

The Lakewood Township Committee held a Meeting on Thursday, April 22, 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
Absent.....Raymond Coles
Meir Lichtenstein
Municipal Manager.....Frank Edwards
Municipal Attorneys.....Lawrence E. Bathgate, II, Esq.
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 1, 2010 and published in the Asbury Park Press on January 6, 2010.

ROLL CALL

CLOSED SESSION
Resolution No. 2010-130 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

Motion by Committeeman Singer, second by Committeeman Lichtenstein, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 04/08/10

Motion by Committeeman Singer, second by Committeeman Lichtenstein, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 04/08/10

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

PRESENTATIONS

"Mayors' Scholar" – Patrick Ryan Ortiz

Mayor Langert presented a Resolution to Patrick Ryan Ortiz who has been awarded the "Mayors' Scholar" scholarship award from the Ocean County Mayor's Association for his academic achievements in history, government and community involvement.

Brotherhood Essay Contest Winners

Certificates were presented to the 4th Grade Winners of the 2010 NAACP Brotherhood Essay Contest.

School Board Budget

Mayor Langert asked if any elected officials from the school board were present, and if so, they were welcome to come forward. He advised that the School Board Budget was defeated at this year's election. Over the past twelve years, the Budget has been defeated ten times. It comes to the Township Committee for their recommendations and action. He presented the School Board Budget to the three new school board members present for their review and recommendations, per their campaign promises of fiscal responsibility, and asked that they come back to the Township Committee with their recommendations as to what should be done with the Budget and the Township Committee will follow those recommendations. He asked them to remember that State Law dictates how much could be cut, and which line items to cut them from. He also advised that they must provide for a thorough and efficient education for all children. He wished them good luck, and stated that the Township Committee would like to adopt their recommendations at the Township Committee Meeting on May 13th. He asked for their recommendations by May 6th, if possible, so they can be reviewed by the Committee members, and so they can act on the recommendations at the May 13th meeting.

ORDINANCES FOR DISCUSSION: None

QUALITY OF LIFE

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

With regard to the status of the issue of Eleventh Street/Madison Avenue intersection and the recommendation of Traffic & Safety to make Eleventh Street one-way westbound towards Forest Avenue, and to make Carey Street one-way eastbound towards Route 9, Mr. Day advised that he sent a survey letter out to the residents of the area, and delivered it to all the homes and apartments, and he is awaiting their response. He has been corresponding with the DOT but has not received a clear response as to whether they are in favor of it, or not. He feels that the DOT representative is waiting to see if the First Street one-way change is approved, and they do have their project to resurface and restripe, and he does not believe they will be able

to stop that. If the Township did make those changes, the Township would have to do the restriping on their own. That project has been bid and awarded, and will begin next week, not in Lakewood, but at another location.

Committeeman Lichtenstein stated that he feels it is ridiculous; the project will start in Toms River, and come down to Lakewood in three months, and they will restripe the road, and not give Lakewood an answer. Why can't they skip painting one block. He feels that if they paint it, then they will force Lakewood to repaint it again, and that sounds ridiculous. He feels they should be told to give Lakewood an answer. He requested that Senator Singer place a call to DOT.

Committeeman Singer requested a study from the Traffic & Safety Department, and he will contact the DOT Commissioner.

With regard to the issue of insufficient drainage in front of the home at 725 Ridge Avenue, Mr. Day advised he met with the Developer at the site and they discussed what needs to be done. The Developer was advised that an engineering solution is needed, not just the Developer doing what he thinks needs to be done. He sent the Developer a letter dated April 8th stating that if he did not get the work done by the end of the month, the Township will call in the bond.

Committeeman Lichtenstein advised he received a complaint from a resident from the Ridge Avenue/New York Avenue area. It is an owner occupied home, and the gangs have put graffiti on their house. They called the Police and made a report and then they cleaned up the graffiti as best as they could. A short while later, the gangs came back and remarked the home, and then another gang came and marked the house. Once again, she will have to scrub and repaint the house. Today, she received a violation notice from the Inspection Department advising her she has graffiti on her home. He believes this is wrong, so he spoke with Mr. Saccamanno, and was advised that it was "complaint generated", and if something looks like that on someone's property, he is put in a precarious situation. Committeeman Lichtenstein asked if there are programs, such as work programs where gang type crimes have been committed and they have to do community service, that could be put to use in this type of capacity....cleaning up gang graffiti in town.

