

**The Lakewood Township Committee held a Meeting on Thursday, August 20, 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 Attorneys.....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, 2009 and published in the Asbury Park Press on January 8, 2009.**

**ROLL CALL**

**CLOSED SESSION**  
**Resolution No. 2009-275 – Adopted.**

**SALUTE TO THE FLAG AND PRAYER**

**ROLL CALL**

**OPEN SESSION**

**MOTION TO APPROVE MINUTES OF: 08/06/09**  
Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above Minutes.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 08/06/09**  
Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above Closed Session Minutes.

**PRESENTATIONS - Engineering – Traffic Study**

Mayor Singer announced that the presentation this evening will be regarding the implementation of the Transportation Plan. The Township Committee has received maps on this, and wanted the public to view them. The State will be giving a major presentation in the future; they will be doing an extensive restriping and reconfiguration of Route 9 along all the dualized areas in Lakewood. They have also committed, in the future, to dualize the rest of Route 9 in Lakewood going from the Lake all the way to the

Route 70 border. But the restriping will be done immediately creating five lanes, which will be for turning lanes on Route 9. The implementation of the parts of the program which is the subject of this evening's presentation can not take place until the State does their work because some of the Township' work will be in conjunction with that of the State. There are relatively inexpensive cost factors to be able to start implementing the reconfiguration of the downtown traffic flow. There has been input from the Transportation Board, from T & M Associates, and the Police Department and Traffic & Safety. The Township has covered all bases on this as to how they believe this will improve the flow of traffic in downtown Lakewood.

Todd Day, Municipal Engineer, offered a power-point presentation to the public, with exhibits and charts showing the layout of the town. The items to be discussed this evening are basically recommendations that they can quickly initiate at low cost and they can be modified if they do not work.

Mr. Day continued with his slide presentation, detailing the various recommendations for intersections and streets in the downtown area.

Mr. Day will speak with the Township Attorney with regard to the required Ordinances, and will contact the DOT as to their part of the plan, with regard to the implementation of the recommended improvements.

Mayor Singer further advised that besides the State agreeing to the dualization of Route 9, they have also agreed to put turning arrows in at County Line Road and Route 9, and Kennedy Boulevard and Route 9.

## **ORDINANCES FOR DISCUSSION: None**

## **QUALITY OF LIFE**

Mayor Singer reviewed quality of life issues from the previous meeting.

As to the CO concerns in the Coventry Square Condominium development, Mr. Saccamanno advised they investigated nine addresses as to the status of rental CO's.

As to the issue of the intersection of County Line Road and Laurelwood Avenue, Mr. Day advised there are no left hand turn lanes. If you are traveling eastbound, there is a left turn signal on the traffic signal head; traveling westbound, there is a delayed green signal. He measured the roadway; it is only fifty feet, curb to curb, so there is not enough room to put a left turn lane at that location. The County also advised it is not warranted at this time. If the Township Committee wishes, they can direct the County to do a study for the request of a left turn signal, and an arrow in the westbound direction also.

Mr. Lichtenstein requested that the three-year crash data be forwarded to the County for their review.

As to the traffic signalization at Route 88 and Route 9, Mr. Day advised this item is pending.

As to the traffic intersection at Somerset Avenue and County Line Road, Mr. Day advised he spoke with the County and the County representatives are looking into this issue, as well as traffic signal synchronization in the area of the Somerset shopping center.

As to the issue of the request for traffic signal at Pine Street and MLK Drive, a letter had been sent to the County by the Engineering Department, and the County has determined that the request should be handled by the Township, as they are Township roads.

Mayor Singer advised there is a problem in the area, where the traffic backs up on MLK. He feels they have to look at the whole section, from Route 9 all the way to MLK; they have to look at the entire traffic movement, and how it can be improved. They also have to look at the parking on both sides of the street.

Mr. Miller requested to meet with Mr. Day out at the site, to discuss the issue.

Mr. Miller asked Mr. Edwards to look into when Vine Street will be put through from Pine Street to Cedarbridge Avenue.

Mr. Edwards answered there is no state funding for this project; the State took back the funding for that phase of Vine Street. The priority was to do the phase that takes it from where the recreation complex is located down and link it up with Route 70. That is what is being reviewed by the State at this time. But they have not, as yet, provided any construction dollars to the Township.

Mr. Miller asked that, as of now, the Vine Street project, from Cedarbridge to Pine Street, is dead?

Mr. Edwards answered that Phase 1 is done. Phase II is supposed to be the link to Route 70, and then the northern part was the next phase. The State has not come through with the funding for the second phase.

Mr. Miller asked if there was any way they could find out how much that project would cost.

Mayor Singer answered, it was one million dollars.

Mr. Edwards added that the one phase that they have not done was another million dollars, and that is not even counting the phase they are talking about.

