

The Lakewood Township Committee held a Meeting on Wednesday, May 6, 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.....Absent..... Menashe Miller
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Frank Edwards
Municipal Attorney..... Lawrence E. Bathgate, II, Esq.
Jan Wouters, Esq.
Acting Municipal Clerk..... Mary Ann Del Mastro

CLOSED SESSION

Resolution No. 2009-161 – 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: 04/23/09

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 04/23/09

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

2009 MUNICIPAL BUDGET

ORDINANCE SECOND READING:

Calendar Year 2009 – Model Ordinance to exceed the Municipal Budget appropriation limits and to establish a Cap Bank (N.J.S.A. 40A:4-45.14)

Read by title only for second reading.

Mayor Singer 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 Mr. Coles, second by Deputy Mayor Langert.

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

Ordinance No. 2009-26 adopted on second reading.

RESOLUTION

Introduction of 2009 Municipal Budget

Acting Municipal Clerk, Mary Ann Del Mastro, read the subject Resolution into the record.

Motion by Deputy Mayor Langert, second by Mr. Coles.

Mr. Lichtenstein commented that they have worked very hard on this Budget, as they have in the past. This year, under the leadership of Mayor Singer, and with Deputy Mayor Langert joining the Committee, some fresh new ideas came about, and he is happy at what the Budget looks like. However, he may have some additional suggestions. He wants to vote for it, with the opportunity to make some suggestions, and if they actually work, that is great, and it has been a pleasure to work on it.

Mr. Edwards commented that it was a very difficult Budget process.

Mayor Singer advised they received a letter from the Budget Advisory Committee with recommendations. They are analyzing those recommendations to see how they will be applicable to the Budget, and if they are correct or not, and they are working on that immediately. They can amend the Budget at any time. Unfortunately, there is an increase, and that is not something that is a positive thing; it is a negative thing. But they are left with several major problems. Number one, they have not curtailed services in town. They did not lay off Police, or Public Works employees; they did not do other lay-offs other than the natural hiring freeze they have within the community. They have down-sized departments where they could, such as in the Inspection Department. If you take a look at the decrease in State funding from last year, to this year, that is almost \$800,000, and that becomes 1.6 million if you take it over the two year period. So that alone is anywhere from one to two cents of the Budget increase, which is the reduced funding from the State. Secondly, there are additional expenditures, such as the increase in utilities, increase in health insurance, and other line items that have also factored into this which they have had to absorb, including the raises that were done by contract negotiations with the unions. They have had some problems with that; the unions have come to the Committee with concerns about that issue. That also adds to part of the problem. In general, with tipping fees increasing for garbage collection, and other issues, they are trying to hold the tax rate as close as possible to no increase, but unfortunately they are looking at some increase. But if you truly look at the services that the Township provides, and the fact that they are keeping things in tact, he thinks

they have done a fairly good job; not perfect, but a fairly good job, they are a work in progress. They are not just looking at the Advisory Committee's comments, but also Mr. Lichtenstein's additional comments. They are open to suggestions. There is an open door policy on this issue, and certainly it is a work in progress.

Mr. Edwards added that the public should know that they did eliminate thirteen (13) full-time positions and one part-time position within the Township. These positions probably became vacant last year, and have not been filled. If you go through the Budget, you will find salaries and wages are only up one percent. And then you have all the other factors, such as reserve for uncollected taxes, which has to go up because the tax collection rate is down because of the economy and because of the impact of tax appeals. It is a very complicated thing. He wanted to make it clear that they did do some things on the personnel side.

Mayor Singer stated they had to lower the rate of uncollected taxes. That is almost a penny on the rate for that alone, almost two. They also had tax appeals and they are paying that back. If you take a look at the rate reduction based on uncollected taxes, and you are paying back for tax appeals, and what they have to reserve for it, it is almost three quarters of the increase. That will not happen next year; people will not have to appeal next year because they are going through the reassessment.

Deputy Mayor Langert asked Mr. Edwards if it would be fair to say that close to half of the tax increase is directly related to reserve for uncollected taxes and a refund because of the loss assessments they have had.

Mr. Edwards answered yes. It affects the collection rate which obviously then, by state law, the formula drives the amount you would have to reserve for uncollected taxes. In addition, they have 1.1 million reserved from last year, that would have gone into surplus but for the fact that it has to be reserved for tax appeals that have not yet been adjudicated, so it affect surplus and everything else along the way.

Deputy Mayor Langert wants the public to understand that half of the tax increase is directly related to the tax appeals in this town, and uncollected taxes; that is half of the increase which is something they can not control. They have no control over who wants to file an appeal; they have the right to file an appeal, but people have to understand that this is the consequence of their action. That half of the tax increase is directly attributable to the tax appeals that have taken place in this town over the past two years.

