

**LAKWOOD TOWNSHIP COMMITTEE MEETING
MINUTES
JULY 28, 2005 • 7:30 P.M.**

The Lakewood Township Committee held a Meeting on Thursday, July 28, 2005 in the Lakewood Municipal Building, at 6:30 P.M. for the Executive Session and 7:30 P.M. for the Public Meeting, with the following present:

Mayor	AbsentCharles Cunliffe
Deputy MayorMeir Lichtenstein
Committee MembersMenashe Miller
	Senator Robert Singer
	Raymond Coles
Municipal ManagerFrank Edwards
Municipal AttorneyEd Delanoy
Municipal ClerkBernadette Standowski

CLOSED SESSION

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 2, 2005 and published in the Ocean County's Observer on January 7, 2005.

ROLL CALL

Motion by Mr. Coles, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 5/12/05, 5/19/05

Motion by Mr. Coles, second by Mr. Miller, to approve the Minutes of 5/12/05.

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

Minutes approved.

Motion by Mr. Coles, second by Mr. Miller, to approve the Minutes of 5/19/05.

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

Not Voting: Senator Singer

Abstain: Mr. Miller

Minutes approved.

MOTION TO APPROVE CLOSED SESSION MINUTES: 7/14/05

Motion by Mr. Coles, second by Mr. Miller, to approve the above Closed Session Minutes.
On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Coles, Deputy Mayor Lichtenstein.

Closed Session Minutes approved.

PRESENTATIONS: None

Deputy Mayor Lichtenstein followed up with the professionals on quality of life issues from the last meeting.

Mr. Franklin reported a sign has been put up at the Community School with regard to the requirements for a permit to utilize the facilities. With regard to the trees that were cut down at 603 Eighth Street, the trees were removed because they were diseased and hollowed out in the center. Wood chips were spread in order to level the area. The sidewalks need to be replaced at the responsibility of the homeowner. Mr. Lines was requested to look into the replacement of the sidewalks.

Mr. Lines advised he checked with the County regarding Miller Road and Central Avenue and the request for a traffic signal. They are looking into it, and will report back to him as to whether a traffic light will be appropriate at that location.

Deputy Mayor Lichtenstein asked about Park Avenue and Route 88, whether there was anything that could be done about the alignment. He asked Mr. Lines to look at it for the next meeting.

Mr. Peters reported on Ridge Avenue and Nolan Place. They surveyed the area; there have been three accidents at that location since January 1st, 2000. They recommend the reconsideration of the stopping pattern there. With regard to Ridge Avenue and Shoshana Drive, there has been one accident since January 1st, 2000, and they do not recommend any changes at that location. With regard to Route 88 and Park Avenue, there have been thirty accidents since January 1st, 2000, and they recommend prohibiting left turns from Park Avenue. A memo with these recommendations has been forwarded to the Engineering Department for further consideration.

Deputy Mayor Lichtenstein asked Mr. Lines to report back at the next meeting with regard to this matter. Not being to make a left turn...there is going to be rougher traffic... because there are not that many streets that go out to Route 88....but if that is what they will have to do, or maybe they can request a light, or a turning lane.

Mr. Peters commented with regard to the Community Center incident. He apologized to the Committee as well as to the public. There was in fact a report on this incident. The reason they did not identify it before was because of an incorrect date. They were given June 26th; the incident actually occurred on June 25th, at 11: 34 P.M., which created the confusion. The entire incident, according to the records of the Police Department, lasted eleven minutes. Five vehicles responded to the incident, all arriving at the same time.

Because there was a question as to how many vehicles responded, and whether or not it would be considered excess, you have to give a little bit of consideration to the men and women of the department. They are very conscientious and trustworthy individuals. They were actually responding in accordance with protocols that had been set up by the previous Director. So they were following directions when they responded. They have since revised their response protocols. He is not going to say whether previous protocols were correct or incorrect, or excessive, or maybe not enough. However, he will say that the new response protocols are dependent upon the situation at hand. Once the situation is assessed by the first responders on scene, they notify the Watch Commander, and then the Watch Commander assumes their supervisory role, and then properly dispatches however many people are needed for that particular incident. With regard to this particular incident, once the use permit was identified, those not covered by the permit were asked to leave. On Wednesday, July 20th, he reached out to James McCraw, the individual who spoke at the meeting. He advised him of the existence of the report, and apologized. He asked him to arrange a meeting with all the individuals that were present at the meeting in order to have a discussion with regard to the incident. He said he would try to do so, but he has not received any phone calls since that time.

