

**LAKEWOOD TOWNSHIP COMMITTEE
MINUTES
NOVEMBER 6, 2008**

The Lakewood Township Committee held a Meeting on Thursday, November 6, 2008 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.....	Raymond Coles
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Senator Robert Singer
	Menashe Miller
	Absent..... Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein.

Resolution No. 2008-375 – 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, 2008 and published in the Asbury Park Press on January 8, 2008.

ROLL CALL

OPEN SESSION

Motion by Mr. Miller, second by Deputy Mayor Lichtenstein, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 10/23/08

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 10/23/08

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

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION: None

Mayor Coles thanked everyone for coming out to vote. He congratulated Steven Langert on his victory, and looks forward to working with him next year. And to Mr. Miller and Senator Singer, he promised he would assume those watch dog duties as diligently as they have over the past few years.

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 Coles opened the meeting to the public.

James Waters, 1275 Old County Line Road – Congratulated Mayor Coles on his victory in the election. He suggested the Committee be vigilante in terms of the school system, because he feels that a failed school budget will come back this year.

Bill Hobday, Schoolhouse Lane – Congratulated Mayor Coles and Steven Langert on their victories in the election. Commented on budget items. Also commented on Resolution No. 17 on the Agenda regarding the Cedarbridge Corporate Campus.

Mayor Coles explained the grant details for the improvement of Cedarbridge Corporate Campus.

Mr. Hobday also commented on safety issues and the hiring of new Police Officers.

Noreen Gill, Coventry Drive – Commented on the hiring of new Police Officers. Also commented on airport matters.

Steven Langert, 776 South Lake Drive – Congratulated Mayor Coles on his re-election, and he looks forward to serving next year on the Committee for the betterment of the entire town.

Janet Scher, Cross Street – Commented on the southwest sector of town, and the Resolution on the Agenda this evening in favor of the preservation of the Murray Farm. She spoke in favor of the preservation of additional sites.

Golda Gincel, 1030B Thornbury Court, Manchester – Stated she owns property at 306 Main Street. Advised she is no longer able to rent the upstairs as an apartment, since it was changed to commercial.

Mr. Secare suggested that she go to the Engineering Department and see Mr. Kielt, and he will explain the process of making application to the Zoning Board.

Steven Hunt, representing a developer who is interested in purchasing Township owned property – He wanted to follow up on a letter he sent with regard to Block 777, which is located on Route 9 between Pine Street and Henry Street. Their proposal is to work with the Township for the purchase of the property, in their attempt to turn that block into a beautiful new well-lit pharmacy.

Mayor Coles answered that this matter was discussed this evening in Closed Session, and no final decision has been made.

Fred Gincel, 144 Carasaljo Drive – Commented on his mother’s problems with 306 Main Street. Also commented on the problems on Carasaljo Drive; people are still speeding. He requested that the radar board be placed there, and additional police enforcement.

Mayor Coles asked Mr. Edwards to request that Chief Lawson consider the placement of the radar board and some enhanced enforcement.

Gerry Ballwanz, Governors Road – Spoke in favor of the Resolution for the preservation of the Murray Farm, as well as the preservation of additional sites. Also commented on the hiring of additional police officers.

Lee Cooper, 94 Carasaljo Drive – Commented with regard to construction issues at 105 Carasaljo Drive, and asked that the Committee check into the status of the existing septic system.

Mr. Edwards explained that the County Board of Health would be involved with that issue. But he believes that you have to make initial contact with Mr. Mack’s office. He will look in it.

