

**The Lakewood Township Committee held a Meeting on Thursday, August 22, 2013 in the Lakewood Municipal Building, at 5:30 PM for the Executive/Workshop Session, and 7:30 PM for the Public Meeting, with the following present:**

**Mayor..... Albert D. Akerman**  
**Deputy Mayor..... Steven Langert**  
**Committee Members..... Raymond Coles**  
**Meir Lichtenstein**  
**Menashe P. Miller**  
**Municipal Manager..... Michael Muscillo**  
**Deputy Municipal Manager..... Steven Reinman**  
**Municipal Attorney..... Jan L. Wouters, Esq.**  
**Municipal Clerk..... Mary Ann Del Mastro**

**Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, and published in the Asbury Park Press on August 22, 2013.**

**ROLL CALL**

**CLOSED SESSION**

**Resolution No. 2013-293 – Adopted.**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

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

**MOTION TO APPROVE MINUTES OF: 08/08/13**

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to approve the above Minutes.  
Committeeman Coles did not vote.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 08/08/13**

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to approve the above Closed Session Minutes.  
Committeeman Coles did not vote.

**PRESENTATIONS - None**

## **ORDINANCES FOR DISCUSSION - None**

### **QUALITY OF LIFE**

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

With regard to the intersection of Washington and Pine, and installing a right turn lane, Mr. Staiger advised he contacted JCPL to start the process and inquiry what the cost would be to relocate the utility pole. He will keep the Committee apprised of the status.

With regard to the intersections of Clifton and Second, and Fourth and Clifton, and the mounting of a left turning light, Mr. Staiger advised he spoke with the County to see if they would be able to do the work, and they responded that if it is only the matter of hanging the light, and doing some wiring, that most likely they would be able to do the work, but the Township would have to do the design for those signals, to get the timing directive, and the signalization. He has asked his office to prepare proposals for the Committee's consideration.

With regard to the request of Committeeman Miller, regarding the intersection of Clifton and County Line, or Clifton and Kennedy, and the timing of those traffic signals, Mr. Staiger advised that he contacted the County and they have responded that they will look into the timing of these signals. They said it is possible, but the only exception would be if you were at Clifton and you were waiting at the one intersection, as long as there is not a vehicle on the other roadway, either County Line or Kennedy, and as long as that signal has not queued for a vehicle traveling in the east/west direction, then it should be able to work. But they will look into it, and he will keep the Committee apprised of the status.

With regard to the request by Bill Hobday for the installation of left turn arrows on Route 70 in order to alleviate traffic backup at the intersection of Chestnut Street and New Hampshire Avenue, Mr. Staiger advised he had a conversation with the County, as New Hampshire Avenue is a County roadway, and they do have the jughandles for the left turn signals, they feel that the jughandles operate sufficiently, and if you install left turn arrows, then that would take more dedicated time for the left turn signals, and it would take that time away from Route 70, and that may have some negative effects.

With regard to the request for signage to slow down traffic at Central and Regent, Committeeman Lichtenstein advised that Public Works has begun work at that location, and Traffic & Safety are also looking at that location.

### **Comments from Committee Members on Quality of Life items:**

Committeeman Lichtenstein advised he received an e-mail from residents regarding the intersection of Ninth Street and Monmouth Avenue. They believe that part of the

problem is that Ninth Street, between Squankum and Monmouth is very short, and when someone comes from Squankum towards Monmouth, they are not expending a Stop Sign, and that many of the accident reports will show that the person coming east on Ninth Street did not stop. They suggested that a Stop Ahead sign or something to warn the drivers that a Stop Sign is coming up be installed. He requested that Traffic & Safety take a look at this location and provide a recommendation to the Department of Public Works.