Mr. Miller forwarded a letter with regard to cars on a property to Mr. Mack.

Mr. Miller also asked Mr. Lines to look into the previous matter of restriping Martin Luther King Drive, to put the striping back in the center of the road. During the winter it could not be done, but perhaps it could be taken care of now.

Deputy Mayor Lichtenstein asked Mr. Lines about the matter of the shortage of play areas in town, and the suggestion was made to allow for cul-de-sacs to be used as play areas during specific hours of the day. It impedes emergency services, and possibly mail delivery. The Engineering Department may also have a problem with it. He asked Mr. Lines to look into it.

Senator Singer stated you also have to look at the legal aspect. You are now creating playgrounds.

Mr. Mack advised that the Quality of Life phone number has been established. The number is 732-942-5003. Anyone can call in and leave their name and telephone number, and the call will be returned if there is no one there at the time. They will also kept apprised regarding the progress of the incident.

Deputy Mayor Lichtenstein advised Mr. Lines they received some suggestions about possibly turning Caranetta Drive into a cul-de-sac, and putting two lanes on Central Avenue. He asked if the neighbors were ever notified.

Mr. Lines advised he has had several conversations with the residents, and most of them so far do not like the idea. He has not as yet sent a letter out to them requesting input. But the input he received so far from the four or five people who have called do not like the idea.

Deputy Mayor Lichtenstein requested that letters be sent out to the neighbors.

Mr. Lines advised that Ocean County will be advertising the reconstruction of Central Avenue in the next several weeks. He expects plans of what they are proposing. He has not seen the plans yet, but he will be able to see what they are doing as far as lengthening the turn lane.

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.

Deputy Mayor Lichtenstein opened the meeting to the public.

Minister Nicole Hunter, Spirit of Truth, also Co-Chairman of the Lakewood Improvement Association – Accepted Mr. Peter’s apology on behalf of the Lakewood Improvement Association, but feels they are owed an apology from the Mayor. They were publicly slandered, and publicly slandered at a July 4th event where they were told this incident never took place, when in fact it did. She questions the integrity of the investigation. Also commented with regard to the Mayor’s request for them to bring forth proof of segregation so it can be reviewed. She stated they do not trust the integrity of the council to treat them fairly, or for the people of Lakewood to treat them fairly in this matter. So they will not sit down because they feel the proceedings are not fair. They have been told to come up with a comprehensive plan, and their plan is total desegregation. They will not stop, they will not be quiet, they will not be bought, and they will not back down until segregation is completely annihilated in Lakewood. They have undisputable proof of the corruption in Lakewood and they will not stop until it is eradicated.

Deputy Mayor Lichtenstein stated he sits there in place of the Mayor, but feels it would not be appropriate for him to apologize for the Mayor. However, representing the council this evening, if a mistake was made, the Director apologized, and the Committee apologizes. The Director explained what happened where there was a problem with the date, and they have to accept his apology. So on behalf of the Committee, he does apologize, and he will let the Mayor do his own apologizing when he gets back, if he so chooses to.

Minister Stephen Brigham, 1518 August Drive – Commented on the rights of citizens, and the desegregation of housing.

Melody Lewis, Lexington Manor – Stated they need help, and more housing. Advised the building is crashing down and in poor condition.

Deputy Mayor Lichtenstein requested Mr. Mack to look into this matter.

Senator Singer advised that the Lexington Rest is a residential care facility, that is licensed by the State. He requested that the State be called in. It is the largest residential care facility in the State of New Jersey and it should be run properly. He wants to see what is going on there, and if there is a problem there, please contact him.

Michael Quercia, Lexington Rest Home – Commented on the poor conditions at the Lexington Rest Home.

David Drukaroff, 1433 Laurelwood Avenue – Read an article from the New York Times.

Bill Hobday, 30 Schoolhouse Lane – Requested that the Township look into different forms of government, where a Mayor would be elected to a full time position, and then the council members would be at-large. There are many categories of that type of government. He requested that a feasibility study be done to determine whether that type of government would be good for Lakewood.

