

**The Lakewood Township Committee held a Meeting on Thursday, June 16, 2011, 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.....Steven Langert**  
**Committee Members.....Albert D. Akerman**  
**Raymond Coles**  
**Meir Lichtenstein**  
**Municipal Manager.....Michael Muscillo**  
**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 7, 2011 and published in the Asbury Park Press on January 10, 2011.**

**ROLL CALL**

**CLOSED SESSION**

**Resolution No. 2011-159 - Adopted**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 05/26/11**

Motion by Committeeman Lichtenstein, second by Committeeman Akerman, and carried, to approve the above Minutes.  
Committeeman Coles abstained.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 05/26/11**

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

## **PRESENTATIONS**

Mayor Miller and Committeeman Coles presented Joe DiMattina with a Proclamation in recognition of his outstanding dedication and commitment to the community.

Committeeman Coles also advised that the installation of additional street lights along Locust Street will begin soon.

## **2011 MUNICIPAL BUDGET HEARING - FINAL ADOPTION**

Mr. Muscillo opened the Budget hearing on the final adoption of the 2011 Municipal Budget. He advised there is no tax increase this year in this Budget. He asked if anyone had any questions, to please come forward.

Gerry Ballwanz, Governors Road – Stated that with regard to income, the Township was supposed to be getting some money from Pine River Development....\$850,000.00 as part of an Agreement. She asked how much of that money, if any, has been given to the Township.

Mr. Muscillo advised that funding was received at the end of last year.

Alice Kelsey, 295B Malvern Court East – Asked if this Budget provides for the replacement of any of the officers that were lost this year.

Mr. Muscillo advised there is money in the Budget for potential new hires.

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

Committeeman Lichtenstein complimented Mayor Miller and Deputy Mayor Langert for their work on this Budget. It was presented with a zero tax levy increase, where surrounding towns are implementing furloughs, and are dealing with unsettled contracts, and there is no reduction in services for the town. He also thanked the Township employees, who have been working hard to get the work done, with less support staff.

Committeeman Coles stated it is a testament to the Township that they are able to maintain services without raising taxes again this year. The Township of Lakewood should be very proud of the hard work that the Mayor and Deputy Mayor and all of the Committee members put in. He also thanked Mr. Muscillo for his diligence and hard work.

Mr. Muscillo thanked Bill Rieker, for the immense amount of work put into this Budget.

The Committee members recognized and thanked Mr. Rieker.

Committeeman Akerman commended Deputy Mayor Langert and Committeeman Lichtenstein for their hard work.

Deputy Mayor Langert advised they are very fortunate to be able to pass a Budget that does not increase the tax rate, and does not impact services they deliver to the residents.

Committeeman Akerman publicly thanked Mr. Muscillo for carrying everything out, without having the money to do so. He faces a lot of pressure on a daily basis, and he does his job with a smile, and definitely deserves recognition.

Motion by Deputy Mayor Langert, second by Committeeman Coles.

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

**2011 Municipal Budget Resolution No. 2011-160 – Adopted.**

#### **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.

Bill Hobday, 30 Schoolhouse Lane – Commended the Committee on the Municipal Budget. Also commented on the traffic improvements along Route 9, from County Line Road to Highway 88; the presentation by Deputy Mayor Langert and Mr. Seeger at the Fairways, answering all questions regarding tax assessments and market value of their properties, and the Municipal Budget; and commended Joe DiMattina on his Award this evening.

David Drukaroff, 1433 Laurelwood Avenue – Read an article from the New York Times.

David Zal, 1214 Central Avenue – Commented regarding the subject of a structure being built next door to his house. Thanked the Committee for their help in resolving a problem with the construction.

