

**Lakewood Township Committee
Minutes
November 20, 2008**

The Lakewood Township Committee held a Meeting on Thursday, November 20, 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
	Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Deputy Clerk.....	MaryAnn Del Mastro

**CLOSED SESSION
Resolution No. 2008-394 – Adopted.**

SALUTE TO THE FLAG AND PRAYER

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

ROLL CALL

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 11/06/08

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 11/06/08

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

LAND SALE

Block 121, Lot 14

Mr. Secare advised that the land sale this evening is for Block 121, Lot 14. He asked if anyone present was interested in bidding on this property, and asked that they come forward.

Deputy Mayor Lichtenstein left the dais due to a conflict of interest.

Israel David Zajac, 105 Ivory Court, Lakewood, came forward, and offered the minimum bid of \$432,600.00.

As there were no further bids offered, Mr. Zajac submitted the required deposit to the Township Clerk in the amount of \$44,000.00.

Motion by Mr. Cunliffe, second by Senator Singer, to accept the subject bid and move forward.

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

Bid accepted.

Mr. Secare advised they will begin the process to close, and advised that the reason is to get the money into the general fund by the end of the year to help with the surplus and tax rate.

Deputy Mayor Lichtenstein returned to the dais.

PRESENTATIONS

Community Development Block Grant

Mayor Coles and Ervin Oross presented the annual CDBG checks from the Township's HUD allotment they receive every year, to various public service groups.

Lakewood Association Coalition

_____, the representative of the Lakewood Association Coalition, thanked the Committee and professionals for all their support, and offered a presentation with regard to this new coalition. He advised that the LAC is not a political organization and their purpose is to streamline and add efficiency to what has become a major facet of Lakewood...the townhouse development. Their organization would like the Committee to consider making changes with regard to the amount of services to townhouse developments, so as to provide the same services given to other

developments, such as maintenance of private roads. They are paying high taxes on their townhouses, and want the same services as are provided to other communities.

Mayor Coles reviewed quality of life items from the previous meeting.

Regarding the matter if JCPL is responding to street light outages in a timely fashion, Deputy Chief Capper advised that there have been several issues that Traffic & Safety has been working on, and they have reported improvements, but he does not have all information on this matter.

Deputy Mayor Lichtenstein advised he is waiting to hear back from some residents who he had requested to call JCPL. As many as fifty or sixty street light outages have been called in over the past week. Some may have gone through Traffic & Safety. He said they will find out over the next week or so if JCPL is doing the repairs within the three to five day period.

With regard to the matter of the installation of turning chevrons on Squankum Road, Mr. Burdge advised that the sign department is working on it.

With regard to 105 Carasaljo Drive, Mayor Coles advised that he spoke with Mr. Mack who stated that the site has been cleaned up and the fence has been installed around the foundation. Mr. Nelson confirmed that the site has been cleaned up.

ORDINANCES FOR DISCUSSION:

Mr. Cunliffe spoke with regard to an ADA Compliance Committee matter, and the issue of plans that are presented to the Planning Board and Zoning Board. The ADA Board has requested that the Ordinance be amended to include ADA review in the checklist in the UDO. There was general agreement that developer's would much rather see the ADA checklist up front during Planning Board and Zoning Board review than be told after they have completed construction that revisions are required.

Mr. Kielt stated they have a checklist for site plans and subdivisions, and any revisions would require an Ordinance amendment.

Mr. Cunliffe asked that the Committee consider this Ordinance amendment.

Mayor Coles asked Mr. Kielt to advise applicants coming before the Planning Board over the next month or so that these changes are forthcoming.

Senator Singer suggested that they pass a Resolution asking them to do so, until the Ordinance is passed.

Mr. Cunliffe agreed that they do it in Resolution form this evening, asking that administratively they make that requirement now for the Planning Board and Zoning Board, that in initial review in the checklist, that they add the ADA requirements and parking requirements. Motion by Mr. Cunliffe, second by Senator Singer, and carried.

Mr. Cunliffe also commented with regard to an Ordinance that the Committee enacted with all best intentions, 18:807, and he is requesting that the Committee consider amending that Ordinance in the future. In that Ordinance they refer to the regulation of the parking of commercial vehicles in a residential neighborhood. He feels that one part of the Ordinance is too strict; it limits the payload of the vehicles to only one and a half tons. He feels that personal vehicles or personal work vehicles that are two axels and a payload of no greater than two and a half tons, should be permitted. He also asked that they consider if the person is a member of first aid, or emergency vehicle company; they should be permitted to park their vehicle in their driveway.

