

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
DECEMBER 21, 2006**

The Lakewood Township Committee held a Meeting on Thursday, December 21, 2006 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.....	Meir Lichtenstein
Deputy Mayor.....	Raymond Coles
Committee Members.....	Senator Robert Singer Menashe Miller Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Deputy Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Deputy Mayor Coles, second by Mr. Miller.
Resolution No. 2006-486

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 January 17, 2006.

ROLL CALL

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 12/7/06, 12/14/06

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

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Coles and Mayor Lichtenstein.
Senator Singer abstained on the Minutes of 12/7/07.
Minutes approved.

MOTION TO APPROVE CLOSED SESSION MINUTES: 12/14/06

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

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

PRESENTATIONS: None

ORDINANCES FOR DISCUSSION:

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.

Vincent Corsaro – Commented with regard to the landlord case.

Alice Kelsey, 295B Malvern Court East – Commented on the issue of the homeless.

Victor Trumper, 119 Shady Lane – Commented on the water problems on South Lake Drive.

(Recording of the meeting commenced at this time)

Senator Singer commented with regard to making application to DEP to lower the Lake when a storm is eminent, so they do not get flooding on North Lake Drive.

Pat DeFilippes, 314 Fifth Street – Spoke in support of Lynn Celli and her work on the LDC. Wished everyone a happy holiday.

Joe DeFalco, 39 Oakmont – Asked about the status of the sign replacement (Welcome to Historic Lakewood) on Massachusetts Avenue.

Mr. Franklin advised that the sign post had rotted. They are in the process of making a new sign.

Mr. DeFalco asked if they can force the developer to have a traffic impact statement provided regarding the construction on Cross Street.

Bill Hobday – Thanked the Committee for their work over the past year. Commented with regard to his review of the UDO. He suggested that the Committee look at the permitted uses in each zone.

Chris Aurilia, 350 Cross Street – Commented on the private school on Cross Street. There was to be a fence constructed at this site, and it has not been done to date.

Mr. Kielt advised this issue came up about a year ago when someone questioned it; he will check into it again, but he believes that the fence was not supposed to go up that line totally. It was initially questioned, and he looked at the plan, as there were two approvals; there was one approval, and then they came back and did an addition, and he does not believe that fence was part of the reapproval. He will check into it.

Mr. Cunliffe commented as to whose responsibility it is to make sure that conditions of approval are met; and asked that the Committee look into the preparation of Ordinances requiring that sites be constructed per the approved plans, and that elevations are not changed.

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

Senator Singer offered a Motion urging the Planning Board not to give additional approvals to any project unless their original approvals are met, if construction has been started. If construction is completed, and they come in for a second approval, they have to meet the conditions of the first approval before the second approval is considered. Deputy Mayor Coles offered a second to the Motion.

Mayor Lichtenstein stated he did not agree with Senator Singer, and explained why. When someone comes in for another approval it is because they want to change what the first approval was. For example, if he went in for approval to build housing, and then decided he would not be able to sell housing at that site, and wants to build a commercial strip.

Senator Singer stated that his recommendation was that once the project has been started.

Mayor Lichtenstein added that if someone starts construction, and in mid construction wants to change, then will they be required to finish the whole job, and then take it down?

Senator Singer stated they are trying to work on a solution.

Mr. Miller felt that Senator Singer's idea is a good one, and the technicalities need to be worked out.

Mr. Secare stated he believed that Senator Singer's suggestion would be by way of recommendation; it is certainly not binding. So there is no harm in doing a Resolution that would suggest the concept that certain conditions of approvals be met before a second approval is given. If the Board will take it on a case by case basis, knowing that the Committee's wishes are that certain aspects of the original plan be enforced.

Mayor Lichtenstein asked that instead of writing "all aspects", can they write "reasonable aspects"...would that be OK.

Senator Singer agreed.

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

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

As to the issue of the school buses in Lafayette Green, and the issue of the survey to see if additional lighting is required in the area of First Street and Lexington Avenue, in the vicinity of the New Jersey Transit Station, these items are to be reviewed by the Police Department.

As to the street light issues on Spruce Street, Sterling and Avenue of the Americas, Mr. Edwards advised that the issue on Sterling Avenue was that JCPL is going to install an above ground pole at the corner of the residents property, and that will be done in January, weather permitting. They have eliminated the process of getting the approval from the adjoining property owner, and now they are trying to deal directly with something on the resident's property.

Mr. Edwards further advised that JCPL will also complete the upgrades of the three street lights on Spruce Street at the same time. The only other issue that came up was the talk about having a street light at the end of Spruce Street, and that again is an underground utility, and JCPL gave the Township an estimate of \$9,858.00 to install a street light.