Shmuel \_\_\_\_\_, 912 Park Terrace – Voiced a complaint about NJ American Water Company. Starting with his March bill, the company started charging him sewer service and volume, these extra charges are over \$90.00 more each month. He called customer service and explained he had a septic system, and they do not use city

sewers. The mistake was acknowledged and he was advised that the problem would be corrected on the next bill. He received a letter in April, wherein NJ American Water Co. advised that the sewer charges were correct. Again, he called customer service, and was promised the problem would be corrected on the next bill. The same problem continued on his May bill, and he again called customer service. At that time, he was told that someone would come out to see if he was connected to city sewer, and the problem would be corrected on the next bill. On May 21, the company again stated that the sewer charges were correct. On May 25<sup>th</sup>, NJ American Water Co. sent a letter of discontinuation of service, Final Notice. He called on June 2<sup>nd</sup>, and he was told that he was connected to city sewer, and that someone had come out and confirmed it. He advised that he was obviously not present when they came out to his property. He was told that city sewer connections were installed in February 2011, but there was no evidence of these installations. He was told that everyone must have city sewer, and that there was a new State Law mandating that every New Jersey resident must be connected to city sewer and could no longer have septic. He was also told there was a Township Ordinance mandating that everyone must have city sewer, and may no longer have a septic system. And therefore they could collect the charges, and they will shut off the water if he does not pay the fees. He investigated further, and found out it was false. He received a bill today, along with his two neighbors, who also have septic systems, but they are not charged for sewer. He had to pay \$182 this week to avoid the shut-off of his water. He asked for assistance from the Committee in this matter.

Mayor Miller advised that other residents have come forward recently with water bill issues. He asked what is going on with NJ American Water Co. He asked that the Manager look into this, even though it is not the Township water company. It is ridiculous that the water company claims there is a Township Ordinance that they can charge for sewer that he does not even have. He asked for copies of the information so this matter can be taken care of.

Committeeman Lichtenstein asked that the Manager or Attorney formulate a memo to the resident indicating that as far as they know, there is no State Law or any Township Ordinance that requires you to be tied into city sewer, and they have every right to have a septic system. He also asked that the Engineering Department, or Attorney through the Engineering Department, verify that he in fact has a septic system. Then he can provide that letter, on Township letterhead, to NJ American Water Co.

Deputy Mayor Langert also advised he would contact the President of NJ American Water, and find out who they can contact with regard to this matter.

Mayor Miller advised there are two water companies in town, the NJ American Water Co., and the Lakewood Township Municipal Utilities Authority, who mostly takes care of the east side of town.

Moshe Raitzik, 166 North Crest Place – Commended the Committee on their actions regarding the attempt by the Postal Service to close the downtown Post Office. Also commented with regard to the Resolution concerning the fireworks display; it references two different dates, and should be corrected to read that the display date is July 3<sup>rd</sup>.

Gerry Ballwanz, Governors Road – Asked when the Agenda is supposed to appear on the Township website. Also, complained about the new units being built on Pine Street. Also asked how the new tree Ordinance is being enforced with all the construction, and the sale of Township land for construction purposes.

Mayor Miller explained that the Agenda will be posted on Thursdays, before the meeting, as changes are being made up until the last minute.

Noreen Gill, 192 Coventry Drive – Commented with regard to the closing of the Post Office. Also commented with regard to construction and the removal of trees.

Alice Kelsey, 295B Malvern Court East – Commented with regard to the construction of identical units. Also commented with regard to Resolutions for the renewal of liquor licenses; the posting of the Agenda on the website in draft form; spoke in support of the hiring of more police officers; and the subject of affordable rental housing.

Bill Hobday – Advised that the NJ American Water Co. had asked for a rate increase, and there was a hearing this week. He attended the meeting to testify against it, as did Senator Singer. Complained about minimum water usage charges for 2,000 gallons per month.

Mayor Miller asked that Mr. Reinman reach out to Mr. Hobday to get the information concerning the rate increases.

Fred Rush, 2021 Madison Avenue – Complained about traffic congestion in town; suggested the installation of turn signals along Route 9.

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

Mayor Miller acknowledged the presence of Mr. Aspercolis this evening who has proposed to bring a Farmers Market to Lakewood on Sundays.

