

**LAKWOOD TOWNSHIP COMMITTEE
MINUTES
THURSDAY • APRIL 6, 2006**

The Lakewood Township Committee held a Meeting on Thursday, April 6, 2006, 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.....	Meir Lichtenstein
Deputy Mayor.....	Raymond Coles
Committee Members.....	Menashe Miller
	Senator Robert Singer
	Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Mr. Cunliffe, second by Mr. Miller.
Resolution No. 2006-168 – 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, 2006 and published in the Ocean County Observer on January 17, 2006.

ROLL CALL

OPEN SESSION

Motion by Mr. Cunliffe, second by Mr. Miller, to open the meeting.

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

MOTION TO APPROVE MINUTES OF: 3/16/06, 3/23/06

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

On Roll Call – Affirmative: Senator Singer (abstained on Minutes of 3/23/06), Mr. Miller, Mr. Cunliffe, Deputy Mayor Coles, and Mayor Lichtenstein.

Minutes approved.

MOTION TO APPROVE CLOSED SESSION MINUTES: 3/23/06

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

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

Abstained: Senator Singer

Closed Session Minutes approved.

PRESENTATIONS:

Affordable Housing - S.T.E.P.S.

Mike McNeill, 201 Lincoln Street - Offered an update on the entire affordable housing project. Also there had been questions about their ability to provide the proper certifications for training purposes. Also contributing to this update presentation was James Waters and Jim Corsaro.

Also contributing:

Joyce Stanley, First Equity Home Loans, a licensed lender, certified by HUD to do FHA financing.

Donna Lee, Home Mortgage Consultant with Wells Fargo – Has volunteered her time to STEPS to help educate the community towards mortgages.

Wallace _____, Director of Housing

Rita Espinosa – First Time Home Buyer

Jim Valli – Homes For All

ORDINANCES FOR DISCUSSION:

1. Guards and Watchmen in the M-1 Zone

Marty Truscott, T & M Associates, advised the Committee that this has been on the books for many years. When the UDO was codified in 2005, the codifier questioned a paragraph that really did not make sense, and it was therefore referred to T & M to try to clarify it. This proposed Ordinance is an attempt to clarify that portion of the Ordinance.

2. ROP District

Mr. Truscott explained there are two basic changes: one to clarify, in Section 2, the current ROP zone allows single family dwellings, and they wanted to clarify that to single family detached; Section 3 adds two new permitted uses, which are not currently permitted in that zone. The ROP currently allows professional offices, places of worship, schools and single family dwellings. This would add multi-family housing and townhouses in that

zone, to acknowledge the amount of multi-family housing that is already in that zone. Mayor Lichtenstein stated he would like the two above Ordinances to be placed on the Agenda for first reading at the next meeting.

3. Towing

Mr. Cunliffe advised he spoke with Deputy Mayor Coles and the Transportation Board. He suggested that they carry this proposed Ordinance to a future meeting.

Deputy Mayor Coles advised he would like to have Mr. Secare meet with several of the representatives from the towers, Mr. Cunliffe as Liaison to Transportation, and one other member of the Committee.

Mr. Secare advised he spoke with some of the members of the towing industry, and they have agreed to meet.

Mayor Lichtenstein advised they will set up a meeting at a mutually agreeable time, and this subject will be brought back to a future meeting.

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

As to the issue of the Cross Street and Route 9 intersection, Mr. Mignella advised that during the week of March 27th, DOT sent an Engineer to investigate the intersection. He has been advised that the sign is not warranted due to the fact that vehicles are always going to be in the left and thru lane because it is actuated. They said the Township can monitor the intersection; if there are accidents they should be reported immediately to the DOT, and they will see if they can redo something.

Mayor Lichtenstein asked Capt. Lawson to keep an eye on that intersection, and be in touch with the Engineering Office and see if they can not get DOT to realize that the sign is needed. He asked Mr. Mignella when he receives additional information, please advise the Committee.

As to the tree issues on Forest Avenue, as well as the trees that were cut down on Spruce Street, Mayor Lichtenstein advised he was in a meeting with Senator Singer and GPU, and he hopes they will get a positive response from GPU.

