

The Lakewood Township Committee held a meeting on Thursday, April 2, 2009 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..... Robert Singer
Deputy Mayor..... Steven Langert
Committee Members..... Menashe Miller
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Frank Edwards
Municipal Attorney..... Lawrence E. Bathgate, II, Esq.
Acting Municipal Clerk..... Mary Ann Del Mastro

CLOSED SESSION
Resolution No. 2009-131 – Adopted.

SALUTE TO THE FLAG AND PRAYER

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, 2009 and published in the Asbury Park Press on January 8, 2009.

ROLL CALL

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 03/19/09

Motion by Deputy Mayor Langert, second by Mr. Coles, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 03/19/09

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

PRESENTATIONS

Brotherhood Essay Contest Winners

Certificates were presented to the winners of the Annual Brotherhood Essay Contest.

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 Singer opened the meeting to the public.

Charlie Cunliffe, 135 Jennifer Drive – Asked if the Resolution regarding reduced Pension Contribution was because of economic conditions; would municipalities be putting less money into the pension, or is this in addition to that in order to meet CAP; and when does the 1.8 million dollars get repaid.

Mayor Singer answered the 1.8 million dollars is the money they are allowed to, if they want to, defer. They have not decided yet, but if they do not pass this Resolution now, there is no meeting prior to the deadline. They can make the decision at a later date.

Mr. Cunliffe also asked about the Ordinance concerning zoning uses and district changes.

Mr. Wouters explained the details of the Ordinance.

Larry Simons, 7 Schoolhouse Court – Questioned the wording in the Resolution concerning the reassessment; in one paragraph it says reassessment, and in another place it refers to revaluation.

Mr. Wouters advised the Resolution will be corrected to say reassessment.

Alice Kelsey, 295B Malvern Court East – Commented on the homelessness issue, and the details of the new program.

Eduardo Rodriguez, 1196 Manor Drive – Works for the Department of Public Works. Advised he will be going on military leave as of April 22nd for the duration of three years and fourteen weeks. Asked how long will he be eligible for re-employment.

Mr. Edwards advised that Federal law says that he would be entitled to his job back if he requests it within ninety (90) days of completing his tour of duty. He needs to submit a copy of his orders, official documentation, to be processed with civil service.

Noreen Gill, 192 Coventry Drive – Complained about the condition of rental properties in her neighborhood.

Bert Albert, Lions Head Woods – Commented on an article in the NY Times regarding homelessness around the country.

Bill Hobday, Schoolhouse Lane – Commented on issues concerning the homeless. Also commented on the decision regarding the EMT's. Complained about plastic bags blowing around and hanging in the trees on Massachusetts Avenue. Asked that the Township remove the bags from the trees.

Mayor Singer advised that Massachusetts Avenue is not a Township road; it is a County road and they would have to do the clean-up. He asked that Mr. Edwards notify the County.

Fred Gincel, 144 Caranetta Drive – Commented with regard to the combined use Ordinance. He wants the Ordinance repealed because it does not have any basis.

Mayor Singer explained they can not do spot zoning. They have to wait until they do the Master Plan.

Mr. Wouters added they have to take a look at the entire zone and the Master Plan.

Mr. Gincel asked for a written explanation as to why the combined use Ordinance is on the books.

Mr. Gincel also complained about the variance that was issued on the property across the street from where he lives.

Mr. Coles explained that when they last talked about this matter, because of the nature of Route 88, and the Franklin Street redevelopment zone, which the state is insisting the Township is to create a mixed-used facility, they had looked at the possibility of just along Route 88, from Route 9 down to the appropriate street, to allow it to revert back to the way it was, to eliminate the combined use provision in that area, rather than wait for the entire zone.

Mr. Wouters answered that would be a possibility.

Mr. Coles asked that the Committee consider a Motion to that effect, that whatever work is being done for the Franklin Street redevelopment area, will be a mixed use, and that they will allow those existing buildings along Route 88 adjacent to the Franklin Street redevelopment area, to have those apartments made residential again if they had been taken off the rolls at some point due to the other Ordinance. He asked to be permitted to work with Mr. Wouters over the next week to come up with some guidelines on this issue, and present it at the next Committee meeting.

