections.

Noreen Gill, 192 Coventry Drive – Commented on the amount of rental units on Coventry Drive.

Pat DeFillipes, 314 Fifth Street – Commented on the proposed Ordinance for Annual Rental Inspections.

Tamia Jones, 703 Park Avenue – Asked about affordable housing availability in Lakewood.

Minister Steven Brigham, 211 East 4th Street – Commented on low income housing in Lakewood. Also commented with regard to proposed construction in and around Town Square.

Requested that the distribution of food and other items to the homeless in Town Square continue.

Mary Ann Allachi, Mi Casa – Commented on affordable housing availability in Lakewood. Also spoke in opposition of the proposed Ordinance on Annual Rental Inspections.

David Drukaroff, 1433 Laurelwood Avenue – Commented on the proposed Ordinance on Annual Rental Inspections.

Dorothy Conover, 313 Laurel Avenue – Commented on the lack of availability of programs for her children in Lakewood.

Rena Amato, Manchester – Commented on the proposals for Town Square.

Jesse Roth, 1435 Kimberly Drive – Commented with regard to the proposed Ordinance on Annual Rental Inspections.

Karen Kamm, Albert Avenue – Spoke in favor of the proposed Ordinance for Annual Rental Inspections. Spoke in opposition of accepting affordable housing units from Toms River. Also commented on security issues in the schools.

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 Releasing a Performance Bond posted by Congregation Toldos Yaakov of Lakewood, Inc., in connection with Block 38, Lots 5 and 6  
Resolution No. 2007-344
2. Resolution Reducing a Performance Guarantee posted by Yeshiva Toras Chiam, Inc. in Association with Block 190, Lots 51 and 53 through 56  
Resolution No. 2007-345
3. Resolution Awarding a contract to Eagle Equipment Corporation, for the purchase of a 30 Cubic Yard Roll-Off Compactor, pursuant to and in accordance with N.J.S.A. 40A:1-1 ET SEQ., in the amount of \$19,750.00  
Resolution No. 2007-346

4. Resolution Authorizing an Ocean County Cooperative purchase of three 2008 Ford Expeditions, in the amount of \$82,827.00  
Resolution No. 2007-347
5. Resolution approving a Corporate Structure Change for Zach Corporation, d/b/a as Lakewood Plaza Liquors, License No. 1514-44-017-008  
Resolution No. 2007-348
6. Resolution Authorizing the Insertion of a Special Item of Revenue into the 2007 Municipal Budget for the UEZ Job Link Year 12, in the amount of \$25,000 (Chapter 159 – Job Link)  
Resolution No. 2007-349
7. Resolution Releasing a Performance Bond posted by Clayton Block Company, LLC in connection with Block 386, Lots 1.01, 1.03, and 1.04  
Resolution No. 2007-350
8. Resolution Reducing a Performance Guarantee posted by Yomah, Inc. in association with Block 423, Lots 10, 16, and 70 through 74  
Resolution No. 2007-351
9. Resolution Authorizing a Leave of Absence without pay, for Raymond Pulliam, from November 30, 2007 thru January 30, 2008  
Resolution No. 2007-352
10. Resolution Authorizing Application, and Agreement for State Aid to Counties and Municipalities for the Kettle Creek and Vine Ave. Access Project – Phase II, in the amount of \$1,209,807.55  
Resolution No. 2007-353
11. Resolution Authorizing Application and Agreement for State Aid to Counties and Municipalities – Engineering for the Kettle Creek and Vine Avenue Access Project - Phase II, in the amount of \$36,696.10  
Resolution No. 2007-354
12. Resolution Authorizing the Township of Lakewood Tax Collector to Refund Tax Sale Redemptions  
Resolution No. 2007-355
13. Resolution Authorizing Appropriation Transfers in the 2007 Municipal Budget  
Resolution No. 2007-356
14. Resolution Authorizing the Insertion of a Special Item of Revenue into the 2007 Municipal Budget for the 2007/2008 UEZ Administrative Budget, in the amount of \$69,486.49 (Chapter 159 – UEZ Budget)  
Resolution No. 2007-357