Seeing no one else wishing to be heard, Mayor Coles 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 releasing a Maintenance Bond posted by Somerset Development, LLC, in connection with Blocks 174; 174.01, Lots 41.02, 44, 45, 52, and 55., in the amount of \$206,533.00. Resolution No. 2008-376**

- 2. Resolution releasing a Performance Bond posted by S & H Builders, Inc., in connection with Block 157, Lot 11, in the amount of \$50,154.00.
Resolution No. 2008-377**
- 3. Resolution releasing Performance Bond posted by 175 N. Oberlin Associates, LLC, in connection with Block 1605, Lot 3, in the amount of \$59,608.00.
Resolution No. 2008-378**
- 4. Resolution reducing a Performance Guarantee posted by W & M, LLC, in association with Block 190, Lots 70 & 71, in the amount of \$221,755.00.
Resolution No. 2008-379**
- 5. Resolution reducing a Performance Guarantee posted by MTR Ventures, LLC, in association with Block 768, Lots 17 & 61, in the amount of \$26,515.00.
Resolution No. 2008-380**
- 6. Resolution reducing a Performance Guarantee posted by 319 Prospect, LLC, in association with Block 445, Lot 1, in the amount of \$629,160.00.
Resolution No. 2008-381**
- 7. Resolution releasing a Performance Bond posted by Gitel Eisen, in connection with Block 189.02, Lots 160 & 161, in the amount of \$4,350.00.
Resolution No. 2008-382**
- 8. Resolution authorizing the Renewal of Towing Licenses for the Year 2008-2009.
Resolution No. 2008-383**
- 9. Resolution canceling various Grant Receivable and Grant Appropriated Reserve Balances.
Resolution No. 2008-384**
- 10. Resolution authorizing Appropriation Transfers in the 2008 Municipal Budget, in the amount of \$265,000.00.
Resolution No. 2008-385**

- 11. Resolution approving a Leave of Absence for Marion Newman, from September 22, 2008 through November 19, 2008.
Resolution No. 2008-386**
- 12. Resolution approving a Leave of Absence for Marisol Spielmann, from October 28, 2008 through December 5, 2008.
Resolution No. 2008-387**
- 13. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 189.17, Lot 95.
Resolution No. 2008-388**
- 14. Resolution authorizing the Lakewood Township Tax Collector to cancel any and all taxes, penalties, interest due on Block 533.02, Lot 77.
Resolution No. 2008-389**
- 15. Resolution supporting the Farmland Preservation Program's Purchase of Murray Farm, Block 251.01, Lots 30, and 31.**

With regard to this Resolution, Senator Singer asked if they have received a letter from the State that this will not be held against the Township for the Plan Endorsement.

Mayor Coles answered he did not believe so.

Senator Singer stated he would really like to get a letter from the State on this. He is concerned about the Township's jurisdiction on this. If the State is not going to hold this against the Township, let them put it in writing, that they will credit the Township for doing this.

Mayor Coles advised this Resolution will be removed from the Consent Agenda, and it will be handled individually.

- 16. Resolution authorizing a State Contract for the Computer System Upgrade, in the amount of \$32,032.91.
Resolution No. 2008-390**
- 17. Resolution making application to the Commissioner of Transportation, for an allotment of aid for the improvement of Cedarbridge Corporate Campus, in the amount of \$1,272,345.49. (Pine St. from New Hampshire to Ave. of the States – Ave. of the States from Pine St. to Cedarbridge Ave. – Cedarbridge Ave. from Ave. of the States to Clover St – Blvd. of the Americas from New Hampshire Ave. to Ave. of the States)
Resolution No. 2008-391**

**18. Resolution authorizing the Insertion of a Special Item of Revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority Redevelopment Plan approved on July 10, 2008 be amended to read Blocks 93 and 119, in the amount of \$26,000.00. (Chapter 159 – UEZ)
Resolution No. 2008-392**

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, to approve Resolution Nos. 1 through 14 and 16 through 18 on the Consent Agenda.

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

Resolution Nos. 2008-376 through 2008-392 – Adopted.

Resolution No. 15 that was removed from the Consent Agenda was discussed and acted upon as follows:

15. Resolution supporting the Farmland Preservation Program’s Purchase of Murray Farm, Block 251.01, Lots 30, and 31.

Motion by Deputy Mayor Lichtenstein, second by Mayor Coles, for purpose of discussion. Mr. Edwards advised he has given a copy of a letter to Senator Singer for his review. Senator Singer asked Mayor Coles how much money was being transferred for this land. Mayor Coles answered he did not have that answer.

