The Lakewood Township Committee held a Meeting on Thursday, June 6, 2013, in the Lakewood Municipal Building, at 5:30 PM for the Workshop Executive Session, and 7:30 PM for the Public Meeting, with the following present:

Mayor…………………………………………………….. Albert D. Akerman
Deputy Mayor………………………………………….. Steven Langert
Committee Members………………………………… Raymond Coles
Meir Lichtenstein
Menashe P. Miller
Municipal Manager…………………………………… Michael Muscillo
Deputy Municipal Manager………………………… Steven Reinman
Municipal Attorney……………………………………. Jan L. Wouters, 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, and published in the Asbury Park Press on June 5, 2013.

ROLL CALL

CLOSED SESSION
Resolution No. 2013-203 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION
Motion by Committeeman Miller, second by Committeeman Coles, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 05/23/13
Motion by Committeeman Miller, second by Deputy Mayor Langert, and carried, to approve the above Minutes.
Committeeman Coles abstained.

MOTION TO APPROVE CLOSED SESSION MINUTES: 05/23/13
Motion by Committeeman Miller, second by Deputy Mayor Langert, and carried, to approve the above Closed Session Minutes.
2013 MUNICIPAL BUDGET

ORDINANCE

Calendar Year 2013 Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank (N.J.S.A. 40A:4-45.14)

Read by title only for first reading.
The above Ordinance was offered by Committeeman Coles, second by Committeeman Miller.
On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.

Ordinance No. 2013-42 adopted on first reading. Second reading and public reading to be held on June 20, 2013.

RESOLUTION

Introduction of 2013 Municipal Budget

The Township Clerk read this Resolution into the record.

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

Resolution No. 2013-204 – Adopted.

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 Akerman opened the meeting to the public.

Walter Lucas, Newport Avenue – Wishes to purchase Township owned property on Newport Avenue. Has tried to buy a certain lot from the Township, and was sent a letter agreeing to sell the property to him, with the condition that he could not subdivide it. He thought that was unreasonable, and he did not understand it, so the deal never went through. He is asking what he can do to clarify his intent. He wants to purchase it; there is no access, his property surrounds it, and he wants to incorporate it into his current property.
Deputy Mayor Langert suggested that Mr. Lucas submit his request to the Manager to be handled as a land sale request. They will take action on it, and be in touch.

Brian Flannery – Spoke in support of Mr. Lucas’ request.

Bill Hobday, 30 Schoolhouse Lane – Congratulated Mayor Akerman on his primary victory.

Alex Libman – “I am a resident of Tent City for over three months now, and have been a resident of Lakewood Township for about three years. I am here to express an opinion on several recent news stories that have mentioned Tent City, which I believe have been inaccurate, and to help clear any false perceptions that those stories may have perpetuated. On May 29th, the Asbury Park Press reported on the sensational arrest of a forty-seven year old man driving in Manchester. This story included in its headline, repeated claims that the perpetrator was a resident of our Tent City. To the best of my knowledge neither the Police nor the press have made any effort to investigate this claim. He obviously wasn’t in the census. No one has ever presented any evidence tying that man to Tent City. No one at Tent City has ever heard of such a man, and everyone who would know believes that this claim is false. This is a perfect example of how the truth about Tent City gets distorted. No one makes an effort to gather the facts and people always assume the worst. Tent City only has a handful of bad apples among its one hundred plus residents, and they are there only because Minister Steve isn’t legally allowed to evict them. This man arrested in Manchester was not one of ours. Another misleading news story about Tent City was published in the May 30th issue of the Lakewood Voice. It mistakenly makes references to individuals who are not actually staying at Tent City like a couple of traveling campers from Texas. It uses obviously bias sources. Some people, if you buy them a bus ticket far enough will tell you anything that they think you want to hear. This story implies that Minister Steve is somehow obligated to stop being Minister Steve and start being a non-paid border guard for the benefit of Lakewood Township. The Consent Order from March, in Section 2G, clearly absolves him of any responsibility. Furthermore, as a man of the cloth, he calls himself to a higher standard of ethics. Minister Steve is not some kind of landlord. No resident pays him or anyone else a cent to stay at Tent City. Minister Steve is a respected leader in Tent City, but not a member of any hierarchy as that article claims. He is a deeply religious man who has been consistently devoted to helping the impoverished of Lakewood for more than twelve years. In his words, religious devotion to the Hebrew scriptures requires to show mercy to the poor. I personally am an atheist, but even I understand that a person like Minister Steve can not be ordered to turn people away. This article makes other misleading and inaccurate claims that I do not have the time to cover here tonight. This includes the notion that the Consent Order is somehow binding on individuals who have never signed it. Thank you for listening“.
Terry, Proud resident of Tent City – “With all due respects to the Mayor and the Committee Members, I would just like to come to the podium and express some of my concerns that I have for Tent City. The judgment was made approximately three months ago that we were going to be housed and I know that there may be a period of time where things are going to have to take their course and progress may be slow but its now been three months since the judgment and nothing, absolutely zero, has been done at Tent City. People have been taken away with heart conditions, strokes....there is a member of our Tent City that had a pacemaker put in, in the period of three months, and nothing has been done. Not one person is in a motel. Not one person is in a home. Not one person is in an apartment. So I am really, really distraught and discouraged because when I came to this first meeting I really did get a sense of hope that you gentlemen were going to be on our side and that you were going to work towards finding a resolution. However, as time progresses, I am more and more discouraged, and more and more frustrated. Thank you for your time”.

