

**LAKWOOD TOWNSHIP COMMITTEE  
MINUTES  
MEETING OF: AUGUST 24, 2006**

The Lakewood Township Committee held a Meeting on Thursday, August 24, 2006 at Lions Head Woods, Clubhouse, 100 Lions Head Boulevard, Lakewood, New Jersey, at 7:30 P.M., with the following present:

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

**CLOSED SESSION** - None

**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, 2006 and published in the Ocean County Observer on July 20, 2006.

**ROLL CALL**

Mayor Lichtenstein introduced the members of the Township Committee and professionals.

**OPEN SESSION**

**MOTION TO APPROVE MINUTES OF: 8/10/06**

Motion by Deputy Mayor Coles, second by Mayor Lichtenstein, to approve the above Minutes.

**On Roll Call** – Affirmative: Deputy Mayor Coles and Mayor Lichtenstein.  
Abstain: Mr. Cunliffe

Minutes approved.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 8/10/06**

Motion by Deputy Mayor Coles, second by Mayor Lichtenstein, to approve the above Closed Session Minutes.

**On Roll Call** – Affirmative: Deputy Mayor Coles and Mayor Lichtenstein.  
Abstain: Mr. Cunliffe

Closed Session Minutes approved.

**PRESENTATIONS:** None

**ORDINANCES FOR DISCUSSION:** None

Mayor Lichtenstein reviewed quality of life issues from the previous meeting.

As to the traffic signalization/signage/turn arrow issues at Route 9/County Line Road, Route 9/Cross Street, and Route 9/Central Avenue, Mr. Mignella advised he is awaiting the DOT's schedule.

Mayor Lichtenstein requested this item be brought back to the next meeting.

As to the issue of the sewerage easement in the area of the sports complex, Mr. Cunliffe advised that before he went out of town, he had the chance to visit the easement site with Mr. Kielt from the Engineering Department, and Mr. Theibault, the Chairman of the Shade Tree Commission. He requested that either the Township Attorney or Municipal Manager send a letter to both the Developer and to the utility company who is responsible for the digging and clearing in that area. When the Ordinance was passed to grant the easement, they granted an easement of twenty feet. The builder or utility actually cleared about sixty-five to seventy-five feet, instead of twenty feet. Not only did that occur, but you can see, with the layout of the sewer line and the manholes, at both terminal ends, the builder or the developer cleared substantially more forest than was necessary. They also observed heavy equipment using the easement as an access road to the project. That is something that the Committee never approved. Also, as to the grading of the area, there are sunken spots where the sewer line was and there are deep ruts from the heavy equipment. It is more than just a drawing that they need with some suggested shrubbery. He thinks it rises to the level that they want the builder and utility to share in the cost, and come up with a landscape plan prepared by a landscape architect. The land has to be graded back to what it was, and then they need to see the appropriate trees. They need to get the right trees that will grow in limited sunlight so that they can reforest that area. He asked Mr. Kielt and Mr. Mignella to collaborate with Mr. Edwards or Mr. Secare so that an appropriate letter can be drafted to both the builder and the utility, to hire an architect, and submit the plans to the Township for review as quickly as possible.

As to the issue of the meeting between Senator Singer and the Commissioner of DOT regarding Route 9, Mayor Lichtenstein advised that another meeting has been scheduled with the DOT within the next few weeks.

As to the request for stop signs on East Seventh Street and Ridge Avenue, this has been completed by the Department of Public Works. Also the removal of graffiti at the corner of Cross Street and Massachusetts Avenue has been completed.

As to the issue of first responder units, they do not have an answer as of this time. The Municipal Manager is working on this matter.

## **COMMENTS FROM COMMITTEE MEMBERS:**

Mr. Cunliffe advised that he was contacted by some residents in the Hearthstone Development. They were praising the Police Department on handling vandalism incidents in the neighborhood. He asked Director Peters if one of the officers could provide an update to the residents.

**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 Lichtenstein opened the meeting to the public.

Diane Reeves, 19 Holly Street – Commented on a recent incident.

Vincent Johnson, Brick – Commented with regard to the proposed muster zone.