Mr. Miller advised he will meet with Mr. Day out at Marc Drive, Pine Street and MLK, to discuss the issues.

### **Quality of Life Issues from Committee Members:**

Mr. Lichtenstein advised he met with the members of the synagogue, located at Fourth Street and Park Avenue. There is a little triangle of vacant Township property that they feel should be blacktopped; it would ease up a lot of the traffic in the area. He asked that Public Works look at this, and provide the Committee with an estimate.

Mr. Lichtenstein further commented with regard to a letter received from the Homeowners Association from Presidential Estates; the letter was forwarded to Mr. Day.

Mr. Day advised they did look at the sites, and he spoke with the Developer, who was a bit surprised. He has not posted a Maintenance Bond, but he has promised to take care of the issues.

Mr. Lichtenstein further advised he received a very disappointing e-mail that was generated by GPU. The Township has been working with Public Works and the Inspection Department to clean up graffiti. When the request was sent to GPU for them to clean up the poles, the answer the Township got was that they did not have a maintenance crew that takes care of that type of problem.

Mr. Edwards advised that the latest information that he received was that after speaking with the Mayor, they will clean it up. Mr. Dineros is to provide them with a list of the locations.

Mr. Lichtenstein advised that in the new development on Chestnut Street, the electric poles are covered with gang graffiti. He requested that this be added to the list for clean up.

Mr. Miller asked that Public Works look at the overgrowth of bushes and trees at Jay Street and Warren Street, which is creating safety hazards for bicyclists, pedestrians and vehicular traffic.

Mayor Singer commented with regard to the bicycle lane on Pine Street, which was put in with a State Grant, and he believes that the Township has to maintain it. He asked the Chief to look into this matter.

### **Quality of Life Comments from the Public:**

Charlie Cunliffe, Jennifer Drive – Commented on the new development off Chestnut Street, on Vermont Street, where each of the light poles, from the sports complex going south, have been marked with gang graffiti. They have also marked the private school in the area with the same graffiti.

Mr. Saccamanno will look into it.

**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.**

Yeshi Ghouri, 160 Seminole Drive – Advised that the only to access his home is to go into Jackson, an extra mile, to come back on East County Line Road to get back to his home. Even though there are some side streets that they can use, the Jackson Police say they can not use their streets as a side road to go to New Prospect and take that light to come back. They are forcing them to go all the way out to Brewers Bridge, and take the u-turn to come back into Lakewood. There is a divider in the road that prevents them from making a left turn onto Pawnee Road off of County Line Road. He complained that Jackson keeps changing the rules as to how to access the roads on the left. He asked if there can be some clear guidelines as to where you can or can not make a u-turn.

Mayor Singer asked the Attorney if you can prevent anyone from using public streets.

Mr. Bathgate answered no.

Mayor Singer requested that Chief Lawson contact the Chief of Police in Jackson and find out what the problem is there. He does not know of any law that says you can not use any street that you want; it is a public right-of-way, and as long as you are obeying the speed limits, you can use a public street. It is not a cut-through; this is a public street, and you have the right to access any public street any time you want.

Mr. Ghouri advised they are being pulled over by the Jackson Police for using a public street as a cut-through.

Mayor Singer advised they can not do that, and they will look into it.

Bernice Ippolito – Asked about Route 9 north at the corner of Central Avenue. Asked why an left turn arrow and light has not been installed at that traffic signal.

Mayor Singer answered that they would have to stop traffic in one full direction in order to have a left turn signal, and there is not enough stacking room from the light there to the light at Main Street. There has to be adequate traffic flow in both directions.

Ms. Ippolito further complained that the area is very hazardous because of people jumping the light, or edging too close.

Mayor Singer continued that the State can not do it; they have looked at it. There would be too much traffic backing up on Route 9.

Larry Simons – Commented with regard to the amendments to the Option Agreement between the Township and Cedarbridge Development Urban Renewal Corporation.

Charlie Cunliffe, 135 Jennifer Drive – Asked the Township Committee to vote no on the Ordinance with regard to Zero Lot Line Development. He feels that it adds a level of density that they do not need, and he has concerns about it.

Mr. Cunliffe also asked that the Committee vote no on the two Ordinances concerning Pine River Village.

Mr. Cunliffe further commented with regard to the removal of the Deed restriction on the Pine Street land, and the conveyance of the land.

Alice Kelsey, 295-B Malvern Court East – Voiced her concerns with regard to the Committee's response to public comments. Asked what is the Township Committee going to do for the Township, for the residents, for those landlords who have brought shame on the community by offering bribes to the Code Enforcement Officers, and what is the Township Committee going to do to make sure that there is no weak link in any of the employees that will be subject to the landlords offering bribes again.