Mayor Coles advised he has been working on this with Mr. Mack for the past few weeks, and they are working on some new standards that will look at the payload and the size of the vehicle. Also they have looked at the exception for people who are engaged in life saving, as well as people who are on call twenty four hours a day for emergency or life threatening situations. They don't have enough time in this year to enact an Ordinance, but he hopes that the Committee will consider it for early next year.

Senator Singer commented with regard to the wonderful dinner that was held recently in honor of Sheldon Wolpin. It was nice to see all of old time Lakewood come out to attend a positive event. He thanked them for doing such a wonderful job, and congratulated Sheldon and Edith on their accomplishments.

Mr. Cunliffe further advised that he has received complaints from residents that there are stations in Lakewood, or are very close to Lakewood, that are advertising very low prices for gas. He went to a station for himself, and saw it was posted 1.879 for cash and 1.959 for credit. He filled up his work vehicle; it was 11.07 gallons, and the charge was \$22.00. If you do the math, he did not pay either of those two figures. He paid more than both the cash and credit prices. With regard to those particular stations, Division of Weights and Measures has been out there several times. He suggested that everyone be careful, and watch the stations that have the low prices.

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.

Sheldon Wolpin – Thanked the Township Committee and various departments for the tremendous support they have given the Heritage Commission.

Bill Hobday, 30 Schoolhouse Lane – Asked about the intersection of Cross Street and Massachusetts Avenue, and if they had received any feedback from the County with regard to lighting that intersection.

Mr. Mignella answered that he was advised that the work order had been cut, and that the light work was to be done. He will follow up on this matter tomorrow with JCPL.

Mr. Hobday also advised that the large white home that is just south of the Fairways entrance is abandoned again. Animals are getting into the garbage cans and bringing the garbage into the Fairways community. He called Mr. Mack and they went over to the site and there is garbage and debris on the property. There is a barn in the back that is loaded with furniture, and the windows and doors are broken. He feels this is a significant safety hazard. He said that the Township cleaned up the lot about six months ago, and asked for the site to be cleaned up again.

Mayor Coles asked Mr. Nelson to check with Mr. Mack with regard to the Township cleaning up the lot several months again, and if the Township was paid for the work, and when the owner was notified and how much time they were given to clean up the site. And if it is not cleaned up by that date, to arrange for the site to be cleaned up and bill the owner for the work. Also, the barn may need to be boarded up.

David Drukaroff, 1433 Laurelwood Avenue – Offered an alternative proposal to fund the Inspection Department.

Brian Flannery, 590 Atlantic Avenue – Spoke in opposition to the Resolution on the Agenda with regard to supporting the Farmland Preservation Program's purchase of the Murray Farm. The problem is with the expenditure of taxpayer money. Mrs. Murray is looking for significant payment not to develop the property. If she was donating the property, there would be no problem. The issue he has is that the zoning in that area was challenged in Court, and Mrs. Murray was well aware of that. She was a supporter of the challenge. The outcome of the challenge was that the Judge remanded the issue of zoning and therefore at this time there is no zoning in that district for that area which includes the Murray Farm. The Judge also indicated in his ruling that pending applications for development within the subject area should be held in abeyance pending the resolution of this issue. The purchase of the development rights certainly, in his opinion, qualifies as a development in the area. The name of the office that does it is the Office of Farmland Development. Beyond that, if the Planning Board listens to Mrs. Murray, and the no growth agenda, they could substantially change the zone in that area which would substantially diminish the value of the farm, similar to the diminishing of other property values in the area which would occur if the Board listens to the "no growthers" and Mrs. Murray. And as such, the value would be lowered and the amount that should be paid to Mrs. Murray would be changed. The Resolution that is before the Board, the third Whereas says....Whereas, the applicants for three of these