Mr. Hobday also advised that Brick passed an Ordinance disallowing Level 3 sex offenders to live in their community. When that occurs, people in that category tend to leave and go to neighboring communities. Lakewood's Ordinance is very specific about the distance away from schools and playgrounds. He suggested that Lakewood take a look at what they did and if it is not illegal, adopt the same type of Ordinance.

Deputy Mayor Lichtenstein advised they have discussed the change of government matter, and suggested that that the Township Attorney look into the sex offender law.

Senator Singer advised that Brick is expecting a challenge by the ACLU, and suggested they wait to see if their Ordinance holds up in Court.

Senator Singer also advised that Dover Township did make the change in government and they have had their largest tax increase in their history. It probably cost them a half of a million dollars just to switch governments.

Noreen Gill, 192 Coventry Drive – Commented with regard to the old Holiday Inn property.

Deputy Mayor Lichtenstein stated he has received complaints about the condition of the property. It has been mowed and cleaned up recently. Construction will commence in the very near future.

Rich Orne, Vine Avenue – Confirmed that the Special Events Committee exists, and commented with regard to an event he recently attended in New York.

Lynn Celli, 579 Patriots Way – Commented with regard to safety issues. She has recently been attacked, and has had to have surgery because of that attack. Has to travel up Route 9 to her doctors, and she has observed safety issues due to jay-walkers trying to cross Route 9. She feels it is dangerous, and suggested that pedestrian walkways be constructed over Route 9.

Senator Singer spoke regarding the ADA requirements involved in pedestrian walkways, and suggested police actions to warn pedestrians about jay walking, and urging them to cross at the proper corners.

Joe Violante, 65 Sunrise Court – Commented with regard to issues at the Lexington Rest Home.

Senator Singer advised that the Lexington Rest Home is a residential care facility that is regulated by the state.

Gerry Ballwanz, Governors Road – Regarding the Park Avenue and Route 88 intersection, she does not feel that the answer of no left turns will solve the problem, because it will only make it worse on the other streets closer to Clifton Avenue, particular at Lexington Avenue and Route 88. She suggested that maybe those streets need to be one-way so that you would be able to have no left turn or no right turn at certain intersections.

Also, on Park Avenue, between Fourth and Seventh Streets, she feels that area needs to be restriped because on the side where the townhouses are along the railroad tracks, there is no parking, but the striping is in the middle of the street, so it is not proportionately correct. Deputy Mayor Lichtenstein directed Mr. Franklin and Mr. Lines to look in to this matter.

Mrs. Ballwanz further questioned the intent of the Resolution regarding the southern boundary of the Crystal Lake Preserve, and locating the freshwater wetlands.

Deputy Mayor Lichtenstein explained they still do not have a clear definition as to exactly where the CLP line runs, and that is why they are asking the Engineering Department to survey this area, and determine the wetlands area.

Judy Pizzarelli, 100 Woehr Avenue – Commented with regard to security issues at Peter Ward Towers, a recent fire at the building, and parking problems in the area.

Senator Singer advised that the conditions and security of the building is the responsibility of the Housing Authority.

Deputy Mayor Lichtenstein asked Mr. Coles, Liaison to the Housing Authority, to look into the fire incident and check into the security issues.

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

The professionals left the meeting at this time.

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 Bingo and Raffle applications: Garden State Philharmonic Symphony Society, Toms River H.S. North Football Booster Club, Dreams & Beyond, Inc. Resolution No. 2005-325

2. Resolution requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust By Rider for Developer's Escrow.
Resolution No. 2005-326
3. Resolution authorizing a Leave of Absence Without Pay to Susan Mannick for the time period of July 27, 2005 through January 18, 2006.
Resolution No. 2005-327
4. Resolution authorizing the insertion of a special item of revenue into the 2005 Municipal Budget for a New Jersey Urban Enterprise Zone Authority Year VII Funding for the Baseball Stadium.
Resolution No. 2005-328
5. Resolution authorizing the State of New Jersey to Enforce the Elevator Subcode.
Resolution No. 2005-329
6. Resolution authorizing the insertion of a special item of revenue into the 2005 Municipal Budget for the 2005 Municipal Alliance Grant.
Resolution No. 2005-330
7. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes penalties, interest due on Block 1159.03 Lot 19.
Resolution No. 2005-331
8. Resolution releasing a Maintenance Guarantee posted by Squankum Road, LLC in connection with Block 169 Lots 23, 26 and 27.
Resolution No. 2005-332
9. Resolution awarding contract to Earle Asphalt Company for the 2004 Roadway Improvements Raintree Phase II Project, sum not to exceed \$269,526.26.
Resolution No. 2005-333
10. Resolution supporting additional funding for research for Fibrodysplasia Ossificans Progressive.
Resolution No. 2005-334
11. Professional Services Resolution awarding contract to Birdsall Engineering Inc. to provide engineering services to determine the southern boundary of the Crystal Lake Preserve, sum not to exceed \$8,900.00.
2005-335

Motion by Senator Singer, second by Mr. Miller, to approve Resolutions H1 through 11 on the Consent Agenda.