Minister Steven Brigham, Lakewood Tent City, Lakewood, New Jersey – “I am sad to say I had to raise the rent in Tent City. I had to double it. Now it is twice, two times nothing in Tent City. I have never charged anybody a penny of rent in Tent City, in fact I have never taken any money from anybody in Tent City for anything. And so again, doing what I can in Tent City to relieve the problem of homelessness. There is not a place for everybody in housing in Ocean County. Social Services are continuing and continually turning people away with no options in Ocean County. So we need that shelter in Ocean County to relieve the poor. And so if you take the rates that Social Services are spending on a single individual in a hotel room per month, and you multiply that times eighty, and you multiply it times twelve for the year.....”

Mayor Akerman – “What is the number eighty?”

Minister Steven Brigham – “Eighty is the individuals in Tent City right now....there are probably a few more right now, so we will increase the number a little bit. But it costs about a million dollars a year to house that many people with the monies that Social Services are paying the hotel owners down in Seaside. It comes out to about a million dollars a year. So, I am not tooting my horn at all, but again, because I see a need, sacrificing, staying in a tent myself, no electricity, except for a generator that runs periodically for a few reasons. But other than that, no electricity, going through the Winter, this was my fourth Winter in Tent City, this Winter, I didn’t have any wood stove in Tent City, I didn’t have any heat in Tent City. All I had was a zero rated sleeping bag....sleeping in my tent with no heat whatsoever, because I didn’t have enough time. At the end of the day, working all day long, doing what needed to be done to maintain Tent City, working all day, I didn't have time to build a fire in a wood stove. I just didn't have any time. So I did without any heat last Winter. Thank God it was a relatively mild Winter. So sacrificing, so saving the government about a million dollars last year for eighty people......million dollars, sacrificing for the cause, because there is no shelter in Ocean County. Instead of getting praise, instead of getting anybody wanting to pat
me on the back for saving them a million dollars, I get grief. And so again, I have never charged anybody a penny for living in Tent City. Nobody. Alright, so if that ever comes up again, the Police Officer goes into Tent City, and somebody tells him that story, please lets bring him up on perjury because it never happened, and never will happen as long as I can help it. So again, doing my best because there is a gap in the system, there is a major hole in the safety net, social safety net of our social system. So just stepping in the gap.....saving the government about a million dollars a year, sacrificing having no heat during the Winter. So just before there is any more harassment or persecution, or anything like that, just remember that number....a million dollars. OK. Thanks.”

Nancy Recigno, resident of Tent City – “My concern is if with the housing and all that, that you did promise as the gentlemen said, Terry, before, if the STEPS isn’t apparently working, is there a Plan B that you have?”