As to the issue of light outages on Avenue of the Americas, Mr. Edwards advised he is still checking into this matter as to who will be responsible for the repairs, and reimbursement to the Township for the duration of the outages.

As to the issue of the memo to Mr. Corby regarding notifying the utilities about planned development, Mr. Mignella answered that in reviewing the Ordinance that when they do capital work, they always forward two letters, when the project gets initialized, and then during preconstruction. They invite all the utility companies to the preconstruction meeting. He did not send a memo to Mr. Corby yet, but they do most of the capital work in-house, through the main office. They do keep everyone advised. The utility companies know if they come in afterwards, they have to repave curb to curb.

As to the construction on New Hampshire Avenue, Mr. Mignella advised the project for emergency water work was completed yesterday, and that the inspections and repair permits will be handled by the County.

As to the issue of builders being granted building permits without the proper agreements with the MUA, Mr. Mack advised they are working with the MUA on this matter.

As to the issue of certain violations of CAFRA regulations in the Coral Avenue area, Mr. Mignella advised he spoke with DEP on this matter and has been advised that they were unaware of the problems. They have a tentative meeting scheduled after the New Year to meet at the site. If violations of the site are found, they will take it up with the enforcement department to issue the necessary violations, and/or have the wetlands restored. Mr. Mack further advised there are ongoing issues at that site.

As to the property condition issues at 60 Seminole Drive, Mr. Mack advised that the issues have been addressed.

As to the noise issue behind a home on Columbus Avenue, Mr. Mack advised there is litigation involved.

Mr. Cunliffe asked that the Engineering Department and the Legal Department try to locate the Ordinance with regard to the dirt and maybe they can have a first and second reading in January.

Mr. Cunliffe further asked Mr. Kielt where they were with regard to the plot Ordinance.

Mr. Kielt answered that it was on the Agenda at the last meeting for discussion.

Mr. Cunliffe asked if it would be carried through for next year.

Mr. Edwards answered that was what the Committee decided at the time; that the Ordinance will be placed on the Agenda next year.

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 the execution of a Regional Contribution Agreement (RCA) with Howell Township, Monmouth County.
Resolution No. 2006-487
2. Resolution authorizing a Corporate Structure Change of KCB Liquors, Inc.
Resolution No. 2006-488
3. Resolution awarding a State Contract to Princeton Nassau\Conover Ford of Princeton, New Jersey for the purchase of a 2008 Crew Cab Ford 250 Pick-up Truck, sum not to exceed \$32,704.00.
Resolution No. 2006-489
4. Resolution awarding a State Contract to Princeton\Nassau Conover Ford of Princeton, New Jersey for the purchase of three 2008 Ford F250 Pick-up Trucks, sum not to exceed \$84,132.00.
Resolution No. 2006-490

5. Resolution releasing a Performance Bond posted by Mark Engle and waiving the Maintenance Bond requirement in connection with Block 2 Lots 115 to 119 and 121.
Resolution N. 2006-491
6. Resolution releasing a Maintenance Bond posted by Pine River Estates in connection with Blocks 773 and 774 Lots 9 to 28.
Resolution No. 2006-492
7. Resolution releasing a Performance Bond posted by Lakewood Sephardic Congregation in connection with Block 95 Lot 9.
Resolution No. 2006-493
8. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 423.01 Lot 6.
Resolution No. 2006-494
9. Resolution authorizing the Lakewood Township Tax Collector to cancel tax overpayments.
Resolution No. 2006-495
10. Resolution authorizing the Township of Lakewood Tax Collector to refund tax sale redemptions.
Resolution No. 2006-496

Motion by Mr. Miller, second by Mr. Cunliffe, to approve Resolutions 1 through 10 on the Consent Agenda.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Coles and Mayor Lichtenstein.
Resolution Nos. 2006-487 through 2006-496 – Adopted.

ORDINANCES FIRST READING – None

ORDINANCES SECOND READING

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI of the Code of the Township of Lakewood entitled “Traffic”. (Street Cleaning)**
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. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe,
Deputy Mayor Coles and Mayor Lichtenstein.
Ordinance No. 2006-80 adopted on second reading.

- **An Ordinance amending and supplementing an ordinance entitled “An Ordinance establishing the annual minimum and maximum salary ranges for the offices and positions of persons employed by the Township of Lakewood in the County of Ocean and State of New Jersey” and, providing for an effective date 20 days after publication after final adoption.**

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 Mr. Cunliffe, second by Mr. Miller.

