

**The Lakewood Township Committee held a Meeting on Thursday, March 25, 2010, 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..... Steven Langert**  
**Deputy Mayor..... Menashe Miller**  
**Committee Members..... Robert W. Singer**  
**Raymond Coles**  
**Meir Lichtenstein**  
**Municipal Manager..... Frank Edwards**  
**Municipal Attorney..... Lawrence E. Bathgate, II, Esq.**  
**Jan 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 1, 2010 and published in the Asbury Park Press on January 6, 2010.**

**ROLL CALL**

**CLOSED SESSION**

**Resolution No. 2010-113 – Adopted.**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

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

Steven Secare, Esq., requested discussion with the Township Committee in Closed Session with regard to a possible agreement with the Lakewood EMS.

Motion by Committeeman Lichtenstein, second by Committeeman Coles, and carried, to adjourn to Closed Session.

Motion by Committeeman Lichtenstein, second by Deputy Mayor Miller, and carried, to re-open the meeting.

While discussion took place between the Attorneys for the parties involved in negotiations, Agenda items were discussed as follows:

**MOTION TO APPROVE MINUTES OF:      03/11/10**

Motion by Deputy Mayor Miller, second by Committeeman Coles, and carried, to approve the above Minutes.

Committeeman Lichtenstein abstained.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 03/11/10**

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

Committeeman Lichtenstein abstained.

**ORDINANCE SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Article 36 (Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment) of the Revised General Ordinances of the Township of Lakewood. (Chapter 2, Section 1 – Tax Map Maintenance Fees)**

Read by title only for second reading.

Mayor Langert 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 Miller.

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

**Ordinance No. 2010-18 adopted on second reading.**

**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 H (Highway Development Zone HD-7), of the Revised General Ordinances of the Township of Lakewood. (Chapter 18, Section IX – Highway Development Zone – HD-7)**

Read by title only.

Mr. Wouters advised that this Ordinance was sent to the Planning Board for comment after adoption on first reading. The Planning Board considered the Ordinance and made a recommendation that it be amended to include in Section 6 that parking be permitted in the required front yard set back for both residential and non-residential development, provided no parking shall be less than sixty-five feet from the centerline of the State Highway. He made that change to the Ordinance, and asked that this Ordinance not be passed on second reading and public hearing; that the Ordinance be amended this evening to reflect the recommendations of the Planning Board and reintroduced on first reading.

Mayor Langer asked for a Motion to reintroduce this Ordinance on first reading.

Committeeman Lichtenstein stated that they should let the Ordinance die.

Senator Singer asked if they could amend the Ordinance this evening and then \_\_\_\_\_ for second reading.

Mr. Wouters answered no, he thinks this is a substantial change. He would prefer to have it amended and then reintroduced.

Committeeman Lichtenstein repeated they should let it die.

Mayor Langert stated that the Ordinance dies due to lack of Motion

Mayor Langert asked for a Motion to reintroduce the Ordinance for first reading.

The above Ordinance was offered by Committeeman Lichtenstein for first reading, with the amended changes as per the Planning Board, second by Deputy Mayor Miller.

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

**Ordinance No. 2010-19 adopted on first reading, as amended. Second reading and public hearing to be held on April 8, 2010.**

**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) of the Revised General Ordinances of the Township of Lakewood. (Chapter 18 – Section 18-903, Car & Van Rental Agencies)**

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked if this Ordinance should include a requirement that a Mercantile License be obtained for this business. There are many businesses in town that already perform this service and do not have a Mercantile License. She asked if the Committee has discussed requiring that as part of the Ordinance.

Mayor Langert stated that this Ordinance is going to permit this use in a specific zone. When someone wants to open a business, it is their responsibility to apply for and obtain a Mercantile License, whether it is this business or any other business. All they are doing this evening is allowing a certain use in a certain zone.

Ms. Blay continued that since the Township has raised many of the fees for various Township services, would not a Mercantile License requirement bring added revenue particularly on an evening when the Committee may or may not approve a new contract for the EMS union.

Mayor Langert stated that has nothing to do with this Ordinance, and asked if Ms. Blay had a question relating to this Ordinance only.

Mr. Edwards explained that the requirements concerning Mercantile Licenses are contained in a different section of the Township code. This Ordinance is only saying where this type of use is permitted, and if they are permitted, and if they need a Mercantile License, they would have to obtain it to be legal.

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 Committeeman Singer.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Singer and Mayor Langert.

Deputy Mayor Miller was not present for the vote.

**Ordinance No. 2010-20 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXI (Solid Waste Management) Section 21-5 (Municipal Source Separation and Recycling Program) of the Revised General Ordinances of the Township of Lakewood. (Chapter 21 – Section 21-5, Source Separation and Recycling Program)**

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

David Drukaroff, 1433 Laurelwood Avenue – Asked if this Ordinance had to be done in order to use the automatic cans to pick up recyclables, or is there another purpose.