Mayor Singer advised that they did respond to Mrs. Kelsey's questions. He advised that he said specifically that the Township had absolutely no information or knowledge on any landlords or any individuals, that everything was still under investigation by the federal prosecutor and the State.

Mrs. Kelsey asked if the Township can conduct their own investigation.

Mayor Singer responded that when the Township attempted to conduct an investigation, they were told not to, that it was being handled by the federal investigators and local prosecutors, and the Township was not to have any part of it.

Mrs. Kelsey also asked about the report from STEPS.

Mayor Singer answered they had hoped that the presentation was going to be this evening, but Mr. Oross is on vacation and he hopes that it will be presented at the next meeting.

Mrs. Kelsey further thanked the Committee for the stop signs near the library, and on Forest Avenue.

Gerry Ballwanz, Governors Road – Commented with regard to the acquisition of the wildcat lots in the Southwest Acquisition Area; asked about the cost to acquire the land. Also asked about the use of the money by Cedarbridge Development for the development of the corporate park.

Mrs. Ballwanz further commented with regard to the UEZ maps. Asked why the Little League field is contained within the Urban Enterprise Zone, being that it is to be a parking lot. Also asked why Brook Road is also contained within the zone.

Noreen Gill, 192 Coventry Drive – Complained about the landlords, and the Certificates of Occupancy issued in Coventry Square.

Mrs. Gill further commented on overcrowding conditions and rental properties.

Dr. Mordechai Goodman, Pine River Village, President of the Liaison Committee between the residents and the Attorney representing the residents – Commented with regard to their meeting to see if the residents would support the second reading of the three Ordinances. There was a unanimous vote of the residents in attendance in favor of the passage of these Ordinances.

Moshe Lankry – Thanked Deputy Mayor Langert and Mr. Wouters for reaching out to the downtown storeowners and meeting with them to try to redevelop and rebuild the downtown area.

Mr. Lankry advised he was representing a few store owners, and they are concerned about a paper street near the Community Center, Steckler Street, with a large area behind it. They have heard rumors that someone wants to develop Monmouth Avenue into a mall, or storefronts. The Clifton Avenue storeowners would like to know what is planned for that area, and how it will affect the storeowners on Clifton Avenue.

Israel Hissiger, 3 Hawk Way, Pine River Village – Commented on their quality of life.

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

Mayor Singer advised that Mr. Coles would respond on the issue of Monmouth Avenue.

Mr. Coles explained that they have been approached at the Urban Enterprise Zone to build a parking lot behind where the current Community Center is located to service a new shopping center that would be built along Monmouth Avenue. He believes that the tentative plan is to have one of the non-profit grocery stores move there, the one that is in the tent on Route 88 presently. The participation from the LDC will be limited to constructing the parking lot, which would be a public parking lot for everyone. There will be additional stores down there, which they hope will be a positive project for the area.

Mr. Miller confirmed that any proposed parking lot would have to go before either the Zoning or Planning Board.

Mr. Coles answered yes; it would have to go through the regular channels.

Mr. Miller added that it would be publicized before anything happens.

Mayor Singer addressed the Cedarbridge issue. He believes that the original contract was signed by Mayor Dolobowsky, and Deputy Mayor Lichtenstein signed the other one.

The prior Cedarbridge contract, as far as he was concerned, was poorly constructed, poorly written, and did not reflect what should have been done regarding the project. He is asking the Committee this evening to allow him, together with Deputy Mayor Langert, to come back with a revamped contract that makes more economic sense for the Township. He wanted the public to understand that no land is owned by anyone other than the Township. No land has been transferred; all of Cedarbridge is owned by Lakewood Township. The only parcel that was transferred is the one signed by Deputy Mayor Lichtenstein, under the tutelage of the past Committee, and their Attorney who designed the agreement. He believes that agreement has to be rewritten. Unless there is any objection, they will begin the process of rewriting the contract into what he thinks will be a more understandable contract than the one agreed to and signed by previous administrations.