David Drukaroff, 1433 Laurelwood Avenue – Commented on a recent newspaper article in the Asbury Park Press.

Bill Hobday, 30 Schoolhouse Lane – Thanked the Committee for the removal of the graffiti at Cross Street and Massachusetts Avenue.

Alice Kelsey, 295B Malvern Court East – Commented with regard to the construction of fifty single family homes and townhouses on New Hampshire Avenue in the R-20 zone.

Claire Winters, Leisure Village East – Commented with regard to overcrowding conditions.

Sheldon Wolpin, Martine Way – Commented with regard to the Heritage Museum. Also commented with regard to the proposed access road from Shorrock Street to the Costco site in Brick.

Esther Green, 20 Holly Street – Commented on the eighteen percent late fee on delinquent taxes.

Also commented on graffiti on the building in the area of Laurel Avenue and Holly Street.

Mayor Lichtenstein asked Mr. Franklin to look into it.

Pat DeFillipes, Fifth Street – Commented on the lawsuit filed by landlords, and overcrowding conditions.

Noreen Gill, 192 Coventry Drive – Requested information regarding graffiti and gang activity.

Sam Christopher, Central Avenue – Commented on the Heritage Museum and Mr. Wolpin's contributions to the town.

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

## 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: Dreams & Beyond, Inc., Dreams & Beyond, Inc., Georgian Court University, Leisure Village East Bingo Club and Rotary Club BrickTownship.  
Resolution No. 2006-355
2. Resolution amending Township of Lakewood Resolution 2006- 318 to improve transportation access within the Lakewood Urban Enterprise Zone.  
Resolution No. 2006-356
3. Resolution authorizing the release of Performance Guarantee for Block 1603, Lots 2.03 (Advantage Properties of NJ, LLC)  
Resolution No. 2006-357
4. Resolution authorizing the release of Maintenance Guarantee for Block 174.01 Lots 32, 33, 50 51 (Somerset Development, LLC)  
Mr. Cunliffe removed the above Resolution from the Consent Agenda.
5. Resolution authorizing the release of Maintenance Guarantee for Block 232, Lots 7 & 8 (Kedma I Inc.)  
Mr. Cunliffe removed the above Resolution from the Consent Agenda.
6. Resolution authorizing renewal of Liquor License to Lakewood Resort, Inc for the 2006-2007 license year.  
Resolution No. 2006-358
7. Resolution supporting the You Drink and Drive, You Lose 2006 Statewide Crackdown.  
Resolution No. 2006-359
8. Resolution authorizing the issuance of a duplicate Tax Sale Certificate for Block 248.01, Lot 69.  
Resolution No. 2006-360
9. Resolution appointing Ruth Molnar to the Lakewood Township Emergency Planning Council said term to expire on December 31, 2006.  
Resolution No. 2006-361
10. Resolution supporting September 2006 as Save A Life Month.  
Resolution N. 2006-362
11. Resolution authorizing IN REM Foreclosure proceeding.  
Resolution No. 2006-363

Motion by Deputy Mayor Coles, second by Mr. Cunliffe, to approve Resolutions 1, 2, 3, and 6 through 11, on the Consent Agenda.

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

Resolution Nos. 2006-355 through 2006-363 – Adopted.

Before the professionals left the meeting, Mr. Cunliffe asked for a brief explanation of the utility easement, Block 232, Lot 12, contained in the Ordinance for first reading.

Mr. Edwards advised it is an easement over a stream corridor which is part of the Cabinfield watershed. The Township is obtaining an easement from the property owner, as the property owner has not agreed to donate the property. The Ordinance authorizes the Township to acquire the property through negotiations or condemnation proceedings.

At this time, the professionals left the meeting.

Resolution Nos. 4 and 5 that were removed from the Consent Agenda were discussed and acted upon as follows:

4. Resolution authorizing the release of Maintenance Guarantee for Block 174.01, Lots 32, 33, 50 51 (Somerset Development, LLC)
5. Resolution authorizing the release of Maintenance Guarantee for Block 232, Lots 7 & 8 (Kedma I Inc.)