15. Resolution Authorizing an Ocean County Cooperative Purchase of a Four Wheel Drive Vehicle, in the amount of \$27,609.00  
Resolution No. 2007-358
16. Resolution Authorizing the Insertion of a Special Item of Revenue into the 2007 Municipal Budget for the Ocean County Department of Juvenile Services Delinquency Awareness and Prevention Grant, in the amount of \$10,000.00 (Chapter 159)  
Resolution No. 2007-359
17. Resolution Authorizing the Execution of an Interlocal Service Agreement, between the Township of Lakewood and the Township of Toms River, for the Reverse 911 system  
Resolution No. 2007-360
18. Resolution Authorizing the Execution of a Regional Contribution Agreement (RCA), from Toms River to Lakewood for 72 new housing units  
Resolution No. 2007-361
19. Resolution Authorizing the Execution of a Regional Contribution Agreement (RCA), from Toms River to Lakewood, for the rehabilitation of 72 housing units  
Resolution No. 2007-362
20. Resolution Authorizing Application, and Agreement for State Aid to Counties and Municipalities for the Cedarbridge Corporate Campus Connector Road, in the amount of \$1,000,000.00  
Deputy Mayor Lichtenstein removed this Resolution from the Consent Agenda.
21. Resolution Authorizing the Appointment of Brant S. Collins, Municipal Court Judge  
Resolution No. 2007-363
22. Resolution Supporting the Over the Limit Under Arrest 2007 Year End Crackdown  
Resolution No. 2007-364
23. Resolution Endorsing the Reappointment of Al Burdge to the Ocean County Solid Waste Advisory Council  
Resolution No. 2007-365
24. Resolution Authorizing the use of \$260,000 in anticipated funds to be generated and deposited into the Second Generation Accounts for the purpose of the Strand Theater project (UEZ)  
Resolution No. 2007-366
25. Resolution Appointing Morton Gudel to the Lakewood Township Transportation Board  
Resolution No. 2007-367
26. Resolution Awarding Township Banking Services, to Wachovia Bank, pursuant to and in accordance with N.J.S.A. 40A:11-1 ET SEQ.  
Resolution No. 2007-368

27. Resolution Supporting the Installation of a Traffic Signal at the Intersection of Cross Street and for an Intersection Control Beacon at the Intersection of Prospect Street and Massachusetts Avenue  
Resolution No. 2007-369
28. Resolution Authorizing the Execution of an agreement with Rehabco, Inc. for the Administration of Affordable Housing Units  
Resolution No. 2007-370
29. Resolution Awarding a Contract to TTI Environmental, Inc. for the removal of Fuel Station and Underground Storage Tanks at the former Public Works yard pursuant to and in accordance with N.J.S.A. 40A:11-1 ET SEQ.  
Resolution No. 2007-371
30. Resolution Releasing a Performance Bond posted by Somerset Development in Connection with Blocks 174.08 and 174.11, Lots 45.01 and 43.07  
Resolution No. 2007-372
31. Resolution Authorizing the Award of a Professional Services Contract to Glenn Harrison, Esq., as special counsel to negotiation a Regional Contribution Agreement  
Resolution No. 2007-373

**Motion by Mr. Cunliffe, second by Mr. Miller, to approve Resolution Nos. 1 through 19 and 21 through 31 on the Consent Agenda.**

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

**Resolution Nos. 2007-344 through 2007-373 – Adopted.**

Resolution No. 20 that was removed from the Consent Agenda was discussed and acted upon as follows:

20. Resolution Authorizing Application, and Agreement for State Aid to Counties and Municipalities for the Cedarbridge Corporate Campus Connector Road, in the amount of \$1,000,000.00

Deputy Mayor Lichtenstein advised he was contacted by the people from Cedarbridge, and this is an agreement they have to do with them to the State. They feel that the paperwork is not completely filled out they way they want it, and it has to be connected to the Resolution, so the paperwork has to be redone. They have asked that the Township hold off on it, and bring it back to another meeting when the paperwork is completed properly.

**No Motion was offered.**

**Resolution died due to lack of Motion.**

## **ORDINANCE SECOND READING**

- **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Prohibiting Annoying and Offensive Illumination**

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Christine Abrams, Coral Avenue – Asked how many months of work did it take to get this Ordinance ready for second reading.

Mr. Edwards answered that the discussions began at the end of September.

Ruby Billig, 36 Monterey Circle – Asked what they mean by annoying lights.