As to the issue of the State Inspection Station on Route 70, Senator Singer advised he spoke with the Director of Motor Vehicles. They have looked at the tree situation at that location and they agree there is a problem. It will cost \$8,000.00 to remedy the situation, and they will try to find money in the budget to do that.

As to the issue of the intersection of Route 9 and County Line Road, wherein a turning signal had been requested by Georgian Court University, Mr. Mignella forwarded a letter with photos, as well as three years of accident history. There is a ninety to one hundred and twenty day waiting period. He expects that the DOT will push it ahead once they receive the accident data. They will evaluate the signal, and they will report back to the Township.

Mayor Lichtenstein asked that Mr. Mignella write a letter to the President of the University informing them of this information, with a copy to the Mayor and the Committee.

As to the issue brought up by Mr. Christopher as to the intersection of Central Avenue and Route 9, Mr. Mignella advised that traveling Route 9 North, there is an exclusive left turn lane, but it is not a protected movement. As well, the DOT will investigate that. The need is there. They can do signal modifications. He did get a positive reply from the State on this issue.

As to the manholes on Route 9, Mr. Mignella advised that currently DOT has a dispatch number where they will send a maintenance crew, but you have to pinpoint every manhole that needs repair, as well as, not all of them are owned by the DOT. Some can be owned by the MUA. He has the telephone number, and the DOT maintenance crews will go out when the manholes are designated.

As to East Fourth Street, Mr. Mignella advised he met with Mr. Franklin on this issue, and next month, when weather permits, Mr. Franklin's department will stripe the crosswalk areas. They will add signs to instruct the pedestrians to utilize those crosswalks for safety.

As to County Line Road and East End Avenue, Mr. Mack advised he notified the contractor to look at the damage and get back to the Township. He suggested that they also include this in the UDO, for people who do damage, with specific remedies, fines, etc., and make recommendations as to how people will have to repair things when they are damaged.

As to the issue brought up by Mr. Cunliffe regarding the Ordinance on the Agenda this evening, concerning the easement and right-of-way agreement for Block 1051, Lots 34 and 44; the Ordinance was upgraded with the language as suggested by Mr. Cunliffe.

Mr. Kielt advised that he walked the easement with Mr. Mignella, and they did correct the language in the Ordinance.

COMMENTS FROM COMMITTEE MEMBERS:

Senator Singer advised he received a phone call from a resident on South Oakland Street, who is concerned about six different homes in that area, about the condition of the homes. Most are rentals, and are not being kept up to standards. He provided the information to Mr. Mack to inspect the properties to see what can be done.

Mayor Lichtenstein suggested that the callers be provided with the quality of life phone number.

Senator Singer further advised that he did speak with the Commissioner of Transportation on two issues; one being the Route 9 improvements, and the second being the Committee's concern about the Exits on Route 88 and Route 70, and where they are going with that. He read from the response he received from the Commissioner's Office. It is a forty million dollar project, and the County will cost share in the construction and improvements with the Turnpike Authority when funds are allocated. They are looking at the year 2009 for construction to commence.

Mr. Miller asked Mr. Mignella when the restriping of Martin Luther King Drive will take place.

Mr. Mignella advised that it will take place as weather permits.

Mr. Miller further thanked Mr. Kielt for mapping out the areas on High Street where the storm drains are too high, and it is a safety issue where children are concerned. He stated they have to ascertain if they are on Township Streets or on private roads to see who will be responsible for putting the covers on the drains.

Mr. Cunliffe advised that more and more people are using Airport Road with the new exchange there. He has received calls about Airport Road around the bend towards the Church & Dwight location. He went out to look at the site. When you are traveling west on Airport Road, at night, the lights go along the road and stay straight; they go into the parking lot at Church & Dwight. If you are not familiar with the area, it gives the appearance that the road is going straight. He suggested that some reflective chevrons be placed in the new landscaped area to indicate that the road is turning.

Mr. Cunliffe advised they had the grand opening of the John Patrick Sports Complex this past weekend. He thanked everyone involved for their help.