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

Ordinance No. 2006-81 adopted on second reading.

- **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI of the Code of the Township of Lakewood entitled “Traffic”. (No Stopping & No Standing on East Ninth St.)**

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 Mr. Miller, second by Mr. Cunliffe.

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

Ordinance No. 2006-82 adopted on 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 streets in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1 et seq. (Buchanan St. & McKinley Ave.)**

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. Miller.

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

Negative: Deputy Mayor Coles

Ordinance No. 2006-83 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 et seq., granting abatement to local property taxes to Parkway Lodging Realty, LLC (for purposes of the Lakewood Hilton Garden Inn, Longhorn's Steakhouse and Ruby Tuesday's only) for facilities located at Block 1235 Lot 36, and authorizing the Mayor and Township Clerk to execute any and all documents necessary and proper to enter into Tax Abatement Agreement.**

Read by title only for second reading.

Mayor Lichtenstein advised he will be turning this matter over to Deputy Mayor Coles to run, as he will be abstaining on any vote or conversation on this issue.

Deputy Mayor Coles opened the meeting to the public.

Bill Hobday – Asked if this site is located on Route 70, across from Home Depot.

Deputy Mayor Coles answered that is correct.

Mr. Hobday stated that he thought that Home Depot was not allowed in or does not participate in the Urban Enterprise Zone.

Deputy Mayor Coles answered that is correct. That part of town is not included in the Urban Enterprise Zone. The location across the street is.

Senator Singer added that everything east of the Parkway is not in the Urban Enterprise Zone. They are not granting the Urban Enterprise Zone, they are talking about tax abatement. The Home Depot shopping center got tax abatement when they built there.

Deputy Mayor Coles stated that the abatement and the UEZ are mutually exclusive.

Mr. Hobday asked if this abatement would be the twenty percent....forty percent....

Deputy Mayor Coles added that is correct, over five years.

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.

Mr. Cunliffe asked Mr. Tajfel if he had a chance to review all of the documentation as prepared this evening.

Mr. Tajfel answered yes.

Mr. Cunliffe asked if it appears to be correct in terms of the square footage, because when they vote on it this evening, it is final, and he wants to make sure he is in agreement with everything before they cast their votes.

Mr. Secare advised Mr. Cunliffe that he should identify for the record who Mr. Tajfel is with regard to this property.

The Clerk asked Mr. Tajfel to stand and state his name and address for the record.

Carey Tajfel, Hotels Unlimited, 399 Monmouth Street, East Windsor, NJ 08520, advised he is the developer of the property.

Mr. Secare advised that Mr. Tajfel will be speaking as an owner or agent of the property in question, in case this does come up later, they know who he is, as to his relationship to the property that is being requested to be abated.

Mr. Cunliffe asked if they are requesting an abatement on the property where the Hilton Gardens will be, the Longhorn's will be, and Ruby Tuesday's will be.

Mr. Tajfel answered that is correct.

Mr. Cunliffe asked him to take a quick look at the documents to make sure they are correct.

Mr. Tajfel answered he agrees.

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

Abstained: Mayor Lichtenstein

Ordinance No. 2006-84 adopted on second reading.

• An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the conveyance of a deed of easement from the Township of Lakewood to Luis and Edwin Ortiz for access over the America Avenue Right of Way.

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 Senator Singer.

Mr. Cunliffe confirmed that this was to give them access to land that they have.

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

Ordinance No. 2006-85 adopted on second reading.

CORRESPONDENCE

Letter from Cornerstone Calvary Chapel requesting to use Town Square on January 6 and January 20, 2007 from 12:00 Noon until 4:00 PM.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of two (2) items attached hereto and made a part hereof.

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

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

MOTION TO APPROVE BILL LIST OF: 12/19/06

Motion by Senator Singer, second by Deputy Mayor Coles, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Cunliffe congratulated Mayor Lichtenstein on his first term as Mayor.

Mr. Miller also congratulated Mayor Lichtenstein on his first term as Mayor.

Mayor Lichtenstein thanked the public for making the meetings interesting; there were some meetings that were tense. He tried very hard this year; they disagreed on many things, and he hoped that they agreed on many more things than they disagreed on. He only does what he feels is best for the town, and tries to do what is right. He hopes he has shown that and has proven himself, and he thanked the Attorney, Manager, and Clerk for being there at all the meetings, and being available for counsel throughout the year. He thanked the Committee Members for their guidance. He wished everyone a Happy New Year.

ADJOURNMENT

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

Meeting adjourned at 8:35 PM.