Mayor Akerman – “OK, so, this answers Terry’s question as well. Which the reason why I asked, the reason I asked Minister Steve why he is using the number eighty, is because that was my impression always that there were only eighty people there. That is what we were always told, there were only eighty people. We always counted more tents, and we were told it was for storage. And when we went and did the census, we have one hundred seventeen people listed, and that is after....we did not include a lot of people as well. We are not letting anyone else sign onto the census because we know those people were not there.....we have that right from the Court judgment. So we are estimating there should be well over one hundred thirty people there, but not the eighty that was always said. Which we are fine with that. But the problem is that we know there are some people that don’t belong on that census list, and we are supposed to be getting help figuring who was on and who wasn’t. And as Minister Steve said himself on the record, there are only supposed to be eighty people. So we never committed ourselves to some of the people that are on that list, and we have no way of knowing who belongs there......we have ways of knowing, but we have to sort that out before we even get started”.

Nancy Recigno – “Is that sorting out going to take another three months. Because then can’t you just start with the ones that you definitively know need it that were on it?”

Mayor Akerman – Well we have to announce it. We had to wait until it was good for everybody to do the census. We couldn’t just spring it up on everybody and show up one day when nobody was there. We could have done that, but then we would have sixteen people on the list and it wouldn’t be very costly if we had sixteen on the list. But we waited until it was good for everybody, both sides, we had to do it with Tent City’s lawyer as well, Jeffrey Wild, we had to coordinate everything, you know.....easier said than done. So he was ready to do it the entire time, Mike McNeil. It just took time until it got done”.

06/06/13
Nancy Recigno – “The census took place promptly as you said it would in the three days it did take place. But that is why we are sitting there waiting for when the rest is going to take place”.

Mayor Akerman – “The judgment was on April 10th, and we didn’t finalize the census until the end of May, and then he had to get the paperwork together. And he also.....I mean, there were a lot of little details that went into this that still are not resolved. Not all the tents are numbered as they are supposed to be. But as soon as we have everything sorted out, we will start working on it”.

Nancy Recigno – “So how long do you think.....is it going to be months, weeks, days...”

Mayor Akerman – “No, I think probably days, weeks, sure.....”

Nancy Recigno – “Because that is just longer that people have to live in an environment with temperatures increasing, no electricity, no running water, not sanitary....”

Mayor Akerman – “No, I agree. I am not happy that anyone is living there”.

Nancy Recigno – “So STEPS doesn’t look like is going to work, then maybe we should get Plan B going”.

Mayor Akerman – “No, they are going to start working on it, and then we will see if it works or not, and if it doesn’t work we may have to go to Plan B. But as of now we are hoping that STEPS does work out”.

Committeeman Lichtenstein – “May I ask a question?”

Mayor Akerman – “Sure”.

Committeeman Lichtenstein – “You are saying that STEPS doesn’t work, I mean, we are in touch with Mike McNeil and we understand that there has been a census....Mike has produced identity cards for everybody who is on the census, is working with the residents to get the tents numbered. Just a few quick questions. Is that true that Mike is....I mean, do we agree that Mike is doing that? Is he doing that?”

Nancy Recigno – “He was at the census that I saw, yes. But then from there.....”

Committeeman Lichtenstein – “Yes, and do you have a card?”

Nancy Recigno – “Yes, I do have a card. And then from there, I am hearing from different people that are going forward, that are able to go forward right now, saying that they seem to be getting the run around”. 06/06/13
Committeeman Lichtenstein – “Run around, from where?”

Nancy Recigno – “Social Services, trying to have to get a denial letter before they can get on board. I mean, Tent City has been in existence.....”

Committeeman Lichtenstein – “So....I am sorry.....just so I understand the question. So Mike is supposed to, at the outset, facilitate getting people down to Social Services and helping people work through the Social Service system. He is not going to, at the beginning, at least, he is not veered to changes, he is not Social Services, but he is hired.....people, as I am sure you know.....intake people who will help people get through the Social Service system. Is STEPS trying to get people through the Social Service system, in your opinion?”

Nancy Recigno – “In my opinion, no. Because they could have a bus to help people get there. I mean, people are homeless, that means they don't have money. So they can not afford the bus fare to get to Toms River, or different areas, even to here. People can’t walk”.