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

Resolution No. 1009-162 – Adopted.

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION: None

Mayor Singer advised there were two issues that he wanted to discuss prior to opening the meeting to the public. The first issue is the school budget. They have a Resolution on the Agenda this evening. He wanted to tell everyone that both Mr. Lichtenstein and Deputy Mayor Langert worked diligently with the school board, and they have come to a meeting of the minds. They will be cutting approximately twenty-five percent of the

increases as agreed upon, which means they have agreed to do so and they will not fight that. And he would like to ask Mr. Lichtenstein and Deputy Mayor Langert to make some comments on that.

Deputy Mayor Langert stated that they did have a few meetings, especially yesterday's meeting, where they came to a meeting of the minds. He thanked Mr. Edwards for helping them to prepare the Township's side, and thanked Mr. Wouters for his assistance. In the overall process, as elected officials in Lakewood, they can not ignore the clear and direct message that the voters sent with the rejection of the proposed school board this year. The rejection was overwhelming, emphatic, and fairly uniform throughout the segments of the overall population in Lakewood. In order to be true to the voters' expressed dissatisfaction, they could have looked like heroes and they could have taken a very sharp knife to the Budget, and cut everything out. However, it is important to understand that the Township Committee's adjustments to the defeated Budget are subject to review by the Department of Education and could be totally reversed if seen to impair the delivery of a full and fair education offering. Therefore, they have to walk the tight rope, to meet the needs, and restrain the increase in taxes while serving the voters with a sustainable result from this process. The State's formula for school funding is flawed and works to the detriment of suburban districts like Lakewood. They have a much more urban flavor and demographic mix than what we are given credit for. They are not the only town that this is unique to; there are several other areas around the state that are subject to this anomaly and until it is repaired, they will have an imbalance in the funding of the schools with the burden falling on the local taxpayers. They will continue to lobby the State for a change in formula, and he encourages everyone to write or call the Department of Education. Their telephone number is 609-292-4040. He implores everyone to demand that the Commissioner give them the funding that they need, to change the formula because that is the only way they will get tax relief from the State. In light of the restriction they are faced with, he is proud of the professional and thorough process they had, and he is pleased to report that they have managed, along with the agreement of the school board, to cut the proposed school budget increase by a little more than twenty-five percent. The actual number is twenty-eight percent, resulting in a net increase of 2.56 cents against 3.56 cents that had been proposed. In real dollars, what that means is as follows: In 2008-2009, the school board raised \$69,597,133. They proposed \$72,381,018 this year, which was about a 2.8 million dollar increase in the tax levy. They have cut \$787,793 out of that line item, or 28.29 percent of what they wanted to increase. He thanked everyone for their help, and he knows that the school board is OK with this as well.

Mr. Lichtenstein thanked Mayor Singer for the opportunity to work on this, and he wanted to say that with the same concentration that they are giving to the Municipal Budget they tried to do as much as they could with the school budget, because taxes are just getting higher and higher, and they do not want that to happen. They tried to create a fair balance that would not get challenged as not delivering a thorough and efficient education thereby reversing the work they have done. However, the school board did make a commitment, that beginning immediately, they are going to work and reach out to members of the community and work with them similarly to what the

Township did with the Budget Committee. The school board is going to be working with people to look at their Budget from the ground up to see what they can do to decrease their Budget for next year. They felt that is what would work, that is what would keep the school board happy for now, and they gave their commitment to work towards next year.

On the issue of Pine River Village, Deputy Mayor Langert wanted to let the residents know that late this afternoon, they received an opinion from the Land Use Attorney from Gluck, Walrath, whereby they state that if the Township Committee so desires, and they feel it is the right thing to do, they can lift the Deed restriction from the Deeds in that development. To that end, they will be inviting the Developer in to discuss his plans and they will start the process to see what they can do to alleviate the situation they are currently facing.

Mr. Lichtenstein agreed and added that the Township Committee is looking favorably upon this. They got an opinion that favors what they were asking for. However, there are some conditions that they will expect to see in place from the Developer, and that is why they are inviting him in.

Mayor Singer added that they received the opinion that they can do it, legally. There are expenses that directly affect the Township by doing so. There are plans they have to change, and they have to find out who will pay for it, because the Township is not going to pay for that. They have to talk to the Developer about who is going to pay that expense. It is expensive, and there are other issues as to what the development will look like, because it is going from a senior to a non-senior development, and they want to make sure it is designed properly, so it does not infringe on the homes in the community. They have never had a senior and non-senior community sharing the same area, as such, so they want to make sure it is done to their satisfaction.

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.

Ronald Gray, 4 Goldcrest Drive, Pine River Village – Thanked the Committee for their assistance with the issues in their development.

