

The Lakewood Township Committee held a Meeting on Thursday, August 16, 2012, 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..... Menashe P. Miller
Deputy Mayor..... Albert D. Akerman
Committee Members..... Raymond Coles
Meir Lichtenstein
Steven Langert
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, by Resolution of the Township Committee and published in the Asbury Park Press on August 14, 2012.

ROLL CALL

CLOSED SESSION

Resolution No. 2012-315 - Adopted

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 08/02/12

Motion by Committeeman Lichtenstein, second by Deputy Mayor Akerman, and carried, to approve the above Minutes.

Committeeman Coles did not vote.

MOTION TO APPROVE CLOSED SESSION MINUTES: 08/02/12

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

Committeeman Coles did not vote.

PRESENTATIONS

NJ DOT

The NJ Department of Transportation gave a short presentation with regard to the proposed improvements to Route 9, from Indian Head Road in Toms River to the vicinity of Central and Hurley. They are looking at repaving the road and doing some handicap/ADA compliance, and some other improvements. This is just the start of the job; it will probably be another year before they have an update.

ORDINANCES FOR DISCUSSION - None

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 Miller opened the meeting to the public.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the conditions of the first floor mens' room and the need for renovations. Also commented regarding the Cedarbridge Option Agreement amendments.

Alice Kelsey, 295B Malvern Court East – Commented regarding the work on the Garden State Parkway. Also commented on the tent city matter.

Bill Hobday, 30 Schoolhouse Lane – Commented regarding the condition of the carpet in the Auditorium and the need for replacement. Also commented regarding the tent city matter.

Gerry Ballwanz, Governors Road – Commented on a previous Resolution concerning County Line Manor, and the Township not accepting a dedication of land.

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

QUALITY OF LIFE

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

With regard to the update on the matter of the intersection of Sunset Road and James Street, Mr. Staiger advised that signs have been installed.

With regard to the update on the matter of Route 9 improvements, Mayor Miller advised that Mr. Staiger sent him proposals of improvements and upgrades that went down to James Street and Prospect Street. Mayor Miller requested a proposal for upgrades all the way down to Route 70.

With regard to the update on the matter of the island on Central Avenue, Mr. Staiger advised that through conversations with the County, that is actually a new entrance into Clayton, but he is aware they added two Do Not Enter signs in that area. They are working with Clayton to formally finalize those improvements at the site.

Comments from Committee Members on Quality of Life Items –

Committeeman Lichtenstein asked about Fourteenth Street and Forest. They talked about a traffic light, and the Committee has approved it. He also asked about left turning lanes.

Mr. Staiger responded as to the left turn signals onto Fourteenth Street from northbound on Forest, he had conversations and relayed that information to their design group, and they are working on it. He expects to see revised plans reflecting those turning lanes.

Committeeman Lichtenstein advised he would like to see the project expedited. The design is substantially complete; the only thing that is missing is the concern about whether or not they can do the left turning arrow. If they can do it, that would be great. If not, please advise the Committee, and go forward and put the traffic signal in.

Committeeman Langert advised he had the opportunity to spend some time with Mr. Burdge this morning. The Committee had previously discussed clean-outs and bulk pick-ups, and it seems that there are times when landlords in town take advantage of the bulk pick-up situation in town, essentially when they emptied an apartment that had been vacated by one of their tenants. It was the Committee's feeling at that time the Township would charge these landlords, and/or offer them the services of a dumpster, which the Township would also charge for. Unfortunately, Mr. Burdge was not aware of this understanding. Committeeman Langert offered the suggestion that Mr. Burdge be directed, through the Manager's Office, that this is the Township's policy that they wish to enact effective immediately, and no longer be taken advantage by the landlords.

Committeeman Langert continued that they had come up with a number of about \$1,000 to charge the landlords for this type of service, but he would like to leave the decision of the final number to the Manager and Mr. Burdge, and when they come up with a number, to make sure that the Township makes money on the deal.

Mr. Burdge advised that he spoke with his sanitation supervisor after he met with Committeeman Langert. The problem with giving dumpsters out is that they throw everything in there, including asbestos, etc. If he goes to the landfill with asbestos in the dumpsters, the Township is going to get a fine, and be in trouble. He would rather pick up the garbage as they do now, and charge them. They would not charge the average person who puts out a few items to be picked up. But charge the people who put out items that fill up the front of the entire property. He has had this problem for a long time, and he would appreciate the Committee's support.

The Committee members were all in agreement to charge the landlords when they do a massive dump. Committeeman Langert suggested that the cost be a minimum of \$1,000.00.

Committeeman Akerman advised that both he and Committeeman Langert had brought up the subject of the light at Central and Route 9; that coming from Central and going down Route 9 south, he asked that Mr. Staiger reach out to the State about allowing a right turn, and possibly pulling back the turning lanes so more cars can get into the turning lane, on Central Avenue going towards Route 9.

Mr. Staiger advised that the proposals he submitted to the Mayor includes that intersection, and those two proposals include the restriping of the lanes, which includes the different lane markings that were discussed regarding Central and Route 9.