Mayor Coles answered it is lights that are directed from someone's property into windows of the neighbor's house; lights that exceed what are allowed by Township Ordinance.

Mr. Cunliffe advised that current Ordinances already speak to the fact that lights from the home in a residential area have to be contained within the confines of that property.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.

**The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, for purpose of discussion.**

Deputy Mayor Lichtenstein stated that he plans on voting against this Ordinance, and he would like to specifically say that the reason is that they did ask for some clarification to be made and he does not see that it was made. He sees from the responses from the professionals that the amendments were not done. He can not support the Ordinance in its current form.

Mr. Cunliffe added Deputy Mayor Lichtenstein referred to responses from the professionals. He would say that certain standards exist within the current Ordinances, and the UDO, but he feels that all this is doing is giving the Township a way to handle the situation if there is a complaint. The other Ordinances are standard; there is no methodology of handling any type of dispute within a residential area.

Mr. Secare added this is an enforcement tool.

Mr. Cunliffe continued that this will enable the Township to handle those discrepancies. If there were suggestions from T & M they could always amend the Ordinance after it is adopted. He intends to support this Ordinance.



Deputy Mayor Lichtenstein agreed this is an enforcement Ordinance, and when he sees a memo from the person they are asking to enforce it, that says that he thinks they should establish and add some existing standards, that is what makes him want to vote against it.

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

**Ordinance 2007-51 died on second reading, due to lack of affirmative votes.**

• **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 1 in Block 1106 and Lot 1 in Block 1108 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.**

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. Cunliffe, second by Mr. Miller.**

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

**Ordinance No. 2007-57 adopted on second reading.**

• **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing requirements for Annual Rental Inspections**

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Bert Albert, Lions Head Woods – Advised that his community has discussed the intent of this Ordinance among the Trustees. They feel it is to their benefit because there is no way that they can determine which units are rented. But if they have to go through an annual inspection and hopefully the Inspection Department will notify the Community Manager that the units are rented, then they would have some control over what happens. Fortunately, they have a very small percentage of rentals. But some of the adult communities have as much as twenty-five percent rentals. And while the upkeep is not the big problem, the overcrowding is. They have one unit now with five residents, and their units are only authorized for three residents maximum. This would help them to determine that, and to help them restrict that. If the Committee is not going to pass this Ordinance this evening, then he would ask that one additional condition be added, and that is that a Community Manager should be notified of all rental units to be inspected. Senator Singer stated that this is part of the problem with this Ordinance. The inspector who will be inspecting the unit will not be looking at how many people are living there; that is not part of the inspection. He is there to look at the unit and if it is habitable. This Ordinance has nothing to do with overcrowding.

Mr. Secare confirmed that this was correct.

Moshe Weissberg, Forest Avenue – Wanted to echo a lot of the sentiments of many of the speakers this evening regarding health and safety, and the fact that they have a considerable amount of unscrupulous landlords in this town that prey upon the disadvantaged and the low-income by giving them substandard housing and situations that are a threat to life and safety. There is no support that he can think of in the community for condoning such behavior. It needs to be targeted, and needs to be rooted out. That having been said, whether the Ordinance is passed this evening or not, he thinks that the rights of a tenant to lodge a complaint or get an inspection, certainly on a health, fire and safety issue, should be something that is set in stone, and it should be reinforced, and no matter what happens with this Ordinance, every tenant does have that right under existing rules to call the Inspection Department when they have a situation that threatens their health and safety. He wanted to point out inconsistencies and they have heard time and again that the way this Ordinance is targeted on health and safety issues and he directed the Committee to Section 2 of the Ordinance which refers to....all single family units, two family units, apartment units, and multi-family units, rental units, must be inspected for health and safety on an annual basis. Then in Section 14, if in the discretion of the inspecting official the unit that fails inspection does not involve a health or safety issue, and the reason for the failure is considered in the discretion of the inspection to be minor in nature, a thirty (30) day temporary certificate of occupancy may be issued. To give a worse case scenario, they have a rogue inspector out there who walks into a family full of young children, he looks at a wall and sees crayon markings on the wall, in multiple rooms, and the parents say they want the kids to color on the walls, and the parents say they want it that that way, and the inspector says it is his discretion and he is going to fail the unit, and you have thirty (30) days to paint the unit. Minor issues like that....ten thousand apartments....look at the workload of an inspector. How many units could an inspector do in a day. He thinks that four or five inspections per day would be the limit, and to document them properly to make sure they are serious inspections and that he has the proper documentation. You are setting up a bureaucracy to regulate ten thousand apartments. There are bad apartments out there, but certainly not ten thousand. You are doing an Ordinance because that is the easy way of doing it, do it to everybody, to ten thousand people in this Township.