Sheldon Wolpin, 245 Martine Way – As Chairman of the Heritage Commission, he commented with regard to the future of the Lakewood Historical Museum. Due to the sale of the building in which they are currently located, he requested assistance from the Township Committee in finding a new location in Lakewood. Also asked for an explanation of the emergency temporary budget.

Mayor Singer and Mr. Edwards explained the details of the Temporary Budget. Mayor Singer further responded to the Township's efforts to find a new location for the Historical Museum.

Sam Christopher, Central Avenue – Longtime resident of Lakewood, commented on many issues in Lakewood.

Noreen Gill, 192 Coventry Drive – Asked for information on uncollected taxes.

Mr. Edwards will obtain the information from the Tax Collector and provide it to Mrs. Gill.

Larry Simons, 7 Schoolhouse Court – Commented on the details of the Municipal Budget.

Gerry Ballwanz, Governors Road – Commented on the school board budget. Also asked about the tax lien sale.

Mr. Edwards advised that due to the recent illness of the Tax Collector, the tax sale will be rescheduled for September.

Mrs. Ballwanz further commented on the legal opinion regarding Pine River Village.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the Municipal Budget.

David Drukaroff, 1433 Laurelwood Avenue – Commented with regard to the Municipal Budget.

Seeing no one else wishing to be heard, Mayor Singer 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.

- 1. Resolution authorizing emergency Temporary Appropriations for the period between the beginning of the current fiscal year and the date of the adoption of the 2009 Budget.
Resolution No. 2009-163**

- 2. Resolution authorizing a Military Leave of Absence, for Eduardo Rodriguez, from April 22, 2009 to July 29, 2012.
Resolution No. 2009-164**
- 3. Resolution authorizing submission of application to New Jersey Urban Enterprise Zone Authority for Second Generation Urban Enterprise Zone Assistance Funds for the year 2009, in the amount of \$412,500.00.
(UEZ - Supplemental Downtown Parking Phase I)
Resolution No. 2009-165**
- 4. Resolution authorizing submission of a Second Generation fund application to the New Jersey Urban Enterprise Zone Authority, in the amount of \$91,000.00. (UEZ – Hatzolah EMS, Vehicle Grant)
Resolution No. 2009-166**
- 5. Resolution authorizing the submission of a project application request, in the amount of \$1,839,403, to the New Jersey Urban Enterprise Zone Authority to evaluate and approve funding from the funds deposited in the Enterprise Zone Assistance fund. (UEZ – Baseball Stadium)
Resolution No. 2009-167**
- 6. Resolution authorizing the execution of an agreement with the County of Ocean for the cost of electric usage and future battery replacement for the traffic signal at the intersection on New Hampshire Avenue and Oak Street.
Resolution No. 2009-168**
- 7. Resolution authorizing the execution of an agreement with the County of Ocean for the cost of electric usage and future battery replacement for the traffic signal at the intersection on New Hampshire Avenue and Pine Street-Oberlin Avenue South.
Resolution No. 2009-169**
- 8. Resolution appointing a Municipal Housing Liaison/RCA Administrator.
(Russ Corby)
Resolution No. 2009-170**
- 9. Resolution certifying the Tax Levy in regard to the defeated School Budget of the Lakewood Board of Education.
Resolution No. 2009-171**

**10. Resolution requesting the extension of the New Jersey Urban Enterprise Zone in the Township of Lakewood.
Resolution No. 2009-172**

Motion by Mr. Coles, second by Deputy Mayor Langert, to approve Resolution Nos. 1 through 10 on the Consent Agenda.

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

Mr. Lichtenstein abstained on Resolution No. 4.

Resolution Nos. 2009-163 through 2009-172 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II, entitled "Administration" of the Code of the Township of Lakewood. (2-56.3)

Read by title only for second reading.

Mayor Singer 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 Mr. Coles, second by Mr. Lichtenstein.

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

Ordinance No. 2009-20 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of an undersized parcel in the Township of Lakewood, at a Private Sale pursuant to N.J.S.A. 40A:12-1, et. seq. (Block 235, lot 36)

Read by title only for second reading.

Mayor Singer 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 Deputy Mayor Langert, second by Mr. Lichtenstein.

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

Negative: Mr. Coles

Ordinance No. 2009-21 adopted on second reading.

An Ordinance releasing, extinguishing, and vacating the rights of the public in portions of paper streets known as Rudd Street, Fried Street, and Brier Street in the Township of Lakewood.

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

Gerry Ballwanz, Governors Road – Stated that when the Township vacates the streets, there will be approximately 18,000 square feet of land that will be given to the Developer free of charge. The Township is looking for money; have towns taxed or gotten any money for vacated streets, or because it is saving the town money in the future for not building those streets, that it is easier to just vacate and give that land, for free, to the property owners on either side of the vacated street.