With regard to the intersection of Fourteenth Street and Forest Avenue and the recent traffic light installation, Committeeman Lichtenstein requested Mr. Staiger to check into the issue of the light blinking in the evening hours, which is a good thing; he suggested that it remain that way if possible. Also, when there is traffic on Fourteenth Street heading eastbound, where there is a left only turning lane, and there is a right, and a straight. If it would be possible to consider having the left be the left and the straight, and the right be the right and straight as well, because there is only room for one car at the traffic light. So anyone who wants to cross Forest Avenue is holding up many of the people who are waiting to make a right on Forest and go into town. And that is prevalent during the morning hours, between 9 AM and 10:30 AM, and then again later in the afternoon. He does not know if that would throw the entire design off, but if there was a way that the right turning cars would be able to continue out onto Forest Avenue, and not be held up by the one or two cars waiting to go straight, it would be something to look at. He does not know if it would fit into the design, but he is just making the suggestion.

Committeeman Miller advised they had a meeting this week with regard to some of the drainage at North Apple Street. He requested that Mr. Staiger and Mr. Burdge get together to discuss tying the drainage in, it would be appreciated, because it would take care of the drainage once and for all.

Committeeman Miller asked Mr. Burdge what happened with the graffiti at the end of Sharon Court; is it still there?

Mr. Burdge advised they completed part of it, but have not finished it yet. It is a private fence, but they were told to do it anyway.

**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 Akerman opened the meeting to the public.

Michelle Donato, represents Yehuda Shain and Joseph DeFalco, in litigation involving the Cedarbridge Corporate Campus. She urged the Committee to consider the offer that has been presented by a large publicly held corporation, that is a very substantial offer for

many millions of dollars, to purchase the Cedarbridge Corporate Campus property. This would be a massive infusion of money into this municipality. They have discovered, through lengthy litigation, that the Option Agreement that the Township entered into with Cedarbridge Development was very ill advised. It indicates that it was based on economic studies. But there are no economic studies to support the notion that this property was given to the Cedarbridge Corporate Campus without consideration and without a reasonable basis for allowing it to do so. Cedarbridge has already realized nine million dollars from one piece of this being the Pine River tract, and that nine million dollars has been diverted to a separate entity known as the Educational Endowment Fund, and has not been acknowledged in their accounting for the expenses and cash flow that they received. Secondly, they have discovered that the Township participated in a grant application to the DOT in which Cedarbridge represented itself to be a redevelopment entity. Under the local Redevelopment and Housing Law, a redevelopment entity is a public agency, and that is why those grants were given. There were four million dollars of grants given with that misrepresentation. They also discovered that there was a one million dollar grant from the Economic Development Authority, a federal agency. That particular qualification....that one million went to Cedarbridge, and Cedarbridge is not an eligible recipient because they are a for-profit corporation, and in order to qualify, they had to be a non-profit corporation. The Township also participated in that. They have also found that there is no commencement date whatsoever in that agreement. She thinks that everyone can recognize as a matter of common sense that vacant land without infrastructure has value. If that were not the case, all the properties throughout this state and throughout this country that have been sold, that were vacant and without infrastructure, the people who owned them would have nothing. Vacant land without infrastructure has value and the Township at the time it entered into the Option Agreement did so under an erroneous assumption and without any study or background. Since Cedarbridge has done nothing other than to install the infrastructure, and has refused many substantial offers over the course of time, in fact many. There were presentations by Cushman Wakefield, their broker, and those offers were from major companies like AIG and Blackstone, that Cedarbridge rejected during a period of time that the market was very hot and very productive. Cedarbridge had its approvals from the State, CAFRA and wetland approvals and it would have been quite ready to go. Any other developer would have moved on any of those offers, but it did not. This is a detriment to this entire community and they think it is positively wrong to allow this to continue. She knows that the Committee may have some reservations about trying to break the contract if perceived from that perspective. She asked the Committee to carefully analyze Cedarbridge's performance, their failure to act properly in these proceedings, their misrepresentations to the State and Federal agencies, the lack of any real study to substantiate the Option Agreement, and she also asked that the Committee members search their consciences in terms of this particular offer and that if there is a conflict of interest, that would disqualify a Committee member from participating, that it be disclosed, and that the Committee carefully decide because this is an opportunity that can help this financially strapped municipality.

Mayor Akerman advised Ms. Donato that her time was up.

Mr. Donato asked for additional time after other members of the public have spoken.