Rabbi Weissberg continued.... what he is afraid of is that they are losing focus...you are not targeting the repeat violators, the people who really need to be targeted. The community does not want this, and he submitted a petition signed by six hundred and fifty-two tenants, not the twenty that spoke this evening, that are asking the Committee to hold off on this Ordinance. He thinks that the Mayor's suggestion of doing town meetings and hearing what tenants have to say about this, is the right thing to do, and you will have a tremendous amount of support in the community to do those inspections, but to target the inspections where they need to be done, which is on the sub-standard units that have significant issues of health and safety. Usually these people are repeat offenders; you know who they are, and you need to make sure that the Ordinance targets them, and has the teeth to do that.

Karen Kamm, Albert Avenue – Her concern about the six hundred fifty signatures is that is they were gotten by landlords who coerce their tenants. She is looking at the Ordinance,

in Section 5, after final inspection each rental unit will receive a certificate that will show the date of inspection and the number of occupants that the unit is approved for. This certificate will be posted in the house and must not be removed before the next inspection. Does that not take care of the requirement about the number of people.

Mayor Coles answered no, what it does is it lists the number of people that are legally allowed to inhabit that unit.

Ms. Kamm asked if you have more than that, don't you get fined.

Mayor Coles answered that if a complaint is lodged against the unit and it is inspected and found to be overcrowded, then yes.

Ms. Kamm asked if that should be caught in the inspection.

Mayor Coles answered no, because the people may not be home. The inspector is in the house to inspect, based on the number of rooms in the house, the state has guidelines as to the number of adults who are allowed to live in that house. That is what is posted on the CO ticket that is put inside the door. It is not the purpose of this Ordinance to see how many people are living there.

Ms. Kamm stated she feels it should be part of that.

Pat DeFillipes, 314 Fifth Street – Commented on the court case last year where a landlord was fined three thousand dollars, and then he was going to go to jail, and everyone went over to Meir Lichtenstein's house, and then they all sued the Township, costing the Township more money. And then they won.....a hundred dollar fine for three pages of violations. Something has to be done, and it has to start somewhere. You can not keep passing the buck.

Mary Ann Allachi – Stated that by targeting only “unscrupulous landlords”, you are effectively discriminating and targeting the inspections towards people of ethnic minority and racial minority background, because those will be most of the problematic areas. Again, she would encourage an overall change in the perspective and the way that inspections are done and the responses to tenants, so that tenants are not afraid to call the Inspection Department when there is a problem, and they are not afraid that they will be displaced when they call the Township for help.

Mr. Cunliffe asked Mr. Secare if they were to pass a law that was a targeted law, would that not get overturned by the Supreme Court; could that be ruled discriminatory.

Mr. Secare answered yes, it would be against the Fair Housing Act.

David Drukaroff, 1433 Laurelwood Avenue – He stated that he does not believe that Rabbi Weissberg's remarks were in good faith and Meir Lichtenstein was well aware of this. Therefore, he knew of his committee's existence, and were free to come to the meetings to comment. Further commented on his office's procedures.

Moshe Raitzik, 166 Northcrest Place – He finds very offensive the personal attacks that have been doled out this evening. Religious or ethnic groups should not be labeled by the perceived activities of individuals. He is a renter, and there is a Certificate of Occupancy where he is renting, which was done in March of this year. It indicates that an inspection must take place again before any new occupancy takes place. He understands that tenants on HUD are given a yearly inspection, because HUD wants to make sure that their money is being spent properly. To say that only a municipality can properly police tenants, is to blatantly say that the landlords and tenants can not be trusted to be able to work out issues between themselves. He believes that a CO for each tenant before they move in is good, because you can see what each tenant has done to the property, and to see if repairs are necessary. But in a sturdy home, with a stable tenant, a yearly check only adds jobs for the municipality. You should enforce the laws that are already on the books. If someone complains that they see a lot of people coming in and out of a unit, that is a reason for an inspection. You have to have some substantiation to go into someone's house. This Ordinance starts with rentals, and it will end up with private homes being checked as well, because there are safety concerns there also.