Mr. Cunliffe offered a Motion to carry Items 4 and 5. A second was offered by Deputy Mayor Coles.

Mr. Cunliffe asked, as to the two builders that pertain to these items, if there still was an unresolved issue on County Line Road.

Mr. Secare answered yes.

Mr. Cunliffe advised that would be his reason for suggesting to carry these two Resolutions... until they resolve that other issue.

Mr. Secare advised that you can not really do that, because they are unrelated and the law requires that you act within forty five days, as to the request for the maintenance guarantee, unless the Engineer suggests a reason as to why you should not act. He understands Mr. Cunliffe's concern, but it would be legally inappropriate to do what has been suggested, although the rationale behind it is appreciated.

Mr. Cunliffe advised there is a Motion and a second to carry on the floor, and the Attorney has advised that it would be improper. They need to take a vote to kill that. As to the Motion to carry; On Roll Call – Negative: Mr. Cunliffe, Deputy Mayor Coles and Mayor Lichtenstein.

Mr. Secare advised that the Engineer has to act within forty five days of the request, and the Committee has to act within forty-five days after the Engineer's recommendation. If it is not acted upon, then the Developer can go to Court and get a Court Order to compel the result.

Mayor Lichtenstein asked if these two particular bond releases are on any of the properties they are having issues with.

Mr. Mignella explained the requests for bond releases.

As to Resolution No. 4, Motion by Deputy Mayor Coles, second by Mr. Cunliffe.

**On Roll Call** – Affirmative: Deputy Mayor Coles and Mayor Lichtenstein.

Abstain: Mr. Cunliffe

Resolution No. 2006-364 – Adopted.

As to Resolution No. 5, Motion by Deputy Mayor Coles, second by Mr. Cunliffe.

**On Roll Call** – Affirmative: Mayor Lichtenstein

Negative: Deputy Mayor Coles

Abstain: Mr. Cunliffe.

Resolution No. 2006-365 – Adopted.

## **ORDINANCES 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 \$5,061,566 therefor, and providing for the issuance of \$4,808,486 in general improvement bonds or notes of the Township of Lakewood to finance the same.

Read by title only for second reading.

Mr. Edwards advised that by statute, this requires four votes, and there are only three Committee members present this evening. He suggested that this Ordinance be carried to the next meeting, because the required number of votes are not available this evening.

Motion by Deputy Mayor Coles, second by Mr. Cunliffe, to carry the above Ordinance to the meeting of September 7, 2006.

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

Second reading and Public Hearing on Ordinance No. 2006-58 carried to the meeting of September 7, 2006.

- An Ordinance of the Township of Lakewood, in the County of Ocean, New Jersey cancelling the appropriation of \$2,245,539.55 from the Township's Capital Improvement Fund for the purpose of constructing various water and sewer capital improvements along Ocean Avenue and the elimination of the Woodlake Pump Station and the special assessment of the cost thereof.

Read by title only for second reading.

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.

The above Ordinance was offered by Deputy Mayor Coles, second by Mr. Cunliffe.

Mr. Cunliffe asked if they vote in the affirmative on this do they have to change the actual Budget document to show a decrease of the 2.2 million.

Mr. Edwards advised this Ordinance cancels the appropriation that was put into the Budget, from the MUA, and the funds will be returned to the MUA. The Clerk's Office will send letters out to all of the property owners advising them of the cancellation of the special assessment.

**On Roll Call** – Affirmative: Mr. Cunliffe, Deputy Mayor Coles and Mayor Lichtenstein. Ordinance No. 2006-59 adopted on second reading.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:21-1 et seq., granting abatement to local property taxes to Lakewood Associates for facilities located at Block 1600, Lot 5 and authorizing the Mayor and Township Clerk to execute any and all documents necessary and proper to enter into an amended Tax Abatement Agreement.

Read by title only for second reading.

Mayor Lichtenstein opened the meeting to the public.

Larry Simons, Schoolhouse Court – Asks what constitutes a legal vote if there are only three of the five Committee members present, and only two vote, and the third abstains.

Mr. Edwards explained you have a quorum, which is three required by law. It is the majority vote of the quorum....if someone votes in the affirmative, then someone abstains, the abstention becomes an affirmative vote.