Committeeman Akerman asked about allowing a turn on red onto Central off Route 9.

Mr. Staiger responded that whole intersection and the striping for that, the turning movements, the stacking for the turning movements, would be evaluated and they will go forward with those proposals with the State.

Mr. Burdge further advised of another way the Township is being taken advantage of. When the Inspection Department goes out to clean up a piece of property, they send out Aggressive, or whoever they hire. Somehow, over the years, it has been set up that they bring the garbage and drop it off to Public Works. So the Town has to eat that cost, instead of sending them to the landfill and charging them back, just like they do for the labor. He spoke with Mr. Saccamanno about this, and he advised that this was set up a long time ago. He thinks that the crew should be instructed to clean up the property, and take the garbage directly to the landfill, get a dump ticket, and whatever the charge, it should be charged back to the property owner.

Committeeman Lichtenstein stated he does not agree with that. He agrees about being taken advantage of, but perhaps Public Works could assess the fee. He explained that when there is a property clean-up, the Township does not get the money back right away. They eventually get the money back; the Township lays the money out, and then it becomes a lien on the property. As long as the owner does not sell the property, the

town is not foreclosing on the property for the clean-up fee. The Township attaches a lien to the property. If the Township were to increase their out-of-pocket cash cost, then the Township would have to lay out more money to pay the clean-up crew and then collect it back in the lien. But if the Township continues to dump the garbage, the Township's out-of-pocket cost is a little bit less. But then the Township should assess the fee and add it into the lien. The Township would recoup the money then. That is his suggestion.

Committeeman Langert added that the Township pays for it when they do the tipping fees. The garbage is brought to Public Works, and they take it to the landfill, the Township is paying for it anyway.

Mr. Burdge stated that he has to separate it, and weigh it separately. It does not work for him to figure it out.

Committeeman Lichtenstein suggested they can have a set fee.

Mr. Wouters responded he would look into it.

Committeeman Coles suggested that they could have the contractors take the garbage to the dump, keep a log for the next couple of months as to how much additional the Township is charged, and then maybe by the end of the year they can sit down to decide if it makes sense for the Township to absorb it and bill it back, or just the allow the contractors to continue to take the garbage to the dump themselves.

Mayor Miller advised he received a letter, which he passed to the Inspection Department. At the corner of MLK and Pine Street, there is a property that has a lot of vegetation and garbage that is impeding the walkway. He asked that the property owner be advised to clean up the area so people can walk along the sidewalk.

Mayor Miller advised that on Royal Court, people coming up New Central Avenue think that Royal Court goes through and you end up on Central Avenue. He asked that they look at the diamonds at the end of the block which are all covered over by brush. He asked that they put more diamonds so the people see that it does not go through. Or see what they can do over there.

Mayor Miller advised that at Center Street and MLK, there is a property at the corner that is overgrown with weeds. The Township owns the property, and he asked that it be cleaned up.

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 accepting a Bid on Block 440, Lot 27 as a result of the Public Land Sale, in the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:12-1 et seq.
Resolution No. 2012-316**
- 2. Resolution appointing Aivar Rannamyae as Deputy Tax Assessor, for 2012.
Resolution No. 2012-317**
- 3. Resolution releasing Performance Guarantee posted by, MAZ East Coast Division, in connection with application number SD#1378a - Kennedy Blvd. East, Block 172, Lot 12.
Resolution No. 2012-318**
- 4. Resolution approving a Corrective Action Plan as part of the 2011 Annual Audit Process.
Resolution No. 2012-319**
- 5. Resolution releasing the Performance Guarantee posted by Albion Homes LLC, in connection with application SD#1594 (Albion Street), Block 284.03 and 284.04, Lots 49, 50 and 51; and 48.
Resolution No. 2012-320**
- 6. Resolution authorizing the Execution of any and All Documents necessary, for the State of New Jersey Department of Transportation's Highway Safety Fund Grant Program for Fiscal Year 2012.
Resolution No. 2012-321**
- 7. Resolution authorizing the Insertion of a Special Item of Revenue into the 2011 Municipal Budget for funding under the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation, in the amount of \$52,392.00. (Chapter 159 – JAG 2011)
Resolution No. 2012-322**

8. **Resolution authorizing the Insertion of a Special Item of Revenue into the 2012 Municipal Budget for funding under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation, in the amount of \$40,143.00. (Chapter 159 – JAG 2012)
Resolution No. 2012-323**
9. **Resolution releasing the Maintenance Guarantee, posted by MTR Ventures LLC, SD# 1495 (Warren Avenue) Block 768, Lots 17 and 61.
Resolution No. 2012-324**
10. **Resolution requesting the County of Ocean turn over to the Township of Lakewood its Rights of Way of a Portion of Kennedy Boulevard East.
Resolution No. 2012-325**
11. **Resolution petitioning the New Jersey Department of Transportation to add Traffic Signals at the Intersections of 7th. Street and U.S. Route 9 (Madison Avenue) and 5th. Street and U.S. Route 9 (Madison Avenue).
Resolution No. 2012-326**

Motion by Committeeman Coles, second by Committeeman Langert, to approve Resolution Nos. 1 through 11 on the Consent Agenda.