John DeFillipes, 314 Fifth Street – The Ordinance that they want to be passed has nothing to do with overcrowding. It is simply to say that they want to make sure that the tenants that live in an apartment live in a safe environment. He owns the building at 314 Fifth Street; next door is building #312. It was owned by one of the landlords that no longer owns the building. When he owned that building, it was a landlord that was not around to see what was going on in the building. No CO, no fire detectors, no smoke detectors, and it was overcrowded. The building was in disarray. That building was bought by another person, and he is there every day watching the building and now that building is perfect. The problem is that a lot of the landlords are absentee landlords...they own houses, and do not care what is going on in the houses as long as they get their money and this is what is happening in Lakewood. And the only way you are going to stop that, to start, is with an inspection every year so that the landlords know, because the tenants are not going to complain, especially, the illegal tenants. And the landlords are going to collect their money. Unless this Township helps these people, this will continue. And he can not see why anyone could reject that offer that is on the table.

Cheryl Jiminaro, 1464 Oak Street – She agrees with the majority of the people this evening regarding the annual inspection. Commented on the poor condition of the houses across the street from her property.

Christine Abrams, Coral Avenue – Commented on enforcing the existing Ordinances. Stated it has taken seven months to prepare this Ordinance. All of a sudden there are problems with the Ordinance. Some time between the first reading and now these so-called problems came to light. The Committee had the Ordinance before the first reading, and then voted to push it through for second reading, and they had no problem with it then. If the problems that it has now, were present then, why was it pushed through for second reading. She also understands that Committeemen Lichtenstein and Miller voted on the first reading for the rental inspection Ordinance, and she understands she will be voting on the second reading. She asked Committeeman Lichtenstein, that as principal of MSL Management, whether his property management company manages residential properties.

Deputy Mayor Lichtenstein answered yes.

Ms. Abrams asked why he does not feel that it is a conflict of interest to vote on this Ordinance.

Mr. Secare answered that, in fairness, both Mr. Miller and Mr. Lichtenstein contacted him regarding the possibility of a conflict, and the Mayor asked him as well. He was very clear in his recommendation to them that there was no conflict, that many things that committee people and legislators vote on have an indirect effect on their lives. For example, this Committee can vote on their own salary raise. He does not think that there is anything more inherent that the public would think would be a conflict on something like that, but there is no one else that can vote on that. The illumination Ordinance could affect any member of this Committee; the noise Ordinance could affect any member of this Committee; when they went ahead with the revaluation, it was passed by this Committee. Some members of the Committee were hurt by it, some gained by it. It is impossible to divorce yourself totally from the workings of government and the fact that you live in the same community. So he told them it was not specific enough to be a direct conflict, and he said he did not see a problem with them voting on the Ordinance, either on first or second reading.

Ms. Abrams stated that the New Jersey Statutes, on conflict of interest, when you were talking about the illumination Ordinance, could affect anyone in this room. And if the Committee all recused themselves because it would affect them, then you would have no one to vote. So yes, naturally, they do have to vote on an Ordinance such as that. But an Ordinance such as this, where the two Committeemen, in particular, have this conflict where they either own rental properties, or they work for a management company that works with rental properties, they can recuse themselves, and abstain from voting, because there are three other members on the Committee that can vote, unlike the illumination Ordinance.

Mr. Cunliffe stated that this brings up a question in his mind now because he has to recuse himself from some votes because his daughter is a police officer, and if a member of your immediate family derives income, it puts you in conflict. If they do derive income because of their arrangement, is that not a basis of conflict of interest.

Mr. Secare answered that he has recommended to Mr. Cunliffe that he could not vote for certain things regarding his daughters position, because if he voted for his daughter's raise, that would be a family member and the statute does not allow you to vote on anything that would be directly beneficial to a family member. Messrs. Miller and Lichtenstein could not vote on something that would benefit them in the ownership of their property, where it would be money gained through a vote they would make. This would not benefit them to vote on this Ordinance in a direct monetary sense.