farms have accepted values certified by Ocean County. Right there he has a problem in that the Murray Farm value can't be established at this point because there is no zoning, and that whatever value is certified is wrong, and the taxpayer money needs to be protected. The Ocean County Agricultural Development Board may not realize or be aware of the zoning challenge or the Court's ruling. But that's all the more reason that any action taken locally should provide notification. The seventh Whereas says that the Township is seeking preservation as part of Plan Endorsement and is requesting a letter from the Office of Smart Growth confirming same. It is also his opinion that this should not be done without knowing that they are getting the Plan Endorsement. To do this action, and have Mrs. Murray get the money before any of that occurs would not be an appropriate action. It is his opinion that this item should be held in abeyance and at a minimum there should be a few more Whereas' and a couple conditions put in the Resolution, one would be that any action of the Ocean County Agricultural Development Board should be held in abeyance pending the Resolution of the zoning remand issue, followed by a new appraisal based on the established zoning, and second would be receipt of Plan Endorsement or some documentation indicating that the town would get that from the Office of Smart Growth. In summary, the farm has no zoning district, therefore there is no definitive value. The judge says that the application should be held in abeyance. The only benefit from proceeding with this at this point is a financial benefit to Mrs. Murray. The appropriate action at this time would be to table this pending resolution of that item, or at a minimum to include the aforementioned conditions.

Deputy Mayor Lichtenstein stated he thought this Resolution was adopted at the last meeting, and asked why it was back on the Agenda this evening.

Mr. Edwards explained that a Motion was made to add a Whereas, and Mr. Secare decided that the Resolution needed to be Memorialized at this meeting. That is why it is back on the Agenda this evening.

Deputy Mayor Lichtenstein further advised that the amendment speaks to Mr. Flannery's objection, in that they are requesting the letter from the Office of Smart Growth.

Senator Singer continued that he is bothered by this whole issue, and that the Township does not clearly understand what is going on here. This is development rights; this is not giving away the land. You can not walk on the land; you can't play ball on it. It stays as a farm, they keep their home, and they get paid for the farm. They get paid so they can not build on it. He wouldn't mind paying a million one and buying the property for arguments sake and making it into a park. But the only one who benefits from this is the Murray's. The Township does not benefit from it. This is a private enterprise and the farming will continue. He does not understand this. If you are going to buy it, buy it for a farm and make it part of a preservation area that the public can enjoy, as opposed to our tax dollars going to benefit an individual.

Deputy Mayor Lichtenstein stated that he feels that if they get some credit from the Office of Smart Growth for this, he thinks that there is a value. He has a greater issue with rewarding someone for a piece of property, and they are keeping it, and you are only buying out the right to build two houses, as opposed to six houses....that is a huge difference in value.

Mr. Secare explained that it is a County issue at this point. He disagrees with one of Mr. Flannery's comments. He believes that the Judge's decision made this revert back to the original zoning. They had discussed this in Closed Session when the decision came down. You can't have "no" zoning; there has to be something there.

Deputy Mayor Lichtenstein asked why does it have to come back to the Planning Board, and why can't people get approvals.

Mr. Cunliffe stated that the point is that if it is the wish of the Township to change the zoning, then they have to do it. There was no clear action by the Township, by the Planning Board, by anyone, to clearly change it. That is what the Judge's decision was, so it reverts back to its original zoning.

Senator Singer stated that part of his problem with this is that he does not know what eleven acres in that area is worth. He does not think it is worth a million one. This is his tax dollar. This is not some strange thing; the County gets their money from the Township. This is a fund that you pay for in your taxes. There is nothing wrong with re-evaluating something prior to saying you haven't closed on it. It is not a reasonable amount of taxpayers' money. He does not believe it is worth a million one.

Mr. Secare further advised that as a matter of procedure, the Committee did pass this Resolution, and if the Committee does not want this to be memorialized, they would have to do a Resolution changing their mind, and vacate the Resolution that was passed. The Committee would have to do a Resolution rescinding the Resolution that was passed at the last meeting.

Mr. Edwards added that the Township was asked by the Office of Smart Growth to reaffirm a Resolution adopted approximately one year ago.

Walt Lucas – Spoke in opposition to the Resolution with regard to Farmland Preservation of the Murray Farm.

Sally Wells – Spoke in opposition to the Resolution with regard to the Farmland Preservation of the Murray Farm.

Sam Flancbaum, 110 Franklin Boulevard – Spoke in opposition to the Resolution with regard to the Farmland Preservation of the Murray Farm.

Fred Gincel, 144 Carasaljo Drive – Commented on the clean up of 105 Carasaljo Drive. Also commented with regard to the proposed Ordinance amendment on the parking of commercial vehicles in residential neighborhoods. Stated he received a violation for having his truck parked in his driveway. He wrote a letter to the Committee regarding this.

