

The Lakewood Township Committee held a Meeting on Thursday, October 27, 2011, 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..... Menashe P. Miller
Deputy Mayor..... Steven Langert
Committee Members..... Albert D. Akerman
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Michael Muscillo
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 adopted January 7, 2011 and published in the Asbury Park Press on January 10, 2011.

ROLL CALL

CLOSED SESSION

Resolution No. 2011-302 - Adopted

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 10/06/11

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 10/06/11

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

PRESENTATIONS - Katherine Page - Employee of the Month

Mayor Miller presented Katherine Page with the Employee of the Month Award for November, 2011.

ORDINANCES FOR DISCUSSION - None

QUALITY OF LIFE

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

With regard to the redesign of the NJ Transit terminal, Mr. Staiger advised that he did have the opportunity to meet with NJ Transit as well as use the turning templates at the site to see if it is possible for the buses to physically make a u-turn on site. There is physically not enough room. Also, NJ Transit has expressed numerous safety concerns with regard to making that move.

With regard to the matter concerning some dogs on Shorrock Street near Lions Head Woods, Mr. Burdge advised he checked with the Animal Control Officer, who has issued a summons. The fine was paid, and the dogs have been properly licensed. The problem is that the Township Ordinance says that he is allowed to have three dogs. The Association rules are that he is only allowed to have one dog. That is where the conflict is. The Township can not enforce the Associations' rules.

Mayor Miller confirmed that this is a senior development. He asked Mr. Wouters if the Township can amend the Township Ordinance to reflect that as the town allows three dogs, if any homeowner's association would like to be more stringent on that regulation, that the Township Ordinance should enforce that.

Mr. Wouters responded that he does not think they need to do that. Homeowners Associations always have the ability to further restrict activities within their confines. Where the Township allows a certain amount of animals, and the Association adopts something that is more stringent, they can do that. But he will review it further to make sure.

Deputy Mayor Langert stated that what Mr. Burdge is saying is that the Township can not enforce their by-laws. The Association can fine the homeowner, or they can take their own action, but if the Association was looking to the Township for relief, then the Township could not do that. But what the Mayor is saying, the Township would amend the Ordinance to say that it would work in conjunction with the Association. He asked if the Township could then enforce the Association's rule.

Mr. Wouters explained that the Township would have difficulty having different regulations in different areas. The Township can not be in the position to enforce private property Homeowner's Association regulations.

Committeeman Lichtenstein commented on the dog Ordinances. At this time, some of the enforcement for pet enforcement lies with Public Works. He asked that he be permitted to meet with Public Works and the Police Department to make it a little more

cohesive because they have had some vicious animal attacks. Unfortunately there was one where a young girl got bit by a pitbull. It seems that the enforcement is not forthcoming in the proper way. He is not blaming anyone, but he believes that Public Works and the Police Department may think that the other is doing it. Usually if there is a call like that, there is a Police Officer there, and they call Public Works. They may think that the other is doing the summons. He thinks that perhaps if he meets with Public Works and the Police Department, he can ask that the enforcement be transferred to a responding officer so that it comes out as a regular summons from the Police Officer.

Mayor Miller agreed. He thinks it is a great idea. He has actually spoken with the Chief with regard to this issue. He asked that Committeeman Lichtenstein follow through on this matter.

Committeeman Lichtenstein requested that this information be passed on to the Chief, and that Mr. Burdge arrange for the meeting.

Quality of Life Comments from Committee Members:

Committeeman Lichtenstein commented that Public Works did an outstanding job at the corner of Fourteenth Street and Forest Avenue with the right-turn lanes. He advised that there are a few more intersections, Prospect and Williams, MLK and Pine, and Williams and James, and he would request that Public Works paint the right-turn lanes at those intersections also. The issue is that they are County roads. He asked Mr. Burdge to meet with the Engineering Department, and if the County agrees, the Township could do the work.

Mr. Burdge stated that he would like to know from the Township Committee what streets they want done in the coming year, so they can put it in the Budget for next year. They have the equipment, and they want to be able to do the work in-house, but they need some guidance as to what streets need to be done first, so they can figure out what materials they will need in order to put it in the Budget.

Committeeman Lichtenstein suggested that the Committee members submit a list of streets, and also that the information be put on the website to open it up for suggestions from the public as to what streets they think need attention.

Committeeman Lichtenstein also advised that at the corner of South Lake Drive and Hope Road the sidewalks are not complete. There are pieces of sidewalk missing and someone is going to get hurt.

Mr. Staiger responded that he did reach out to the County and they are having sidewalk work done on various streets in Lakewood, but he will follow up with them with regard to this location and a date when the work will be completed.

Committeeman Akerman advised that a few months ago, they discussed the matter of turning some of the traffic lights into blinking lights at County intersections, at some point at night, possibly after 8:00 PM.

Mr. Staiger responded that he did reach out to the County, with regard to blinking lights at several different intersections, and they are not in favor of providing blinking lights after certain hours.

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.

David Drukaroff, 1433 Laurelwood Avenue – Commented with regard to the recent complaint concerning the fires set by the homeless residents in tent city. Also commented regarding the Resolution accepting a gift from Beth Medrash Govoha in connection with improvements to the parking lot at Clifton Avenue and Tenth Street.

Larry Simons, 7 Schoolhouse Court – Commented regarding the status of the proposed demolition of structures on Fifth Street, and the Ordinance regarding the establishment and composition of the Planning Board.