Mr. Cunliffe asked if they are engaged in that business, if they have to pay for that CO, if they vote no, aren't they benefiting themselves because they won't have to pay that, because obviously that fifty dollars stays in their pocket.

Mr. Secare answered that he understands the logic, but he has decided it wasn't, because you are not preventing them from voting yes, which would actually be the converse of that. Again, it is not so specific.

Mr. Cunliffe continued that if they own two hundred units, by them voting no or participating in this vote, they are saving themselves that many units times fifty dollars. That means it is directly affecting their pocketbook.

Mr. Secare answered that he thinks it is an indirect benefit, not a direct benefit.

Ms. Abrams asked if it was a situation that could be challenged in a higher court, if they vote.

Mayor Coles answered that you could sue over anything.

Ms. Abrams asked who made that decision for them.

Mr. Secare answered that was his recommendation that they do not have a conflict.

Diane Reaves, 19 Holly Street – She understands that people want a public forum to further discuss the Ordinance. She is saddened by that because each month they had meetings and the public did not attend those meeting to offer their input and recommendations. She feels they would not be at this point if anyone had bothered during the last eight months to join in the discussions. Further commented on conditions in her neighborhood.

Mr. Mermelstein, a landlord – Advised he is a landlord and a realtor. Stated that if this Ordinance goes through, a lot of innocent poor people will be driven out of their safe homes, because not everyone is a slumlord. When he gets a CO, it costs him thousand of dollars, and a lot of it is nonsense. If the Ordinance is passed, it will put them through a lot of added expense each year. If this burden is put on him, he will have to sell all his houses, and the people who are low income will be on the street. Continued his comments in opposition to the Ordinance.

Tom O'Malley, Four Seasons – Asked everyone to think about whether this Ordinance is good or bad, and when you make your decision within your own heart, do what is proper. He further questioned Mr. Secare's recommendation on the conflict issue.

Noreen Gill, 192 Coventry Drive – Commented on Mr. Secare's recommendation on the conflict issue. Also commented on a previous landlord's statement.

Jerry Ballwanz, Governors Road – Commented on her research as to what is a conflict of interest. Further stated that it is important that this Ordinance is passed. How do you determine who is a troublesome landlord; if you do that you are targeting certain landlords. The only way to be fair is to do it for all of the landlords.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.



**The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, for purpose of discussion.**

Mr. Miller asked Mr. Secare, once again, if it is, or is not, a conflict for him to vote on this Ordinance.

Mr. Secare stated it was not a conflict. He is confident in his opinion.

Senator Singer commented that if you take the rules of ethics that they use in the legislature, conflict is something that directly affects you only. As part time legislators, and part time committee people, because you live in a community, there are inherent conflicts. The question is whether or not there is a true financial benefit to you directly, period. That is what Mr. Secare is referring to. The intent of the Ordinance certainly makes sense. The question is...are they accomplishing what they intend to accomplish, and how the issue is being addressed. There is a fine line between what becomes the responsibility of the landlord and the tenant. If it becomes too costly to repair, and we are not talking about life and safety issues, but basic issues, the landlord just closes the building down, and it leaves the tenant out in the streets. The purpose of this Ordinance is not to displace people. It is to make sure that life and safety issues are addressed, and that reasonable repairs are done. He also thinks this is an emotional issue; he received many phone calls in his legislative office. There is a lot of misunderstanding and there has been a reasonable amount of time to discuss it and vent about it. There is no rush on this; we have waited this long, we can wait a little longer. People are entitled to understand what is being done; they are entitled to have their opinions and are entitled to correct something that makes sense. There are ten thousand units in this town; does anyone understand the disruption of ten thousand units; that is probably thirty thousand people. You have to make it fair, that a tenant feels safe to call the Inspection Department if there is a problem, and you have to make sure there is no repercussion on that tenant, and make sure the repairs are done, which he agrees on that one hundred percent. But he is also saying that you have to look at what you are creating and how it is being created.

