

The Lakewood Township Committee held a Meeting on Thursday, December 6, 2012, in the Lakewood Municipal Building, at 5:00 PM for the Executive/Workshop 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..... 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 November 26, 2012.

ROLL CALL

CLOSED SESSION

Resolution No. 2012-417 - 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: 11/20/12

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 11/20/12

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

PRESENTATIONS

Helina Sininsky – Retirement

Mayor Miller paid tribute to Helina Sininsky on the occasion of her retirement after twenty-five years of employment with the Township.

Louis Roman

Mayor Miller presented a Proclamation to Louis Roman in recognition of his service as a volunteer at community events.

Ervin Oross – CDBG

Mr. Oross presented checks to the recipients of the Community Development Block Grants.

Lakewood Development Corporation – Storm Relief

Moshe Weisberg, Treasurer of the LDC, and Trish Komsa, Executive Director of the LDC, advised they allocated over one million dollars in micro-loans, in the form of ten year loans for up to \$35,000, to inject cash into some of the businesses that were affected by Hurricane Sandy, to help them get back on their feet after the storm.

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.

Gerry Ballwanz, Governors Road – Asked when the land sale will be rescheduled. And asked if this is the last meeting of the year.

Mr. Wouters responded that the land sale has not as yet been rescheduled, but will be some time in the future.

Mayor Miller advised that the next meeting is December 20th.

Mrs. Ballwanz also commented with regard to the placement of the Agenda on the website.

Walt Loehren – Commented regarding the turning lanes on Kennedy Boulevard and Route 9.

_____ Pietrokovski, 23 Tuscany Terrace – Commented on the purchase and approvals for his property.

Seeing no one else 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 Releasing the Maintenance Guarantee posted by, Joseph E. Lucas, SD# 1571, Walter Lucas Subdivision, (Bellevue/Newport Ave.), Block 499, Lot 19.
Resolution No. 2012-418**
- 2. Resolution Reducing the Performance Guarantee, (First Reduction), posted by S & H Builders Inc., in connection with ZB# 3676, (Aspen Road Subdivision), Block 548.01, Lots 85, 289, and 290.
Resolution No. 2012-419**
- 3. Resolution Releasing the Performance Guarantee posted by, S & H Builders, in connection with SD# 1708 (Hope Chapel Road), Block 2.01, Lot 25.
Resolution No. 2012-420**
- 4. Resolution Reducing the Performance Guarantee (First Reduction), posted by Tuscany I LLC, in connection with SD# 1433C (East County Line Road), Block 208.01, Lot 19.
Resolution No. 2012-421**
- 5. Resolution Authorizing the Advertisement for and Solicitation of Proposals for Township Attorney, Township Planner, Township Engineer, Township Auditor, Real Estate Appraisal Services, Municipal Prosecutor, Special Counsel – Tax Appeals/Exemptions, Bond Counsel, Special Counsel, and Labor Counsel.
Resolution No. 2012-422**

- 6. Resolution Reducing the Performance Guarantee, (First Reduction), posted by White Street Developers LLC, in connection with SD# 1681 Cory Acres (Oak Glen Estates) – Phase 1, for Block 251, Lots 1, 2, 3, 10, 12, 12, 13.01 and 15.
Resolution No. 2012-423**
- 7. Resolution authorizing Appropriation Transfers in the 2012, Municipal Budget, in the amount of \$178,500.00.
Resolution No. 2012-424**
- 8. Resolution Authorizing the Lakewood Tax Collector to Credit the Account of Block 430, Lot 60 for the Years of 2009, 2010, and a portion of 2011, and Cancel any Outstanding Balances.
Resolution No. 2012-425**
- 9. Resolution Authorizing the Tax Collector to Cancel any Accrued Penalties, and Interest Due on Block 1601, Lot 4, for the Year 2011.
Resolution No. 2012-426**
- 10. Resolution Authorizing the Award of a Professional Services Contract to Remington & Vernick Engineers for Project Cost Estimates: Sidewalks – Various Locations, in the amount of \$7,725.00.
Resolution No. 2012-427**
- 11. Resolution Authorizing the Award of a Professional Services Contract to Remington & Vernick Engineers for Conceptual Plan: Route 9 Roadway Widening, in the amount of \$11,425.00.
Resolution No. 2012-428**
- 12. Resolution Authorizing the Award of a Professional Services Contract to Remington & Vernick Engineers for Conceptual Plan – Route 9 Pavement Markings, in the amount of \$8,835.00.
Resolution No. 2012-429**
- 13. Resolution Authorizing the Award of a Professional Services Contract to Remington & Vernick Engineers for MEP Engineering Services for ADA Restroom Renovations at the Lakewood Municipal Building, in the amount of \$25,500.00
Mayor Miller removed this Resolution from the Consent Agenda, and was not voted on.**