Senator Singer advised he had numerous requests to name the four Little League Fields after the four people that were so instrumental in this project.

Mr. Cunliffe agreed they should get the Little League involved in this, for their input.

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.

Councilman Maurice Hill, 300 Woodview Court, Toms River – Congratulated the Committee on the opening of the new recreation facility. He asked that the Committee consider naming the four fields after the following individuals: William F. Frank, Jr.; Steven Belitrand, Sr.; George A. “Pat” McCallion; Andrew Nelson.

Mayor Lichtenstein advised he will request that Mr. Cunliffe contact the Little League for their input.

Denise J. Ireland, 11 South Oakland Street – Commented on the conditions of rental properties on South Oakland Street. She provided the address information to Mr. Mack.

Rich Orne, Vine Street – Commented on the opening of the Blue Claws Stadium. There will be a military fly over at that time.

Stan Organek, Freehold, NJ – Commented with regard to the day laborer issue and the proposed muster zone.

Alice Kelsey, 295B Malvern Court – Commented with regard to the proposed Lakewood Township Employment Center.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the intersection of Chestnut Street and Route 9. Advised that the corner of Route 9 and Chestnut Street is a two lane road. There is a sign on the right side of Chestnut Street just before the Italian restaurant designating the left side of Chestnut Street as a left turn and/or straight ahead. It also designates that the right lane is a right turn only. No problem with the signs. However, if you look at the overhead traffic lights, both of them, when they turn green, they have arrows for left turns. Therefore, you are permitted to make a left turn from the right lane that says you can't make a left turn. He thinks there is something drastically wrong at that corner. You are waiting for an accident to happen.

Mayor Lichtenstein asked Mr. Mignella to look at that intersection.

Mary Stars, 695B Plymouth Drive – Commented with regard to the proposed muster zone.

Ileana Fontanes, 39 Iroquois Place – Commented with regard to the proposed muster zone.

Mary Ann Allacci, Mi Casa – Commented with regard to the affordable housing projects, and the current Advisory Committee on Housing.

Noreen Gill, 192 Coventry Drive – Offered a scenario regarding fences.

Janet Scher, Cross Street – Commented with regard to the Crystal Lake Preserve Ordinances. She requested that the Committee table their vote on these Ordinances. She feels that from March 23rd to April 6th is too short a time period to decide the fate of 161 acres in the Township. This area is not protected by green acre funds. Because it is Metedeconk watershed and there are wetlands in the area, that protection exists. Beyond that, the transaction that is proposed parallels a diversion that would occur if the area was protected, but it is not.

Carol Murray, 51 Drake Road – Commented with regard to the Crystal Lake Preserve. Also suggested that these Ordinances be held over for further research.

Esther Grant, 20 Holly Street – Commented with regard to the proposed muster zone and the day labor issues.

Sam Christopher, Central Avenue – Thanked the Committee for following up on his suggestion with regard to the manholes on River Avenue, and the turn signal at Central Avenue and Route 9. He also suggested other names for consideration in the naming of the new Little League fields, including, Wally Dan, Dave McKelvey and Larry D'Zio.

Shoshana Hirsch, 290 Miller Road – Voiced her concerns for the residents of Miller Road. The street is winding, there is no shoulder. There is a lot of traffic, and there are no sidewalks. The Township has received a CDBG grant to install sidewalks, but construction has not commenced. The County has created a new road block to this important project. They are making the Township redo all of their plans and set the sidewalks further back. This would require the Township to obtain easements from all of the property owners along the route of the sidewalk.

Mayor Lichtenstein advised they are in the process of talking to the County about this project.

Mr. Edwards advised that the Engineering Department has sent a revised proposal to the County for review, and they are awaiting a reply.

Pat Cook, 45 Drake Road – Commented with regard to the Crystal Lake Preserve. Also commented on a school in her neighborhood. There were many recommendations made by the Planning Board that have not been implemented at that school, in terms of changing the driveway, garbage pickup, and how the buses were going to get in and out. She does not understand how the Planning Board can make those recommendations and they are not followed through. Also, there is no sign at that school to tell anyone that there is a school there.