Senator Singer asked Deputy Mayor Lichtenstein how much money was being transferred for this land.

Deputy Mayor Lichtenstein answered he did not know.

Mr. Edwards advised that the Township Committee adopted a Resolution back in February 2007 and in that Resolution it said that it was 11.6 acres and it cost \$111,000 per acre that the State Agricultural Preservation Program will be paying the property owner for the development rights so that it is preserved. Unless it has changed in the last two years, that apparently was the number.

Senator Singer confirmed that it was approximately 1.1 million dollars.

Deputy Mayor Lichtenstein stated that it is not the Township’s money.

Senator Singer answered that it may not be the Township’s money, but you do pay taxes. He is not quite sure there is a farm there. That is his concern.

Senator Singer asked Mr. Edwards if the Farmland Preservation Group already approved this project.

Mr. Edwards answered they received a letter from the County basically asking that the Township Committee reaffirm what it did previously because time has elapsed and the

State has now decided to purchase the property and they wanted something else for their file to show that the Committee was still on board with it. He continued that the Township was just going to write a letter; then the Office of Smart Growth wrote a letter and said they would actually rather see another Resolution as opposed to just a letter from the Mayor. That is why the Resolution is on the Agenda this evening.

Deputy Mayor Lichtenstein stated in the last paragraph of the letter it says that the Township Committee has the opportunity to demonstrate full commitment to the agricultural retention of environmental preservation and sound planning by reaffirming support for the acquisition of these lands. He has been involved with the ongoing process with the DEP. He suggested that they add something to the Resolution that says they are doing this, and they are going to request the letter that says that they are showing good faith, but that the Township wants a letter from the State, that this is not going to count against the Township. If the Township does not get that letter, he personally will not put anything else into preservation until the entire process is done. They have asked, but the Township has not seen any commitment from the State other than the ongoing meetings. Maybe if the Resolution is changed, that will help with the decision.

Senator Singer asked Mayor Coles if he agrees with the Deputy Mayor Lichtenstein's comments.

Mayor Coles responded that he would go along with that.

Senator Singer stated that if the Resolution was changed, he would agree with it.

Mayor Coles asked Mr. Secare if that would be OK...it would be a minor adjustment.

Mr. Secare answered it is a Resolution; you can change the whole thing.

Deputy Mayor Lichtenstein repeated that what they want is a letter from the Office of Smart Growth/Department of Environmental Protection that says, that by preserving this land, when at the end of the process, when the Office of Smart Growth helps the Township present to the State Planning Commission, that they are going to take this into account that this was preserved as part of the process, and not, at that point, say you need to preserve "X" amount of land in the town. The Township has already given and the Township wants the State to acknowledge that the Township has already supported putting land into preservation in this process, and it is part of that process.

Mr. Secare asked that the Township Clerk forward these comments, verbatim, to his office. The Resolution can be passed, as amended; and he will then fix it for memorialization at the next meeting.

Mayor Coles confirmed that they are going to pass this Resolution this evening, with that addendum.

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

Resolution No. 2008-383 – Adopted as amended.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI of the Code of the Township

of Lakewood entitled Traffic. (Carasaljo Drive South)

Read by title only for second reading.

Mayor Coles 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 Lichtenstein, second by Senator Singer.

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

Ordinance No. 2008-46 adopted on second reading.

ORDINANCE FIRST READING - None

CORRESPONDENCE

Per attached list of four (4) correspondence items, attached hereto and made a part hereof.

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to accept the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 11/03/08

Motion by Mr. Miller, second by Senator Singer, to approve the above Bill List.