Mayor Singer stated he felt that would be the wrong way to do it. He suggested that they have the Planner look at this issue, and come back with the philosophy as to why they would be doing this, so that Mr. Wouters could put it into Ordinance form, so it can not be challenged.

Mr. Wouters answered that he would speak to the Planner tomorrow.

Mr. Coles agreed.

Mr. Gincel again asked for written documentation, as previously requested.

Mayor Singer cancelled his previous suggestion, and directed Mr. Wouters to provide Mr. Gincel with written documentation....an explanation of the combined use Ordinance in the UDO.

Mr. Wouters confirmed that the request is for a written explanation as to why the UDO was written that way. He does not know, and he does not think anyone there does. And it really does not matter. They need to look at what the realities are now. He will talk to the Planner and see about making a change.

Mr. Gincel stated that he wants to know why the combined use Ordinance is enacted in Lakewood; what purpose does it serve.

Mr. Wouters answered he would be glad to recite what the Ordinance says; he will take a look at what the Ordinance says.

Mayor Singer advised they will provide a response.

Rene Cora, 742 Marlin Avenue – Stated he has worked for Public Works for the past nine years. They have been working without a contract for the past fifteen months. The language in the present contract is no longer acceptable and they would like it changed. That is the problem they are having right now. He asked to meet with the Committee on this issue. They are still waiting for fact finding. They are asking if the Committee would be willing to sit down with them to discuss their contract. They need a response as soon as possible.

Pedro Benitez, Public Works Employee – Commented with regard to Public Works contract negotiations.

Sam Schulman, 59 Drake Road – Commented with regard to Public Works contract negotiations.

Tony Ruiz, Public Works employee – Commented with regard to Public Works contract negotiations.

Mr. Edwards explained the contract negotiation procedures.

Gerry Ballwanz, Governors Road – Commented with regard to the Resolution authorizing the tax lien sale. Asked about the results of the last tax sale.

Mr. Edwards explained tax sale procedures.

Robert Luban, Lakewood Courtyard – Wished everyone a happy holiday. Complained about the traffic on Route 9.

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

Deputy Mayor Langert asked Mrs. Gill to provide Mr. Edwards with the two addresses that she referred to in her comments. He would request the Manager to research the issue to find out exactly what type of Certificate of Occupancy was issued on each property, and when they were issued.

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 an acquisition of property from Lakewood Economic Action Program, Inc. with conditions. (LEAP)
Resolution No. 2009-132**
- 2. Resolution authorizing the execution of a Traffic Signal agreement with the County of Ocean and the State of New Jersey for the intersection of New Hampshire Avenue and Ridge Avenue. (Traffic Signal – New Hampshire Ave./Ridge Ave.)
Resolution No. 2009-133**
- 3. Resolution making application to the Local Finance Board for a reduced Pension Contribution pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9).
Resolution No. 2009-134**
- 4. Resolution authorizing the Mayor to execute a reimbursement agreement with Bradley Forest Apartments as a Qualified Private Community.
(Solid Waste/Recyclables Collection and Disposal)
Resolution No. 2009-135**
- 5. Resolution authorizing the Tax Collector to conduct a Tax Lien Sale.
Resolution No. 2009-136**
- 6. Resolution designating a depository bank for the Township of Lakewood and the Lakewood Development Corporation for 2009.
Resolution No. 2009-137**
- 7. Resolution authorizing an appropriation for a special emergency appropriation, in the amount of \$700,000.00. (Re-assessment – Ordinance No. 2009-15)**

Resolution No. 2009-138

- 8. Resolution approving submission of a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Highway Traffic Safety Grant project.
Resolution No. 2009-139**
- 9. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes on Block 1248, Lot 252.01, qualifier C100A due to disabled veteran exemption.
Resolution No. 2009-140**
- 10. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes on Block 533.03, Lot 5 due to disabled veteran exemption.
Resolution No. 2009-141**
- 11. Resolution releasing a maintenance guarantee posted by Lugano Estates, LLC in connection with Block 174.04, Lots 54 & 55, in the amount of \$34,520.00.
Resolution No. 2009-142**
- 12. Resolution authorizing a non-fair and open extraordinary unspecifiable Services contract with Realty Appraisal Company for the reassessment of all real estate in the Township, in the amount of \$700,000.00.
Resolution No. 2009-143**

Motion by Mr. Coles, second by Deputy Mayor Langert, to approve Resolution Nos. 1 through 12 on the Consent Agenda.