Mayor Singer further commented with regard to the Pine River Village issue. At the last meeting, the Committee was asked to look at the agreement to see if it is a fair agreement and come back with what they felt is reasonable. Through the efforts of Deputy Mayor Langert, they have crafted an excellent agreement. They are dealing with two issues. The seniors who live there are constituents. Like every community, the Township tries to work with the senior developments to make them happy. They came to the Township and have said there is a problem, that they do not want to live this way until this project is finished. The developer says if he carves off eighty-five lots and makes them "all families", and he is permitted to develop the ninety-three lots for seniors, that this community will be finished within a reasonable amount of time. The community had to vote officially to allow DCA to change that, and they have agreed to do so, and it is the agreement of the majority of the residents. They have asked for the Township to help them maintain their quality of life, and many of them have spent a lot of money on their homes. They met to determine what would be a reasonable compensation for the Township for the change of use. There was a comment this evening that a prior attorney had said this was illegal, and that is not correct. The Township received a letter from the applicant's attorney with his opinion that it was perfectly legal. The previous attorney for the Township made no determination, and left it to the Township. This started a year and a half ago. The prior Committee never dealt with it. The present Committee did deal with it, and they made sure they were doing something that would end up with the Township having a legal problem in the future, and went to a large firm, and asked them, as land use attorneys, to give the Township an opinion whether the Township would be allowed, legally, to do this, and could the Township legally ask for money to do this change. And they came back with a written opinion saying absolutely the Township had the right to do this, and they had the right to ask for money if they wished to. The Committee felt very confident with that opinion. The offer, that was made publicly, was \$400,000.00, a portion of which was to be paid at the close of each one of homes, and that period of time could be either one, two, three or four years, that the Township would have to wait to receive the money. The Committee felt that waiting for the money was not acceptable to the town; they did not want to worry about whether the development took one, two, three or four years to build. The Committee felt that the money should be paid at the time when the first permit to build was issued, after all approvals were given, and that the Township should



receive an entire check. They also felt that \$400,000.00 was not enough money for the Township. Through negotiations, they came up with a figure of \$850,000.00 to the Township, to be paid at the time of the first permit being drawn. The Developer has agreed to this, and he hopes that the Township Committee will vote to allow him to sign the agreement. The agreement requires the Ordinances to be passed this evening, in order to go forward with the project. He thinks this solves both problems. It solves the problems of the seniors knowing that what they asked for was responded to, and it goes to the taxpayer knowing that the Township will be getting a check in the amount of \$850,000.00, and that the Developer will be able to complete his project so there is not an eyesore as you drive down Pine Street. He thinks this is a fair agreement, and thanked Deputy Mayor Langert for his work and negotiations.

Deputy Mayor Langert asked Sal Alfieri, Esq., to come forward. Two weeks ago, he spoke about the price, to see if the offer was right or not. He asked that Mr. Alfieri explain to the public as to how it came to be that they were in a meeting with the Assessor thinking they were going to get three million dollars. It was explained that there was no legal basis to stand on, and they were closer to the number where they are now.

Mr. Alfieri explained that the tax assessment records presently reflect that the lots in question are valued at approximately \$120,000.00. The reason it states \$120,000.00 is last year in 2008 a tax appeal was filed by the taxpayer, the Developer; the Township, and the taxpayer, each hired an appraiser to value those lots, and a settlement was reached between the Township and the taxpayer for a \$71,000.00 per lot assessment. He was not the attorney last year, but that was the agreement that was reached. The agreement that was reached at \$71,000.00 per lot was for one year only. It was only for the 2008 taxes, and the reason it was for one year only is that in the event that the Developer decided to improve the property and start doing work, the assessment would have to go up, and rather than reassess it at a higher number, they kept the \$120,000.00 base number on the records. The taxpayer then received a refund for whatever the overpayment was as a result of that settlement. This year, the assessment still shows \$120,000.00. The taxpayer filed a new tax appeal, and since there has been no change in the condition of the property, meaning there have been no site improvements that were performed since that time, the Township again settled at the same \$71,000.00 number. The tax records are not changed for this year yet because the County Tax Board does not issue judgments reflecting the reduced assessment until the end of the time they complete all of the tax appeals which will probably go on until sometime at the end of September, and therefore, the judgments from the County Tax Board will probably not come out until October or November. So the value agreed upon by both the Township's appraiser and the property owner's appraiser for the past two years has been \$71,000.00. The second component of the valuation was that during the negotiations for the tax appeal, it was agreed that the increase in value of these properties, if the age restriction was lifted, was twenty percent. So if one were to take the seventy times the twenty percent you would get \$14,000.00. Then factoring in some reduction for the improvements that were made, the approvals that were obtained by the property owner, etc., and the fact you are getting money up front, the present

value of money versus a long term payout, that is how the number was arrived at. So if you were to call the Assessor's Office tomorrow, you would be told that the records still reflect the \$120,000.00 number, and they will reflect that until such time as the County Tax Board actually issues the judgments later this year.

Deputy Mayor Langert stated that you do not have to wait until tomorrow, he called today, and the lots in questions...some are \$128,000, some are \$129,000, some are \$130,000.00, so he appreciated the explanation. So that even though that is what the Assessor has in their computer, it is not the actual assessment. The actual assessment is \$71,000.00.

Mr. Alfieri answered that is correct.

Deputy Mayor Langert continued, that legally, based on the Township's professionals, a twenty percent premium on that lot is something you can defend. He had pointedly asked him if he could legally defend the Township asking for \$40,000.00 per lot, and he was advised, no.

Mr. Alfieri answered, that is correct. And the twenty percent number was actually contained in the Gagliano appraisal report from last year and then he confirmed with him for this year, that he stands by that number of twenty percent.