Committeeman Lichtenstein – “OK. So the issue is that there is no transportation from Tent City to the Social Service agency”.

Nancy Recigno – “.....is one of the issues, yes”.

Committeeman Lichtenstein – “So. I will tell you that last week the Mayor made some changes to that and did figure out some transportation. So you should be seeing that very, very quickly, if that is the issue”.

Nancy Recigno – “That would be good”.

Committeeman Lichtenstein – “So the issue is the transportation?”

Nancy Recigno – “As far as I am saying now, because the ball is not rolling so I don’t know if there is a problem anywhere else”.

Committeeman Lichtenstein – “Very well. Thank you”.

Mayor Akerman – “That is what we were told by Mike McNeil, and we should have it worked out within days. But thank you very much for coming forward”.

Herschel Hershkowitz, 1496 Cedar Row – Commented with regard to a Township Committeeeman’s alleged partnership in a townhouse project.

Seeing no one else wishing to be heard, Mayor Akerman 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 Approving an additional $160,000.00 of “1st. Generation” Zone Assistance funds for the 2013 Administration Budget. (UEZ) Resolution No. 2013-205

2. Resolution Authorizing the Tax Collector to Refund a Payment Erroneously Paid, in the amount of $322.60. Resolution No. 2013-206


10. Resolution Authorizing the retroactive Taxation of Block 189.03, Lot 161, and Authorizing the Tax Collector to refund Tax Overpayments in the amount of $13,846.23. Resolution No. 2013-214

11. Resolution Authorizing the Award of a Professional Services Contract to Remington, Vernick & Vena Engineers for Environmental Engineering Services related to the former Department of Public Works on 9th Street, in an amount not to exceed $20,700.00. Resolution No. 2013-215

12. Resolution Approving and Authorizing the Township to enter into a waiver of Liability and Hold Harmless Agreement with Congregation Mikvah Taharah. Resolution No. 2013-216

13. Resolution Approving and Authorizing the Township to enter into a Memorandum of Understanding, with the County of Ocean. Resolution No. 2013-217

14. Resolution Authorizing Change Order #1 to the contract Awarded to Earle Asphalt Company for the Pine Street Sidewalk and Traffic Light Improvements in the amount of $4,369.51. Resolution No. 2013-218

15. Resolution Exchanging Bond #5030007 posted by Accurate Builders LLC in connection with Application SD#1576 (Albert Avenue – Minor Subdivision), Block 1159, Lot 65. Resolution No. 2013-219

16. Resolution of the Township of Lakewood, Authorizing the issuance of Plenary Retail Consumption Liquor License No. 1514-33-049-001 to “On the Grill of Lakewood, Inc.” Resolution No. 2013-220

17. Resolution Authorizing Tax Collector to reimburse Lien Holder for subsequent Tax Payments Erroneously Collected, in the amount of $6,134.52. Resolution No. 2013-221
18. **Resolution to accept three Vehicles at no Charge from the Lakewood Township Municipal Utilities Authority.**

*Resolution No. 2013-222*

Motion by Committeeman Coles, second by Committeeman Miller, to approve Resolution Nos. 1 through 18 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles (abstained on No. 18), Committeeman Lichtenstein (abstained on Resolution Nos. 5 and 6), Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.

**Resolution Nos. 2013-205 through 2013-222 – Adopted.**

**ORDINANCE SECOND READING**

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplemenenting Chapter XVIII, of the Lakewood Township Unified Development Ordinance of 2005, Section 18-901 B (Map and Interpretation) (Chap. 18, Sec. 18-901 – M-1 to R-20 Zoning Change)

Read by title only for second reading.

Mayor Akerman 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 Lichtenstein, second by Committeeman Miller.

Mr. Wouters advised that the Planning Board, for the record, reviewed the Ordinance at its meeting of May 7th, and by letter dated May 10th, addressed to him, it indicated that they discussed the merits of the above Ordinance at their May 7th meeting, and the Planning Board was in favor of the proposed rezoning from M-1 to R-20.