Gerry Ballwanz, Governors Road – Commented on the tax liens placed in the tax sale for uncollected taxes.

Larry Avern, 144 Enclave Boulevard – Spoke in opposition to the Resolution in support of the Farmland Preservation of the Murray Farm.

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

At this time, the professionals left the 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 releasing an Escrow posted by MCEF Construction Corporation, in connection with Block 118, Lot 12.
Resolution No. 2008-395**
- 2. Resolution releasing an Escrow posted by T/A Eyewear Unlimited, LLC, in connection with Block 768, Lot 31.
Resolution No. 2008-396**
- 3. Resolution revoking a Liquor License, to Lakewood Memorial Post VFW 9521, License Number 1514-31-041-001.
Resolution No. 2008-397**
- 4. Resolution releasing a Performance Bond posted by, Parkway Lodging Realty, LLC in connection with Block 1160.07, Lots 193 & 194; Block 1235, Lots 33, 36, & 44; Block 1241, Lot 1; Block 1240, Lot 1; and Block 1239, Lot 1.
Resolution No. 2008-398**
- 5. Resolution releasing an Escrow posted by Joseph and Celestine Collins, in connection with Block 122, Lot 8.
Resolution No. 2008-399**

- 6. Resolution releasing an Escrow posted by Brook Hill Shul, Inc., in connection with Block 174.01, Lot 13.16.
Resolution No. 2008-400**
- 7. Resolution releasing a Performance Bond posted by Salomom Herzog, Prime Builders, in connection with Block 150, Lot 2.
Resolution No. 2008-401**
- 8. Resolution releasing an Escrow posted by Hope Presbyterian Church, in connection with Block 25.05, Lot 45.
Resolution No. 2008-402**
- 9. Resolution amending a Leave of Absence, to extend a military leave, for Andres Rodriguez, from October 28, 2008 to December 5, 2008.
Resolution No. 2008-403**
- 10. Resolution authorizing a Leave of Absence, without pay, for Margaret Stazko from December 11, 2008 to January 5, 2009.
Resolution No. 2008-404**
- 11. Resolution authorizing the Advertisement for and Solicitation of Proposals for Township Attorney, Township Planner, Township Engineer, Township Auditor, Municipal Prosecutor, Foreclosure Attorney, Special Counsel Tax Appeals/Exemptions, Real Estate Appraisal Services and Bond Counsel.
Resolution No. 2008-405**
- 12. Resolution supporting the Farmland Preservation Program's purchase of Murray Farm, Block 251.01, Lots 30 and 31.
Senator Singer removed this Resolution from the Consent Agenda.**
- 13. Resolution awarding a Lease to Wireless Edge, for a Wireless Telecommunications Facility, at the John F. Patrick Recreation Complex
Resolution No. 2008-406**
- 14. Resolution authorizing the Tax Collector to conduct a Tax Lien Sale.
Resolution No. 2008-407**
- 15. Resolution Authorizing Mike's Auto & Towing be added to the Lakewood Township Towing List for the 2008-2009 License Year.
Resolution No. 2008-408**

- 16. Resolution reducing a Performance Guarantee posted by Brook Hill, LLC, in association with Block 174, Lots 8, 13, 20, 22, 23, 49, and 52. Resolution No. 2008-409**
- 17. Resolution releasing a Performance Bond posted by Brook Hill, LLC, in connection with Blocks 174 and 174.01, various lots. Resolution No. 2008-410**

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, to approve Resolution Nos. 1 through 11 and 13 through 17 on the Consent Agenda.

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

Deputy Mayor Lichtenstein did not vote on Resolution No. 4.

Resolution Nos. 2008-395 through 2008-410 – Adopted.

- 12. Resolution supporting the Farmland Preservation Program's purchase of Murray Farm, Block 251.01, Lots 30 and 31.**

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

Senator Singer stated this is a very complicated issue. He commented on the purchase of development rights versus the outright purchase of the property. He finds it to be wrong; that is his position on this issue. It is not about the open space; he wants the open space, but he would like the County to say purchase the property through their preservation program, and make it available to everyone to use. The only person benefiting from this is the land owner, not the public.