## **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 providing for the financing of a Special Emergency Appropriation of the Township of Lakewood, in the County of Ocean, New Jersey by the issuance of Special Emergency Notes of the Township.  
Resolution No. 2011-161**
- 2. Resolution reducing the Performance Guarantee, (first reduction), posted by 319 Sunset LLC, in connection with ZB#3561A (James St.), Block 345, Lot 9, from 111,016.00 to \$54,946.00.  
Resolution No. 2011-162**
- 3. Resolution reducing the Performance Guarantee, (fourth reduction), posted by Somerset PRV LLC, in connection with SD#1430 A/B and D, (Pine River Village and Somerset Walk), for Block 830.01, Lots 10-25; Block 830.02, Lots 1-39; Block 830.03, Lots 1-20; Block 830.04, Lots 1-47; Block 830.05, Lots 1.01-24.01; Block 830.06, Lots 1-10; and Block 830.07, Lots 1-34, from \$2,485,290.00 to \$1,340,090.00.  
Resolution No. 2011-163**
- 4. Resolution authorizing the Liquor License Renewal for 2011-2012, for Charlie Brown's of Lakewood, Inc. Debtor in Possession, Liquor License No. 1514-33-018-005.  
Resolution No. 2011-164**
- 5. Resolution authorizing the Liquor License Renewal for 2011-2012, for Country Club Caterers, Inc, Liquor License No., 1514-33-009-005.  
Resolution No. 2011-165**
- 6. Resolution authorizing the Liquor License Renewal for 2011-2012, for J.K. Mart, Inc., Liquor License No. 1514-33-035-008.  
Resolution No. 2011-166**
- 7. Resolution authorizing the Liquor License Renewal for 2011-2012, for Kimball Diner and Restaurant, Inc., t/a Chianti Ristorante, Liquor License No. 1514-33-010-003.  
Resolution No. 2011-167**
- 8. Resolution authorizing the Liquor License Renewal for 2011-2012, for Kokes Fairways, LLC, t/a Eagle Ridge Golf Club, Liquor License No. 1514-33-025-009.  
Resolution No. 2011-168**

- 9. Resolution authorizing the Liquor License Renewal for 2011-2012, for Laketon Associates, Inc., Liquor License No. 1514-33-034-004. Resolution No. 2011-169**
- 10. Resolution authorizing the Liquor License Renewal for 2011-2012, for Lakewood Liquors, LLC, t/a The Vineyard, Liquor License No. 1514-33-032-015. Resolution No. 2011-170**
- 11. Resolution authorizing the Liquor License Renewal for 2011-2012, for Leiserv Inc., t/a Brunswick Lakewood Lanes/Finnegan's Liquor License No. 1514-33-031-006. Resolution No. 2011-171**
- 12. Resolution authorizing the Liquor License Renewal for 2011-2012, for Matrix/Woodlake LLC, t/a Woodlake Golf and Country Club, Liquor License No. 1514-33-029-006. Resolution No. 2011-172**
- 13. Resolution authorizing the Liquor License Renewal for 2011-2012, for Ocean Lanes, Inc., Liquor License No. 1514-33-014-008. Resolution No. 2011-173**
- 14. Resolution authorizing the Liquor License Renewal for 2011-2012, for Rare Hospitality International, LLC, t/a Longhorn Steakhouse, Liquor License No. 1514-33-007-010. Resolution No. 2011-174**
- 15. Resolution authorizing the Liquor License Renewal for 2011-2012, for Ruby Tuesday, Inc., Liquor License No. 1514-33-012-006. Resolution No. 2011-175**
- 16. Resolution authorizing the Liquor License Renewal for 2011-2012, for ADI Spirits, Inc., t/a Pine Cone Liquors, Liquor License No. 1514-44-023-005. Resolution No. 2011-176**
- 17. Resolution authorizing the Liquor License Renewal for 2011-2012, for Jay Prabhu, Inc., t/a Rite Liquors, Liquor License No. 1514-44-013-004. Resolution No. 2011-177**