- 14. Resolution Approving a Medical Leave of Absence, without pay, For Ricardo Cruz Jr., beginning November 28, 2012.
Resolution No. 2012-430**
- 15. Resolution Authorizing participation in the Safe and Secure Communities Program of the Sate of New Jersey, Department of Law and Public Safety, Division of Criminal Justice.
Resolution No. 2012-431**
- 16. Resolution Authorizing the Execution of a Schedule "C" Agreement with the County of Ocean for 2013.
Resolution No. 2012-432**
- 17. Resolution Releasing the Performance Guarantee posted by K-Land Corporation, in connection with Application ZB# 3677, and SP# 1877 (Route 70), Block 1077, Lot 21.
Resolution No. 2012-433**
- 18. Resolution authorizing Refund of Taxes on Mother Lot due to subdivision, Block 236, Lot 10.01, in the amount of \$2,462.95.
Resolution No. 2012-434**
- 19. Resolution authorizing refund of Taxes on Mother Lot due to subdivision, Block 236, Lot 8, in the amount of \$2,645.69.
Resolution No. 2012-435**
- 20. Resolution authorizing a Refund based on a State Tax Appeal, Block 90, Lot 8, in the amount of \$5,997.18.
Resolution No. 2012-436**
- 21. Resolution authorizing the Tax Collector to Refund a Double Payment, Block 415, Lot 10, in the amount of \$1,994.60.
Resolution No. 2012-437**
- 22. Resolution authorizing Refund of Taxes on Mother Lot due to Subdivision, Block 524, Lot 3.02, in the amount of \$5,471.62.
Resolution No. 2012-438**
- 23. Resolution authorizing the Tax Collector to Refund Erroneous Payment, Block 524.21, Lot 3, in the amount of \$1,196.89.
Resolution No. 2012-439**

- 24. Resolution authorizing the Tax Collector to Refund a Payment Erroneously Paid, Block 855.01, Lot 3, in the amount of \$1,435.00. Resolution No. 2012-440**
- 25. Resolution authorizing Refund of Taxes on Mother Lot due to Subdivision, Block 763, Lot 2, in the amount of \$1,533.17. Resolution No. 2012-441**
- 26. Resolution authorizing a Refund based on a State Tax Appeal, Block 189, Lot 105, in the amount of \$20,691.00. Resolution No. 2012-442**
- 27. Resolution authorizing Refund of Taxes on Mother Lot due to Subdivision, Block 11.01, Lot 16, in the amount of \$2,865.88. Resolution No. 2012-443**
- 28. Resolution authorizing Refund of Taxes on Mother Lot due to Subdivision, Block 11.01, Lot 14, in the amount of \$2,768.27. Resolution No. 2012-444**
- 29. Resolution authorizing the Tax Collector to Refund a payment Erroneously Paid, Block 855.06, Lot 31.03, in the amount of \$346.80. Resolution No. 2012-445**
- 30. Resolution authorizing Tax Collector to Reimburse Lien Holder for Certificate Erroneously Sold at Tax Sale with Legal Interest, Block 855.01, Lot 25.02, in the amount of \$44.38. Resolution No. 2012-446**
- 31. Resolution authorizing a Refund of Taxes for 2012 pursuant to N.J.S.A. 54:4-3.30 et seq., Block 1449, Lot 10.01, in the amount of \$2,109.52. Resolution No. 2012-447**

Motion by Committeeman Coles, second by Committeeman Langert, to approve Resolution Nos. 1 through 12 and 14 through 31 on the Consent Agenda.

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

Resolution Nos. 2012-418 through 2012-447 – Adopted.

Committee Lichtenstein commented regarding the matter of looking into the need for a private contractor to do the streets because Public Works is not keeping up with it. And they needed to look into the fact that if they were actually reimbursable by FEMA for outside contractors passed the thirty days, which he believes is up to six months. He asked if they need to pass any sort of Resolution that they would want to go to an

outside contractor for help, or can Public Works and the Manager decide on their own. Because if they find out tomorrow that they can, he does not want to wait until the 20th if they decide to go ahead with it.

Mr. Wouters responded that they can go ahead and do that.

Committeeman Lichtenstein asked if that is without a Resolution.

Mayor Miller suggested they make a Motion in order to have a consensus of the Committee.