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

Resolution Nos. 2005-325 through 335 – Adopted.

RESOLUTION NOT INCLUDED ON THE CONSENT AGENDA – None

ORDINANCES SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Block 842 Lot 1 in the Township of Lakewood, at a private sale pursuant to N.J.S.A. 40A:12-1 et seq. (Funston, Caryl)
Read by title only for second reading.

Deputy Mayor Lichtenstein opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

Deputy Mayor Lichtenstein advised this Ordinance will be killed this evening. What will happen this evening is that this was a piece of property that was up for sale, and the town was going to sell it in a private sale for \$450,000.00. Since they have made changes to the UDO, this is now a conforming lot, and can no longer be sold at private sale, and must be sold at public sale. They had a discussion this evening in Closed Session and they are going to request this property be made available for public sale with a minimum bid of \$450,000.00. It will be put on for the next meeting.

Motion by Mr. Coles; no second was offered.

Ordinance No. 2005-62 died on second reading due to lack of second to the Motion.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, conveying property for a forested buffer area for low and moderate income housing.
Read by title only for second reading.

Deputy Mayor Lichtenstein opened the meeting to the public.

Gerry Ballwanz, Governor Road – As this is suggested to be along Vine Street, she asked what is going to happen with the property that is on Spruce Street that backs up onto the NJ Hand property, and whether or not that might have been a better buffer for the housing rather than on Vine Street.

Deputy Mayor Lichtenstein advised that question does not involve this Ordinance.

Mrs. Ballwanz further commented that since there are CAFRA regulations involved, that is why the Township is giving more land so that the housing number on the land that was originally given would not have to be reduced because now you have to have the buffer. She asked if the same thing will be done for the other two affordable housing projects that will probably also need a buffer, since it is also in the CAFRA zone, or if not, will the number of housing units be decreased at the Lakewood Housing location and the STEPS location.

Deputy Mayor Lichtenstein stated this buffer was not required by CAFRA. This is Township property, the Township put the buffer in, and the Township fully intends to keep it a buffer. The reason the Township is conveying the property is so that it can be a part of their greater land parcel so that they can be sure to use all the land given to them by the Township for the housing. As to the other two parcels of land, if the Township does own land around those properties, that is a buffer, and the other authorities request it, the Township will certainly talk to them.

Mr. Coles advised they have already set aside a one hundred fifty foot buffer along the side of the Housing Authority property, which was transferred to them, but was to be left as a buffer in perpetuity. As to the STEPS project, it is sixty units, and less than the seventy-four, and does not fall under CAFRA.

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

Deputy Mayor Lichtenstein made one amendment on the last page where it says, NJ Hand may place any and all necessary utility lines, including but not limited to, water supply, sanitary sewer, etc.....the last part where it says through Tower Street and vacated right of way for Read Street, but we are going to drop the vacated right of way for Read Street. The Engineers looked at it, and we do not have to disturb the green on Read Street, and it is going to stop at Tower Street. The end of the Ordinance will now read, through Tower Street, and we will drop the rest of the sentence.

The above Ordinance was offered, as amended, by Mr. Coles, second by Deputy Mayor Lichtenstein.

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

Ordinance No. 2005-76 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII of the Code of the Township of Lakewood entitled the Lakewood Township Unified Development Ordinance of 2005.

Read by title only for second reading.

Deputy Mayor Lichtenstein advised he would not open the meeting to the public, and asked for the Committee to vote to move it forward to a date positive, that they were contacted by the Engineers and Planners that they needed to discuss some of the language with regard to low income housing. He asked for a Motion to move the Ordinance forward to the next meeting of August 11th.

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein, that the above Ordinance be carried to August 11, 2005.

