

**The Lakewood Township Committee held a meeting on Thursday, December 18, 2008 in the Lakewood Municipal Building, at 6:30 PM for the Executive Session, and 7:30 PM for the Public Meeting, with the following present:**

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

**CLOSED SESSION**  
**Resolution No. 2008-412 – 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 Mr. Miller, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 11/20/08**

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

**MOTION TO APPROVE CLOSED SESSION MINUTES: 11/20/08**

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

**PRESENTATIONS**

Jeff Golub, Chairman of the Industrial Commission, presented Certificates to former members of the Industrial Commission (Bert Albert and David Eisenberg).

Mayor Coles made a presentation to Committeeman Cunliffe in recognition of his service on the Township Committee.

Mr. Golub made a presentation to Mr. Cunliffe in recognition of his service as Township Committee Liaison to the Industrial Commission.

**ORDINANCES FOR DISCUSSION: None**

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

Senator Singer advised that he wrote a letter to the Freeholders and County Engineer with regard to Massachusetts Avenue. They had a request from Fairways that there be no turn on red, and that was done. But they also put one across the street for the Enclave, and the Enclave Board does not want it.

Mr. Mignella answered that he was aware of it, and he spoke with the County Traffic Engineer, who advised that either both have to go, or they both stay, because it would confuse the motorists if they remove one and not the other.

Senator Singer asked for a letter to that effect so that he can share it with the Board.

Senator Singer also commented on the one-way entrance on Cross Street into the Enclave. They would like to be able to go both ways. He also wrote to the County with regard to this matter.

Mr. Mignella answered that he was also aware of that, and he spoke with the County, and will follow up with them on this item.

Mr. Cunliffe advised that when you are traveling north on Route 9, near St. Mary of the Lake Church, trying to make a left onto North Lake Drive, he does not believe there is a left turn arrow at that location. The traffic backs up in that area. There is a left turn arrow for cars traveling south, but not going north. He asked for Engineering and the Police to look at this.

Mr. Cunliffe asked that the Engineering Department look into the easement that the Township gave to NJ American Water Co. for the townhomes on Route 9 near the John Patrick Sports Complex. He sent a message to the Engineering Department to see if there was a follow-up. Someone took the entire fence down, and has been driving up and down through the easement, ruining the easement, and he was getting calls from neighbors that the motor bikes and the ATV's were back again.

Mr. Mignella answered that he spoke with the Network Supervisor for NJ American Water Co. They had an emergency where the system was bubbling out sewerage, so they had to access the easement. When the developer installed the fence and gate, the gate was too small for the trucks to get through, so they chose to rip it out. The easement is there in order for them to access the system when emergency repairs are needed. He will be meeting with the representative next week, and they are planning to install a new larger gate with a key, to be provided to the Water Co. and Public Works.

Mr. Cunliffe further commented on Vine Street, at the bend going east, where DEP or EPA required the Township to put in the detention pond. During the recent heavy rains, the entire roadway was completely flooded with several feet of water. This brand new basin is not working properly.

Mr. Mignella advised he visited the site after the recent heavy rain. The velocity and flow of the water blew the leaves and mulch into the low spot. The two inlets, even though they are indented from the road, got clogged. The inspector did remove some of the debris.

Mr. Cunliffe suggested that they remove the deciduous trees, and replace them with pine trees, and remove the mulch and replace it with stone.

Deputy Mayor Lichtenstein asked Mr. Mignella about the Resolution on the Agenda this evening regarding a Maintenance Bond. He received a request from a homeowner at the subject site saying there were thirty (30) trees that were planted that have died, and have not been replaced. He is hesitant to vote to release the Maintenance Bond.

Mr. Secare advised that he spoke with Mr. Mignella with regard to this matter, and he had suggested that they release the Maintenance Bond conditioned upon another bond being posted to guarantee the replacement of the trees, for the amount of \$200.00 per tree, for a total of \$6,000.00.

Mr. Secare further advised that if the Resolution is on the Consent Agenda, it would be with the amendment to the Resolution.

**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.

Bert Albert, Lions Head Woods - Commended Mr. Cunliffe on his service on the Township Committee.

David Drukaroff, 1433 Laurelwood Avenue – Commented on his article in the Voice of Lakewood.

Janet Scher, Cross Street – Commended Mr. Cunliffe on his service on the Township Committee. Also commented on the Smart Growth application in Lakewood.

Carol Murray, Drake Road – Commented on her application for farmland preservation.

Mitch Dolobowsky – Commended Mr. Cunliffe on his service on the Township Committee.

Fred Gincel, 144 Carasaljo Drive – Commented on the combined use Ordinance, and why it was enacted.

Eileen D'Esposito – Commended Mr. Cunliffe on his service on the Township Committee.