- 18. Resolution authorizing the Liquor License Renewal for 2011-2012, for Joseph E. Stephens, Inc., t/a Gerard's Liquor Store West, Liquor License No. 1514-44-003-007.  
Resolution No. 2011-178**
- 19. Resolution authorizing the Liquor License Renewal for 2011-2012, for KCB Liquors, Inc., t/a American Way Wine & Spirits, Liquor License No. 1514-44-019-009.  
Resolution No. 2011-179**
- 20. Resolution authorizing the Liquor License Renewal for 2011-2012, for Square Liquors Inc., t/a Spirits Unlimited, Liquor License No. 1514-44-021-004.  
Resolution No. 2011-180**
- 21. Resolution authorizing the Liquor License Renewal for 2011-2012, for Town & Country Liquors, LLC, t/a Wine Academy Superstores, Liquor License No. 1514-44-005-011.  
Resolution No. 2011-181**
- 22. Resolution authorizing the Liquor License Renewal for 2011-2012, for VADI Wines, Inc., t/a Spirits Unlimited, Liquor License No. 1514-44-006-008.  
Resolution No. 2011-182**
- 23. Resolution authorizing the Liquor License Renewal for 2011-2012, for Zach Corporation, t/a Route 70 Discount Liquors, Liquor License No. 1514-44-017-010.  
Resolution No. 2011-183**
- 24. Resolution authorizing the Liquor License Renewal for 2011-2012, for Parkway Lodging Realty, LLC, t/a Hilton Garden Inn, Liquor License No. 1514-36-047-002.  
Resolution No. 2011-184**
- 25. Resolution authorizing the Liquor License Renewal for 2011-2012, for Shoreline 70 Investments, t/a Vanity Fare Caterers, Liquor License No. 1514-36-045-004.  
Resolution No. 2011-185**



- 26. Resolution authorizing the Liquor License Renewal for 2011-2012, for Strand Ventures, Inc., t/a Strand Theater, Liquor License No. 1514-37-046-001.  
Resolution No. 2011-186**
- 27. Resolution authorizing the Liquor License Renewal for 2011-2012, for American Legion Post No. 166, Liquor License No. 1514-31-036-001.  
Resolution No. 2011-187**
- 28. Resolution authorizing the Liquor License Renewal for 2011-2012, for Foresters of America Court Lakewood No. 127, Liquor License No. 1514-31-039-001.  
Resolution No. 2011-188**
- 29. Resolution authorizing the Liquor License Renewal for 2011-2012, for Lakewood Lodge #1432 B.P.O.E., Liquor License No. 1514-31-037-001.  
Resolution No. 2011-189**
- 30. Resolution authorizing the Liquor License Renewal for 2011-2012, for Student Government Club Association, Liquor License No. 1514-31-044-001.  
Resolution No. 2011-190**
- 31. Resolution authorizing the Liquor License Renewal for 2011-2012, for MGAR, Inc., t/a Brandy's Tavern, Liquor License No. 1514-32-022-010.  
Resolution No. 2011-191**
- 32. Resolution authorizing the Liquor License Renewal for 2011-2012, for Songart Corporation d/b/a Pagoda Tea House, Liquor License No. 1514-33-027-006.  
Resolution No. 2011-192**
- 33. Resolution authorizing the Liquor License Renewal for 2011-2012, for S & G Associates Inc., t/a Lakewood Liquors, Liquor License No. 1514-44-011-011.  
Resolution No. 2011-193**
- 34. Resolution authorizing the Liquor License Renewal for 2011-2012, for Parsuns Liquors, Inc., t/a Best Liquors, Liquor License No. 1514-44-004-008.  
Resolution No. 2011-194**

35. **Resolution requesting The United States Postal Service not close the Lakewood Township Clifton Avenue Post Office.  
Resolution No. 2011-195**
36. **Resolution establishing Traffic regulations in connection with the Independence Day Fireworks display to be conducted at Lake Carasaljo.  
Resolution No. 2011-196**
37. **Resolution authorizing the issuance of a Duplicate Tax Sale Certificate No. 00-011, pursuant to Chapter 99 of the Public Laws of 1997.  
Resolution No. 2011-197**
38. **Resolution authorizing the issuance of a Duplicate Tax Sale Certificate No. 96-101, pursuant to Chapter 99 of the Public Laws of 1997.  
Resolution No. 2011-198**
39. **Resolution authorizing the award of a Professional Services Contract to Henry J. Mancini & Associates, Inc., for Block 444, Lot 7, in an amount not to exceed \$3,000.00.  
Resolution No. 2011-199**