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

Second reading and public hearing on Ordinance No. 2005-77 carried to the meeting of August 11, 2005.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 8/11/05)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VIII of the Code of the Township of Lakewood entitled Parks, Playgrounds and Recreational Areas. (Feeding of Water Fowl)
Read by title only for first reading.

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

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

Ordinance No. 2005-78 adopted on first reading. Second reading and public hearing to be held on August 11, 2005.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for containerized yard waste.
Read by title only for first reading.

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

Deputy Mayor Lichtenstein advised he understands that all of these Ordinances are Ordinances that are passed down from the State or the Federal Government, requiring them to have the stormwater regulations. This particular Ordinance is going to be a little rough for the leaf pick-up program. While it will be passed on first reading, he fully intends to find out if there is anything they can do about it before they move ahead on second reading.

Mr. Edwards advised it is not mandated by the State under the stormwater management plan that the leaves must be bagged. You are making it more restrictive about the way you put the leaves on the street, but it is not a prohibition. These are model Ordinances that came down, and they were to be reviewed to see how they fit the Township and the existing Ordinances.

Senator Singer advised they have a very good system for leaf pick-up, that is working very well. This changes it, and changes it to the negative. You will not be allowed to put your leaves on the streets until you are notified they are going to come and pick them up. What if you are notified that they will be picked up, and they don't pick them up....what do you do.....put them back.....it just doesn't work that way. The only modification the Township should make is that you should not be allowed to pile leaves in the street when it is near a storm drain. That will solve the problem. You do not want to see the storm drains covered or clogged up by leaves. That should be kept clear. But they want to be able to continue doing it the way they do it, which works very well. People are notified when leaf collection will be in the area, the people put them out on the street, they are picked up, and it is clean and done. He feels that disturbing a successful program can only be a problem for the residents of the town.

Deputy Mayor Lichtenstein advised he will change what he said, and he plans to vote against the Ordinance.

On Roll Call – Mr. Miller abstained, until he reads further into this.

Senator Singer asked Mr. Coles, as Liaison, does he want to pass the Ordinance on first reading, to be modified before second reading.

Mr. Coles answered he does not know if it can be modified to that extent. What he would rather do is carry it maybe to the August meeting. When he talked to Mr. Franklin about this, he said there were federal regulations involved, not state. So he would like to get a clarification. He offered a Motion that it be carried to the August meeting.

Deputy Mayor Lichtenstein asked the Attorney if they are allowed to carry all of the Ordinances on the Agenda (K2 through 6) for first reading, the ones they have not voted on yet.

Mr. Delanoy answered yes.

Mr. Edwards suggested that the idea was to review these Ordinances before they actually got this far. He suggested that the State is looking for some implementation by October. The Ordinances could be continued to the second meeting of August.

Mr. Coles suggested that they put the Ordinances on for discussion at the conference meeting.

Mr. Edwards answered that would not be until September.

Mr. Coles stated they could discuss it at the next public meeting while the professionals are present.

Deputy Mayor Lichtenstein asked for a Motion for Committeeman Coles to amend his Motion and say that he wants to move Ordinances K2 through 6 on the Agenda to the August 11th meeting for discussion while the professionals are present.

Mr. Edwards confirmed that first reading is continued until August 11th.

Mr. Miller offered a second to the amended Motion.

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

First reading on the subject Ordinances (K2 through 6 on the Agenda) carried to the meeting of August 11, 2005.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for the improper disposal of waste.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing a procedure for illicit connections.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter III of the Code of the Township of Lakewood entitled Police Regulations. (Littering)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter V of the Code of the Township of Lakewood entitled Animal Control. (Definitions)

CORRESPONDENCE

Letter from Sandra Gonzalez, Spirit Filled Ministries, requesting to use Town Square on September 1, 2, 3, 15, 16, 17, 2005, for prayer meetings.

Letter from L.E.A.D. requesting to use Town Square on September 5, 9, 12, 19, 23, 26 and 30, 2005, for services.

Motion by Mr. Coles, second by Mr. Miller, and carried, to accept the above correspondence into the record.

PARKS AND EVENTS CORRESPONDENCE

As per schedule of five (5) requests attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 7/26/05

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

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

Negative: Senator Singer

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller invited the public on August 2nd to the Night Out Against Crime to be held at Pine Park.

Senator Singer advised that Seagull Square has been sold, and there is a new owner.

ADJOURNMENT

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:40 P.M.