Committeeman Singer suggested that the Chief of Police contact the head of the Corrections Department to check into the work release programs; those are the groups that would come out and do a certain amount of work. Also, a request could be made to the Courts, either through Judge Grasso, the Assignment Judge, or directly to the Prosecutor, Marlene Ford, asking if there are any programs in place within the County.

Mayor Langert thanked Committeeman Lichtenstein for taking on this responsibility. He also asked Chief Lawson for additional patrol cars in the problem areas.

Deputy Mayor Miller reminded Mr. Day about the work that NJ Natural Gas Company did on Forest Avenue, from County Line Road to Fourteenth Street in the Fall. That part of the roadway needs to be resurfaced.

Deputy Mayor Miller also advised he received a complaint from a resident on East End Avenue about the traffic light at County Line Road and East End Avenue; they are asking for someone to look at the timing of the light. If you are traveling north on East End Avenue to County Line Road, the light turns many times before you can make a left turn. They are requesting a left turn signal on East End Avenue.

Deputy Mayor Miller also commented with regard to the intersection of Squankum Road and County Line Road, at night, the cars have to wait a few minutes; he requested they check to see if the sensors are working properly.

Senator Singer commented he has been advised that the County will be doing work on the railroad crossing near Cross Street. His concerns are that they have proper alternate routes for people because if you are not familiar with the area, they will not know where they are going.

Mr. Day advised there is a detour plan with the project.

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 Hobday, 30 Schoolhouse Lane – Commented with regard to Ordinances that have been adopted over the years that he feels may not be in the best interest of the town, such as the permitted use of schools and houses of worship in all zones, and the Ordinance that allows bypassing the Planning Board and the Zoning Board where major construction is not involved.

Noreen Gill, 192 Coventry Drive – Commented with regard to the suggestion for an Ordinance prohibiting the change of a home to a school.

Harold Herskowitz, Cedar Row – Commented on behalf of the Downtown Merchants Committee, and the proposals submitted to the Township Committee, including utilizing Town Square on Sundays for a Farmers Market, limiting parking in municipal lots, and changing the zoning in the downtown area. Also complained about bicycles chained to poles in the downtown area.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the issue of anti-Semitism. Also questioned that biodegradable bags were used in the recent dumping incident.

Alice Kelsey, 295B Malvern Court East – Commented with regard to the issue of the homeless in the woods.

Howard Suchno, 59 Foxwood Road – Commented with regard to the issue of anti-Semitism. Also commented on construction on Massachusetts Avenue.

Esther Moskowitz, Glen Terrace – Spoke on behalf of a few neighbors, who border three adjacent properties on South Lake Drive. The three lots are owned by one owner, who applied several years ago for DEP permits to build on what are obviously wetlands. Somehow, they believe through illegal action, that the permits were obtained to build on wetlands. This construction has caused a tremendous amount of water that has damaged one of the adjacent properties. Construction was commenced on these properties, and then stopped, leaving puddles of water. There a several violations, and environmental hazards. They have gone from department to department with their complaints. They would like to know if summonses can be issued for the existing violations. She also asked for the help of the Township Attorney to speak to DEP about the irregularities and possible illegal actions in obtaining the permits from DEP.

Mayor Langert advised he is familiar with the situation, and agrees with their complaints, and questioned the issuance of the permits from the DEP.

Mr. Day explained that the new plan approved by the DEP permits the owner to fill the wetlands; the DEP wants to protect the wetlands, but they will permit them to fill the wetlands if it is a small amount. The plan shows to grade so that the water flows to the street, and there is actually a clay core that runs along the property that is three feet deep that will stop the penetration of the groundwater from going to the property. The plan calls for what needs to be done, it just needs to be done by the Developer; getting him out there to do what he needs to do has been his biggest issue.

Mr. Day further advised that there has been no permit issued to construct a house; all the Developer has is a permit from the DEP. He has nothing from the Township.

