

**Lakewood Township Committee
Minutes
September 11, 2008**

The Lakewood Township Committee held a Meeting on Thursday, September 11, 2008 in the Lakewood Municipal Building, at 6:30 PM for the Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor.....	Raymond Coles
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Senator Robert Singer
	Menashe Miller
	Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

Resolution No. 2008-327 – Adopted.

SALUTE TO THE FLAG AND PRAYER

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

ROLL CALL

OPEN SESSION

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 08/28/08

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 08/28/08

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

PRESENTATIONS - None

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.

Ronald Gray, Pine River Village – Complained about poor conditions in his neighborhood. Asked the Committee to lift the restrictions on the Deed so the age restriction can be removed.

Mr. Cunliffe explained that the Committee actually may not be able to assist in this matter as this particular development was part of the Cedarbridge Development Agreement that was struck back in 2000 and there are contracts and options for a specific use, and for the sole reason that it would be an age restricted community.

Mr. Gray stated that the Developer obtained a legal opinion from a respected Attorney, who says that the Township, in fact, is able to do that, and it would be a stepping stone to get the formal process taken care of.

Mr. Cunliffe further explained that the Attorney is going to do the best he can for his client, but the Township has to worry about how they are bound by law. They received grants from the State government for the construction of the Cedarbridge Development project, and it is a multi-year project. There is also a pilot involved. It is a very complicated issue, which may not be able to be solved to Mr. Gray's satisfaction. The Committee will listen to their concerns, but as far as that Contract is concerned, it may not be able to be changed.

Mayor Coles advised he had a conversation with Mr. Gray a few weeks ago, and he told him there were several steps that the Developer should be going through at this point in time. The Township Committee is not the first step in this process, and as Mr. Cunliffe explained, he is not even sure what the Township can do. The Attorney has been in contact with them, but they are bound by certain restrictions, and they have to see how that works out.

Barbara Eisenberg, Morris Avenue – Thanked everyone for their assistance with the house next to hers. Things are getting better.

Alice Kelsey, 295B Malvern Court East – Commented with regard to issues of the homeless.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the Resolution on the Agenda concerning Cedarbridge Development Urban Renewal Corporation.

Mayor Coles advised he is going to ask that this Resolution be carried to the meeting of September 25th. They are presently reviewing the details of the proposed amendments to the redevelopment plan.

Miriam Deutsch, 10 Goldcrest Drive - Pine River Village – Complained about the conditions in Pine River Village, and the legality of the Committee’s ability to lift the Deed restrictions.

Mr. Secare explained that the Committee wants to help but may not legally be able to. They have been exploring the means and methodology in order to try to help, but it may not be legally permissible.

Mayor Coles added that it is the responsibility of the Developer to initiate the process.

Zipora Chadler, 172 Carasaljo Drive – Spoke on behalf of the safety of the children along her street. There are no sidewalks on the street, and she understands that would be a great expense. The street is narrow, and there is a lot of traffic. They are asking for a no parking restriction along Carasaljo Drive, from South Lake Drive to Miller Road.

Mayor Coles asked Mr. Edwards to refer this matter to Traffic & Safety.

Deputy Mayor Lichtenstein suggested they compile a petition from the neighborhood and submit it to the Township Clerk’s Office, for distribution to the Committee and Traffic & Safety.

Mordechai Eisenberg, 11 Goldcrest Drive, Pine River Village – Requested the Committee’s assistance with poor conditions in his neighborhood.

Noreen Gill, 192 Coventry Drive – Commented with regard to the problems at Pine River Village, and the problems with Developers and Landlords.

Frank Gagliano, 229 North Drive, Hearthstone – Commented with regard to the problems at the Hearthstone development, which infringe on his quality of life. The landlords need to be responsible for the maintenance of their properties, because the tenants are not. He asked the Committee who is going to bear pressure on the landlords to bring a quality of life back to Lakewood.

Ann Richardson, 1870 Lanes Mill Road – Commented with regard to the sale of land on Brook Road and Ridge Avenue. She asked what map was used because there is a stream on that land called the Cabinfield stream.

Mr. Cunliffe advised this question had already been addressed on the night of the land sale. Mr. Edwards had the professionals check the area, and there is documentation

that indicates there is no land slated to be preserved, there is no wetland delineation, no boundary corridors; there is nothing that affects the land that was sold.