Mayor Lichtenstein asked Mr. Mack to look into this matter with the Engineering Department.

Mike McNeill, 201 Lincoln Street – Commented on the traffic light at the baseball field at Cedarbridge Avenue and Martin Luther King Drive. The timing of the signal is not correct.

Mayor Lichtenstein asked the Engineering Department to look into this matter.

Fred Rush, 2023 Madison Avenue – Commented with regard to the proposed muster zone.

Gerry Ballwanz, Governors Road – Commented with regard to the adoption of the UDO on July 14, 2005, and specifically two family duplex housing as a permitted use in the R-15 zone.

Mayor Lichtenstein asked Mr. Secare to advise the Committee if he feels there is any legal reason for a change to be made to the UDO.

Mr. Secare answered no.

James Waters, 1275 Old County Line Road – Commented on the subject of recognizing individuals in the naming of the new fields.

Mr. Waters further commented on the Ordinance concerning the consumption of alcoholic beverages on public or private property.

Mayor Lichtenstein advised that the Police Regulation is entitled...Consumption of Alcoholic Beverages on Public or Private Property....but if you read the actual Ordinance, is it only about public property.

Claire Winter, Leisure Village East – Commented with regard to overcrowding conditions in residential properties.

Bernard Williams, Clifton Avenue – Commented on the quality of life sessions.

Pat DeFillippos, 314 Fifth Street – Commented with regard to the proposed muster zone.

At this time, the professionals left the meeting.

Mayor Lichtenstein advised the Committee looked at many properties for the proposed muster zone, and met with many different groups. They tried to get the right spot, and they believe they have found what will work at this point in time. They are not investing a lot of money; they are investing \$37,500.00. He believes that half of that will be for material that can be re-used at a park should the Employment Center not work, however, he does not expect that to happen. He expects the Employment Center to work out very well. They could wait to see what the Federal Government does, but what he sees when he goes downtown, are business owners fleeing, and there is nothing they can do about it. Because when they ask for help from the Federal Government, they don't get it. He is also not going to stand and watch the day laborers, who everyone assumes are all illegal citizens, and much to his surprise, many of them are not. He did not make that assumption.

As far as transportation is concerned, they found that many different people have to take transportation to the downtown area. Whatever way they get to the downtown area, they can get to the new center. They can also utilize the Job Link Bus to get there. They are not spending more money on the Job Link Bus, it is already running. They are not providing more funds for transportation. As to why it is a scaled down center, they are not one hundred percent sure it is going to work. They want to give it a shot, they do not want to wait anymore. They could wait, and wait...and plan, and look, and in three years, they will still be doing to same thing. He thinks that the day laborer center will be open to everyone. Anyone who wants to, can go there. The day laborers are happy with this decision. The downtown business owners are happy with this decision. And they are not going to decide and make the stand as to who is legally allowed into this country. It is not this town's decision, and they have no control over it. People are here, and there is an issue, and they are committed to making Lakewood a better place for everyone.

Mr. Cunliffe added that the land is controlled by the Lakewood Industrial Commission, and the LCD approved the capital funding for a project.

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: Jersey Shore Animal Center, Dreams & Beyond Inc., St. Mary of the Lake Church, Temple Beth Am
Resolution No. 2006-169
2. Resolution authorizing emergency temporary appropriations for the period between beginning of the current fiscal year and the date of the adoption of the 2006 Budget.
Resolution No. 2006-170