Mr. Wouters answered there is another purpose. In terms of the substantive language of the Ordinance, there is no change in what currently exists. But because of some issues with the Municipal Court, and the numerical system of issuing violations, all they are doing is in a particular section, they are switching 5.1 and 5.2, so that in the prior Ordinance what was 5.2 is now 5.1, and vice versa. But other than that, there is no change.

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 Singer, second by Committeeman Coles.

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

**Ordinance No.2010-21 adopted on second reading.**

## **ORDINANCE FIRST READING (Second reading and Public Hearing 04/08/10)**

**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) of the Revised**

**General Ordinances of the Township of Lakewood. (Chapter 18, Section 18-902 F and Section 18-902 G, Single Family Residential)**

Read by title only for first reading.

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

Mayor Langert asked that this Ordinance be amended to reflect that second reading will be held on May 6, 2010 in order to give the Planning Board sufficient time to review and provide comments.

Committeeman Coles amended his Motion; Deputy Mayor Miller amended his second to the Motion.

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

**Ordinance No. 2010-22 adopted on first reading. Second reading and public hearing to be held on May 6, 2010.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 3 in Block 1032 at Open Public Sale, pursuant to N.J.S.A. 40A:12-1, et seq. (Bradhurst/Pinehurst Avenues)**

Read by title only for first reading.

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

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

**Ordinance No. 2010-23 adopted on first reading. Second reading and public hearing to be held on April 8, 2010.**

**CORRESPONDENCE**

Per list of five (5) correspondence items, attached hereto and made a part hereof.

**PARKS AND EVENTS CORRESPONDENCE**

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

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

**MOTION TO APPROVE BILL LIST OF: 03/23/10**

Motion by Committeeman Singer, second by Deputy Mayor Miller, to approve the above Bill List.

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

**Bill List approved.**

## **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 the Liquor License Renewal for SLLHC Corporation T/A Pagoda Tea House, for the year 2009-2010, License No. 1514-33-027-005.  
Resolution No. 2010-114**
- 2. Resolution approving a Leave of Absence, without pay, for Linda Stubbs, from April 5, 2010 through April 16, 2010.  
Resolution No. 2010-115**
- 3. Resolution authorizing the award of Contract for Professional Services to Gagliano Appraisal, LLC, for Appraisal Services through December 31, 2010.  
Resolution No. 2010-116**
- 4. Resolution authorizing the award of Contracts for Professional Services to Starmark Appraisals, and Appraisal Systems, Inc., for Real Estate Appraisal and Consulting Services through December 31, 2010.  
Resolution No. 2010-117**
- 5. Resolution releasing a Maintenance Guarantee in the amount of \$24,315.00 to Sudler Lakewood Land, LLC in connection with a project known as SP #1477, Building #26, Block 1160.02, Lot 3.  
Resolution No. 2010-118**
  
- 6. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes, penalties and interest due on Block 251.02, Lot 90, due to a Disabled Veteran Exemption, and authorizes the refund of any taxes, penalties and interest paid on the property for the tax year 2009.  
Resolution No. 2010-119**
- 7. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes, penalties and interest due on Block 2, Lot 82, due to a**

**Disabled Veteran Exemption, and authorizes the refund of any taxes, penalties and interest paid on the property for the tax year 2009.  
Resolution No. 2010-120**

- 8. Resolution authorizing Emergency Temporary Appropriations for the period between the beginning of the current fiscal year and the date of the adoption of the 2010 Budget.  
Resolution No. 2010-121**
- 9. Resolution in Support of the Continuation of the Urban Enterprise Zone Program Resolution No. 2010-122**

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

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

**Resolution Nos. 2010-114 through 2010-122 – Adopted.**

Mayor Langert advised that the following item to be discussed was not on the Agenda.

Committeeman Coles advised that they received a check from the County of Ocean in the amount of \$51,676.00 for the Recycling Revenue Sharing, and the check was presented to John Franklin, Director of Public Works.

Mr. Franklin explained that these funds come from the County and it represents the profits from what they get for selling the recyclables.

## **QUALITY OF LIFE**

Mayor Langert reviewed quality of life items from the previous meeting.

As to the issue of the crowded intersection at Eleventh Street and Madison Avenue, Chief Lawson advised that Sgt. Work from Traffic & Safety has recommended to make Eleventh Street one-way westbound towards Forest Avenue, and also make Carey Street one-way eastbound towards Route 9.

Mayor Langert asked if they would need to get permission from the DOT since those streets intersect with Route 9.

Mr. Day answered yes, DOT approval would be required. They may want to look at doing an overall plan of the streets, as they get many requests for one-way streets, and no parking at various locations. They may want to take a look at the entire corridor, and come up with an actual plan.

Mayor Langert stated that since the streets that intersect with Route 9 need the involvement of the DOT, he asked that they put together a small committee to review that issue.

Senator Singer suggested that they talk to the residents in the areas of the proposed one-way streets to get their feedback.

Mayor Langert asked that Mr. Day reach out to the DOT to see if they would even consider these changes, since their plan is already in place for the left turn lanes.