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

Resolution Nos. 2012-316 through 2012-326 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic) of the Revised General Ordinances of the Township of Lakewood 1999, Amending Section 11-10, Stopping or Standing, specifically, Section 11-10.1, Stopping or Standing Prohibited. (Chap. XI, Sec. 11-10 – No Stopping/Standing Ridge Ave.)

Read by title only for second reading.

Mayor Miller 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 Langert.

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

Ordinance No. 2012-45 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), Section 18-903 I (Residential Office Park-ROP) of the Revised General Ordinances of the Township of Lakewood to add Duplexes as a Permitted Use. (Chap. XVIII, Sec. 18-903 I ROP –Duplexes)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

Mr. Wouters asked that this matter be not acted upon tonight, and that it be carried to the meeting of September 20th.

Motion by Committeeman Langert, second by Committeeman Coles, to carry the second reading and public hearing on this Ordinance to September 20, 2012.

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

Second reading and public hearing on Ordinance No. 2012-46 carried to the meeting of September 20, 2012.

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 – Zoning Districts and Regulations, Section 18-901, "Establishment of Zone Districts and Zoning Maps," Section B, "Interpretation," 1.a "Amendments to Zoning Map," to Rezone Properties within Blocks 778.01, 830 through 837, 839 through 842, 849, 851 & 852. Vicinity of Spruce Street, from R40/20 Cluster to R-10 Residential Zone Classification. (Chap XVIII, Sec. 18-901 – Zoning Districts)

Read by title only for second reading.

Mr. Wouters asked that this matter not be acted upon tonight and also be carried to the September 20th meeting.

Motion by Committeeman Coles, second by Committeeman Langert, to carry the second reading and public hearing on the above Ordinance to September 20, 2012.

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

Second reading and public hearing on Ordinance No. 2012-47 carried to the meeting of September 20, 2012.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public in a portion of Paper Street with No Name off of Park Place, in the Township of Lakewood. (St. Vacation – Portion of Paper St. No Name off Park Place)

Read by title only for second reading.

Mayor Miller 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 Lichtenstein.

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

Ordinance No. 2012-48 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 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 second reading.

Mr. Wouters advised that again he would ask that no action be taken on this Ordinance this evening, and that the matter be carried to the September 20th meeting.

Motion by Committeeman Coles, second by Committeeman Langert, to carry the second reading and public hearing on the above Ordinance to September 20, 2012.

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

Second reading and public hearing on Ordinance No. 2012-49 carried to the meeting of September 20, 2012.

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 Districts & Regulations – Hospital Support Zone)

Read by title only for second reading.

Mr. Wouters advised that he would ask that this matter also be carried to the September 20th meeting.

Motion by Committeeman Coles, second by Committeeman Lichtenstein, to carry the second reading and public hearing on the above Ordinance to September 20, 2012.

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

Second reading and public hearing on Ordinance No. 2012-50 carried to the meeting of September 20, 2012.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public of a Portion of Park Place, in the Township of Lakewood. (St. Vacation – Portion of Park Place)

Read by title only for second reading.

Mayor Miller 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 Lichtenstein.

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

Ordinance No. 2012-51 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" specifically, Article IX – Zoning Districts and Regulations, to amend the B-5 Highway Development Zone to allow a New Conditional Use entitled "Mixed Use Multi-Family" and Provide Standards thereof. (Chap. XVIII, Article IX – Zoning Districts & Regulations – Mixed Use Multi-Family)

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Gerry Ballwanz, Governors Road – Stated there is a misprint on a certain portion where it talks about gross density, under A-2, maximum gross residential density, twelve, but eighteen is put into numerical form. Asked if it is twelve or eighteen units.

Mr. Wouters advised that has already been corrected. It is eighteen.

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

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

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

Ordinance No. 2012-52 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 09/06/12)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public of a Portion of Davis Road, in the Township of Lakewood. (St. Vacation – Portion of Davis Road)

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 Langert, Deputy Mayor Akerman and Mayor Miller.

Ordinance No. 2012-53 adopted on first reading. Second reading and public hearing to be held on September 6, 2012.

CORRESPONDENCE

Per list of three (3) correspondence items, attached hereto and made a part hereof.

PARKS/EVENTS CORRESPONDENCE

Per schedule of twelve (12) picnic/event requests, attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 08/14/12

Motion by Committeeman Coles, second by Committeeman Lichtenstein.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mayor Miller advised that at the next meeting on September 6th there will be a memorial for the Fire Department.

Mayor Miller further advised that he is looking at putting together a September 11th Memorial to be held in the Municipal Building. Details will follow.

ADJOURNMENT

Motion by Committeeman Coles, second by Deputy Mayor Akerman, and carried, to adjourn the meeting. Meeting adjourned at 8:18 PM