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

Mayor Lichtenstein advised that on a tax abatement, usually they do a presentation. The reason they are not doing a presentation this evening is because it is simply an amendment to a previous tax abatement that was presented to the Committee.

Mr. Cunliffe asked for an explanation of this amendment.

Mr. Edwards advised they were granted a tax abatement on a larger building than was built.

Deputy Mayor Coles further explained the amendment.

Mr. Secare added that the Tax Assessor is in agreement.

The above Ordinance was offered by Deputy Mayor Coles, second by Mr. Cunliffe.

**On Roll Call** – Affirmative: Deputy Mayor Coles and Mayor Lichtenstein.

Abstain: Mr. Cunliffe

Ordinance No. 2006-60 adopted on second reading.

## **ORDINANCES FIRST READING** (2nd Reading and Public Hearing 9/7/06)

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and supplementing Chapter XXIX of the Code of the Township of Lakewood Entitled Flood Plain Control.

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Coles.

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

Ordinance No. 2006-61 adopted on first reading. Second reading and public hearing to be held on September 7, 2006.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey authorizing the acquisition of a portion of Block 232, Lot 12 for a utility and access easement as shown on the Tax Map of the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40A:12-1 et seq.

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Coles.

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

Ordinance No. 2006-61 adopted on first reading. Second reading and public hearing to be held on September 7, 2006.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey authorizing the acquisition of a portion of Block 174.04, Lots 24, 32, 63 and Block 174.11, Lots 35, 36 and 42 for a sidewalk easement as shown on the Tax Map of the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40A:12-1 et seq.

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Deputy Mayor Coles.

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

Ordinance No. 2006-623 adopted on first reading. Second reading and public hearing to be held on September 7, 2006.



## **CORRESPONDENCE**

Letter from Pastor Bernabe Roman, Iglesia Fuente De Agua Viva, requesting the use of Lake Carasaljo for baptizing members of their church. They would like to occupy the lake and canopy area on August 27th (or September 3rd) 2006, between the hours of 12:00 Noon and 5:00 PM.

Letter from Joseph Atilas, Cornerstone Calvary Chapel, Howell, requesting the use of Town Square on September 16th and 30th, 2006, between the hours of 12:00 Noon and 4:00 PM to pass out free food and clothing. Their request was for 9/2 also, but Town Square is not available on that date.

Letter from E. Daniel Roman, Royal Priest 4 Da Hood Ministries, Canaan Christian Church, Jackson, requesting the use of Town Square to host an outreach event. Their request was for either 8/26 or 9/9, 2006, but those dates are not available. Available dates are 8/29 or 9/4, 2006.

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, and carried, to approve the above correspondence.

## **PARKS AND EVENTS CORRESPONDENCE**

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

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, and carried, to approve the above request.

## **MOTION TO APPROVE BILL LIST OF: 8/22/06**

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, to approve the above Bill List. On Roll Call – Affirmative: Mr. Cunliffe, Deputy Mayor Coles and Mayor Lichtenstein. Bill List approved.

## **COMMENTS FROM COMMITTEE MEMBERS**

Mr. Cunliffe commented with regard to the Master Plan Committee. With all of the work they are doing, he thinks it is very important that they protect the hard work and document they are preparing and what situations that have come up before the Township with two other commissions. And with all of the facets of the pay to play legislations, he asked the Attorney to contact the Chairman and Co-Chairman of the Master Plan Committee and have all of the members of that committee send a letter to be kept on file to inform the Committee of projects that they have holdings in, and developers that they are working for. He feels it is very important that when the plan is presented and any votes are made that there is complete transparency and that everyone knows if there is any conflict by any of the members of the Master Plan Committee. He asks that a letter of conflict request be sent to all of the members of the Master Plan Committee.

Deputy Mayor Coles thanked the Lions Head community for inviting the Committee into their community.

Mayor Lichtenstein thanked everyone for coming this evening and for inviting the Committee into their community.

## **ADJOURNMENT**

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, to adjourn the meeting.  
Meeting adjourned at 9:00 P.M.