Deputy Mayor Langert continued and asked Mr. Alfieri if he had to defend the Township from accusations of giving it away, would he feel comfortable by saying the Township is getting top dollar.

Mr. Alfieri answered that only because two independent appraisers, the Township's and the taxpayer's, both came up with that value in a litigated settlement, so it is certainly an arms length negotiation and valuation.

Deputy Mayor Langert advised there was a comment made at one of the meetings that he wanted to balance the Township's budget on the Developer's back. Although that certainly would have been nice, and he would certainly like three or four million dollars to balance next year's budget, he would have to say that based on meetings with Mr. Alfieri, and the Developer, he is comfortable with telling the Committee he believes they are getting a fair price from the Developer, and fair terms. And he would recommend that the Committee go ahead, from a financial standpoint, and accept the Developer's offer of \$10,000 per lot, with a one time payment when he is ready to pull his first building permit. And if they do agree to it, he would like to memorialize it in the form of a Resolution to allow the Mayor to sign the agreement, and of course that it be open to the public for transparency.

Mayor Singer advised that there is a light pole down on Avenue of the Americas, that has been down for a while; he asked if those light poles are owned by the Township or by JCPL.

Mr. Burdge answered that he believes they are owned by the Township.

Mayor Singer asked Mr. Burdge to check in to it.

At this time, the professionals left the meeting.

## **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 canceling various Grant Receivable and Grant Appropriated Reserve Balances.  
Resolution No. 2009-276**
- 2. Resolution releasing a Performance Guarantee posted by Park Avenue Equities in connection with SD#1622, Block 170, Lots 1.01, 1.02 and 3, in the amount of \$13,278.00.  
Resolution No. 2009-277**
- 3. Resolution releasing a Performance Guarantee posted by for U-E Holdings, LLC – Clifton Redevelopment, in connection with SP #1833, Block 121, Lot 29, in the amount of \$11,579.00.  
Resolution No. 2009-278**
- 4. Resolution accepting a bid on block 246, Lot 18 as a result of the Private Land Sale of an undersized parcel in the Township of Lakewood, in the amount of \$25,500.00.  
Resolution No. 2009-279**
- 5. Resolution authorizing the Creation of the Lakewood Higher Education Coordinating Council.  
Resolution No. 2009-280**
- 6. Resolution reducing the Performance Guarantee posted by BYR Company, LLC, in connection with SP#1824, Block 1051, Lot 29, to \$26,099.10.  
Resolution No. 2009-281**
- 7. Resolution releasing a Performance Guarantee posted by 212 Second Street Holding, LLC, in connection with SP#1850, Block 121, Lots 12, and 13, in the amount of \$3,000.00  
Resolution No. 2009-282**

8. **Resolution reducing the Performance Guarantee posted by South Clear, LLC, in connection with SD#1551a, Block 5, Lots 1.0 and 5, to \$218,333.00.  
Resolution No. 2009-283**
  
9. **Resolution supporting the State House Commission final application to the New Jersey Department of Environmental Protection Green Acres Program for diversion of former Block 551, Lots 1-6, and former Block 552, Lots 1-4, 6 & 7, now within Block 549.01, Lot 1 (portion), and Block 549.02, Lot 1 (portion), the current Department of Public Works Facility on Cedar Bridge Avenue. (Green Acres – PW Facility)  
Resolution No. 2009-284**
  
10. **Resolution supporting the State House Commission final application to the New Jersey Department of Environmental Protection Green Acres Program for diversion of Block 113, Lots 1, 2, A, portion of 3, 4, and 5 the former Little League Ball Field Facility, located at Clifton Avenue and Ninth Street. (Green Acres – former Little League Field)  
Resolution No. 2009-285**
  
11. **Resolution petitioning a Court of Competent Jurisdiction with an Adopted Housing Element and Fair Share Plan.  
Resolution No. 2009-286**
  
12. **Resolution authorizing the Township Tax Collector to cancel the Property Maintenance Lien for property known as Block 1248.13, Lot 10 on the Tax Map of the Township of Lakewood.  
Resolution No. 2009-287**
  
13. **Resolution authorizing the Execution of an Agreement between the Township of Lakewood and Jeffrey Shapiro for Services rendered as Recreation Supervisor.  
Resolution No. 2009-288**

Motion by Mr. Coles, second by Mr. Miller, to approve Resolution Nos. 1 through 13 on the Consent Agenda.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles (voted no on Resolution No. 4), Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Resolution Nos. 2009-276 through 2009-288 – Adopted.**

A Motion was offered by Deputy Mayor Langert, second by Mr. Coles, authorizing the Mayor to sign the agreement with Pine River Village.

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

A Motion was offered by Mr. Lichtenstein, second by Mr. Miller, and carried, authorizing Mayor Singer and Deputy Mayor Langert, to start negotiating with Cedarbridge Development with regard to re-writing the Option Agreement, to be brought before the Committee for consideration.

