

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
MAY 7, 2008**

The Lakewood Township Committee held a Meeting on Thursday, May 7, 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
 Absent..... Menashe Miller
 Absent..... Charles Cunliffe
Municipal Manager..... Frank Edwards
Municipal Attorney..... Steven Secare
Deputy Clerk..... Mary Ann Del Mastro

CLOSED SESSION

**Motion by Senator Singer, second by Deputy Mayor Lichtenstein.
Resolution No. 2008-147 – 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, and published in the Asbury Park Press on May 1, 2008.

ROLL CALL

OPEN SESSION

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 04/10/08

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 04/10/08

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

2008 MUNICIPAL BUDGET

ORDINANCE FIRST READING – 2nd Reading and Public Hearing on 05/29/08

- **Calendar Year 2008 Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank**

Read by title only for first reading.

The above Ordinance was offered by Senator Singer, second by Deputy Mayor Lichtenstein.

Senator Singer stated for the record that on the introduction of the Budget, since there are only three members of the Committee in attendance this evening, he has agreed to vote for it, but that is not a commitment to say he will vote for the Budget when it comes up in its final form.

Deputy Mayor Lichtenstein stated that he also may have some questions on the Budget, but he just wants to get it on the floor.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2008-25 adopted on first reading. Second reading and public hearing to be held on May 29, 2008.

RESOLUTION - INTRODUCTION OF 2008 MUNICIPAL BUDGET

The Deputy Clerk read the Resolution for Introduction of the 2008 Municipal Budget into the record.

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, based on their prior comments.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Resolution No. 2008-148 – Adopted.

PRESENTATIONS - Transportation Board

Dave Garfield, Vice Chairman of the Transportation Board, offered a brief presentation with regard to their upcoming meeting on May 22, 2008 on Motor Vehicle Crashes, the Silent Voices. The meeting will be held at 6:30 PM in the Municipal Building, and will be open to the public.

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.

Mr. Lindsey, Sage Foundation – Commended the Committee for their work on affordable housing. Asked about the status of their request for use of Pine Park for their Multi-Cultural Day.

Mr. Edwards advised they received their request, which includes the statement that alcoholic beverages are to be sold, or dispensed, at this event. He understands that the Police Department has been in contact with Mr. Lindsey, and that there is an application that the Chief of Police has to sign, that goes to Trenton to be approved for alcoholic beverages. The Chief has advised that he has not received all the answers and has not signed the application. That is what is holding up the process.

Mayor Coles added that the application has to go to the State for their approval for a one-day permit. He suggested that he contact the Chief of Police to discuss the issues. The town can approve the use of the park, but without the sale of the beverages.

Mr. Edwards stated that the application has not been on the Agenda for the Committee to formally approve it because of the request for alcohol. If Mr. Lindsey wants to submit an application that does not include alcohol, then the Committee can entertain that request at the next meeting.

Moshe Raitzik, 166 North Crest Place – Asked about the status of the second fence at Westgate. The first fence was put up in record time, and he thanked Mr. Miller for this efforts. He understands that the second fence has to go through the bidding process, and he was wondering what the timetable on that might be.

Mayor Coles advised he would have to check with Mr. Miller, as he made the arrangements for the first fence.

Mr. Raitzik also commented that on County Line Road, he noticed that a lot of repaving work was being done, together with left turn only lanes. He stated that in his opinion that would back up traffic more than helping it, and asked if that would be done west of Route 9 as well.

Mayor Coles answered that he believed there are some changes scheduled for the west approach to Route 9, from the State. That is not controlled by the Township. He believes that with the turn signals and the new lanes, it will actually help the traffic, because there will be a dedicated left hand turn, a straight lane, and a lane off to the right, at many of the intersections.

Also, as a member of the Municipal Alliance, he has heard that there will be further state funding, but he does not know if it will be divided up by population, or by how many towns in the County that have Alliances.

Donna _____ - Spoke on behalf of the Sage Foundation. Asked if they submit a request without alcohol, does it have to wait for the next meeting.

Mayor Coles answered that it has to be approved at the next Committee meeting.

_____ Moore, Jr., 606 East County Line Road – Stated he received a letter from the Township in February 2007 concerning two projects on Harvard Street. The letter stated there was to be no parking on one side. The letter was requesting his input on the no parking, and one-way issues. He provided pictures to the Engineering Department, together with a letter, stating his opposition to the one-way. Asked about the status of the project, and when this would be considered.

Mr. Edwards advised this was discussed at a recent Agenda meeting. There was a recommendation from the Police Department, but the actual Ordinance has to be prepared.

John DeFillipes, 314 Fifth Street – Advised that he noticed that the sewers are one and one-half inches to two inches above the grade along County Line Road.

Mayor Coles advised that the final paving has not been completed.

At this time, Deputy Mayor Lichtenstein advised that they need a quorum for a vote on the Temporary Budget, which is Item 1 on the Consent Agenda. He further advised that they have Mr. Miller, who is presently on military leave, available on the telephone.