Motion by Deputy Mayor Langert, second by Committeeman Coles, to approve Resolution Nos. 1 through 39 on the Consent Agenda, with the amendment on No. 36 to read that the firework display will be held on Sunday, July 3<sup>rd</sup>, and that South Lake Drive will be closed between 6:00 PM and 10:30 PM between Sunset Road and Gobar Way. On Roll Call – Affirmative: Committeeman Coles (Abstained on No. 26); Committeeman Lichtenstein (Abstained on Nos. 14, 15, 18 and 24); Committeeman Akerman ; Deputy Mayor Langert (Abstained on No. 8); and Mayor Miller.  
**Resolution Nos. 2011-161 through 2011-199 – Adopted.**

## **ORDINANCE SECOND READING**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Block 1025, Lot 1, Block 1026, Lot 1, Block 1027, Lot 8, and Block 1035, Lot 4, 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.

Gerry Ballwanz, Governors Road – Said the Ordinance is deficient in that three of the four lots are 20,000 square foot lots, and the first lot is 1.2 acres, almost triple the size, and they are going for the same minimum bid. If you look at the assessed values, the first lot is assessed for more than the other three lots. She stated there must be a mistake in the Ordinance.

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

The above Ordinance was offered by Deputy Mayor Langert, second by Committeeman Lichtenstein.

Deputy Mayor Langert advised that the reason they suggested \$135,000 as the minimum bid is that a previous land sale for a lot in the same area was bid at \$135,000, and that is the reason for instituting a minimum bid of \$135,000 even though the assessed values were lower. He expects that these parcels will be bid up substantially higher at the land sale. He has received calls about it, and he knows that people will come to bid on these lots.

Committeeman Lichtenstein added that these lots are to be sold individually, not as a group.

Mrs. Ballwanz confirmed that the Committee has the right to reject any and all bids, if the bidding does not go for the anticipated higher rate.

Mayor Miller responded that is correct.

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

**Ordinance No. 2011-34 adopted on second reading.**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lots 9 and 10 in Block 89, commonly known as 18 Clifton Avenue and 12 Clifton Avenue, respectively, 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 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 Akerman.

Deputy Mayor Langert advised this land sale proposal came up before the Committee previously; the assessed value is in excess of \$570,000 for both pieces. At that time, there was no interest from any bidders. The person who asked for the land to be put up for sale was not interested in that price. They decided to look at the intended use, and compare like-sales. They compared other parking lot sales in that area, and came up with \$17,000-\$18,000 per parking stall. Given the fact that there are approximately six parking units, that is how they came up with the minimum bid of \$105,000.

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

**Ordinance No. 2011-35 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing 06/30/11)**

**An Ordinance of The Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-13 (Parking Prohibited, at all times, on Certain Streets) of the Revised General Ordinances of The Township of Lakewood, 1999. (Chapter XI, Sec. 11-13 No Parking)**

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Deputy Mayor Langert.

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

**Ordinance No. 2011-36 adopted on first reading. Second reading and public hearing to be held on June 30, 2011.**

**An Ordinance of The Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) Section 11-7 (Parking) of the Revised General Ordinances of The Township of Lakewood, 1999. (Chapter XI, new Sec. 11-7.4 Temp. Suspension of Parking Reg.)**

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Deputy Mayor Langert.

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

**Ordinance No. 2011-37 adopted on first reading. Second reading and public hearing to be held on June 30, 2011.**

**An Ordinance of The Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of an Undersized Parcel, Block 284, Lot 85, in the Township of Lakewood, at a Private Sale, pursuant to N.J.S.A. 40A:12-1, et. seq.**

Motion by Deputy Mayor Langert, second by Committeeman Coles, to carry the first reading of the above Ordinance to the meeting of June 30, 2011, to check the value of the property.

**CORRESPONDENCE**

Per list of four (4) correspondence items, attached hereto and made a part hereof.

**PARKS AND EVENTS CORRESPONDENCE**

Per schedule of thirty-two (32) requests, attached hereto and made a part hereof.

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

**MOTION TO APPROVE BILL LIST OF: 06/14/11**

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

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

**Bill List approved.**

**COMMENTS FROM COMMITTEE MEMBERS**

Deputy Mayor Langert congratulated Committeeman Coles and his running mate on their success in their respective primaries.

Committeeman Coles congratulated Deputy Mayor Langert in return.

**ADJOURNMENT**

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 8:55 PM.