Mr. Coles voted in the negative.

## **ORDINANCE SECOND READING**

### **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Section 2-36.4 (Fees) of the Revised General Ordinances of the Township of Lakewood. (Administration – Section 2-36.4)**

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. Miller.

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

**Ordinance No. 2009- 36 adopted on second reading.**

### **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Section 2-76.3 (Fees for Copies) of the Revised General Ordinances of the Township of Lakewood. (Administration – Section 2-76.3)**

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. Miller.

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

**Ordinance No. 2009-37 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) of the Revised General Ordinances of the Township of Lakewood. (UDO – Section 18-911 – “Zero Lot Line Development”)**

Read by title only for second reading, as amended.

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.

Mr. Lichtenstein commented that an amendment was made with regard to...."that in the event that all or part of the structure is destroyed, the only structure that may be constructed on the property is an attached zero lot line structure that is exactly the same dimensions, in the same location, on the lot, as the original structure." That makes a big difference to him that they can not have little 5,000 square foot lots, but it allows for people to be individually fee responsible for each of their sides of their duplex, which is why he is supporting the Ordinance.

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

**Ordinance No. 2009-38 adopted on second reading, as amended.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXI (Solid Waste Management), of the Revised General Ordinances of the Township of Lakewood. (Solid Waste Management and Recycling)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public.

Gerry Ballwanz – She advised that regarding the recycling of plastic, the Ordinance refers to no plastic other than bottles. She asked if that means that different hard plastic can not be thrown in, and only bottles. She asked about different covers from different reusable containers, such as margarine containers, yogurt cups, she asked if they can be recycled.

Mr. Wouters answered this is from the County's form recycling Ordinance, and he thinks that it will have to be clarified by Public Works. He can not say specifically whether it is limited to just bottles, notwithstanding what the Ordinance says.

Mrs. Ballwanz stated there is more plastic than just plastic bottles, and that may need to be changed, unless it requires a different technology to deal with that kind of plastic. And when you look at those containers, it says it is recyclable.

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, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-39 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII (The Lakewood Township Unified Development Ordinance of 2005), Section 18-903 (Non-Residential**

**Zoning Districts) of the Revised General Ordinances of the Township of Lakewood. (UDO – Section 18-903 – Non-Residential Zoning Districts)**

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. Miller.

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

**Ordinance No. 2009-40 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXIV (Taxation), Section 24-1 (Tax Exemption and Abatement of the Revised General Ordinances of the Township of Lakewood. (Taxation – Section 24-1- Tax Exemption and Abatement)**

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. Miller.

Mayor Singer thanked Deputy Mayor Langert and Mr. Wouters for their work on this Ordinance.

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

**Ordinance No. 2009-41 adopted on second reading.**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing the annual minimum and maximum salary ranges for the offices and positions of persons employed by the Township of Lakewood in the County of Ocean and State of New Jersey for certain employees of the International Brotherhood of Teamsters Local 97. (Salary Ord. – Teamsters)**

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, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-42 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, releasing and discharging a portion of a Deed Restriction contained in the March 17, 2005 Deed between the Township of Lakewood and Somerset PRV, LLC. (Pine River Village)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public.

Alice Kelsey, 295-B Malvern Court – Advised she lives in the oldest senior village in the

State of New Jersey, and there are approximately 5,000 residents, and 2,000 units. Her concern is what this would mean for those who live in other senior villages and since the original offering advertised it as a deed restricted senior village, and since they do get special things from government because they are a senior village, and because of insurance and all other things that affect them as senior villages, she has a concern. It is not that she does not want any other senior to have a quality of senior life. It is just that she has to say that she comes from the oldest village and that needs to be taken into consideration, and all those villages that came after her. And that the newest village should not do anything that would affect those who came before them. And because they are the second largest community in Lakewood, she thinks that their concerns have to be heard and addressed. So she is concerned because of the original offering, do the people have an association and a Master Deed, and if so, what does the Master Deed say about the Deed restriction, are there dedicated streets, will those streets not be dedicated now, will the Township be doing all the work there, etc. When she was hearing about the value of the lots, she was concerned because she filed a tax appeal on her home, which is a condo. And unfortunately, her lot is stated to be more valuable than this lot. And when she goes down Pine Street, she sees an absolute admiration of those homes.

Mayor Singer stated those unimproved lots are not the lots that the houses are to be built on. And this has never been a gated community. This has no effect on anyone other than their development. They had to go to DCA and ask for it to be done by vote by the residents who live there. The Developer could not do it. The Township has no right to lift the Deed restriction unless DCA says so.

Mrs. Kelsey asked if DCA says it is okay, and the State supersedes the Township, why did the Township Committee have to vote on anything this evening.