Committeeman Lichtenstein offered a Motion that they strongly consider, after a very quick assessment over the next two working days, that by Monday they make a decision as to whether or not they are going to use a private contractor. And that they do not use a private contractor that they need to go out to bid for; they should use a private contractor that has already been bid by the County, and do it through the County.

Committeeman Langert offered a second to the Motion, for purposes of discussion.

Committeeman Langert asked that the Motion be amended that they are going to pass a Resolution authorizing and supporting the Manager in making such a decision if he feels such a decision is necessary.

Committeeman Lichtenstein added, in conjunction with their Public Works Liaison and Mayor.

Mr. Wouters added that at the last meeting, the Committee adopted a Resolution authorizing a Shared Services Agreement with the County to utilize their State Contract for that kind of clean up work. So he is assuming the Committee is talking about that, and not a different third party agreement.

Committeeman Lichtenstein responded yes, that is what he is talking about. But he is directing it specifically for Public Works to evaluate and make the decision by Monday.

Mr. Wouters agreed.

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

ORDINANCE 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 a Paper Street known as Halsey Street, in the Township of Lakewood. (St. Vacation – Halsey 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 Coles, second by Committeeman Langert.

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

Ordinance No. 2012-64 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 a Paper Street known as East Kennedy Boulevard, in the Township of Lakewood. (St. Vacation – E. Kennedy Blvd.)

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Gerry Ballwanz, Governors Road – Stated this was discussed several months ago, about vacating Kennedy Boulevard. She asked if this was just a small piece of land or was it the whole length of East Kennedy Boulevard that the County had relinquished their rights and returned it to Lakewood.

Mr. Wouters responded that the Township requested the County relinquish their right-of-way for the entire section of Kennedy Boulevard East from Squankum Road to the Township line. And the County, in response to that request, released their right-of-way interest in only that section of Kennedy Boulevard from Apple Street to Brook Road.

Mrs. Ballwanz stated that the Ordinance is only to the railroad tracks.

Mr. Wouters responded that is correct. This is only part of it.

Mrs. Ballwanz asked if the Township is the owner of the land that is not built upon.

Mr. Wouters responded no. There was a road that existed that was a Township right-of-way, that was probably about fifty feet wide. The County came in and created a one hundred twenty foot right-of-way. The County has now relinquished their one hundred twenty foot right-of-way. The Township is now evaluating what it is going to do with Kennedy Boulevard for that entire section. This happens to be a small section from

Apple Street to the railroad tracks that is going to be realigned and turned into a cul-de-sac. The Township is going to look at these piece by piece as they go through it. Some of them will continue to be public roads. Some of them will not be public roads.

Mrs. Ballwanz asked so at this point, it is up to Brook Road?

Mr. Wouters stated that this Ordinance only deals with the section of Kennedy Boulevard from Apple Street to the railroad tracks. The County has released their interest from Apple Street to Brook Road.

Mrs. Ballwanz stated that the only thing with this particular section is that there is so much building going on in her part of town, with that short North Apple Street, and now there is going to be townhouses going up, and it is part of this land that is now going to be incorporated, which may include more townhouses. Her concern is increasing the whole density in the County Line Road section of Lakewood.

Seeing no one else 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 Langert, Deputy Mayor Akerman and Mayor Miller.

Not Voting: Committeeman Lichtenstein

Ordinance No. 2012-65 adopted on second reading.

ORDINANCE FIRST READING - None

CORRESPONDENCE

Per list of one (1) correspondence item, attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to approve the above correspondence.

MOTION TO APPROVE BILL LIST OF: 12/04/12

Motion by Committeeman Coles, second by Committeeman Lichtenstein.

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

Bill List approved.

Mayor Miller commented on the placement of the Agenda on the website. He stated if the Agenda goes on the website too early, and they add things on after that, people say that they have "snuck something in". Literally, ten minutes before this meeting they still had one more Resolution that the Clerk just gave him.

Mayor Miller continued that they do have a Resolution which is being requested by the LDC for their operating Budget. This would be a Resolution from the Township to appropriate the Zone Project Administration Budget for 2013 for three months, for the sum of \$120,000, together with a Chapter 159 Resolution in connection with this matter.

A Motion for these Resolutions was offered by Deputy Mayor Akerman, second by Committeeman Lichtenstein.

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

Resolution Nos. 2012-448 and 2012-449 - Adopted

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Lichtenstein wished everyone Happy Hanukkah.

Committeeman Coles wished everyone Happy Hanukkah.

Mayor Miller wished everyone a Happy Holiday.

ADJOURNMENT

Motion by Committeeman Lichtenstein, second by Deputy Mayor Akerman, and carried, to adjourn the meeting. Meeting adjourned at 8:38 PM.