

The Lakewood Township Committee held a meeting Thursday, July 5, 2012 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..... Menashe P. Miller
Deputy Mayor..... Albert D. Akerman
Committee Members..... Raymond Coles
Meir Lichtenstein
Steven Langert
Municipal Manager..... Michael Muscillo
Deputy Municipal Manager...Absent..... Steven Reinman
Municipal Attorney..... Michael DiCicco, Esq.
Municipal Clerk..... Mary Ann Del Mastro

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 3, 2012 and published in the Asbury Park Press on January 13, 2012.

ROLL CALL

CLOSED SESSION

Resolution No. 2012-264 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 06/21/12

Motion by Committeeman Langert, second by Committeeman Lichtenstein, and carried, to approve the above Minutes.
Committeeman Coles did not vote.

MOTION TO APPROVE CLOSED SESSION MINUTES: 06/21/12

Motion by Committeeman Langert, second by Committeeman Lichtenstein, and carried, to approve the above Closed Session Minutes.
Committeeman Coles did not vote.

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION - None

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 Miller opened the meeting to the public.

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

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 authorizing Tax Collector to reimburse Lien Holder for Certificate erroneously sold at Tax Sale with Legal Interest, in the amount of \$1,545.38.
Resolution No. 2012-265**
- 2. Resolution releasing the Performance Guarantee posted by Villa Marie LLC, in connection with Oliver Street Road Improvements, Blocks 5 and 6, Lots 3, 9, and 4 respectively.
Resolution No. 2012-266**
- 3. Resolution releasing the Maintenance Guarantee posted by Towers Street LLC, (c/o Yosef Magid), in connection with SD#1454a – Towers Street (Major Subdivision) Block 855.04, Lot 27.01.
Resolution No. 2012-267**
- 4. Resolution authorizing the Liquor License Renewal for 2012-2013, to Brothers Cantina, LLC, Liquor License No. 1514-33-001-010.
Resolution No. 2012-268**
- 5. Resolution authorizing the Liquor License Renewal for 2012-2013, to Lakewood Liquor, LLC, t/a The Vineyard, Liquor License No. 1514-33-032-015.
Resolution No. 2012-269**

- 6. Resolution declaring Default of Performance Bond of 319 Lincoln LLC, with reference to, specifically as it relates to Application Number SD#1332 – Maple Estates (Arlington Estates), Block 771, 772, and 774.01, Lots 1, 4, 5, and 10.
Resolution No. 2012-270**
- 7. Resolution releasing the Performance Guarantee posted by 319 Prospect LLC, in connection with SD#1545 (Prospect Street) Block 445, Lot 1.
Resolution No. 2012-271**
- 8. Resolution releasing the Performance Guarantee and Maintenance Guarantee posted by 910 E. County Line LLC/Yehuda Unger, in Connection with Application Number ZB# 3653 – East County Line Road (2 Story Office building), Block 208, Lots 2.01 and 2.02.
Resolution No. 2012-272**
- 9. Resolution in support of New Jersey State Legislation Proposal S1957, by Senator James W. Holzapfel, providing a “Tax Credit for Tolls.”
Resolution No. 2012-273**
- 10. Resolution awarding a contract to Earle Asphalt Company for the Freeman Road – Road Reconstruction, Curb and Sidewalk Improvements, NJDOT FY 2011 Municipal Aid Grant, Phase 2, in accordance with N.J.S.A. 40A:11-1 et. seq.
Resolution No. 2012-274**
- 11. Resolution endorsing the 2012 Transportation Enhancement Grant Application.
Resolution No. 2012-275**
- 12. Resolution authorizing the Disposal/Sale of Garbage Pails/Carts for Department of Public Works.
Resolution No. 2012-276**
- 13. Resolution approving the Amendment for the project, “Transit Connect 2”, in the amount of \$50,000.00. (UEZ – Transit Connect 2)
Resolution No. 2012-277**

- 14. Resolution authorizing the Insertion of a Special Item of Revenue into the 2012 Municipal Budget – UEZ Business Assistance Initiative II Grant, in the amount of \$100,000.00. (UEZ – Chapter 159 – Bus. Assist. Initiative II Grant)
Resolution No. 2012-278**

- 15. Resolution authorizing the Insertion of a Special Item of Revenue into the 2012 Municipal Budget – UEZ Administrative Budget Increase, from July 1, 2012, through December 31, 2012, in the. (UEZ – Chapter 159 – Admin. Budget)
Resolution No. 2012-279**

Motion by Committeeman Langert, second by Committeeman Lichtenstein, to approve Resolution Nos. 1 through 15 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Resolution Nos. 2012-265 through 2012-279 – Adopted.