Mayor Singer answered because they are changing the Deed restriction.

Mrs. Kelsey feels that her questions have not been answered, and she asked that the Committee not vote on the Ordinance this evening, and to educate the other senior communities who may have feelings they are able to articulate that might be questions that need to be answered, and she is not prepared this evening. She feels that she needs more assurance that this is not going to affect places like Lions Head, Fairways and Original and Leisure Village East, and all of the other communities. Not that she has anything against lifting this Deed restriction if it is appropriate, but she has concerns that have not been addressed mainly because she has not been able to articulate them clearly this evening.

Charlie Cunliffe, Jennifer Drive – Commented on the Ordinance releasing the Deed restriction, as well as amending the Redevelopment Plan, and stated he is against both of the Ordinances and he would also ask the Committee to think carefully before they vote on both of the issues. If any of the Committee members, or their companies, have had any kind of professional relationship or business relationship with the Developer or any of his agents or associated companies, you could possibly be in conflict, and also if



they have any business dealings with Cedarbridge Development, any of their family members, or any type of relationship and may have been remunerated in any way, then you should not vote on these Ordinances because you would be in conflict.

Gerry Ballwanz – Stated that in the Option Agreement, one sentence regarding this development has already required two changes; the first dropping it from a one-story, and now in that one sentence, you have to eliminate age restricted. If this is being done in one project, within one sentence, what kind of an impact is this going to have on the whole Option Agreement. And the whole Option Agreement is going to be revamped. She asked what this whole thing is going to eventually look like, than what was originally proposed.

Mayor Singer stated this Ordinance deals with one thing, and has nothing to do with Cedarbridge; it deals with Pine River Village period.

Mrs. Ballwanz also asked if the Deeds for each of the thirty-eight units that have been sold thus far have to be changed to then show there is no age restriction.

Mayor Singer answered no. There will be ninety-three age restricted units, and there will be eighty-five family units. That is the entire proposed development.

Mrs. Ballwanz asked if the Deed restriction is now being removed, that would seem to say that on the Deeds that language would be excluded.

Mr. Edwards explained that the Deeds for the existing units are staying with the restriction, because they are already age restricted, and they are developed that way. So those are not changing. It is only for the undeveloped units.

Mrs. Ballwanz further suggested that since there will be two separate developments, maybe they should change the names to Pine River Village I and Pine River Village II, to show there is a difference between the two.

Mrs. Ballwanz further asked about a statement in the minutes of the presentation, there was a disclosure that all of the seniors who currently own units are going to be getting \$18,000 back.

Mayor Singer stated they are not privy to the information as to what is being negotiated with the seniors; that is between the Developer and the seniors.

Mrs. Ballwanz asked if the Committee would be voting on these Ordinances individually, and would there be separate comments on each Ordinance.

Mayor Singer answered that the Ordinances would be voted on individually, and each Ordinance has a public hearing. All three Ordinances would have to be passed in order for the deal to be consummated.

Mr. Edwards added that it is required that they vote on each Ordinance individually; it is not a consent agenda.

Bill Hobday, 30 Schoolhouse Lane – Because of the changes, is the builder going to offer a new public offering statement to protect not only the existing residents, but someone who would be interested in buying in that development.

Mayor Singer answered they have no idea; they are not privy to that information. The Township is not involved with a public offering statement; that is between the DCA and the Developer. The Township does not see it, nor do they approve it.

John Phillips, Esq., representing Somerset Development – Advised they have to go to DCA and file the proper amendment, and make full disclosures. Any prospective buyer who comes in between the time these Ordinances are adopted and DCA accepts the amendment will receive full disclosure as to what is going on. There is no attempt here to hide anything from anyone. He wanted to make this clear to the public.

Gary Forstner, Esq., representing the residents of Pine River Village – Stated this is very much a quality of life issue. It is something that has caused much anxiety within the development and a tremendous amount of discussion and concern amongst the residents. Having said that, they called a meeting yesterday, with notice to all of the residents within the community, and they did something unusual; they got one hundred percent support, unanimous support, for the Ordinances on the Agenda this evening. He encouraged the Committee's support of these Ordinances, and to adopt these Ordinances this evening. These Ordinances solely impact Pine River Village; it is an opportunity to help these people out of a very difficult set of circumstances, and they would implore the Committee to adopt the Ordinances accordingly. As far as the DCA goes, he does represent the residents, and there has been an extensive dialogue between himself and the Developer's council in terms of making sure there is full protection for the residents who live there today and he can ensure the Committee that will in fact be the case. The adoption of these Ordinances has a tremendous impact on the quality of life of the numerous residents who live there, and again he encourages and asks for the Committee's support.

Larry Simons – Requested to speak about the Option Agreement, which does pertain to this particular Ordinance.