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

Deputy Mayor Langert did not vote on Resolution No. 1.

Mayor Singer reminded Mr. Wouters about the correction to be made on Resolution No. 7; change it to reflect "reassessment".

Resolution Nos. 2009-132 through 2009-143 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the acquisition by reversion from Lakewood Economic Action Program, Inc. of property known as Block 536, Lots 104 through 115.

Read by title only for second reading.
Mayor Singer opened the meeting to the public.

Gerry Ballwanz, Governors Road – Asked for an explanation of this Ordinance.

Mayor Singer explained that the Township gave the property to LEAP, which runs Lakewood Headstart, to build a new facility. Unfortunately, for a number of reasons, LEAP is unable to raise all the money necessary to do the construction. The Township met with them and said they would like to find a new location for a community center, and that the Township would be willing to develop the property for the community center, and leave a pad for the future development of Headstart, through LEAP, to build their new facility there. So, this site will not only be home to a new community center and recreation facility for the Township, but will also be the new home of Headstart, which is operated by LEAP in Lakewood. The Township will develop the infrastructure, the parking lots, the playgrounds, the sewer and water for the site, and will build the center there, and also leave an available pad for them to develop, when they are able to do so, to be able to share that center for both a community center and a Headstart center. The Township is planning to develop this site with CDBG funds, which is federally funded. The Township is presently looking at plans with an architect, and is working with Tom Ross and his community center people. And, graciously, LEAP has agreed to give the land back to the Township.

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

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Mayor Singer.

Abstain: Deputy Mayor Langert

Ordinance No. 2009-16 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending & supplementing Chapter XVIII entitled Unified Development Ordinance of the Code of the Township of Lakewood. (Section 18-905)

Read by title only for second reading.

Mr. Edwards advised that Mr. Kielt, of the Planning and Engineering Office, came to see him today and pointed out that this Ordinance was not referred to the Planning Board for their comments before second reading. There was no Planning Board meeting in the interim, since the time they did the first reading and tonight, but there is a Planning Board meeting on April 7th, and it could be on that Agenda. Unless, the Attorney disagrees, he believes this Ordinance should be continued for second reading at the Township Committee Meeting of April 23rd.

Motion by Mr. Lichtenstein, second by Mr. Coles, that the above Ordinance be carried to

the meeting of April 23rd.

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

Second reading and public hearing on Ordinance No. 2009-17 carried to the meeting of April 23, 2009.

ORDINANCE FIRST READING (Second reading and Public Hearing 04/23/09)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, vacating portions of a Shade Tree and Utility easement located along Hope Hill Lane, in Block 11, Lots 87, 88, 89, 91, 92, 93, 95, & 96.

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein.

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

Ordinance No. 2009-18 adopted on first reading. Second reading and public hearing to be held on April 23, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII entitled Unified Development Ordinance of the Code of the Township of Lakewood. (Section 18-806)

Read by title only for first reading.

The above Ordinance was offered by Mr. Lichtenstein, second by Deputy Mayor Langert. Deputy Mayor Langert asked if this Ordinance needs to be referred to the Planning Board.

Mr. Edwards answered yes. Any change to the Zoning Ordinance or the UDO should go to the Planning Board for their comments.

Deputy Mayor Langert asked that this be placed on their next Agenda.

Mr. Edwards answered he would advise Mr. Kielt to place it on their Agenda.

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

Ordinance No. 2009-19 adopted on first reading. Second reading and public hearing to be held on April 23, 2009.

CORRESPONDENCE

As per list of seven (7) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

As per schedule of twelve (12) items, attached hereto and made a part hereof.

Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above correspondence and picnic requests.

MOTION TO APPROVE BILL LIST OF: 03/31/09

Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Lichtenstein wished everyone a Happy Holiday.

Deputy Mayor Langert thanked Sal Alfieri for his help in negotiating with the firms on the reassessment issue. He is happy to say that even though the Township appropriated \$700,000, they were able to reduce that amount to \$560,000.

ADJOURNMENT

Motion by Mr. Coles, second by Mr. Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:45 PM.