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

**Ordinance No. 2013-40 adopted on second reading.**

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Private Sale of Block 467, Lots 1 and 6, in the Township of Lakewood, County of Ocean, State of New Jersey, at Private Sale pursuant to N.J.S.A. 40A:12-1 et seq.

Read by title only for second reading.

Mayor Akerman 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 Lichtenstein, second by Committeeman Miller.

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

Not Voting: Deputy Mayor Langert

**Ordinance No. 2013-41 adopted on second reading.**
ORDINANCE FIRST READING (Second reading and Public Hearing 06/20/13)

The Township Clerk removed the first two Ordinances for First Reading from the Agenda.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article X (Conditional Use Requirements), Section 18-1008 (Service Stations and Public Garages, of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XVIII, Sec. 18-1008 - Ser. Stations & Garages)

Removed from Agenda.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article IX (Zoning Districts and Regulations), Section 18-903 R (Corporate Campus/Stadium Support Zone B-6), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XVIII, Article IX, Sec. 18-903 - Zoning Districts)

Removed from Agenda.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic), Section 11-22 (Four-Way Stops) of the Revised General Ordinances of the Township of Lakewood 1999. (Chap. XI, Sec. 11-22 - Four-Way Stop)

Read by title only for first reading.

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

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

Ordinance No. 2013-43 adopted on first reading. Second reading and public hearing to be held on June 20, 2013.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic), Section 11-10.1 (Stopping or Standing Prohibited) of the Revised General Ordinances of the Township of Lakewood 1999. (Chap. XI, Sec. 11-1-1 – Stopping/Standing Prohibited)

Read by title only for first reading.

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.
Ordinance No. 2 013-44 adopted on first reading. Second reading and public hearing to be held on June 20, 2013.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XII Entitled Building and Construction of the Code of the Township of Lakewood. (Chap. XII, Sec. 12-2.1 – Construction Permit Fees)
Read by title only for first reading.
The above Ordinance was offered by Committeeman Coles, second by Committeeman Miller.
On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.

Ordinance No. 2013-45 adopted on first reading. Second reading and public hearing to be held on June 20, 2013.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article XI (Administration), Section 18-1102 (Requirements of Permits), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XVIII, Section 18-1102 – Requirements of Permits)
Read by title only for first reading.
The above Ordinance was offered by Committeeman Coles, second by Committeeman Miller.
On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.

Ordinance No. 2013-46 adopted on first reading. Second reading and public hearing to be held on June 20, 2013.

CORRESPONDENCE

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

PARKS AND EVENTS CORRESPONDENCE

Per schedule of seventeen (17) parks/events requests, attached hereto and made a part hereof.

Motion by Committeeman Lichtenstein, second by Committeeman Miller, and carried, to approve the above correspondence items, with the exception of No. 1 with regard to the Hearthstone reservation for about twenty-five Sundays, as Committeeman Miller wanted the Police Department look into this request further.
MOTION TO APPROVE BILL LIST OF: 06/04/13
Motion by Committeeman Coles, second by Committeeman Miller.
On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.
Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Coles offered a Motion that the Township Committee send a Resolution to the Governor asking him to schedule the election for the Senator on the regular day and not waste ten million dollars of taxpayers money three weeks in advance of the normal general election. There was no second to the Motion.

Committeeman Coles advised that his second item has to do with garbage cans. Right now anytime anyone needs more than one can, they basically rent the can. When they move, or do not need it any longer, the Township gives them their money back, and gets the can back. He would like to recommend that they stop that process and start selling the cans at a little more than what the Township cost is, so that they don’t have to maintain that huge back account of money that the Township can not touch. For the people they have in there, the Township should send everyone a letter asking them if they want to keep the can, and if they do, they can keep it for the fifty dollars, or whatever it is, that the Township has on hand now, as opposed to what might be a higher fee later on. And that would in essence allow the Township to free up, which he thinks is a couple hundred thousand dollars that is just sitting in a bank account right now.

Deputy Mayor Langert suggested that they have the Manager look at this and get back to them with a report.

ADJOURNMENT
Motion by Committeeman Lichtenstein, second by Committeeman Miler, and carried, to adjourn the meeting. Meeting adjourned at 8:14 PM.