3. Resolution adopting a 2006 Temporary Capital Budget for water and sewer improvements along Ocean Avenue and elimination of the Woodlake Pump Station.
Resolution No. 2006-171
4. Resolution authorizing the Township to apply for the Municipal Recycling Tonnage Grant Program for the Calendar Year 2006.
Resolution No. 2006-172
5. Resolution authorizing a Leave of Absence Without Pay to Beatrice Santiago for the time period of March 21, 2006 through April 11, 2006.
Resolution No. 2006-173
6. Resolution accepting bid on Block 1085 Lot 4 as the result of a private land sale.
Resolution No. 2006-174
7. Resolution continuing a Tax Abatement for property known as Block 386 Lots 1.01 1.03 and 1.04.
Resolution No. 2006-175
8. Resolution declaring April as Autism Awareness Month.
Resolution No. 2006-176
9. Resolution appointing King, Kitrick, Jackson and Sheehan as Conflict Tax Appeal Attorney. Senator Singer removed the above Resolution from the Consent Agenda.
10. Resolution authorizing the advertising and solicitation for proposals for an Assisted Dispatch system.
Resolution No. 2006-177
11. Resolution releasing escrow for E & B Homiek for a project known as Block 534 Lot 5.04
Resolution No. 2006-178
12. Resolution releasing a Performance Bond for M & S Enterprises in conjunction with Block 68 Lot 14.
Resolution No. 2006-179
13. Resolution reducing a Performance Bond for Excel III in conjunction with Block 402 Lot 1.
Resolution No. 2006-180
14. Resolution amending a contract awarded to Vincentsen, Thompson, Meade, Inc. to provide construction management services for the construction of the new public works complex.
Resolution No. 2006-181
15. Resolution awarding a contract for the purchase of and installation of electronic equipment for six new patrol vehicles, sum not to exceed \$23,806.38.
Resolution No. 2006-182

16. Resolution authorizing the encumbrance of "Second Generation" Urban Enterprise Zone funds for Department of Public Works Capital Project - Block 1606 Lot 9.
Resolution No. 2006-183

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, to approve Resolution Nos. 1 through 8 and 10 through 16 on the Consent Agenda.

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

Mr. Cunliffe abstained on Resolution Nos. 10 and 15.

Resolution Nos. 2006-169 through 2006-183 – Adopted.

Resolution No. 9 was discussed and acted upon as follows:

9. Resolution appointing King, Kitrick, Jackson and Sheehan as Conflict Tax Appeal Attorney.

Motion by Deputy Mayor Coles, second by Mr. Coles.

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

Negative: Senator Singer

Resolution No. 2006-184 – Adopted.

ORDINANCES SECOND READING

- 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". (Consumption of Alcoholic Beverages on Public or Private Property)
Read by title only for second reading.

Mayor Lichtenstein opened the meeting to the public.

David Drukaroff, 1433 Laurelwood Avenue – He is opposed to this Ordinance because if you wish to outlaw consumption of alcohol in public, a separate Ordinance already does this. If you wish to pass an Ordinance banning the carrying of open containers of alcoholic beverages, then do so. The problem is that this Ordinance bans the carrying of alcoholic beverages in a public place, whether they are in an open or closed container. In other words, a person would be subject to arrest as soon as they walked out of a liquor store into a public place. The law amounts to alcoholic prohibition. Perhaps you did not mean what the law says. People have a right to expect that the law means what it says, and says what it means. If this is not true, then people sue, and a Court has to decide how to interpret the Ordinance after which the Court will be accused of legislating from the bench by those who don't like the interpretation. All of that could have been avoided if the legislative intent had been correctly stated in the first place. He asked that the Ordinance be rewritten to express what they really want, unless they want to prohibit alcohol all together.

Mayor Lichtenstein agreed that it should say...open.....because otherwise how could you possibly walk out of a liquor store....

Mr. Cunliffe suggested that this Ordinance be carried, and they go back and take a look at Section 3-1.1, because it only pertains to public places as defined in that section. He does not believe it is going to do what Mr. Drukaroff proposes, however, in order to protect themselves, the Ordinance should be carried to the next meeting for further review.

Mr. Secare stated he will look into it. To the extent that Mr. Drukaroff says, it is designed in certain regard to stop open containers. So they will either inject the word open into this or look at the definition of public places.

Alice Kelsey – Stated that her concern also was that the word open was missing.

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

Motion by Mr. Cunliffe, second by Mr. Miller, that the above Ordinance be carried to the meeting of April 27th.

Senator Singer stated he would like the Attorney to take a look at the seal being broken. Mr. Secare stated he will review it.

