

**The Lakewood Township Committee held a Meeting on Thursday, September 6, 2012 in the Lakewood Municipal Building, at 6:30 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, 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. 2012-327 – 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: 08/16/12**

Motion by Deputy Mayor Akerman, second by Committeeman Lichtenstein, and carried, to approve the above Minutes.

Committeeman Coles did not vote.

**Minutes approved.**

**MOTION TO APPROVE CLOSED SESSION MINUTES: 08/16/12**

Motion by Committeeman Langert, second by Committeeman Lichtenstein, and carried, to approve the above Closed Session Minutes.

Committeeman Coles did not vote.

**Closed Session Minutes approved.**

## **PRESENTATIONS**

### **Carol Andrews - Employee of the Month**

Mayor Miller presented Carol Andrews with the Employee of the Month award for September 2012.

## **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.

Alice Kelsey, 295B Malvern Court East – Asked for an explanation on the Ordinance applying Title 39 regulations to the streets in Leisure Village East; asked what does that mean and does it mean that the streets will be dedicated and open to the public.

Mr. Wouters explained that this Ordinance has nothing to do with the streets being made public streets. They remain private streets. This is a process under which the Township, at the request of the development, can have the police come in and patrol private streets, which otherwise they could not do because they are private streets. By this process, the Township sends this Ordinance to the Department of Transportation and that would allow the Lakewood Police Officers to go in and police the streets.

Mrs. Kelsey asked if the town will be getting additional officers.

Mr. Wouters responded that he does not think that this contemplates that.

Mayor Miller added that officers have always been in this area, however, they have not been permitted to write summonses in that area. All this Ordinance is doing is making those roadways eligible to be enforced by the Police Department.

Walt Loehren – Commented regarding the problem with the turning arrows at County Line Road and Route 9.

Noreen Gill, 192 Coventry Drive – Commented regarding traffic problems on Route 9 north, where people are making left turns on Route 9 into the shopping center.

Jason Sachs, 1B Daisy Court – Commented regarding parking problems on Oak Street in the Industrial Park.

Gerry Ballwanz, Governors Road – Commented regarding a legal ad item to be heard at a Planning Board Meeting concerning the Master Plan Re-Exam Report, an amendment to the Land Use Element, adoption of the Lakewood Smart Growth Plan. The Ad says there will be a public hearing, but it is listed under “Discussion” on the Planning Board Agenda for September 11th, and not listed as a Public Hearing. She asked if it is supposed to be an actual Public Hearing with comments from the public, as the legal ad states. Or is it just a discussion by the Planning Board, without input from the public.

Mayor Miller responded that any discussion at the Planning Board has to be done publicly.

Mr. Wouters explained there may have been an error in the preparation of the Agenda. If it was noticed as a public hearing, then he is sure there will be a public hearing. He will check with the Planning Board to make sure it is correctly listed on the Agenda.

Mrs. Ballwanz also commented on Ordinances to be reviewed by the Planning Board prior to the adoption by the Township Committee.

Brian O’Shea, Hopewell Township – Commented regarding the Resolution for the re-advertisement for the garbage truck bid. He explained that the bids originally went out in January, and his company was the lowest responsible bid, but all bids were rejected. It was re-bid in July, and his company again was the lowest responsible bidder. He has not been able to get any other information, except for the rejection of the bids by Resolution on this evening’s Agenda. He does not understand why the bids are again being rejected.

Mayor Miller responded that he will ask the Committee to possibly carry this Resolution for another meeting, in order to find out the reason for the rejection of the bids.

Dana \_\_\_\_\_, Cathedral Drive – Advised that his family has been part of this community for the past fifty-seven years, wherein his family has owned a home on Cathedral Drive. For the first forty-seven years, they did not know there was an Inspection Department. Lately, he can count on once a year, every year, getting a summons for his grass being too high. Every time he asks for someone to show him, no one shows him. He took pictures of his property today, after once again receiving a summons. He would love for the Committee to come out to his house tomorrow morning and tell him where his grass is too high. Now he is being told there is debris in his yard. He has complained about other violations in his neighborhood, and was told he has to prove there is something wrong before the inspector will come out. But he continues to be harassed over grass. He has begged the inspector to come to his house and look at his property. He gets compliments from neighbors about how nice his property looks. He asked the Committee for help; this is starting to get on his nerves.

Deputy Mayor Akerman asked him to stay until the end of the meeting so he can make a copy of the summons so he can look into the matter.

David Baker, Cathedral Drive – Claimed he receives the same summons. He has also called the Inspection Department, and it pertains to part of the property that has been purchased by, and is owned by the County. The property is not his to maintain.

Mayor Miller asked what happened when he called the inspector.

Mr. Baker said they were aware of it, and to forget about the summons. But yet, every few months he receives a summons. Even during the snow storms, he received a summons because the piles of snow, at the corners of each driveway, were way too high.

Deputy Mayor Akerman asked Mr. Baker to wait for the end of the meeting so he can get a copy of the summons, so he can look into this matter also.

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.

Mayor Miller asked for a Motion to remove Resolution No. 8 from the Consent Agenda.

Committeeman Langert asked that before the Resolution is removed, that an explanation be provided by the Township Attorney as to the reason for the bids to be rejected.

Mr. Wouters explained that this matter has been reviewed by the Purchasing Agent, the Township Attorney, and the Township Manager, and as a result of a conference call, and written confirmation to the Township Attorney and Township Manager today, from the Purchasing Agent, indicating that there were irregularities in the way the specifications were put together, and there was no alternative at this point, but it does need to be re-bid. And so, based on this written recommendation, that is why this Resolution has been prepared. He would ask that the Resolution not be removed. The quicker they reject the bids, and it go out for re-bid, the quicker they will get the trucks.