Mrs. Richardson further advised there is definitely a stream on those lots. The map used by the Township is not current. There are several other maps dated 1958 and 1972 that show the stream. That stream is part of the Barnegat Bay 2020, and it is called Cabinfield. It is under the trust of public land. She had the current map that she offered to show the Committee.

Mr. Cunliffe suggested that Mrs. Richardson submit her information, and it will be forwarded to the Engineer. But he advised that the Engineer and Planner reviewed the land with current aerial maps and determined that all of the land is upland.

Mr. Edwards advised that the information from the Planner came in late, and has not been distributed officially to the Township Committee yet. That is why the matter of accepting the bids is not on the Agenda this evening. The Resolutions will be on the Agenda for the next meeting. He also suggested that if Mrs. Richardson has any information, to please submit it.

Mrs. Richardson also commented on the matter of unfinished developments. She feels that the Township needs to make sure that the people who come to Lakewood to build have enough financial backup to complete their projects.

Mrs. Richardson also commented that a mass clean-up was done with the people who were living off Route 88 by the railroad tracks. She asked that someone be sent over there to continue the clean-up. There is still garbage along the railroad tracks that has not been picked up since the County came in to clean it up.

Bill Hobday, 30 Schoolhouse Lane – Complained that the Planning Board continues to allow permits to be issued for business offices to be constructed all around town, when at the same time, there is a corporate park that is sitting there since the year 2000 with nothing on it.

Solomon Fred Gincel, 144 Carasaljo Drive – Complained about the conditions on Carasaljo Drive. Also complained about incomplete projects, when people have moved into incomplete homes, when he was required to get a CO before he moved in.

Leah Goplowitz, 15 Washington Avenue - Complained about the conditions in Pine River Village.

Judy Tennenbaum, 11 Washington Avenue – Complained about the conditions in Pine River Village.

Gerry Ballwanz, Governors Road – Commented with regard to the amendments to the Cedarbridge redevelopment plan. Also commented on the sale of land on Brook Road.

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

Mr. Cunliffe requested to bring up an Ordinance for discussion. At last night's ADA meeting, the Chairman had invited an Engineer for many of the major Developers in town. And he also invited Mike Saccamanno. The topic of the meeting was about building layouts and parking that have not exactly been to the letter of the law for ADA requirements. Mr. Saccamanno recommended that the Attorney be requested to draft an amendment to the UDO. The Zoning Board and the Planning Board has a checklist of items that need to be done, and they asked for an additional checklist for an ADA review of all plans for development. Mr. Saccamanno would do the review, and only when he had a question, he would bring it before the ADA Board.

Mr. Miller advised he will bring this request to the Planning Board, and he will bring it back to the Township Committee at the next meeting.

CONSENT AGENDA

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- 1. Resolution authorizing the Mayor to Execute an Amended Option Agreement for the Cedarbridge Development Urban Renewal Corporation
Mr. Cunliffe removed this Resolution from the Consent Agenda**
- 2. Resolution releasing an Escrow posted by Forest Park Homeowners Association, in connection with Block 778.07, Lot 18.01
Resolution No. 2008-328**
- 3. Resolution releasing a Performance Bond posted by, Iorio Construction, in connection with Block 1600, Lot 2
Resolution No. 2008-329**
- 4. Resolution releasing an Escrow posted by Cerebral Palsy of Monmouth & Ocean Counties, Inc., in connection with Block 484, Lots 1 through 4
Resolution No. 2008-330**

5. **Resolution releasing an Escrow posted by Kurden Ventures, MD, LLC, in connection with Block 1248, Lot 20
Resolution No. 2008-331**
6. **Resolution granting a Military Leave of Absence, for Eduardo Rodriguez, from September 3 to September 5, 2008, and September 9 to September 12, 2008
Resolution No. 2008-332**
7. **Resolution extending a leave of absence, without pay, for Patti Dawn Cicala, from 09/02/08 to 09/15/08
Resolution No. 2008-333**
8. **Resolution authorizing the submission of a Second Generation fund application in the amount of \$106,500.00, for the purpose of site cleanup and debris removal at the Haganan Property, an EPA Brownsfield Demonstration Pilot project. (UEZ)
Resolution No. 2008-334**
9. **Resolution approving and authorizing the Lakewood "Job Link" Bus Transportation program application for Second Generation funding, in the amount of \$103,000.00 (UEZ – Job Link)
Resolution No. 2008-335**
10. **Resolution approving and authorizing the application to continue employing six (6) police officers to enhance public safety program within the Lakewood Urban Enterprise Zone boundaries, in the amount of \$657,690.00 (UEZ)
Resolution No. 2008-336**

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, to approve Resolution Nos. 2 through 10 on the Consent Agenda.