Mayor Coles removed Item No. 1 from the Consent Agenda, which is the Resolution authorizing emergency temporary appropriations for the period between the beginning of the current fiscal year and the date of the adoption of the 2008 Budget. He advised they would vote on it separately at this time. The reason for that is that in order for them to continue, they need to have four votes, since they have introduced the Budget. As Committeeman Miller is available on the telephone, and has heard the discussion, Mayor Coles advised he would entertain a Motion on that Resolution.

Mr. Secare stated, in order that the record is clear, he would like Committeeman Miller to acknowledge the fact that he heard the comments of the Mayor, and has listened to the dialogue.

Mr. Miller answered that he heard the proceedings.

1. Resolution Authorizing Emergency Temporary Appropriations for the period between the beginning of the current fiscal year and the date of the adoption of the 2008 budget

Motion by Senator Singer, second by Deputy Mayor Lichtenstein.

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

Resolution No. 2008-149 – Adopted.

The public session resumed.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the Resolution on the Consent Agenda in connection with the School Budget. Asked for an explanation as to how they arrived at the figure of \$200,000.00.

Mayor Coles answered that they met with Mr. Luick and the professionals from the School Board, and they provided a list of line items that they felt could be cut without adversely affecting the level of education delivered to the children. They took their recommendations as to the level of the cut. It will eliminate the deficit they had last year, and will eliminate the potential for a future deficit, and will leave them with a bit of a surplus for the end of the year, which is something they have not had in a long time. It is his personal opinion, and he will give them the benefit of the doubt, and hope that the problems they have seen in the past with finances at the School Board can finally be put in the past and that the concentration is put on the children in the district to see what they can do to improve their quality of education, and move forward from there.

Ed Luick, Lakewood Schools – Thanked the Mayor and Committee, and professionals, for working together with the School Board.

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

2. Resolution establishing Traffic regulations in connection with the Commencement Ceremonies to be conducted at Georgian Court University.
Resolution No. 2008-150
3. Resolution authorizing an Ocean County Cooperative purchase of a 2008 Ford Expedition 4 X 4, in the amount of \$28,600.00.
Resolution No. 2008-151
4. Resolution releasing a Maintenance Bond posted by Kedma I in connection with Block 190, Lots 58-61 and 146-149, in the amount of \$69,925.00.
Resolution No. 2008-152
5. Resolution reducing a Performance Guarantee posted by Fairways East, LLC in association with the Enclave Phase 4, Blocks 533 and 534 , various lots, in the amount of \$311,235.00.
Resolution No. 2008-153

6. Resolution releasing a Performance Bond posted by Excel Corporate Park II, LLC, in connection with Block 391, Lot 9, in the amount of \$182,697.00.
Resolution No. 2008-154
7. Resolution authorizing the application for 2008, Recreational Opportunities for Individuals with Disabilities Grant, from the Department of Community Affairs.
Resolution No. 2008-155
8. Resolution authorizing the Lakewood Township Tax Collector to process property tax refunds and to authorize the Lakewood Township Tax Collector to apply tax overpayments.
Resolution No. 2008-156
9. Resolution authorizing the Lakewood Township Tax Collector to cancel taxes as listed on attached Schedule A.
Resolution No. 2008-157
10. Resolution authorizing the Lakewood Township Tax Collector to cancel tax overpayments.
Resolution No. 2008-158
11. Resolution authorizing the Township of Lakewood Tax Collector to refund tax sale redemptions.
Resolution No. 2008-159
12. Resolution amending a Military Leave of Absence, for Eduardo Rodriguez, extending it from 03/12/08 to 04/25/08.
Resolution No. 2008-160
13. Resolution approving a Place to Place Transfer for Ruby Tuesday, Inc., Liquor License #1514-33-012-004.
Resolution No. 2008-161
14. Resolution releasing a portion of a Performance Bond posted by Yomah, Inc., in connection with Block 174.04, Lots 45 and 46 and waiving the Maintenance Guarantee requirement.
Resolution No. 2008-162
15. Resolution authorizing the execution of an agreement with the County of Ocean for sidewalks on Miller Road, between New Egypt Road, and Hope Chapel Road.
Resolution No. 2008-163
16. Resolution approving changes to the revised School District Budget.
Resolution No. 2008-164
17. Resolution authorizing the award of a Professional Services Contract to T & M Associates, in the amount of \$27,000.00.
Resolution No. 2008-165

18. Resolution supporting the 101 Days of Safe Summer Campaign within the State of New Jersey.
Resolution No. 2008-166
19. Resolution recognizing May 18, through May 24, 2008 as Emergency Medical Services week.
Resolution No. 2008-167
20. Resolution designating May 18, through May 24, 2008 as Public Works week.
Resolution No. 2008-168

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, to approve Resolutions 2 through 20 on the Consent Agenda.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Deputy Mayor Lichtenstein did not vote on Resolution No. 13.

Resolution Nos. 2008-150 through 2008-168 – Adopted.