As to the issue of the traffic problems at Brook Hill Estates, Mayor Langert advised that Traffic & Safety has offered several proposals for the Brook Hill area, and Deputy Mayor Miller has spoken with some of the community leaders in the area, and they will be scheduling a community wide meeting to hear input from the residents as to which of the options they prefer for their community. Hopefully that meeting will take place some time in April.

As to the issue of insufficient drainage in the street in front of the home at 725 Ridge Avenue, Mr. Day advised that it is a five home subdivision, and it does not have any drainage; the project was approved that way. There is a lot point in front of the subject property. The Developer has been told to fix it a certain way, but he has been trying various things. Mr. Day met with the Developer late last week, and is waiting to hear back from his Engineer about what they need to do. The Engineer needs to redesign it, and the Developer is anxious to do the repairs so his Performance Guarantee can be released. There is enough money available in the Guarantee to do the work if the Developer fails to do what needs to be done.

Mayor Langert asked that Mr. Day follow up with the Developer in order that the repairs are done.

## **LAKWOOD TOWNSHIP EMERGENCY MEDICAL SERVICE**

Mayor Langert advised that he was happy to announce that the Township and the Union were able to find a way to continue the fine EMS service in Lakewood during extremely difficult financial times for the Township and the State. He asked for a Motion for the Township Committee to accept the Memorandum of Agreement between the two parties, authorizing the Mayor to sign on behalf of the Township.

Motion by Committeeman Lichtenstein, second by Committeeman Coles

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

Mr. Edwards asked for the signed Agreement at this time, and then he can go up to his office and make a copy for them.



Mayor Langert thanked Mr. Secare on behalf of the Township.

**ORDINANCE 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 Langert opened the meeting to the public.

Bill Lavin, President of the NJ State FMBA, Firefighters Mutual Benevolent Association, 158 Bucknell Avenue, Woodbridge NJ – Commented on the Agreement between the Township and the Lakewood EMS.

Bob Brower, Vice President of the FMBA – Commented on the Agreement between the Township and the Lakewood EMS.

Noreen Gill, 192 Coventry Drive – Commented on the Agreement between the Township and the Lakewood EMS.

Crystal VanDeZilver, FMBA Local 380, 462 B\_\_\_\_\_Street, Jackson – Commented on the Agreement between the Township and the Lakewood EMS.

David Drukaroff, 1433 Laurelwood Avenue – Commented on the Agreement between the Township and the Lakewood EMS.

Don Albanese, Four Seasons – Commented on the Agreement between the Township and the Lakewood EMS.

\_\_\_\_\_, 1713 Princeton Avenue – Commented on the Agreement between the Township and the Lakewood EMS.

Marge Detchen, 39 Summerwinds Drive – Commented on the Agreement between the Township and the Lakewood EMS.

Larry Simons, 7 Schoolhouse Court – Commented on the Agreement between the Township and the Lakewood EMS.

Scott Carter, Lakewood EMS – Commented on the Agreement between the Township and the Lakewood EMS. Thanked the Committee for allowing him to remain as Supervisor for Lakewood EMS; thanked his staff for remaining professional over the past three months. Thanked the Committee for negotiating down to the final minutes, and for settling and allowing them to keep their jobs.

Shannon Ortiz, FMBA Local 380 President – Thanked everyone for attending this evening. Commented on the Agreement between the Township and the Lakewood EMS.

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

### **COMMENTS FROM COMMITTEE MEMBERS**

Committeeman Lichtenstein commented on the Agreement between the Township and the Lakewood EMS. Thanked the Committee for allowing him to working closely on the negotiations, and putting the effort into saving the Lakewood EMS for this town.

Committeeman Coles commented on the Agreement between the Township and the Lakewood EMS. Stated that he is relieved knowing that the EMS will be out there looking over them. He is not happy with the decision he had to make this evening, but does not know what other options they had at this point in time. He does not like the fact that they had to ask them to make a sacrifice, but they will work with them and try to get through these times together. He thanked the Lakewood EMS for staying with them.

Senator Singer commented on the Agreement between the Township and the Lakewood EMS. Also commented on the budget cuts from the State. He advised that every department will take a Budget cut. These are trying times, and it is a difficult cut for the EMT's. Everyone appreciates the fact that they will still be with the Township. As a governing body, they have a responsibility to provide the services to the town, but they also have a responsibility to the taxpayers to try to make the town affordable to them. It is a difficult time, and difficult decisions are made, and no one is happy, and no one won on this, but it is a case of surviving. He believes that many of the taxpayers understand that.

Deputy Mayor Miller stated that these are certainly trying times. He knows that Committeeman Lichtenstein, as the Township Committee Liaison, worked very diligently with the EMS. They appreciate the EMS for the work that they do, and thank them very much.

Mayor Langert commented on the Agreement between the Township and the Lakewood EMS. It is unfortunate that the Lakewood EMS had to take a cut in pay, everyone understands that, but at least they still have jobs.

### **ADJOURNMENT**

Motion by Committeeman Lichtenstein, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 9:25 PM.