Deputy Mayor Lichtenstein stated that he does not fully agree that the property should not be preserved. There is certainly something to say for the fact that if you preserve land in an area of Smart Growth, it does not mean that everything gets built. There are areas that are open, and there are areas that are not. Specifically what the State is saying is that if you give them enough open area, they will give you credit to build in other areas. That is why the Resolution is on the Agenda again this evening, because he requested that he does not think they should be doing this for open area with taxpayer money unless they know they are going to get credit. He is not so sure that he would fully agree that the land has to be open to the public just in the fact that it is a credit to open area; it is a credit to the public to the value of other people's land. However, he was not aware of, and he agrees, that how can you pay people for land when they are the ones challenging how many houses could be put there. He would like to put another condition in this Resolution, and would like to ask for the Committee's support, that says, yes, they can get paid through the Farmland Preservation Act, but do not pay them until it can be appraised after the Township decides through the Planning Board process what the value of the land is; then do the appraisal.

Mr. Secare explained that a Resolution of Memorialization is that once you pass the Resolution at the meeting, the only reason for the vote on a memorialization is to make sure that what is in the memorialization is what you wanted to vote on. With that wording change that was put in there, if that is acceptable, then you can vote on the Resolution to say that yes, that is accurately what they voted on. It would take a rescission of that Resolution by another Resolution in order to effect a change. Deputy Mayor Lichtenstein advised he would bring this matter up at a future time when he could get further support.

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

Resolution No. 2008-411 – Adopted.

Deputy Mayor Lichtenstein confirmed that this confirms their discussion of last week.

Mr. Secare answered yes.

Deputy Mayor Lichtenstein thanked the Committee for supporting him on getting that letter from the Office of Smart Growth. He offered a Motion to change the Resolution from last week to include that they wait on supporting this Resolution for the actual exchange of money or for it to happen until after the Township and the Planning Board decides on the zoning in that area.

Mr. Secare confirmed that what Deputy Mayor Lichtenstein is asking is for a vote to amend the Resolution that has been passed.

Deputy Mayor Lichtenstein answered, correct.

Senator Singer offered a second to the Motion.

Mr. Cunliffe asked what is the amendment.

Deputy Mayor Lichtenstein answered that the amendment is to wait until the zoning is decided so that the amount of money that actually transfers is what the zoning in that area is going to reflect in a month or two.

Mr. Cunliffe asked if the amount of money compensated to the owner is anything that the Committee decides.

Deputy Mayor Lichtenstein answered, yes.

Mr. Secare added that it is the County's decision.

Deputy Mayor Lichtenstein added, that it is by way of zoning.

Mr. Cunliffe stated it has to go to the Planning Board first.

Deputy Mayor Lichtenstein agreed that it would be when the Planning Board is done with it. They will hear it on the ninth; the Township will hear it on the 18th. If the Planning Board decides on the ninth what the zoning is, and it stays the same, it will be easy. But if the Planning Board decides to change the zoning, then how can they support someone who is challenging the zone, and getting paid.

Deputy Mayor Coles asked why don't they wait until the 18th rather than vote on hypothetical solutions and answers that are out of their control.

Deputy Mayor Lichtenstein asked if they can wait to send to Resolution to the County until the 18th. Again, his amendment is to wait until after the zoning is decided in that area by the Planning Board or appropriate authority, and then agree to support this fully.

Mr. Secare confirmed this is an amendment to the Resolution.

Mr. Cunliffe suggested that they put a Whereas in the Resolution that says that this Resolution shall not take effect until December 20, 2008.

Mr. Secare confirmed that could be done.

Deputy Mayor Lichtenstein amended his Motion; and Senator Singer amended his second.

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

Deputy Mayor Lichtenstein thanked everyone for their support.

Mayor Coles also advised that several of the Committee members will not be able to make the December 4th meeting, so he would like to entertain a Motion to cancel the December 4th meeting. Motion by Senator Singer, second by Deputy Mayor Lichtenstein, and carried, to cancel the December 4th meeting.

ORDINANCE SECOND READING - None

ORDINANCE FIRST READING (Second reading and Public Hearing 12/04/08)

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 Engleberg Terrace in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, et. seq.

Read by title only for first reading.

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

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

Ordinance No. 2008-47 adopted on first reading. Second reading and public hearing to be held on December 18, 2008.

CORRESPONDENCE

Per list of two (2) correspondence items, attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Senator Singer, and carried, to approve the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 11/18/08

Motion by Mr. Cunliffe, second by Senator Singer, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS - None

ADJOURNMENT

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 9:20 PM.