

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
JULY 19, 2007**

The Lakewood Township Committee held a Meeting on Thursday, July 19, 2007 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.....	Guy Ryan
Municipal Clerk.....	Bernadette Standowski
Deputy Clerk.....	Maryann Del Mastro

CLOSED SESSION

**Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein.
Resolution No. 2007-232 – 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, 2007 and published in the Ocean County Observer on January 10, 2007.

ROLL CALL

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 6/28/07 & 7/5/07

Motion by Senator Singer, second by Mr. Miller, and carried, to approve the above Minutes.

Mr. Cunliffe abstained on the Minutes of 6/28/07 and Mayor Coles abstained on the Minutes of 7/5/07.

Minutes approved.

MOTION TO APPROVE CLOSED SESSION MINUTES: 7/5/07

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

Mayor Coles abstained.

Closed Session Minutes approved.

PRESENTATIONS: Municipal Alliance – ADACO

A short report was given by Charles Cunningham, with regard to the Lakewood Municipal Alliance. The Municipal Alliance continues to work with at-risk youth in Lakewood. They work along with the Omega-13 High Risk Youth Program, providing drug and alcohol training for parents as well as for students. They have branched out this year to the fitness mode, to capitalize on some healthy living for some of the at-risk youth.

ORDINANCES FOR DISCUSSION: None

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

As to the issues at A Country Place, Chief Lawson advised they had patrol units at the site every Friday evening and Saturday morning since the last meeting, and they have not received any complaints nor has there been any evidence of trespassing or any other disorderly persons violations.

As to the complaints by Mr. Trumper about cars parked along the street, the curb installation, access for emergency vehicles, and the issue of flood lights, Chief Lawson advised that Traffic & Safety surveyed the area. They measured the streets and at the narrowest point it is twenty-five feet, and it goes up to thirty-one feet at the widest point. They observed traffic with no apparent problems, and their recommendation is to leave the road as it is. As to the flood lights, Chief Lawson does not believe the site was viewed at night.

Mr. Mignella concurred with Chief Lawson's comments. The roadway was roughly twenty-five to thirty feet. If they were going to curb the whole road, it would be a twenty eight foot wide roadway, which really allows for parking along one side if you are going to maintain two-way traffic. He concurs that the cars were not all over the place, and he would suggest to leave it as it is, traffic pattern wise. From what he has seen, emergency vehicles will not have any trouble getting through. As to the flood lights, in his opinion, he does not believe the lights go past the property line.

As to the issue on Park Avenue, Chief Lawson advised that Park Avenue in general has been an area where they have increased patrols. It is a high traffic area, and they have been in that area doing enforcement, not only on the motor vehicle codes, but also on some disorderly persons violations.

Mr. Mack added they sent out inspectors and have issued notices. They expect that if they do not receive responses within the next week, summonses will be issued.

Comments from Committee Members:

Mr. Cunliffe asked Chief Lawson to look into the installation of observation cameras and microphones, for public safety as well as for the safety of the officers, for consideration in next year's budget.

Chief Lawson advised that he saw the technology at the end of June at the Police Security Expo in Atlantic City. He received literature on it, and has submitted a tentative order for twenty items using the Law Enforcement Forfeiture Fund, with permission from the County Prosecutor.

Mr. Miller advised he received a letter from the LRRRC regarding Martin Luther King Drive and Pine Street pedestrian traffic, requesting the area to be looked at for additional pedestrian safety lines and signs, and upgrading the lights.

Deputy Mayor Lichtenstein advised he received a phone call from proprietors on Second Street, that the street was closed again for a couple of hours due to construction. This was done without any notification to the Engineering Department or the Police Department.

Mr. Cunliffe added this subject often comes up at Transportation Board meetings. They seem to think that the Committee needs to do something with the existing Ordinance regarding contractors. He asked that the Ordinance be reviewed and maybe they need to do something in terms of fines that are meaningful that specifically address contractors who come in and do work without any notification to the proper authorities.

Deputy Mayor Lichtenstein also commented with regard to the downtown area. They are working on traffic solutions downtown, and they are trying to obtain funding for mass transit. They are trying to do things but they are still losing shoppers, and are receiving complaints from store owners about the conditions in the downtown area. This is a block away from the Municipal Building, and people do not feel comfortable walking in the downtown area. He does not understand why they can not, once and for all, do something do try and correct what is happening down town.

Mr. Cunliffe advised he is aware of one major store owner who is moving out of the down town, and there is the possibility of a second store also moving. He feels that maybe they need to vote to authorize the Attorney to write some type of Ordinance to be enforced by the Police Department; the police will do the job if they have an Ordinance that can be enforced. It is up to the Committee whether they are going to vote to have the Ordinance prepared. If they have to test the limits of constitutional law, that is what they will have to do.