Mr. Simons read from the Option Agreement, which has been modified. He asked if this portion of the Option Agreement can be modified, what about the rest of it. He has concerns about the restrictions that can affect other senior communities.

Mayor Singer repeated that this has nothing to do with any other senior community, and to infer that it does, causes people to have fear. It is one hundred percent wrong.

Mayor Singer asked Mr. Bathgate if this affects any other community in Lakewood.

Mr. Bathgate answered no.

Mayor Singer asked Mr. Bathgate if this means that the Township can go out and change anything they want in any senior community in Lakewood.

Mr. Bathgate answered no.

Mayor Singer asked Mr. Bathgate if this means that they are specifically dealing with one community, Pine River Village.

Mr. Bathgate answered yes.

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. Miller.

Mr. Lichtenstein advised how the Committee works; he stated that when a document is given to the Mayor or Deputy Mayor to sign, sometimes the Deputy Mayor signs when the Mayor is not available, or if the Mayor has a conflict, they do not make their own decision, they do not read it and say it is a good thing to sign. Obviously it is something that is either voted on by Ordinance, there is authorization for the Mayor or Deputy Mayor to sign, it is reviewed by the Attorney, it is very similar to all the bills they sign. When they get a document to sign, it is obviously something that has gone through the system, that has gone through the Attorney's approval, and that is why they sign it. The reason he is voting for this is, and the reason he said last time, is he wanted to hear that it was one hundred percent legal. It was reviewed by the firm of Gluck Walrath, and they gave the opinion it was legal. He was not on the Committee when the original agreement with Cedarbridge was reached. He believed that everyone who was there had good intentions, and were trying to do something that was good for the town. He does not want it to seem like there is some cloud and that they are hiding something; everything is out in the open. The Gluck Walrath opinion is a public document, and they have to make a decision to move ahead with this or not. He does not think it is right for land to lay fallow; he does not think it is good for land to look like that. He thinks that land has to have the highest and best use. He thinks that if the residents need some help; he wants to support it. And that is why he is supporting something like this. On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-43 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending the Redevelopment plan for Area II-Pine Street Acquisition Area.**

Read by title only for second reading.

Mayor Singer opened the meeting to the public.

Alice Kelsey, 295B Malvern Court – Based on the Mayor's comments, she advised she would support this 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 Mr. Coles, second by Mr. Miller.

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

**Ordinance No. 2009-44 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending Section 18-903 N of the Unified Development Ordinance to permit Residential Development in the M-2 Zone. (UDO – Section 18-903 N)**

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. Miller.

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

**Ordinance No. 2009-45 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing 09/03/09)**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI (Alcoholic Beverage Control) of the revised General Ordinances of the Township of Lakewood. (Alcoholic Beverage Control – New Section 6-7 – Employee ID)**

Read by title only for first reading.

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

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

**Ordinance No. 2009-46 adopted on first reading. Second reading and public hearing to be held on September 3, 2009.**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Establishing Procedures for Licensing Dealers of Precious Metals and Gems.**

Read by title only for first reading.

A Motion was offered by Mr. Lichtenstein.

Mayor Singer stated there are some serious concerns about this Ordinance, and there have been recommended changes.

Mr. Wouters advised that the changes may be substantial.

Mayor Singer stated he feels this Ordinance has to be reviewed, and he asked that the Committee table it, and for Mr. Wouters to meet with the owner of Twin City Jewelers and the Police Department, to prepare a workable Ordinance, to accomplish what they want to accomplish, and that it be fair to local businesses.

Mr. Lichtenstein withdrew his Motion.

**Ordinance died due to lack of Motion.**

## **CORRESPONDENCE**

Per list of one (1) correspondence item, attached hereto and made a part hereof.

## **PARKS AND EVENTS CORRESPONDENCE**

Per schedule of four (4) parks requests, attached hereto and made a part hereof.

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

## **MOTION TO APPROVE BILL LIST OF: 08/18/09**

Motion by Mr. Coles, second by Mr. Miller, 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. Miller advised he met with individuals from a GIS mapping company and they showed him details which may be beneficial to the Police Department, for the Tax Assessor, and for Engineering. Lakewood Township currently uses the old fashion tax maps and it may be beneficial to update the tax maps.

Mr. Lichtenstein stated that they did look at the GIS mapping system. There are many layers to the GIS mapping; each layer can help different departments. He advised that the Police Department has applied for a grant to start the GIS mapping process, and if that grant comes through that will be the first layer.

Mayor Singer suggested that Mr. Lichtenstein and Mr. Miller meet with the MUA, the Inspection Department, the Tax Offices and Engineering, to discuss the issue.

## **ADJOURNMENT**

Motion by Mr. Coles, second by Mr. Lichtenstein, and carried, to adjourn the meeting.

Meeting adjourned at 9:40 PM.