Mayor Langert asked that Mr. Wouters take a look at this; there has to be something that the town can do to force the Developer to keep the water off the adjacent properties.

John Newman, 1586 Salem Street - Complained about the 2,000 plastic bags that have been dumped in their area. Also, has previously requested water service (fire hydrants) in his neighborhood.

Annette Kearney, St. Andrews Court – Complained about the attitudes of the employees of the Public Works Department. Also commented with regard to the School Budget.

Carol Suchno, 59 Foxwood Road – Commented about the issuance of tickets in town, and thanked the Chief of Police. Also complained about the school on Cross Street, and the students walking along Cross Street.

_____ Labowsky, 209 James Crest Court – Commented with regard to the Planning Board application to construct a supermarket at the corner of Fourth Street and Monmouth Avenue.

Gerry Ballwanz, Governors Road – Suggested the consideration of a wellhead protection Ordinance. Also commented with regard to the construction on wetland property on South Lake Drive.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Commented with regard to a Resolution on the Agenda concerning the Recycling Fund.

Moshe Raitzik, 166 North Crest Place – Commented with regard to the proposed construction on Cross Street.

Mark Reeves – Commented on the homeless issue.

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

At this time, the professionals left the meeting.

Mayor Langert responded regarding the construction on Massachusetts Avenue and the issue of going through the Planning Board and Zoning Board for certain projects, and the corresponding Ordinance. He advised that it is his intention to ask the Committee to address this issue in the near future. With regard to the comments made on behalf of the Downtown Merchants Committee, Mayor Langert advised that all the proposals were reviewed by the professionals, three of which they are awaiting responses. As to the proposal for the Farmers Market in Town Square, there are ten markets in Lakewood that sell produce, eight of which are within several blocks of the proposed Farmers Market. His feeling is that since there are eight businesses right in that location that sell produce, why invite outside vendors into the town to sell produce in Town Square, where the town will have to clean up after it, have police resources there, and it will hurt the local merchants who pay taxes, and support the infrastructure. He does not agree with having a Farmers Market in the downtown area, and he is not going to ask the Committee to take any action on it.

Mayor Langert further clarified a point to Mr. Simons regarding the biodegradable bags at the dump site.

As to Mrs. Kelsey's comments, Mayor Langert asked Mr. Wouters to reach out to her tomorrow to have a discussion regarding her questions on the homeless issue.

Mayor Langert further commented on the School Board Budget, and his proposal to have the budget reviewed by the new members of the school board and submit their recommendations to the Township Committee.

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 a Place to Place Transfer for ZACH Corporation, Plenary Retail Distribution Liquor License Number 1514-44-017-009. Resolution No. 2010-131**

- 2. Resolution Establishing Traffic Regulations in connection with the Commencement Ceremonies to be conducted at Georgian Court University. Resolution No. 2010-132**

- 3. 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. 2010-133**

- 4. Resolution Authorizing the Award of a Professional Services Contract to T & M Associates, in an amount not to exceed \$10,000.00. (Water Quality Management Plan) Resolution No. 2010-134**

- 5. Resolution Authorizing the award of a Professional Services Contract to Birdsall Engineering, in the amount of \$27,860.00. (Public Works Site) Resolution No. 2010-135**

- 6. Resolution Appointing a member to the Lakewood Emergency Planning Council. (George J. Leggett) Resolution No. 2010-136**

7. **Resolution Authorizing the Submission for Grant Moneys to the Recycling Fund, pursuant to the Recycling Enhancement Act, P.L. 2007, Chapter 311, in the amount of \$98,601.27.
Resolution No. 2010-137**
8. **Resolution Recognizing the Distinction of "Mayors' Scholar", and the Personal Dedication and Effort toward Individual Educational Advancement of Patrick Ryan Ortiz.
Resolution No. 2010-138**
9. **Resolution Authorizing the Execution of a Shared Services Agreement between the Township of Lakewood and the County of Ocean. (Special Operation Group)
Resolution No. 2010-139**

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

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

Resolution Nos. 2010-131 through 2010-139 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the grant of a Right of Way Easement to Bais Kaila School with respect to a Forty-Two Foot (42 Ft.) Wide Right of Way over a portion of Block 839, Lot 2. (Right of Way Easement – Bais Kaila School – Blk. 839, Lot 2)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz, Governors Road – Asked what was wrong with the previous easement that they now need to increase the width to 42 feet. Also asked why this easement has to be right up against the adjacent property line.