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

Second reading and public hearing on Ordinance No. 2006-26 carried to the meeting of April 27th, 2006.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the execution of a deed of easement and right of way agreement with respect to Block 1051 Lots 34 and 44. (Salem Avenue)
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. 2006-27 adopted on second reading.

As to the next two Ordinances, Mayor Lichtenstein asked for a Motion to carry these Ordinances to the meeting of May 4th.

Motion by Mr. Cunliffe, second by Mr. Miller.

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

Second reading and public hearing on Ordinance Nos. 2006-28 and 2006-29 carried to the meeting of May 4th, 2006.

Ordinance No. 2007-28:

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, redefining the “Crystal Lake Preserve Area” pursuant to N.J.S.A. 40:61-1 et seq. and revised general ordinances of the Township of Lakewood, section 8-4 entitled “Parks and Playgrounds; Recreational Facilities Designated.

Ordinance No. 2006-29:

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII entitled Unified Development Ordinance. (Establishment of Zoning Districts and Zoning Map CLP)

- An Ordinance amending the Code of the Township of Lakewood, Chapter 18, Unified Development Ordinance, by adding regulations relating to privacy fences in the Township of Lakewood, County of Ocean, State of New Jersey.
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 Senator Singer, second by Mr. Miller.

Mayor Lichtenstein stated that the Attorney has advised him that if they are going to vote in favor of this you need to clearly state your reason on the record because they have correspondence from the Planning Board on this matter. He asked if anyone wishes to have any discussion on this Ordinance.

Senator Singer advised that if you are going to make your comments, you will make them when you vote.

Mr. Secare answered yes. Each Committee person who is voting in opposition to the Planning Board’s recommendation must make their comments at their time.

On Roll Call – Affirmative: Senator Singer stated he is voting for the Ordinance because he believes that the necessity for privacy within backyards is necessary. He sees again people want to have privacy in their home, they are entitled to that. He sees no reason why this Ordinance should not be passed at this time.

Affirmative: Mr. Miller stated he is voting for this Ordinance because privacy is something that is very paramount to people and there is a lot of misconception out there. People are saying you can have a fourteen foot fence at the end of your property, which is not true. You need to read the Ordinance. It states that you can only go up one foot per five feet that you go inside. It is also subject to the approval of the Zoning Officer, and if any neighbor would have a problem with that, their voice would be heard, because you need approval from the neighbors. With all those safety nets in place, he is voting in favor of this Ordinance.

- Abstain:** **Mr. Cunliffe** advised he just received the letter from the Planning Board tonight on this issue, and another, and the Planning Board was unanimous in their positions, so, for that reason, he is going to abstain.
- Negative:** **Mr. Coles** advised he was involved with this Ordinance from the very beginning. He thinks there are a lot of good points in it, but he just does not think he can go against the wishes of the unanimous Planning Board, so he is voting no.

Senator Singer asked, for the record, if an abstention is a yes vote.

Mr. Secare answered it depends where the majority goes.

Senator Singer stated just for the record, based on municipal law, the abstention goes to the majority. That is the law.

- Affirmative:** **Mayor Lichtenstein** stated he is going to vote for this Ordinance. He believes that they went through a lot of discussion on it, and again, they are limiting this. They are not asking for fourteen foot high fences, as people are envisioning. They placed a limit on it. He thinks that a Zoning Officer certainly has the right to administratively work with property owners. There is a level of trust that they need to have in the Zoning Officer of the town, and it is very clear in the Ordinance that if you have a neighboring property, you can not just go ahead and get it. There has to be written consent. You can not have three to one. It has to be everybody. Therefore, he is going to vote for this.

Ordinance No. 2006-30 adopted on second reading.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey amending and supplementing Chapter 18 entitled Unified Development Ordinance to provide for temporary school classrooms and temporary housing for residents of a single family home destroyed by a natural disaster or catastrophic accident.
Read by title only for second reading.

Mayor Lichtenstein opened the meeting to the public.