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

Mr. Miller abstained from voting on Item No. 2.

Resolution Nos. 2008-328 through 2008-336 – Adopted.

Resolution No. 1 that was removed from the Consent Agenda was discussed and acted upon as follows:

1. **Resolution authorizing the Mayor to Execute an Amended Option Agreement for the Cedarbridge Development Urban Renewal Corporation**

Motion by Mr. Cunliffe, second by Mr. Miller, to carry this Resolution to the meeting of September 25, 2008.

ORDINANCE SECOND READING

Bond Ordinance of the Township of Lakewood in the County of Ocean, New Jersey, providing for various Capital Improvements and other related expenses in and for the Township of Lakewood and appropriating \$2,480,133.00 therefore, and providing for the issuance of \$2,362,031.00 in General Improvement Bonds or Notes of the Township of Lakewood to finance the same

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.

Mr. Edwards reminded the Committee that it takes four affirmatives votes to pass this Ordinance.

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

Negative: Senator Singer

Ordinance No. 2008-42 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI of the Code of the Township of Lakewood, entitled Traffic (Energy Way)

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. 2008-43 adopted on second reading.

ORDINANCE FIRST READING – None

CORRESPONDENCE

Per list of six (6) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

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

Motion by Mr. Cunliffe, to approve the correspondence and park requests with the suggestions made by the Chief for the parking for the high holy days.

Mr. Edwards advised he wanted to make sure the Township Committee understands on Item No. 3, that this is a request from a food company to have a food demonstration in Town Square.

Mr. Miller asked if this has been approved by the Board of Health. Unfortunately, in the mornings, they sometimes see what goes on in Town Square, with food distributions.

Mr. Edwards stated his comment was that this is a commercial operation, and wanted to make sure the Committee was aware of it when voting on it.

A second to Mr. Cunliffe's Motion was offered by Mr. Miller. Motion carried.

MOTION TO APPROVE BILL LIST OF: 09/09/08

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, to approve the above Bill List.

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

Negative: Senator Singer

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Cunliffe commented that he attended one of his Liaison meetings, and he is sorry to report to the Committee that his members attended a meeting in the County, and the County is still putting out the information that they want to do the CLP, but Lakewood is dragging their feet. At that same meeting it was mentioned that because of the way development is now, and people can not complete developments..... there is a Developer who owns land by Drake Road, and another who owns land off of Cross Street, who are now rethinking and would probably be willing to put the property into land trust if they could be compensated. He asked if there is a way to move and do the CLP so the County stops blaming the Township. And can they look at those two tracts of land, the one by Drake Road, and the other by Cross Street.

Mayor Coles advised he spoke with Freeholder Bartlett on Tuesday, and explained the reason the Township has not done the Ordinance for the CLP is that they are in the middle of the whole state plan process, and they are concerned that if they were to put that land into preservation now, the Township would not be permitted to count that towards the preservation quota that they will insist on at the end of the process. He fully understood the Township's concerns. Mayor Coles further advised that he

mentioned that the Lightstone Group had indicated their desire to put their property into trust as well. He is waiting to hear back from the County Planner to set up a meeting with the Township to start discussing the issues. He would be happy to bring these suggestions to their attention as well.

Mr. Edwards added that the Mayor had also sent a letter to DEP asking them if they would allow the Township to get credit for that, which has gone unanswered.

Senator Singer commented that he called the Township last Thursday concerning the fact that on James Street and Cross Street, the only light on that street is out. He called JCP& L as well, and the light is still out, a week later. As there is only one light at that intersection, and it needs more than one, he would like someone to take a look at that.

Senator Singer further advised that there is only one light at Prospect Street and Cross Street, and it is poorly lit. He would like someone to take a look at that.

Senator Singer further advised that he would like the Township to take a look at both the signage and lighting at Sunset Road and James Street. This area is poorly lit, and the trees block all of the signage.