Mayor Singer stated that the gain is that when the street is vacated it goes back on the tax rolls. As a street, it is not on the tax rolls. The Township is not allowed, by state law, to get money for vacating streets.

Mrs. Ballwanz further asked about the DEP granting release of a conservation restriction.

Mr. Edwards answered that his understanding was that as part of the application, the applicant states that they need this additional area to be vacated to satisfy the DEP's conservation easement requirement.

Mayor Singer added that all of the subject land will not be developed; it will be set aside for green.

Mr. Edwards stated that the applicant owns all of the surrounding property.

Mrs. Ballwanz confirmed this will act as a buffer between this development and Fairways.

Bill Hobday, 30 Schoolhouse Lane – Stated that this will be a tree save area.

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, Deputy Mayor Langert and Mayor Singer.

Ordinance No. 2009-22 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVI, entitled "Property Maintenance" of the Code of the Township of Lakewood. (Section 16-1.5)

Read by title only for second reading.

Mayor Singer 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 Deputy Mayor Langert, second by Mr. Coles.

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

Deputy Mayor Langert commended Mr. Wouters for his attention to detail on this Ordinance.

Ordinance No. 2009-23 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the conveyance and execution of a Deed of Utility and Overhead Utility Easement and Right of Way Agreement with respect to a portion of Block 1602, Lot 15.

Read by title only for second reading.

Mayor Singer 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 Deputy Mayor Langert, second by Mr. Coles.

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

Ordinance No. 2009-24 adopted on second reading.

Refunding Bond Ordinance of the Township of Lakewood, in the County of Ocean, New Jersey, providing for the refunding of all or a portion of the Township's General Improvement Bonds, Series 1999, heretofore issued to finance Capital Improvements, appropriating an amount not exceeding \$4,250,000.00 therefore and authorizing the issuance of not to exceed \$4,250,000.00 general obligation refunding bonds of the Township of Lakewood for financing the cost thereof.

Read by title only for second reading.

Mayor Singer 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 Mr. Coles, second by Mr. Lichtenstein.

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

Ordinance No. 2009-25 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing) - None

CORRESPONDENCE

Per list of two (2) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of five (5) items attached hereto and made a part hereof.

Motion by Mr. Coles, second by Mr. Lichtenstein, and carried, to approve the above Correspondence and picnic requests, with the comment from Mr. Lichtenstein, that on Correspondence Item No. 2, he sees that one of the dates was not available, and he does not see a response to them. He is assuming that is what their response should be.

MOTION TO APPROVE BILL LIST OF: 05/04/09

Motion by Mr. Coles, second by Deputy Mayor Langert.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Lichtenstein asked Mr. Edwards to forward the following information to the professionals to bring up at the next public session: First, on Kent Road, they have been struggling with the sidewalk issue there for quite a while. They are not able to get it because a neighbor does not want to give up the property. However, there is a right-turn lane and a big sign that says No Right on Red. The neighbors have asked him to request that the Engineer look at asking the County to eliminate the right tuning lane and at least have a shoulder on the road so that people can walk by. Presently, the only place for people to walk is in the lane of traffic.

Mayor Singer asked the Township Attorney to look into the issue of forcing the owner of the property to install sidewalks. He also asked that Mr. Edwards look into the alternative solution.

Mr. Lichtenstein stated that the second item is there is a lot on Second Street, where you come out of the municipal driveway lot; right opposite there is a vacant lot, and he does not know who owns it. It is always a mess, and there is a gate with a lock and a key.

Mayor Singer advised that the Township does not own it. It is behind the liquor store, and they own it. They put the gate up to stop people from going back there and hanging around.

Mr. Lichtenstein asked that the Inspection Department take a look at it.

Mr. Lichtenstein further commented on the subject of sidewalks; the Engineer had submitted an estimate on finishing up the County Line project of sidewalks from Ardenwood Avenue down toward Route 9. He does not know if they have money this year; last year Mr. Coles was looking at the use of CDBG funds. He asked to reactivate this issue. He knows that the Township does not have the money, if it has to come out of the general fund it will have to wait; but to see if there is anything they can do there, or find an alternative.

Mayor Singer asked Mr. Edwards to see if there is anything left in a Bond Issue that they might be able to use for that.

Mr. Lichtenstein confirmed that the location is West County Line Road; the sidewalk ends at either Heathwood or Ardenwood, in that area, all the way down to Route 9 or Clifton Avenue. There are a lot of people who walk in that area.

Mr. Lichtenstein further thanked the Shade Tree Commission for planting the beautiful tree in front of the OEM/EMS Building.

ADJOURNMENT

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