Deputy Mayor Lichtenstein stated he intends to vote on this Ordinance and he intends to vote no on this Ordinance, or to ask to carry it. He would like to explain himself and it will take a couple of minutes. He has listened to all of the comments. But first there are a few things he needs to do to clear anyone who has a question about his personal motives. He is not going to comment on what Senator Singer said which happens to be true, that he has no personal gain or loss; he makes the same amount of money on his management fee regardless whether or not this Ordinance goes through or not. If anything, there will be the requirement for more managers if this Ordinance goes through. However, he, unlike some other members of this Committee, makes it his business to follow one person when he has a question about conflict. He is not an attorney; he does not know all the laws and statutes. When he has a question about conflict, he turns to his attorney for advice. There were times when he did want to vote on things, and the attorney told him not to vote, and he did not vote. And there were times when the attorney told him he should vote, and he did not know if he should, but he felt it was his responsibility as an elected official to follow what the attorney said. He wanted everyone to know, and he was not going to bring this up, but people asked why they went for the first Ordinance. When he discussed this with

the Mayor, he said if you want to pull this Ordinance, to call the Manager and pull it from the Agenda and they would not vote on it this year.

Mayor Coles agreed that was correct.

Deputy Mayor Lichtenstein continued that he felt it was an important Ordinance and they have to hear what the people have to say. He might vote against, but he made sure it was on the Agenda. He did it for the reason to create discussion, and he feels that was somewhat successful. He was not trying to hide or bury the Ordinance. He did it so that it could come out to the public, so there would be public hearings, and the public could voice their opinions. Despite what Mr. Drukaroff said, he was not the Liaison to the Rental Advisory Committee. The Mayor was the Liaison. Not one other person on this Committee bothered to show up to one meeting. He thinks he showed up at one or two. He is not faulting anyone, and he is not saying it was anyone's job. Is it because he showed up, he therefore was not interested. He could have taken the same position as everyone else. He did show up and he did listen, and he does have all twenty-one comments, and he did review it thoroughly, and he did take the time to sit and review it. So please don't tell him that he does not value anyone's time, or anyone's opinion, and do not question his personal ethics about this particular issue. He takes great affront when people think that he decided to vote on something that it will be a personal gain to him. He does what he has done for the past four years. He turns to his attorney and asks what is the legal question. If you want to take it to Court, if you do not agree with the attorney, there is a Court of law; that is how the United States works. If the Court says that the attorney is wrong, he will certainly abide by what the Court says. He does not sit and make decisions on his own about whether he is in conflict or not. Sometimes he calls up Mr. Secare and asks whether or not he is conflict. He was told he was not in conflict, therefore he is voting. He has some questions about this Ordinance and not only does he have questions, he spent the time to look through it, and he believes he has some possible solutions. And he would like this Ordinance to come back. There is no question in his mind that it is important to have proper enforcement of housing units in this town. He is not all of the landlord's favorite person either. And he has had plenty of hate calls from landlords, threatening him, leaving anonymous messages, where he had to report one to the Police Department because he was concerned about the tone of the voice of that person towards him. He believes there are some issues with this Ordinance starting with the fact that they are trying to swallow ten thousand units in one shot. He met with Mr. Mack, who wants to try to put it all through. He thinks that the good landlords, the people who want to comply with the law, the people who want to let the inspectors in, they are the ones that are going to get through the inspection process. And he thinks that people who want to put up the road blocks in front of the Inspection Department, and the people who want to make it difficult for the Inspection Department, are going to get lost in this big ten thousand unit scheme. Because he does not now how many bad landlords there are, what do you do if you are an inspector...who do hit first....the nine hundred easy ones. There are plenty of units in this town that are subject to this inspection. All multi family dwellings, over three units, are subject to a DCA inspection every five years from the State of New Jersey, and it is a pretty thorough inspection. He also echo's the comments about the wear and tear on apartments and about rogue inspectors. Minor repairs are one things, but he does not think there should be exposed wires, or no smoke detectors.... of course not. He does not think it should be overcrowded. He does not think the CO