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.

Milton Itell, 1 Wisteria Court – Suggested that it may be time for them to have sanitation police, like in New York. Commented with regard to the issues at A Country Place.

Victor Trumper, 119 Shady Lane – Stated he is still having trouble with the flood lights, and the placement of dirt on the adjoining property that is causing flooding. He is putting up a fourteen foot privacy screen. He further commented on the street; he still feels that emergency vehicles can not get through when cars are parked on both sides of the street.

Mayor Coles once again confirmed with the professionals that an emergency vehicle can get safely down the street when cars are parked on both sides of the street.

Chief Lawson stated that the report that he got back from Traffic & Safety indicates that they are confident that it could. He added that parked vehicles are not ten feet wide, and they felt there would not be a problem.

Mayor Coles requested Chief Lawson to have Traffic & Safety check one more time taking into account that the cars may not be parked correctly, and to see if emergency vehicles can get down the street without any problems.

Mr. Mignella added that this road has always been the same width; the width has not changed. The only thing that changed is that one home owner installed curbing, and the curb was staked out for a twenty-eight foot wide road which typically should only have parking on one side. However, when they were out there, there were not a lot of cars on the block. If you have cars parking far from the edge of the pavement, it will be tight. There will be no problem with one-way traffic; you should be able to maintain one-way traffic even with cars on both sides. If you want to maintain two-way traffic they should sign it so there is parking on one side only.

Mayor Coles asked that Mr. Mignella meet with Traffic & Safety to review the site recommendations and come back to the Committee with a final recommendation at the next meeting.

Larry Simons, 7 Schoolhouse Court – Commented on the issues at A Country Place. Stated he has been following the recent happenings with regard to what he perceives to be a violation of the by-laws of this age-restricted community. He has seen photos of the interior of 127-D Azalea Court and to hear people describe this building as a residence stretches his imagination to say the least; there are no bedrooms, only a fold up bed which gets moved into the house from the porch. The Community's by-laws clearly state that the homes are for residential use only and must be owner occupied. He feels that the Township of Lakewood is negligent in performing its responsibilities to ensure building codes are being enforced. The by-laws of A Country Place provide that no member shall make any structural addition, alteration, or improvement in or to his dwelling unit without the prior written consent of the Board of Directors.

Mayor Coles asked the professionals if any laws have been broken, or if any building codes have been violated.

Mr. Cunliffe asked if it is a gated community, and there has been a violation of the by-laws, who has jurisdiction over that?

Mr. Ryan answered that the by-laws are only enforceable by the homeowners association, or whatever the entity is. He has been in contact with the attorney for A Country Place, and she has advised that the Association is fining the unit owner for the various violations and they are contemplating filing litigation against that unit owner. They have researched the ownership interests and have information on how they are going to proceed as to whether or not it is being used as a residence, and whether the owner resides there all or part of the time. They have a meeting scheduled in the near future to discuss the issues and cooperate in any way possible. The property is not exempt; it is on the tax rolls, and always has been. The Attorney for the Association has the matter well in hand, and they are proceeding in the way that they should.

Mayor Coles asked Mr. Saccamanno if a homeowner comes into the Department of Code Enforcement for some permits to do work on the inside of a house, is there any obligation, on the part of the Township, to find out whether or not there may be some over-riding set of by-laws in that community that will allow them, or disallow them, to do the work.

Mr. Saccamanno stated they can not enforce by-laws. They can not possibly know all of the Association by-laws. As to anything on the exterior, out of courtesy, they will request a letter from the Association. Their jurisdiction does not extend to the interior of the unit. It is the responsibility of the homeowner to know their by-laws.

Mary Ann Sorenson Allacci, for Mi Casa – Trying to resolve the problem of accumulated garbage that has been sitting on the railroad tracks for about six months.

Mayor Coles advised that a couple of months ago, dumpsters were placed in that area by the Public Works Department. The folks in that area did a clean up and filled the dumpsters. If dumpsters are requested, Public Works will bring them. The dumpsters can not be left out permanently, because people who should not be dumping there will start filling them up, and that creates a liability issue for the Township.

Mr. Franklin advised they were back out there again a few weeks ago, and they picked up garbage.

Mayor Coles advised he will contact Reverend Steve tomorrow and ask him to contact Mr. Franklin, to set up a schedule for garbage pick-up.

Gene Moyer, 8 Poppy Court – Commented with regard to the issues at A Country Place.