Mayor Coles advised that two representatives from Ruby Tuesday's were present this evening. The liquor license transfer was approved as part of the Consent Agenda. He welcomed them to town, and they looking forward to the opening.

ORDINANCE SECOND READING

Mr. Secare advised there has been a legal assault on one of the Ordinances, specifically the Ordinance with regard to the B-2 zone, by John Doyle, Esq., who is claiming there was not sufficient notice under the statute because the meeting date was moved forward by one day. The statute says you have to give a week's notice after publication for the second reading. The argument goes that because the notice on May 1st changed the meeting, therefore, there would have to have been seven days before the second reading. He is not sure that Mr. Doyle is correct, but he says that his client will sue the Township if they go forward. So rather than buy a lawsuit, he has decided to advise the Mayor that it would be wise to carry these Ordinances, and advertise them again with that seven day limit in mind. That is what he has advised the Mayor to do on all the second reading Ordinances. You have to be consistent. If you are going to say that one of the Ordinances may not have been advertised in time because of the change in the date, then all of them have to be put aside.

Senator Singer stated the shame of it is, that action has cost the Township hundreds of dollars. He will certainly, when Mr. Doyle comes in with his applicant, voice his concerns on that issue.

Mayor Coles asked for a Motion to carry the following Ordinance to the May 29th meeting.

• **An 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**

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to the meeting of May 29, 2008.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Second reading and public hearing on Ordinance No. 2008-22 carried to the meeting of May 29, 2008.

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the acquisition of Block 536, Lot 177 for youth related educational/recreational activities as shown the tax map of the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40A:12-1, et. seq.**

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to the meeting of May 29, 2008.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Second reading and public hearing on Ordinance No. 2008-23 carried to the meeting of May 29, 2008.

• **An Ordinance amending the Code of the Township of Lakewood, Chapter 18, Unified Development Ordinance, by revising and supplementing the regulations concerning the exemption of off-street parking in the Central Business Zone (B-2) for non-residential uses and provisions regarding off-premises parking in the Township of Lakewood, County of Ocean, State of New Jersey**

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to June 26, 2008.

Mayor Coles advised this is the reason that the lawsuit was threatened. He sat down with a couple of people today who wanted the opportunity to provide some input as to what they feel are some changes that might be beneficial to the downtown area. He agreed to have the Engineering firm meet with them to make sure. He rather have this Ordinance pass without further threat of lawsuit. If there are a few minor changes that they can take into consideration, they will. If not, they will hear the Ordinance for second reading on June 26th.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Second reading and public hearing on Ordinance No. 2008-24 carried to the meeting of June 26, 2008.

• **An Ordinance amending the code of the Township of Lakewood Chapter 18, Unified Development Ordinance by revising and supplementing the regulations concerning flag lots (Section 18-805.G)**

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, to carry the above Ordinance to May 29, 2008.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Second reading and public hearing on Ordinance No. 2008-21 carried to the meeting of May 29, 2008.

Mayor Lichtenstein confirmed that all Ordinances will be re-advertised.

ORDINANCE FIRST READING (Second reading and Public Hearing 05/29/08)

• **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II of the Code of the Township of Lakewood entitled Administration.**

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, Deputy Mayor Lichtenstein and Mayor Coles. Ordinance No. 2008-26 adopted on first reading. Second reading and public hearing to be held on May 29, 2008.

Motion by Deputy Mayor Lichtenstein, second by Senator Singer, and carried, to accept, receive and file, and approve the following correspondence items and picnic requests.

CORRESPONDENCE

Per list of four (4) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of twenty-eight (28) items, attached hereto and made a part hereof.

MOTION TO APPROVE BILL LIST OF: 05/06/08

Motion by Deputy Mayor Lichtenstein, second by Senator Singer.

On Roll Call – Affirmative: Senator Singer, Deputy Mayor Lichtenstein and Mayor Coles. Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Senator Singer commented with regard to the School Board budget. He has been at a number of meetings with Mayor Coles, concerning the schools. They have poorly planned their finances for many years, not anticipating more students coming in for busing during the course of the year, and finding themselves in difficult hard times. They sat down with the County Superintendent with a plan of action. They have stuck to that plan of action, which included hiring a new Business Administrator, and also included selling a building which is a recommendation of the County. The public should understand that the reason that building was urged to be sold is because the upkeep of that building, because of the age, for heat, etc., was astronomical. It was costing over a half a million dollars a year to maintain that building. It made no economic sense. Whereas, by selling it, and putting that money into reducing some of their debt, or even renting office space, was more beneficial to the community than what was going on there. There are a lot of things they are starting to do, to go in the right direction. They had the assurance, from the County Superintendent, that this Budget was a legitimate Budget. He said if it was not, he would ask for his resignation. They are going through this with a promise that this is the right road. If it is not, the Township will take the appropriate action.

Mayor Coles thanked everyone for their indulgence in coming out to the meeting this evening. He apologized for the late change, but he did not realize until late last week that they would not have a quorum for tomorrow night.

ADJOURNMENT

Motion by Senator Singer, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting.

Meeting adjourned at 8:10 PM.