inspection should be eliminated before a tenant moves in. And he would like to say that he does not mind if they raise the regular inspection fees by a few dollars, and use that money to create a different kind of Ordinance. And he thinks it should be an enforcement based Ordinance. He thinks they could write some very specific criteria. Some people say they will rent and not take a CO. A landlord who does not take a CO for the first time never gets into this Ordinance, because this is only for people who bother to register their homes in the first place. What do you think will happen now...do you think that landlords will register their homes for a CO to subject themselves to an annual inspection, or wait until they caught, and then worry about it. Aren't you encouraging people not to apply for CO's. They don't want to become part of the system; they do not want to get inspected every year. He also asked Mr. Mack how was he going to handle the scheduling, and his answer was that they would have to do pre-arranged inspections.....pre-arranged inspections so that the landlord can quickly empty out all the bags that are laying around and put away the extension cords....you are going to give him a thirty or sixty day notice before the inspection is done....what will be accomplished. You will get into the good units; the people who do not have many repairs will let you in, other people will keep delaying you. He suggested that they take some money and put it toward doing an enforcement based Ordinance, with specific criteria. When you have a unit that falls into a bad state of disrepair, whether it is overcrowding, fire, safety, it falls into a program, to be set up by the Committee, and the inspectors go back there annually, until they are sure that the unit is up to par, and is kept up to par. Those are the kind of Ordinances that will work to enforce the units. He also thinks there are some tracking methods that they need to do. He would like to concentrate money on registering. He wants to know who all the landlords are, where their units are, who are they, and there should be a business license. He has a business license to operate in this town. Why don't you have to be a licensed landlord and have to have a business. These are some of the issues that he went through. He thinks that business licenses, better tracking methods, enforcement, violation, criteria based enforcement, would be a good first step. Down the road, once they get all these issues straightened out, it may be possible to revisit and see if the Inspection Department is in good working order, and they can actually effect things, that is something that could be revisited. At this time, he does not think they are ready for it, and he does not think they will do a good job if they attempt it. He thinks they are simply biting off more than they can chew, and they do not have clear guidelines. Members of the public do not understand what they are doing, and he would suspect that even some of the inspectors will not get clear guidelines on this. And that is why he intends to vote on the Ordinance, and he intends to vote against it tonight.

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

Lichtenstein.

**Ordinance No. 2007-58 died on second reading due to lack of affirmative votes.**

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

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

**Ordinance No. 2007-59 adopted on second reading.**

**ORDINANCE FIRST READING** (Second reading and Public Hearing) - None

## **CORRESPONDENCE**

1. Correspondence from NJ Environmental Federation requesting permission to conduct a door-to-door education and fund raising drive from January through April, 2008.
2. Correspondence from World Wide International Empowerment Ministry Inc. requesting permission to use Town Square on Thursday, December 13, 20 and 27, from 3:30 PM to 5:30 PM to serve the homeless.

**Motion by Mr. Cunliffe to approve Item 1 but he would ask the Committee consider reducing the hours from 4:00 to 8:00 PM.**

The Township Clerk advised that they go through this every year, and they challenge it.

**Mayor Coles offered a Motion to vote no on Item 1, and to not allow it this year; a second was offered by Mr. Cunliffe.**

**All voted against the approval of Item 1. Item 1 was not approved.**

**As to Item 2, a Motion was offered by Mr. Cunliffe, second by Mr. Miller, and carried, to approve Item 2.**

## **MOTION TO APPROVE BILL LIST OF: 12/11/07**

**Motion by Mr. Cunliffe, second by Mr. Miller, to approve the above Bill List.**

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

**Bill List approved.**

## **COMMENTS FROM COMMITTEE MEMBERS**

Senator Singer commented with regard to the bus shelter on Madison Avenue at Ninth Street which has been hit and knocked down. A lot of people come there to use the bus,

and there is no shelter. He suggested that Mr. Franklin be requested to replace the shelter, and place stanchions behind it so if a car hits it, they will hit the stanchions, and not the shelter.

Senator Singer further commented that across the street, heading in a southerly direction taking the bus, on Eighth Street, where the bus stops, the curb is very low, which makes it very difficult for elderly people to get off the bus, if they are coming down Route 9; and there are also trees there. So the bus does not get close to the curb when letting the people off, and they can not reach the curb because of the step down. He would ask that they look to put a strip there so that the people can get off the bus, because it is a legitimate bus stop.

Mayor Coles asked the Township Clerk to request John Franklin to report on both of these issues at the next meeting. He advised he has had the same discussion, and he would like to know where they are with regard to the replacement.

Mayor Coles announced they would be appointing a small sub-committee this evening to look at different improvements to the Community Center in the near future. He appointed himself, Senator Singer, Tom Ross, John Franklin and Ervin Oross, to look at some of the details that the architect will present with regard to the expansion of the Community Center.

## **ADJOURNMENT**

**Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 10:35 PM.**