Rich Orne, Vine Street – Stated it was his understanding when this first came up, that this dealt only with the temporary creation of living space or school classrooms should there be a natural disaster or a catastrophic accident. In listening to Mayor Lichtenstein's comments last time, he was a little confused by the direction in which he was going because it sounded like he was looking for the emergency creation of a school without the requirement of a catastrophic accident or natural disaster. He wanted to make sure he is reading this correctly that they are talking about a disaster recovery situation only.

Mayor Lichtenstein answered he was incorrect. They are not talking about a disaster recovery situation only. They are talking about two specific items. One, the one mentioned, and the other allowing a non-profit to get started.

Mr. Orne stated he was confused because it seems that it makes a specific reference to there having to be a natural disaster or a catastrophic accident.

Mayor Lichtenstein answered, not if you read through it. They had this discussion last time, and that is what he asked in the beginning of the public session some hours ago. That is exactly what the Attorney has ruled on.

Larry Simons, 7 Schoolhouse Court – He would like to address the amending and supplementing of Chapter 18, entitled Unified Development Ordinance to provide for temporary school classrooms. The Ordinance as proposed reads in part, the Township Zoning Officer may approve the installation of temporary portable classroom facilities at a school for a period not to exceed two (2) years. He might not find fault that the proposed Ordinance in fact provided for no more than two school years. However, as one reads further, tucked away in the body of this proposed Ordinance, but not very obvious to the casual reader, is the following, again in part, the Township Zoning Officer may authorize two one (1) year extensions of the original two (2) year school time frame. If this Ordinance is passed as proposed, you will be allowing any school owner to erect a temporary structure for up to four (4) years instead of completing a permanent school structure. This could result in the possibility of students attending classes in a portable classroom for a period of up to four (4) years, not two. In his opinion, this averts the intent of having a temporary school in place which would enable students to avoid interruption in their studies in case of a natural disaster or catastrophic accident. Instead, it would be an unconscionable detriment to the health and safety of these students. The only reason he could see for you to enact this Ordinance would be to allow school owners to avoid the immediate expense associated with the construction of a permanent school structure, or to delay the obtaining of any variances that may be required. These are more likely contingencies than a possible natural disaster or catastrophic accident from which it might, or might not, take four (4) years to recover. Four years is a long time for temporary schools.

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. Miller, second by Senator Singer.

Mayor Lichtenstein stated that again, if you are going to vote in the affirmative, please state your reason on the record.

On Roll Call – Affirmative: Senator Singer advised he is voting yes on this for several reasons. Number one, he thinks the temporary situation concerning individuals' homes in case of disaster is self explanatory. He remembers that on Cross Street, when a gentlemen's' home burned down, they had to pass a special Ordinance to allow him to put up a trailer. This should be unnecessary. The Zoning Officer should be able to do that. He also remembers when Pine Belt Chevrolet burned down. They had to do the same thing there. To him, that is self explanatory. In the case of schools, they

are under a tremendous shortage for space for students within the private school factor in the Township. Students are finding no place to go. They are trying to encourage the selling of land, and they have done so. They have also encouraged more schools to open. One thing they do not want to see, which has been a negative factor, is people purchasing existing buildings, and taking them off the tax rolls. That hurts the Township. By allowing them temporary placement on vacant land, to do so, it does not affect the tax rolls, and allows them to open the schools so they can build that permanent building. He feels it is an important aspect because in the last year, or two, they have lost two nursing homes which have become schools, and both came off the tax rolls, which are big factors. He wants to encourage this factor of the private schools, to build schools and help them in any way that he can, as opposed to taking buildings off the tax rolls, that are presently on the tax rolls.

Affirmative:

Mr. Miller advised that he will also be voting yes on this Ordinance. Homes destroyed by natural disaster or catastrophic accident, they all share the feelings on that, for a person who loses their home, it should never happen to anyone, and they should be able to understand that in such a situation the person needs a temporary place to live in until his house can be renovated. Unfortunately, he has been to many fires in recent times. He has been very helpful in trying to get them places to stay. With regard to the schools, they have a tremendous amount of children in this town and every year the numbers grow. When it comes time for them to go to school, the buildings are not big enough and they keep on trying to facilitate for these students. In no way is this meant for anyone to skirt around and not have to get approvals. On the contrary, in order to be able to get a trailer they would have to get approvals from the Zoning Officer and that is why he is voting in favor of this Ordinance.