David Cohen, Ponderosa Drive, Pine River Village – Commended Mr. Cunliffe on his service on the Township Committee. Also asked about the responsibility for the maintenance and snow removal of the alleyways behind their homes. Suggested that since the Township maintains the roads and does the snow removal, that they also take responsibility for the alleyways.

Mayor Coles advised that they have received a letter regarding a lawsuit, and they would be unable to comment publicly on this matter.

Noreen Gill, Coventry Drive – Commended Mr. Cunliffe on his service on the Township Committee.

Jeff Golub – Commended Mr. Cunliffe on his service on the Township Committee.

Alice Kelsey, 295B Malvern Court East – Commended Mr. Cunliffe on his service on the Township Committee.

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

At this time, the professionals left the meeting.

Mayor Coles commented with regard to Pine River Village. There have been many requests to the Township Committee to consider whether or not to remove portions of an age restriction on that property. They have not been able to get to the bottom of whether or not that is something that can be done. He asked the Committee to consider a Resolution authorizing them to hire a land use attorney to look at the issue as to whether or not it is allowable under law, and if it is, to send that item to the Planner to see whether or not this is something that the Township wants to consider. He asked for a Motion on this matter.

Motion by Senator Singer, second by Deputy Mayor Lichtenstein.

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

Deputy Mayor Lichtenstein stepped away from the dais with regard to the following matter.

Mayor Coles further commented on the recent sale of Block 121, Lot 14. There was some concern about the language in the Ordinance not being what the person who purchased the property intended. At this point in time, he asked the Committee to consider a Motion to void the sale of that property, and return the deposit.

Motion by Senator Singer, second by Mr. Miller.

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

Negative: Mr. Cunliffe

Not Voting: Deputy Mayor Lichtenstein

Deputy Mayor Lichtenstein returned to the dais.

## **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 a Performance Bond, posted by Polwei, LLC, in connection with Block 1051.01, Lot 16 & 17.  
Resolution No. 2008-413**
- 2. Resolution releasing a Performance Bond, posted by JLSG, LLC, in connection with Block 430.04, Lot 22.  
Resolution No. 2008-414**
- 3. Resolution releasing a Maintenance Bond, posted by J & J Land Group, LLC, in connection with Block 430, Lots 11.01, 22.02, 23.02, 24, 25, 55, 59 and 62.  
Resolution No. 2008-415**
- 4. Resolution reducing a Performance Guarantee, posted by New Jersey Hand, Inc., in association with Block 815, Lot 1.  
Resolution No. 2008-416**
- 5. Resolution releasing a Performance Bond posted by Forest Haven, LLC, in connection with Block 11.05, Lots 5-7, 70-73 and 86.  
Resolution No. 2008-417**
- 6. Resolution releasing a Maintenance Bond, posted by Yomah, Inc., in connection with Block 775, Lot 7.  
Resolution No. 2008-418**
- 7. Resolution authorizing the submission of a Second Generation fund application to the Urban Enterprise Zone Authority in the amount of \$25,000.00 from the Lakewood UEZ Second Generation Funds. (UEZ – Tax Sale Certificates)  
Resolution No. 2008-419**
- 8. Resolution releasing a Maintenance Bond, posted by Elmhurst, LLC, in connection with Block 439, Lots 2 & 10-19.  
Deputy Mayor Lichtenstein removed this Resolution from the Consent Agenda.**
- 9. Resolution releasing a Performance Bond, posted by New Jersey American Water in connection with East End Sewer Relief Project.**

**Resolution No. 2008-420**

- 10. Resolution correcting the Title and Text of an appropriation in the 2008 Municipal Budget.  
Resolution No. 2008-421**
- 11. Resolution amending a Leave of Absence, without pay, for Marion Newman, November 20, 2008 to January 5, 2009.  
Resolution No. 2008-422**
- 12. Resolution authorizing the execution of a Schedule "C" Agreement with the County, in the amount of \$30,000.00.  
Resolution No. 2008-423**
- 13. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget, for the New Jersey Urban Enterprise Zone Authority, in the amount of \$572,155.00. (Chapter 159 – UEZ, Public Relations Yr. VI)  
Resolution No. 2008-424**
- 14. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority, in the amount of \$104,000.00. (Chapter 159 – UEZ, EMS Ambulance)  
Resolution No. 2008-425**
- 15. Resolution authorizing the Township of Lakewood Tax Collector to refund Tax Sale Redemptions.  
Resolution No. 2008-426**
- 16. Resolution authorizing the submission of a Second Generation fund application to the UEZ Authority, in the amount of \$96,000, for acquisition of Stadium Field Cover. (UEZ – Stadium Cover)  
Resolution No. 2008-427**
- 17. Resolution authorizing the submission of a Second Generation fund application for \$103,800.00, to the UEZ Authority to evaluate and approve the project, "Hatzolah Emergency Medical Services, Inc. Vehicle Grant". (UEZ – Vehicle Grant)  
Resolution No. 2008-428**
- 18. Resolution authorizing a New Jersey State Cooperative purchase of Office Furniture for Lakewood Resource and Referral Center, in the amount of \$22,466.79.  
Resolution No. 2008-429**