Michael Fieger, 24 Kew Gardens Drive – Commented on the County road widening project and curb and sidewalk construction of East County Line Road. Requested the installation of sidewalk on the north side of East County Line Road, between Apple Street and Park Avenue, approximately twenty feet.

Mr. Edwards advised that the Township has appropriated funds to install sidewalks beyond the County Project but they are having difficulty in obtaining the necessary easements from all the property owners along East County Line Road. Many of them are forcing the Township to go through the condemnation process to obtain the sufficient right-of-way to do the sidewalks. So there is a program, there is money identified, but the Township has to obtain the easements first.

Mayor Coles asked Mr. Mignella to look at the site to see if it is in the area they have identified for CDBG funds, and maybe they can move ahead on that portion of the sidewalk installation prior to completing the remainder of the road.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the issues at A Country Place.

Diana Perks, 59 Hedge Drive – Commented on the flooding problems at her home.

Mr. Mignella advised they did speak to the builder, who assured them that the repair work will be done. He stated they do not have a schedule for the work, but he will give them a deadline; otherwise they will revoke the CO recommendation.

Dave Quinn, 1 Morning Glory Lane – Commented on the issues at A Country Place.

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

1. Resolution authorizing submission to the New Jersey Urban Enterprise Zone Authority for the use of Second Generation Funds for a Grant in the amount of \$18,090.00 to the Lakewood Airport Authority for Capital Improvements – Lakewood Airport perimeter fencing.
Resolution No. 2007-233
2. Resolution approving a corrective action plan as part of the 2006 audit process.
Resolution No. 2007-234
3. Resolution releasing a Performance Bond posted by Kennedy Development 2003, LLC in connection with Block 174.01, Lot 55
Resolution No. 2007-235

4. Resolution authorizing a leave of absence, from July 16, 2007 through July 23, 2007, for Jeannette Kaminek
Resolution No. 2007-236
5. Resolution authorizing a leave of absence, from July 5, 2007 through July 30, 2007, for Jaesson Toro
Resolution No. 2007-237
6. Resolution authorizing the insertion of a special item of Revenue into the 2007 Municipal Budget for a recycling Mini-Grant
Resolution No. 2007-238
7. Resolution authorizing the submission of an Administrative budget amendment to the UEZA.
Resolution No. 2007-239
8. Resolution authorizing submission of application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the Fiscal year 2008, (Baseball Facility)
Resolution No. 2007-240
9. Resolution amending a leave of absence, without pay, for Victor Maximiliano, from June 30, 2007 through August 31, 2007
Resolution No. 2007-241
10. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 1449, Lot 12.36
Resolution No. 2007-242
11. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 533.02, Lot 77
Resolution No. 2007-243
12. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 1440, Lot 2.240/C1000
Resolution No. 2007-244
13. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 524.03, Lot 4
Resolution No. 2007-245

Motion by Mr. Cunliffe, second by Mr. Miller, to approve Resolution Nos. 1 through 13 on the Consent Agenda.

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

Resolution Nos. 2007-233 through 2007-245 – Adopted.

ORDINANCES SECOND READING

- An Ordinance granting a continuance of a tax abatement for local property taxes to Lighthouse Washington Square, LLC for Block 536, Lot 79, and authorizing the Mayor and Township Clerk to execute any all documents necessary and proper to enter into a tax abatement agreement.

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. 2007-33 adopted on second reading.

- An Ordinance granting abatement of local property taxes to 590 West Kennedy Blvd., LLC, for Block 42, Lot 1, and authorizing the Mayor and Township Clerk to enter into a tax abatement agreement.

Read by title only for second reading.

Mayor Coles opened the meeting to the public.

Moty Tal – Advised that 590 West Kennedy Boulevard is where his office is located. Their request is to allow them to get the building going and rent it out at reasonable rates. The building will have six units of office space.

Mr. Cunliffe asked what type of businesses do they hope to attract...medical, legal....

Dr. Tal answered, medical offices, his own personal office is located there since 1998. He also has negotiations with an attorney to move his offices there, and some other physicians, and also charitable organizations.

Mr. Cunliffe asked if all of the building were to be occupied and leased, how many people would be employed there.

Dr. Tal answered that there is room for sixty people.

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 Mr. Miller.

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

Abstain: Senator Singer

Ordinance No. 2007-34 adopted on second reading.

- An Ordinance amending Ordinance No. 99-38 of the Township finally adopted August 12, 1999 to provide for an amendment of the purpose set forth in section 3(E) thereof.
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 Senator Singer, second by Mr. Cunliffe.

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

Abstain: Mr. Miller

Ordinance No. 2007-35 adopted on second reading.