Mr. Wouters advised that at this point in time, this matter is presently before the Court. He finds that Ms. Donato's presence here tonight is both improper, questionably ethical, unethical, and he is instructing the Township Committee not to have any further discussions, and to let the Court decide. Ms. Donato brought the lawsuit, let the Court decide the lawsuit.

Ms. Donato stated that she absolutely disagrees on the ethical issue. The Judge said if she wanted to engage in settlement discussions, she could do so. She thinks she can do so in his presence. If she came without having Mr. Wouters there, she would agree with him, but there is an attorney here and it is her understanding that this issue is going to be considered this evening.

Mayor Akerman apologized to Ms. Donato, and that if he allows her to go over the four minutes, he will have issues with other speakers.

Noreen Gill, 192 Coventry Drive – Thanked the Committee for looking in the situation with the traffic and parking on Clifton Avenue. Further commented on the site on Vermont Avenue. It looks like a dump, and she requested that the Inspection Department do something about it.

Mayor Akerman directed Mr. Saccomanno to have someone go out and look at this site.

Mrs. Gill further commented regarding the conditions of stores on Clifton Avenue.

Larry Simons – Commented on his current health condition.

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

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 Authorizing the Execution of an Agreement between the County of Ocean and the Township of Lakewood for Construction of a Traffic Signal at the Intersection of Lakewood-New Egypt Road (County Road #5), and Hillside Boulevard.  
Resolution No. 2013-294**
2. **Resolution Reducing the Performance Guarantee, (second reduction), posted by Ron Ashkenazi, in connection with SD# 1377A (Apollo Road), for Block 104, Lots # 47, 53, 55-58, and 61.  
Resolution No. 2013-295**
3. **Resolution Authorizing the Township to enter into an Agreement with Paymentech, LLC, for itself and on behalf of JPMorgan Chase Bank, N.A.  
Resolution No. 2013-296**
4. **Resolution Authorizing the Development and Installation of a Public Information Sign, using Community Development Block Grant Funds, in the amount of \$28,949.00. (CDBG)  
Resolution No. 2013-297**
5. **Resolution Awarding a Contract to Earle Asphalt Company, for the 13<sup>th</sup>. Street and Courtney Road Improvements, NJDOT FY 2013 Municipal Aid Grant, in accordance with N.J.S.A. 40A:11-1 et seq.  
Resolution No. 2013-298**
6. **Resolution Awarding a Contract to Rehrig Pacific Company, for the purchase of 2,000 Wheeled Refuse Containers pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq., in the amount of \$100,960.00.  
Resolution No. 2013-299**

Motion by Deputy Mayor Langert, second by Committeeman Coles, to approve Resolution Nos. 1 through 6 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles (abstained on Resolution No. 4), Committeeman Lichtenstein, Committeeman Miller, Deputy Mayor Langert and Mayor Akerman.

**Resolution Nos. 2013-294 through 2013-299 – Adopted.**

#### **ORDINANCE SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic), (Four-Way Stops) of the Revised General Ordinances of the Township of Lakewood 1999. (Chap. XI, Sec. 11-20 Stop Intersections)**

Read by title only for second reading.

Mayor Akerman 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 Committeeman Coles, second by Committeeman Miller.

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

**Ordinance No. 2013-56 adopted on second reading.**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of Block 774.02, Lot 8, in the Township of Lakewood, County of Ocean, State of New Jersey, at Open Public Sale Pursuant to N.J.S.A. 40A:12-1 et seq. (Land Sale – Blk. 774.02, Lot 8)**

Read by title only for second reading.

Mayor Akerman 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 Committeeman Coles, second by Deputy Mayor Langert.

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

**Ordinance No. 2013-57 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII of "The Lakewood Township Unified Development Ordinance of 2005", specifically Article IX entitled "Zoning Districts and Regulations" to create the Single Family R-10A Residential Zone District and amend the Lakewood Township Zoning Map. (Chap. XVIII, Article IX – R-10A Zone)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Gerry Ballwanz, Governors Road – Advised she has several concerns about the second part of this Ordinance, to amend the Lakewood Township Zoning Map, and why it should not be adopted at this time. She expressed her concerns about this rezoning, including references to the wellhead protection Ordinance, and Smart Growth Plan, the map attachments, notifications to property owners, and publications.