19. **Resolution awarding a contract to SCNJ, Inc., for the purchase of 2,000 95-Gallon Recycling Containers pursuant to and in accordance with N.J.S.A. 40A:11-1 Et. Seq. in the amount of \$109,920.00.  
Resolution No. 2008-430**
20. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the 2008/2009 NJDOT Municipal Aid Program, in the amount of \$232,299.00. (Chapter 159 - DOT)  
Resolution No. 2008-431**
21. **Resolution authorizing the use of \$30,000.00 of UEZ Second Generation Project Funds for Lakewood UEZ Streetlight Renovation/Restoration Maintenance, in the amount of \$30,000.00. (UEZ – Streetlight Maintenance)  
Resolution No. 2008-432**
22. **Resolution authorizing appropriation transfers in the 2008 Municipal Budget.  
Deputy Mayor Lichtenstein removed this Resolution from the Consent Agenda.**
23. **Resolution authorizing the purchase of Proprietary Computer Hardware (PMX Device) for the Police Department, in the amount of \$30,000.00. (Computer Hardware – Police Dept.)  
Resolution No. 2008-433**
24. **Resolution of the Township Committee of the Township of Lakewood Committing to the Jurisdiction of the New Jersey Superior Court, Law Division, Ocean County, and for the establishment of a schedule to permit the Court’s review and approval of the Housing Element of the Master Plan as the Township’s Third Round Fair Share Plan and authorizing submission of same to the Court in accordance with the Township complaint for Declaratory judgment pertaining to its obligations under the Fair Housing Act and for expedited review and approval of the Township’s New Development Fee Ordinance.  
Resolution No. 2008-434**
25. **Resolution authorizing the Lakewood Township Tax Collector to cancel any and all Taxes, Penalties, Interest due on Block 1449, Lot 13.32.  
Resolution No. 2008-435**

Motion by Mr. Miller, second by Mr. Cunliffe, to approved Resolution Nos. 1 through 7, 9

through 21, 23 through 25.

Deputy Mayor Lichtenstein abstained on Resolution No. 18.

Mr. Cunliffe abstained on Resolution Nos. 12, 16 and 19.

Mr. Cunliffe voted no on Resolution No. 9.

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

**Resolution Nos. 2008-413 through 2008-435 – Adopted.**

**Resolution Nos. 8 and 22 that were removed from the Consent Agenda were discussed and acted upon as follows:**

**8. Resolution releasing a Maintenance Bond, posted by Elmhurst, LLC, in connection with Block 439, Lots 2 & 10-19.**

Motion by Deputy Mayor Lichtenstein, with an amendment.

Deputy Mayor Lichtenstein stated he would like to amend this Resolution to reflect what the Engineer stated previously, that this bond will be released conditioned on the submission of an additional Performance Guarantee in the amount of ten thousand (\$10,000.00) dollars, to cover the cost of replacement of approximately thirty (30) on-site trees, more or less, that have died.

A second to the Motion was offered by Mr. Miller.

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

**Resolution No. 2008-436 – Adopted.**

**22. Resolution authorizing appropriation transfers in the 2008 Municipal Budget.**

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

Mayor Coles stated this Resolution will indicate a transfer also for some matching funds for grants for the Airport.

Mr. Edwards explained that with regard to the original transfer Resolution, there was discussion whether or not to put something in a temporary budget, or to put it in a Resolution. It was then finally decided to put it in a Resolution for a transfer, and a new copy was forwarded to the Committee members.

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

Negative: Deputy Mayor Lichtenstein

**Resolution No. 2008-437 – Adopted.**

**ORDINANCE SECOND READING**

**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.**  
**(St. Vacation – Engleberg Terrace)**

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 Deputy Mayor Lichtenstein.

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

Abstain: Mr. Cunliffe

**Ordinance No. 2008-47 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing) - None**

**CORRESPONDENCE**

Per list of three (3) correspondence items, attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to receive and file the correspondence, and to approve Item No. 3.

**MOTION TO APPROVE BILL LIST OF: 12/16/08**

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to approve the above Bill List.

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

Negative: Deputy Mayor Lichtenstein

**Bill List approved.**

**COMMENTS FROM COMMITTEE MEMBERS**

Mr. Miller wished everyone Happy Holidays and a Happy New Year.

Deputy Mayor Lichtenstein wished everyone Happy Holidays and a Happy New Year.

Mr. Cunliffe said good night, thanked everyone for all of their kind words tonight, God Bless You, and wished everyone a great New Year.

**ADJOURNMENT**

Motion by Mr. Cunliffe, second by Mayor Coles, and carried, to adjourn the meeting.

Meeting adjourned at 9:00 PM.