Mayor Langert explained that they are narrowing the easement. If you look at the old Deed, the easement allows them to traverse any part of the property. The easement is not specific as to where on the property they can traverse. The town is actually limiting them to what they have; what they have been practically using is what the town is basically giving them. So instead of allowing them to utilize the whole property, the town is now narrowing it to 42 feet, which is what they are using, and that is where that number came from. It will remain a dirt path.

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

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

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

Ordinance No. 2010-24 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 05/13/10)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Tax Collector to cancel any and all taxes, penalties, interest due by Shalom Torah Centers for 2008 on Block 33, Lot 6, pursuant to and in accordance with N.J.S.A. 54:4-3.6c

Read by title only for first reading.

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

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

Not voting: Committeeman Lichtenstein.

Ordinance No. 2010-25 adopted on first reading. Second reading and public hearing to be held on May 13, 2010.

CORRESPONDENCE

Per list of nine (9) correspondence items, attached hereto and made a part hereof.

Motion by Deputy Mayor Miller, second by Committeeman Lichtenstein, to approve the above correspondence items.

Mr. Edwards spoke on Item No. 9, regarding the request to have a bonfire in the cul-de-sac at Hollywood and Regent. He had the opportunity to run it by the Public Works Director and Police Chief, and they both have concerns. The one from Mr. Franklin is that the bonfire, if allowed to be created on a paved road, will damage the road. And the Chief has advised that as of right now, they do not have a permit from the Fire Marshall, unless they are waiting to get the Township Committee's permission before they go for a permit. He would think that the conditions ought to be that any bonfire would have to be in a contained bin, something metal, not put on the street, and they obviously would have to obtain their approval from the County Fire Marshall.

Committeeman Lichtenstein amended his second to the Motion, and Deputy Mayor Miller amended his Motion, as well, to reflect that they should satisfy Public Works, by either using a bin, or some other material.

Mayor Langert added that they should say that the Chief has to see that all the necessary permits have been obtained, and that John Franklin signs off on it.

Mr. Edwards agreed.

All voted in favor. Motion carried.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of nineteen (19) picnic/event requests, attached hereto and made a part hereof.

Motion by Deputy Mayor Miller, second by Committeeman Lichtenstein, and carried, to approve the above picnic/event requests.

MOTION TO APPROVE BILL LIST OF: 04/20/10

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

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Singer spoke regarding the request by the Downtown Merchants Committee to hold a Farmers' Market in Town Square. The professionals reviewed this request extensively. The event would necessitate Police resources to monitor it. There would also be a trash problem. They have received complaints from nearby merchants about events that are done in Town Square, and it will require trash pick-up on Sunday. Generally, vendors in a Farmers Market are charged a fee; is there a fee to be charged? There is only one local farm market in Lakewood, so there would be outside farm markets participating. The other problem is that Public Works is concerned if fruits and vegetables are left overnight in Town Square, or not cleaned up, it creates the problem of bees. Town Square would have to be washed down on Monday. It is not a simple

issue. Town Square would have to be cleaned up, and there is a cost and safety factor, and a health problem. This is an expense to the Township. If the Downtown Merchants Committee is saying they will put up the money for this request, that they will pay for the police protection, they will pay for Public Works clean-up, they will be responsible for the Sunday trash pick-up, and for washing down Town Square, that is a different situation. But keep in mind that it will not be local farms from Lakewood selling their produce. It will be people from out of the area.

Mayor Langert further commented regarding to the reference to illegal activities in Town Square. He would certainly hope that this person knows that the Committee would support him in his efforts to go to the Ocean County Prosecutor or the Police Department and report any illegal activity that is going on in town. He does not approve or condone any activity that could be considered illegal. If there is proof of this illegal activity, he would advise him to send it to the proper authorities.

ADJOURNMENT

Motion by Committeeman Singer, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 9:50 PM.