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

Negative: Deputy Mayor Lichtenstein

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Senator Singer congratulated Mayor Coles on his re-election. He is looking forward to serving with him again. He is concerned that the Township is not reflecting what is happening statewide and nationwide economically. He would ask that they do several things. First, that they ask the Manager to have the departments look at cutting back ten percent and what that would mean to the department, and what they would have to do to attain that until the budget year’s end. Secondly, that they have a hiring freeze. Third, that with regard to any major purchases that have not been made, even though they may have been allocated, that those purchases are not made right now. And that they take a hard look at the Inspection Department as to the revenue coming in based on a request that he made that all the Committee received. In that request, he asked that they take a look at the last several years in the Inspection Department just to get some kind of idea as to what is going on with the finances there. Mr. Edwards was quite kind to give the Committee a worksheet concerning the department. They went

back to 2005, where the Inspection Department brought in approximately \$1,454,739.52. The expenditures were over \$2,000,000.00. The difference was over \$578,714.44 in one year. In 2006, the revenues dropped in the department, and they brought in \$1,296,108.00, but the expenditures went up to \$2,054,000.00. They lost \$759,912.00 of taxpayers' money. In 2007, revenues dropped again, to \$1,210,000.00, and the expenditures went up again, to \$2,229,000.00. The Township lost \$819,000.00. He has to presume this year, so far, they are less than they were last year. He certainly does not like to point fingers, and make suggestions about people's jobs; he takes it very seriously. But this is the taxpayers' money, and there are people in this community who are having trouble paying their mortgages; there are people in this community who are having trouble putting food on the table; there are people in this community that are making every adjustment they have to make just to survive, and the Township has to do the same. Senator Singer continued with further details on the Inspection Department. He suggested there has to be some adjustment, personnel-wise and expense-wise. Senator Singer continued that the public is struggling; government has to struggle also. They can not wait until the next budget to make those adjustments, and see they have lost another million dollars in the Inspection Department. Those adjustments have to come now. He is asking the Committee, on these aspects, to go ahead and do that. They have to be down to the essentials right now. He thinks, very honestly, if they are not down to the essentials, that they truly can not say to the public they are doing their best for them. He would ask that the Committee look at it, and that the Manager come back with a proposal. He does not know what that means. It may come back that you can not do anything there; it is all accountable. But it does not look accountable, and he wants to be able to explain to people what is happening.

Mayor Coles stated he agrees. They are living in a different world than they were just a couple of months ago. One thing that was mentioned was the Code Enforcement Officers. He does not know if those numbers reflect the fines that are levied and collected. So he has asked that Mr. Rieker check to see if that brings up the number. Even so, if you are down inspections, you do need to look closely at how many personnel you have, how many inspectors you need, and he agrees....government has to suffer along with the private sector. If they need to cut back on expenses across the board, they have to do it. But they have to be smart about it, and make sure they do not affect the essential services, like Police Officers. He agrees that they have to do whatever they can to ease the burden on the taxpayer in Lakewood, and he offered his full support.

Deputy Mayor Lichtenstein stated that he also supports Senator Singer's comments. He first congratulated Mayor Coles on his re-election, and also congratulated Steven Langert on his election. He agrees with Senator Singer, and they have talked about it, and about doing budget hearings and public meetings. This year, what they did was, when they voted on the Budget, he sat with Mr. Edwards and the Committee and they actually eliminated positions in the town. Those positions were not filled. They did not

have to lay anyone off, but they eliminated positions. Anything they can do, he will support Senator Singer on it.

Mr. Miller congratulated Mayor Coles on his re-election, and Steven Langert on his election.

Mr. Edwards advised that both he and Mr. Rieker have been looking at issues similar to this, and they will be coming back to the Committee with suggestions. It is his thirty-fourth year in municipal government, and he has been part of hiring freezes and expenditure freezes, and everything else, so whatever has to be done, they will do.

Senator Singer repeated that these are trying times. They know the uncollected tax rate will rise, banks have foreclosures; they are having trouble and are not paying some of the taxes. This is not your normal "tightening of the belt time". He has never asked, in all his twenty-eight years, to look at something in mid-budget time. But these times demand it. They have to do a good faith effort to make sure they are doing everything they can to save the taxpayers money. Whatever they save this year, will help them in their future budgetary times.

ADJOURNMENT

Motion by Deputy Mayor Lichtenstein, second by Mr. Miller, and carried, to adjourn the meeting. Meeting adjourned at 8:15 PM.