Mayor Miller responded that is a fabulous explanation, and he wished he would have known it five minutes ago, because the gentlemen walked out thinking the Committee was going to pull the Resolution from the Agenda.

Mr. Wouters responded that he will explain it to him.

Mayor Miller stated he does not feel comfortable with that.

Mr. Wouters checked to see if the gentleman was still in the building, but was unable to find him.

Committeeman Langert stated that they can have Mr. Wouters call him tomorrow.

Mayor Miller left the decision up to the Committee whether or not to carry the Resolution or not.

- 1. Resolution authorizing the Tax Collector to Refund Payment, double payment, in the amount of \$1,822.29.  
Resolution No. 2012-328**
- 2. Resolution reappointing Mary Ann Del Mastro Township Clerk.  
Resolution No. 2012-329**
- 3. Resolution authorizing the Lakewood Township Tax Collector to refund Tax Overpayments due to State and County Tax Appeals.  
Resolution No. 2012-330**
- 4. Resolution authorizing a Refund based on a State Tax Appeal, in the amount of \$127,248.66.  
Resolution No. 2012-331**
- 5. Resolution releasing the Maintenance Guarantee posted by Masters at Fairway, LLC, SP# 1875 - Fairways at Lake Ridge Clubhouse Expansion, Block 524.01, Lot 1.  
Resolution No. 2012-332**
- 6. Resolution authorizing the Tax Collector to Refund Payment, Double Payment, in the amount of \$848.98  
Resolution No. 2012-333**
- 7. Resolution authorizing the Tax Collector to Refund Payment, Double Payment, in the amount of \$1,075.30.  
Resolution No. 2012-334**

8. **Resolution authorizing the rejection of all Truck Bids and Authorization of Re-Advertisement for new bids.  
Motion by Committeeman Coles, second by Committeeman Lichtenstein, that this Resolution be carried.  
On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Akerman and Mayor Miller.  
Negative: Committeeman Langert  
Resolution carried.**
9. **Resolution appointing Members to the Lakewood Heritage Commission.  
Resolution No. 2012-335**
10. **Resolution supporting the passage of S1502/A392 also known as “Peggy’s Law”.  
Resolution No. 2012-336**
11. **Resolution appointing Aivar Rannamyae as Deputy Tax Assessor for a Four Year Term.  
Resolution No. 2012-337**
12. **Resolution authorizing the Execution of a Change Order in connection with the project known as Swarthmore Avenue Water Main and Drainage Repair, in the amount of \$65,000.00.  
Resolution No. 2012-338**
13. **Resolution canceling the sale to “On The Grill of Lakewood, Inc.’, of a Class C Plenary Retail Consumption Liquor License.  
Resolution No. 2012-339**
14. **Resolution declaring Default of Performance Guarantee of Pine Grove Development LLC, SD#1481 – Woodlake Greens – Pine Street and Warren Avenue, Block 768, Lots 43, 78, 82, and 83.  
Resolution No. 2012-340**

Motion by Committeeman Coles, second by Committeeman Lichtenstein, to approve Resolution Nos. 1 through 7 and 9 through 14 on the Consent Agenda.

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

**Resolution Nos. 2012-328 through 2012-340 – Adopted.**

## **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 of a Portion of Davis Road, in the Township of Lakewood. (St. Vacation – Portion of Davis Road)**

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 Lichtenstein.

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

**Ordinance No. 2012-53 adopted on second reading.**

## **ORDINANCE FIRST READING (Second reading and Public Hearing 09/20/12)**

### **Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of New Lot 12.01 in Block 119, 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 first reading.

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. 2012-54 adopted on first reading. Second reading and public hearing to be held on September 20, 2012.**

### **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Exchange of Certain Lands within the Township of Lakewood, in particular, the Township of Lakewood to acquire Block 1044, Lot 7, Block 1009, Lot 1.08, and Block 1123, Lot 8, plus additional consideration, and the Township of Lakewood to Convey Block 769, Lot 16, as part of an Exchange of Lands pursuant to N.J.S.A. 40A:12-16**

Read by title only for first reading.

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. 2012-55 adopted on first reading. Second reading and public hearing to be held on September 20, 2012.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey Making the Provisions of Subtitle One of Title 39 with Various Traffic Regulations Applicable to Leisure Village East and Regulating the use of said Roadways, Streets, Driveways, and Parking Lots by Motor Vehicles.**

Read by title only for first reading.

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

Committeeman Lichtenstein asked if this request was received from the Association.

Mr. Wouters responded yes. There was a written request from the Leisure Village East Association.

Mayor Miller asked that the letter is attached to this Ordinance.

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

**Ordinance No. 2012-56 adopted on first reading. Second reading and public hearing to be held on September 20, 2012.**

**CORRESPONDENCE – PARKS/EVENTS**

Per schedule of six (6) parks/events requests, attached hereto and made a part hereof.

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

**MOTION TO APPROVE BILL LIST OF: 09/04/12**

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 he, along with Deputy Mayor Akerman, had a public forum regarding the downtown. They had a few people attend, but they did depend on a lot of the e-mails and contacts that he has in the downtown area. He did ask the Township Attorney to prepare the Ordinances for this meeting. They were complicated so he advised he would have them for the next meeting for the Committee's consideration.

Mayor Miller advised that Lakewood Township, in conjunction with the Lakewood Clergy's Association, will hold a 9-11 Memorial Ceremony at 12 Noon on September 11<sup>th</sup> at the Library.

**ADJOURNMENT**

Motion by Committeeman Coles, second by Deputy Mayor Akerman, and carried, to adjourn the meeting. Meeting adjourned at 8:23 PM.