Negative:

Mr. Cunliffe advised he is going to be voting in the negative on this, first of all, because of the Senator's previous comments and he is correct on that, so he needs to vote no on this for two reasons. One, he does not want to go against the Planning Board, which was unanimous, in saying they have reservations on this, or at least, the majority said they had reservations on it. He finds the title to be confusing, and he finds the language in Section 6 to be confusing, and he is worried that the Planning Board and the Zoning Board are going to be caught up in misunderstandings because the language is not clear. So he votes no.

- Negative:** **Mr. Coles** advised that having been working with this Ordinance for a while, and he understands the need for the schools and for the trailers, but he can not go against the unanimous wishes of the Planning Board. So he would have to vote no.
- Affirmative:** Mayor Lichtenstein advised he intends to vote yes on this Ordinance. He believes that he is going to echo what the Senator said, and he is going to add to what the concern of the Planning Board was, that was echoed by Larry, that it was going to be a way of skirting around. However, if you read the entire Ordinance, and you will see, the Zoning Officer can only allow those extensions if there are physical applications or construction going on for a building. The reason they did that was they would not want a fledgling non-profit or a school that is fulfilling the need of the classroom space to then, after two years, to have to go look for other quarters when actually they may have a building already underway....they are already at the Planning Board or they are already in the construction phase...give them time to finish their construction and then be able to move the children in. So if they are not in the construction phase, or at least in the planning phase, at the Boards, then they will not get those two one (1) year extensions. He thinks that is pretty clear in the Ordinance. And that is why he will be voting in favor.

Ordinance No. 2006-31 adopted on second reading.

ORDINANCES FIRST READING (2nd Reading and Public Hearing 4/27/06)

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

Read by title only for first reading.

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

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

Senator Singer thanked the Committee and the professionals on this. This is great cooperation between the Township and the water and sewer authority. They appreciate it very much.

Ordinance No. 2006-32 adopted on first reading. Second reading and public hearing to be held on April 27, 2006.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI of the code of the Township of Lakewood entitled Alcoholic Beverage Control. (Hours of Sale)

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 and Mayor Lichtenstein.

Negative: Deputy Mayor Coles.

Ordinance No. 2006-33 adopted on first reading. Second reading and public hearing to be held on April 27, 2006.

- 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 Royal Court and New Central Avenue in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1 et seq.

Read by title only for first reading.

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. 2006-34 adopted on first reading. Second reading and public hearing to be held on April 27, 2006.

- 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 or Standing\fire zones)

Read by title only for first reading.

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. 2006-35 adopted on first reading. Second reading and public hearing to be held on April 27, 2006.

- An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the execution of a deed of easement and right of way agreement with respect to Block 1606 Lot 9.

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 Coles and Mayor Lichtenstein.

Ordinance No. 2006-36 adopted on first reading. Second reading and public hearing to be held on April 27, 2006.

CORRESPONDENCE

Letter from Bethel Spanish Pentecostal Church requesting to use Town Square on May 3, 10, 17, 24 and 31, 2006, from 7:00 P.M. until 8:30 PM to hold worship services and social outreach.

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

Letter from Herlizeriht Gaytan Chavez requesting to use Town Square on Mother's Day, May 13, 2006, from 5:00 PM until 8:00 PM. A DJ booth will be set up and refreshments will be given out free of charge to the community.

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, and carried, that the above correspondence is received and filed.

Memo from William Rieker, CFO, regarding notes sold.

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, and carried, that the above correspondence is received and filed.

PARKS AND EVENTS CORRESPONDENCE

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

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

MOTION TO APPROVE BILL LIST OF: 4/4/06

Motion by Mr. Cunliffe, second by Deputy Mayor Coles, and carried, 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 – None

ADJOURNMENT

Motion by Mr. Cunliffe, second by Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 10:10 P.M.