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

Mayor Akerman requested that Mr. Muscillo and Mr. Reinman look into the wellhead protection Ordinance and non-contiguous cluster Ordinance. He further advised there have been changes made, by the Planning Board, to the proposed Smart Growth Plan, and the Kettle Creek area is not being rezoned by this Ordinance.

Mr. Wouters advised that by letter dated August 21<sup>st</sup>, 2013, the Planning Board sent a communication to the Township Committee indicating that at their meeting of August 20<sup>th</sup>, they considered and discussed the merits of this particular Ordinance and they are in favor of the proposed Ordinance. They did recommend that it be introduced and adopted in conjunction with an impact fee Ordinance, which is on for first reading. Secondly, as to many of the points that were brought up, he did not prepare this Ordinance, so he is not in a position at this point to make any comment about any of the questions. He would have to look into some of the questions raised by Mrs. Ballwanz.

Deputy Mayor Langert advised that due to the concerns that have been raised, he recommended that they carry this Ordinance until they get an answer on the map question and publication. He further requested that if the publication was deficient, that it be corrected, and that Mrs. Ballwanz be provided with the correct map.

Motion by Deputy Mayor Langert, second by Committeeman Coles, to carry this Ordinance to September 12, 2013.

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

**Second reading and public hearing on Ordinance No. 2013-58 carried to the meeting of September 12, 2013.**

#### **ORDINANCE FIRST READING (Second reading and Public Hearing 09/12/13)**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII of "The Lakewood Township Unified Development Ordinance of 2005", Specifically Article IX Entitled "Zoning Districts and Regulations" to Create an HS-Hospital Support Zone District and amend the Lakewood Township Zoning Map. (Chap. XVIII, Article IX – Zoning - Hospital Support Zone)**

Read by title only for first reading.

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

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

**Ordinance No. 2013-59 adopted on first reading. Second reading and public hearing to be held on September 12, 2013.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII of "The Lakewood Township Unified Development Ordinance of 2005", Specifically Article IX Entitled "Zoning Districts and Regulations" to Create an Airport Business Commercial Zone District and Amend the Lakewood Township Zoning Map. (Chap. XVIII, Article IX – Zoning – Airport Commercial Zone District)**



Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Committeeman Coles.

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

**Ordinance No. 2013-60 adopted on first reading. Second reading and public hearing to be held on September 12, 2013.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic), Section 11-20 (Stop Intersections) of the Revised General Ordinances of the Township of Lakewood 1999. (Chap. XI, Sec. 11-20 – 3-Way Stop Pine St. & MLK Dr.)**

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Deputy Mayor Langert.

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

**Ordinance No. 2013-61 adopted on first reading. Second reading and public hearing to be held on September 12, 2013.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article VII (Provisions Applicable to Site Plans and Subdivisions), of the Revised General Ordinances of the Township of Lakewood 1999, adding New Section 18-706 (Impact Fees). (Chap. XVIII, Sec. 18-706 Impact Fees)**

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Committeeman Coles.

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

**Ordinance No. 2013-62 adopted on first reading. Second reading and public hearing to be held on September 12, 2013.**

## **CORRESPONDENCE – PARKS AND EVENTS**

Per attached schedule of five (5) picnic/event requests, attached hereto and made a part hereof.

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

### **MOTION TO APPROVE BILL LIST OF: 08/20/13**

Motion by Committeeman Miller, second by Committeeman Coles.

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

**Bill List approved.**

### **COMMENTS FROM COMMITTEE MEMBERS**

Committeeman Lichtenstein advised that fireworks will be held on August 28<sup>th</sup> at Lake Carasaljo.

Committeeman Miller spoke regarding Mr. Simon’s comments, and wished him good health.

### **ADJOURNMENT**

Motion by Committeeman Lichtenstein, second by Committeeman Miller, and carried, to adjourn the meeting. Meeting adjourned at 8:18 PM.