ORDINANCE SECOND READING

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Public Sale of Lot 27, Block 440, in the Township of Lakewood, County of Ocean, State of New Jersey, at Open Public Sale pursuant to N.J.S.A. 40A:12-1, et. seq.

Read by title only for second reading.

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

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Ordinance No. 2012-42 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Private Sale and Conveyance of Block 485, Lot 1, Block 486, Lot 1, and Block 490, Lot 17, lying within the Township of Lakewood, County of Ocean, and State of New Jersey, pursuant to N.J.S.A. 40A:12-21, et. seq., to the Special Children Center, Inc., for consideration. (Special Children Center, Inc.)

Read by title only for second reading.

Mayor Miller 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 Committeeman Coles, second by Deputy Mayor Akerman.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Ordinance No. 2012-43 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing, and Vacating the Rights of the Public in a portion of Paper Streets known as Johnson Avenue and Blanche Street, in the Township of Lakewood. (St. Vacation – Johnson Ave. & Blanche St.)

Read by title only for second reading.

Mayor Miller 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 Committeeman Langert, second by Committeeman Coles.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Ordinance No. 2012-44 adopted on second reading.

ORDINANCE FIRST READING - None

CORRESPONDENCE AND PARKS AND EVENTS CORRESPONDENCE

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

Per list of twenty-four (24) parks/events requests, attached hereto and made a part hereof.

Committeeman Coles advised they have an issue with the first parks/events request which was for an adult soccer league. He received a phone call last week asking about a permit that had been issued. He followed up on it and it appears that the permit had been issued by Public Works and sent over to the Clerk's Office for an adult soccer league on Mondays and Wednesdays at John Patrick Park. One of the concerns that he had mentioned to the person he spoke with, as well with the Clerk, was the fact that the John Patrick fields were set aside for youth recreation, and several years ago they had made a statement that adult leagues could not play there. He looked into it a little more, and spoke with the employees at Public Works, and Phil Roux had come back to him with a couple of letters stating that those fields really need to be left for the Summer. They are used during the Spring into the Summer by the youth recreation leagues and the schools, and it starts up again in September for the Fall Leagues. If they do not allow those fields a couple of months to recuperate and be put back together again, they are going to get destroyed. What he had hoped, and he did not have the chance to speak with anyone before the meeting, was that maybe they can look at the field over at Brook Road. It does have lights. It is not irrigated, so it is not

the greatest field in the world, but as long as they are careful, and they pay close attention to the weather, those field should be able to make it through a use for a couple of times during the week for those two months. But they had done this a couple of years ago, and the teams had played in some really bad weather, and those fields got destroyed overnight. So they are going to have to pay close attention to the weather conditions if they go ahead with this. If it is OK with the Committee, and OK with the folks here, they can ask that the permit be changed over to Brook Road. Those fields have lights, but are not game condition fields, so you would not have a tournament there, but they should be fairly good to have a couple of games there during the week. He will speak with them after the meeting, as the public comment session is over. He wanted to bring this up to the Committee, and he feels bad that he did not know about this ahead of time. He thought the permit had been approved, when in reality, it had not. The initial paperwork had been given out in error. Because those fields are set aside for youth recreation only, just because of the heavy toll that adult leagues take on them. It is beyond their capability to provide the kind of attention that those fields need if they were to open them up for July and August.

Mayor Miller advised he is perfectly satisfied with the way Committeeman Coles is handling this matter, as he is the Liaison to Public Works, and he is OK with him sitting with the folks and if they come up with something they can agree on, he has his vote. They do not have to wait until the next Township Meeting, but it is something that he can reach out to Public Works to issue the permit.

Committeeman Lichtenstein and Deputy Mayor Akerman also agreed.

Committeeman Langert offered a Motion to approve correspondence items, including the request for the soccer field, subject to Committeeman Coles directing the appropriate departments as to which fields will be used. Committeeman Lichtenstein offered a second to the Motion.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.
Correspondence approved with the above condition.

MOTION TO APPROVE BILL LIST OF: 07/03/12

Motion by Committeeman Coles, second by Committeeman Langert, to approve the above Bill List.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Lichtenstein advised that at the last meeting they had discussion from the residents of County Line Manor regarding the issue of Public Works completing the paving. If you review the Minutes that were approved this evening, it says that the Committee had asked them to hold off on it. What he would like to do is to see how much money is actually left in the bond estimate so that they can communicate with them and see how they best want to use their bond estimate. He has been working on this with Deputy Mayor Akerman and he would ask that they be permitted to continue to do that.

Mayor Miller answered yes, and he thanked Committeeman Lichtenstein for taking the lead role on this, and thanked Deputy Mayor Akerman for his involvement. He was annoyed that the job continued especially after Committeeman Lichtenstein asked to put a hold on the job, but they moved ahead the next morning, and they should not have done so.