Senator Singer further requested that a representative from JCP&L attend the next meeting, because if they are going to wait a week and a half to do something, he is going to introduce legislation that after three days they can be fined.

Senator Singer also commented on the problems at Hearthstone. He suggested that the Inspection Department look at this development, block by block, and report back to the Township Committee. If it can not be done, because they are missing something in the Ordinance, they need to find out why. They continually hear of problems there, and it is not fair to the residents. They need to find out what the problem is. He wants to see a written report from the Inspection Department.

Mayor Coles stated he had a conversation with Ed Mack today. He was relating a meeting he had with the inspectors in Code Enforcement, both in Inspection and Public Works, about their frustrations. Because many of the things that they want to issue a summons for, they either have to give out one of the notice violations, which is a six day thing, or they actually have to come to Court and have the Court Officer stamp it so they can go out and issue a ticket. A lot of the times, the car, or whatever it is they wish to ticket, is gone. So the suggestion is to look into possibly whether or not these two inspectors, who are both retired Police Officers, can be given a designation as a Special One Police Officer, which would allow them to go out and do enforcement.

Mr. Secare advised they would have to go through the Police Academy. If you are retired for more than two years, you have to go through again. That is a State law.

Mayor Coles stated that part of the problem is that a lot of the time, the Quality of Life Officers, are tied up taking prisoners back and forth. They need to increase the enforcement quotient.

Senator Singer commented that they need to look at how they are going to approach this. If the officers are tied up taking prisoners back and forth, maybe they need to contract it out to an outside group.

Mayor Coles added they also need to look at giving them the tools that they need to do the enforcement, like the things they have tried to do in the past, that they have not been able to pass. He would like to bring some ideas back whether it be the Certificate of Occupancy Inspections, or any of the things they need in order to be able to put some teeth into the enforcement.

Senator Singer stated that part of the problem is that they have to take a look at the Ordinance they have for Property Maintenance, which has nothing to do with a CO inspection.

Senator Singer asked that Mr. Edwards take a look at the volume that the Inspection Department did last year, and the year before, and this year, how much money they brought in, and how much is their payroll. He wants to be able to see what is going on with the Inspection Department, with the money they are bringing in, and are they covering their expenses. He continued that there is something wrong. He was driving down Route 9 with the Mayor, and they noticed that for a number of months the Getty Station, which they thought had gone out of business, had dumped off a Hecht trailer to load up their things. It has become a permanent fixture, and they have put signs on it, which is illegal and they have been notified. The Inspection Department did not do that, but Senator Singer and Mayor Coles did that.

Senator Singer continued with regard to the complaints at Hearthstone, that if there is no Ordinance regarding the outside of the house, and it is offensive, and they can not do anything about it, they can fix the Ordinance. If it is the fact that the Inspectors are not doing the job, they have to have a meeting with the Inspectors and get them moving in the right direction. He does not know if they need another Inspector, he does not know what they need. But he is sympathetic to the problems of the residents when in today's world people are struggling to keep their homes.

Senator Singer further commented with regard to the problems at Pine River Village. There is no quick fix, and he does not want to mislead the residents to think that this will be done next month, or the month after. Unfortunately, this is a long, lengthy process. He thinks it is important for people to understand that the first thing is that DEP has to be willing to say that they would remove the senior development restriction. But they need to understand that when the Developer asked for that, he went through a whole prospective of state requirement to do that. It is very involved because it is about

housing restrictions. And this involves the Federal Government also when you are dealing with the Fair Housing Act. He feels that it is important, and there are several things that have to be done. First, the Township has to meet with the Developer, to see that the site is cleaned up. That is his responsibility; not in six months, but today, whether it is a dangerous open site, or an unfinished street, it is the Developer's responsibility. He is not in bankruptcy. If he was in bankruptcy, the Township could call in the Bond. He has to make it safe and livable, now. The Township will work through the process to see what can be done on behalf of the residents. He would also ask, if the residents are concerned about loose dogs, that they ask that Animal Control take a look at that.

Senator Singer continued that this is an active development, and the Developer has to do certain things to protect that. He has to secure the site for the safety of the residents, which has to be done immediately. If the Developer does not do it, the Township can step in and charge the Developer for the work.

ADJOURNMENT

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to adjourn the meeting.
Meeting adjourned at 9:12 PM.