- An Ordinance authorizing the sale of Lot 2 in Block 804 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.

Gerry Ballwanz, Governors Road – Stated there is a typo in the Ordinance that refers to Lot 1 in Block 806, which should be corrected to Lot 2, Block 804. Mrs. Ballwanz further asked who is the non-profit owner that requested this land sale.

Deputy Mayor Lichtenstein answered it is a non-profit private high school. It is the high school that his daughter actually attends.

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 Mr. Miller.

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

Ordinance No. 2007-36 adopted on second reading.

- An Ordinance authorizing the sale of Block 175.01, Lot 26, in the Township of Lakewood, at a private 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 Senator Singer.

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

Ordinance No. 2007-37 adopted on second reading.

- An Ordinance authorizing the sale of Block 176, Lots 1, 2, & 4, in the Township of Lakewood, at a private 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. 2007-38 adopted on second reading.

ORDINANCE FIRST READING (Second reading and public hearing on 8/2/07)

- Bond Ordinance providing for various Capital Improvements and other related expenses in and for the Township of Lakewood and appropriating \$2,577,886 therefore, and providing for the issuance of \$2,455,126 in general improvement Bonds or notes of the Township of Lakewood to finance the same.
Read by title only for first reading.

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

Mr. Miller requested that the item referring to a drainage problem that exists at 12th and Princeton be taken care as soon as possible.

Mr. Edwards advised that project is already underway.

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

Ordinance No. 2007-39 adopted on first reading. Second reading and public hearing to be held on August 2, 2007.

- An Ordinance approving deed of easement and right-of-way onto Block 174.01, Lot 13.66 for New Jersey American Water Company
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. Miller, Mr. Cunliffe,
Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2007-40 adopted on first reading. Second reading and public hearing to be held on August 2, 2007.

- An Ordinance authorizing the sale of Block 448, Lot 3; Block 466, Lot 3; Block 467, Lot 6, and Block 477, Lot 11.

Read by title only for first reading.

Due to a conflict, Deputy Mayor Lichtenstein left the dais.

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

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, and Mayor Coles. Ordinance No. 2007-41 adopted on first reading. Second reading and public hearing to be held on August 2, 2007.

CORRESPONDENCE

Correspondence from Lakewood Community Outreach Program, requesting permission to use Town Square for their summer outreach program on Thursday and Friday, August 2, 3, 16, 17, 30 and 31, 2007 from 6:30 PM to 8:30 PM.

Correspondence from Bethel Spanish Pentecostal Church Assemblies of God, Inc., requesting permission to use Town Square for their social outreach and worship services on Wednesday, August 1, 8, 15, 22 and 29, 2007 from 7:00 PM to 8:30 PM.

Correspondence from Bethel Spanish Pentecostal Church Assembly of God requesting permission to use Town Square for their final Vacation Bible School celebration on Saturday, August 11, 2007 from 1:00 PM to 8:00 PM.

Correspondence from Trinity Bible Church in Allenwood, NJ, requesting permission to use Town Square for a Christian outreach program on Friday, August 10 and August 17, 2007.

Correspondence from Cornerstone Calvary Chapel requesting permission to use Town Square for a Christian outreach program on Saturday, August 4 and August 18, 2007, from 12:00 PM to 4:00 PM.

Correspondence from Intercessory Tabernacle Ministries requesting permission to use Town Square on Saturday, August 18, 2007 from 6:00 PM to 9:00 PM.

Correspondence from Missionary Pentecostal Church of God requesting permission to use Town Square for Evangelistical Services on Saturday, August 25, 2007 from 6:00 PM to 8:00 PM.

Correspondence from Diane Reaves requesting permission to use Town Square for a Pro America Rally on Saturday, August 25, 2007 from 11:00 AM to 2:00 PM.

Correspondence from Fuente De Agua Viva requesting permission to use Lake Carasaljo and the canopy area for a church members Baptism on Saturday, July 21, 2007 from 12:00 PM to 5:00 PM.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, that the above correspondence is received, filed and approved.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of seven (7) items attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to approve the above picnic requests.

MOTION TO APPROVE BILL LIST OF: 7/17/07

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

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

Negative: Senator Singer

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Senator Singer commented with regard to the issues on Shady Lane, and the request for the professionals to view the site again. If the professionals are sent out to make a decision...they measure a street and come back with a recommendation, he has to believe it is correct. They are spending thousands of dollars to look at this street again, and they still do not have an answer. The professionals are saying one thing, and the resident is saying something else. He does not know who to believe.

ADJOURNMENT

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to adjourn the meeting. Meeting adjourned at 9:00 PM.