Committeeman Coles responded that after the meeting, Al Burdge from Public Works, and the gentlemen from the development were outside. Mr. Burdge pointed out the fact that they had ordered the asphalt already. If that job had not gone through, they still would have had to pay for the asphalt, and it would have gone to waste. Mr. Burdge went out there the following morning with the Township Engineer, and another Engineer, who specifically inspects paving jobs. He went through the job that was done, and he would have given that job a B+. And a lot of professional jobs done by companies that are hired, would have gotten failing grades on it. But any of the issues over there that were not right were easily rectified, and he felt that Public Works had done a decent job. The residents also agreed. He is not trying to knock the efforts here, but the reason that job went ahead was because that asphalt had already been ordered, and they would have had to throw it away. And that was something that none of them wanted to do, because the town would have had to come up with the additional money for it.

Committeeman Lichtenstein thanked Committeeman Coles, but all he is asking for is to see how much money is left in the bond. If there was \$60,000 and Public Works only spent \$20,000, and we know we have \$40,000 left, if that is more than enough to rectify the issues, and give them what they need, he asked the residents, and Deputy Mayor Akerman also asked the residents, to get together and either hire an attorney or all sign a paper as the block and lot owners, or their representative, so that they can communicate with them. He just wants to identify the funding stream that is left to do the corrections mentioned, and anything else that was outstanding on the bond.

Mayor Miller again thanked Committeeman Lichtenstein and Deputy Mayor Akerman for being on top of this matter.

Committeeman Lichtenstein further commented that he had the opportunity to talk to the members of the Committee and walk around the downtown and speak with some of the business owners, especially since he has an office in the downtown area, and he gets to walk around, and go back and forth to the Municipal Building. He thinks there are some good ideas that a lot of the downtown business owners have. There are some good traffic moving patterns they can talk about. There are ways of getting customers to move along, and certain little things that are not that strenuous on the town that can be done. He would ask that they have a meeting, between the designated Committee members and the downtown business owners, in town hall, to give the business owners the chance to hear what the Committee has in mind, and also to get their input, so they can move ahead on some of the issues. He asked this be put on the website, and perhaps through the local media, they can let the people know what date they pick.

Committeeman Langert thanked the Special Events Committee, Police Department and Public Works, for a wonderful fireworks event. Thousands of people attended. He walked around the Lake while it was going on. He thought it was a great event and he was glad they were able to do it. He wanted to thank everyone who was involved in the coordination of the event.

Deputy Mayor Akerman also commended Public Works and Public Works for a good job on the fireworks events.

Mayor Miller updated everyone on the JCPL lawsuit. He spoke with the Attorney, and they are moving forward. The Township has received shut-off notices, and he responded....let them.....that is all he has to say. They will not pay the electric bill until they get satisfactory service. There are street lights that are still out, and they are not getting satisfactory service. The tariff says that the street lights have to be repaired in a certain amount of time, but unfortunately it does not say what happens if they do not. And what precisely is happening is that they are not. And JCPL is not being penalized for it. The Township is paying for the street lights, regardless whether they are on or not. So they are moving ahead with the lawsuit. Committeeman Lichtenstein is Liaison to the Street Light Committee, and the utility bills are not being paid, and he will continue to not pay them until the Township has received a satisfactory response.

Mayor Miller further commented that he would like the Township to go out for an RFP on Animal Control. He has correspondence from the Township Attorney regarding what it costs the Township per year for Animal Control. He would like to go out for an RFP to see if they can get it done for less money. He would like to see what surrounding towns do for Animal Control, and see if they can do the same.

Mayor Miller further thanked all those who participated, especially the Police Department and Public Works, in the fireworks display. They did a fabulous job. By having it one night early, they did not have the rainstorm, and they saved in excess of \$12,000 by doing it one night early.

Mayor Miller recognized Hal Halvorsen in the audience, who is a member of the Lakewood Utilities Advisory Committee. He has assisted in the preparation of a letter to the BPU explaining the Township's situation. The Attorney has reviewed the letter, and it will be signed by Committeeman Lichtenstein, and sent out to the BPU.

Mayor Miller further congratulated the Deputy Coordinator of OEM upon the recent marriage of his daughter.

Committeeman Coles advised that unfortunately they had to postpone the Lakewood Business Expo that was scheduled for next week. They hope to have something rescheduled for the Fall, but anyone who may have been planning on attending, he apologized for the late notice, but they wanted to make sure it was a successful event, and they felt that by postponing it for a couple of months it would aid in that decision.

ADJOURNMENT

Motion by Committeeman Langert, second by Deputy Mayor Akerman, and carried, to adjourn the meeting. Meeting adjourned at 7:52 PM.