Mayor Miller asked Mr. Wouters to look into the matter of the appointment of the Class II member of the Planning Board.

Committeeman Coles responded regarding the status of the demolition of structures on Fifth Street, which information he will have after Tuesday's meeting.

Gerry Ballwanz, Governors Road – Asked where the property is located that is the subject of the Resolution authorizing the advertisement for Request for Qualifications for Professional Services regarding redevelopment of real property. Also commented with regard to the Resolution concerning the improvements to the parking lot at Clifton Avenue and Tenth Street. Further commented regarding a recent Zoning Board meeting at which a committee was mentioned that discusses growth, planning, and zoning issues. She asked about the committee, when does it meet and who is on this committee and what kind of input are they putting into the future of Lakewood. Further commented regarding the status of the Plan Endorsement process. Also commented regarding the state statute that provides that all applicants before the Zoning and Planning Board must have their taxes paid in current status. She stated that the applicants coming before the Planning and Zoning Boards do not meet this criteria and are in violation. She asked why the Boards are hearing these applicants when their taxes are in arrears. She also asked for comments regarding the Mud Run.

Mayor Miller responded regarding the applicants before the Zoning and Planning Board, and advised that if the applicant has paid the taxes on the property that is the subject of the application, the Board must hear the application, even if he owes taxes on other properties that he owns. With regard to the paving of the Tenth Street/Clifton Avenue lot, that is forthcoming, but the donation by Beth Medrash takes care of the filling and gravelling of the lot.

As to the Mud Run, Committeeman Coles responded that the applicants had constructed structures in detention basins at the stadium property. The Township put a stop to the work, and had to call DEP to take a look at the site. The insurance that was submitted to the Blueclaws was not adequate to cover the Township from any liability that may arise as a result of these structures. DEP has advised that the applicant is responsible for the restoration of all the work that was done at the site, and that the vast majority of what was disturbed was not in preserved land or wetlands, but they are responsible for all restoration work. Blueclaws have acknowledged that if the applicant does not do the work, they will be responsible for the restoration. At this time, the Township's insurance agent is working with their insurance agent, to see if they can come to an agreement that the increased insurance policy is adequate to cover the Township. If that is the case, the Committee has agreed to allow the race to go on at a future date.

With regard to the committee dealing with development, Mayor Miller responded there are no committees appointed by the Mayor that deal with development. This is not an official committee however, last year's Mayor, Steven Langert, put together a small group of people to deal with these types of matters.

Deputy Mayor Langert responded explaining the status of the Smart Growth planning process. The committee was formed, made up of Township professionals, to have informal discussions regarding the development and the future growth of Lakewood, all a result of the Smart Growth planning process in preparation of a new Master Plan.

Deputy Mayor Langert also responded regarding the Resolution concerning redevelopment of real property, that this RFQ is a result of three years of negotiations with Cedarbridge Development Corporation to see what can be done there. This is a preliminary RFQ. They are looking for qualified people to come in and give the Township their qualifications in order to review the Option Agreement as is, or as amended.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River, NJ – Commented regarding the LDC meeting of October 11th, at which meeting members discussed a presentation to be made this evening to the Committee. She does not see this on the Agenda.

Mayor Miller responded he was not familiar with the subject.

Committeeman Akerman responded the LDC was talking about spending money on certain projects, and he had suggested they present this information to the Committee. It is not time sensitive, and when they are ready, they will present it to the Committee.

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

Mr. Staiger commented on the Resolution authorizing an Emergency Appropriation to fund repairs to the storm sewer on Swarthmore Avenue. It shows that the approximate cost of repairs is \$40,000.00. It was his understanding that was the cost for the repairs for the water main, and that the cost for repairs to the storm sewer is not yet known.

Mr. Wouters responded that it is very difficult to have an Emergency Appropriation without a number. And that was the purpose of the letter from the Engineer, for them to give the Township a number. If that is not the number, he will pull this Resolution from the Agenda. You can not have an Emergency Appropriation asking to spend money without knowing what the number is. So he would ask at this point to pull this Resolution from the Agenda.

Mr. Staiger explained that the amount listed is for the repairs to the water main, but there would be additional non-emergency related repairs to fix the storm sewer in that area.

Mayor Miller explained that is OK; they have \$40,000 for emergency repairs for the main.

Committeeman Coles advised it says storm water pipe, not water main.

Mayor Miller stated they need to change the wording.

Mr. Wouters explained that the Township's storm water pipe, because of Hurricane Irene, breached and affected the MUA's water line. They are fixing the water line, and the Township is fixing the storm sewer line.

Mayor Miller asked if the Township applied for FEMA money for any of these major expenses.

Mr. Wouters answered he did not know.

Committeeman Coles responded that this just happened two weeks ago.

Mr. Miller asked if the deadline has passed on applications for FEMA funding.

Mr. Muscillo responded he believed the deadline has passed. When the work is completed, the Township will submit to insurance to see what is covered.

Mr. Wouters suggested they do the Emergency Appropriation for up to \$40,000. If they need to do more, they can do that. But at least, this will get it started.

Mr. Staiger explained that will cover the emergency, which is the water main break. There are three dead ends at the area in the Industrial Park which need to be repaired for purposes of fire flows, and there is a safety concern with regard to that.

Mayor Miller also asked Mr. Staiger to reach out to Paul Calabrese to see what it would cost the Township to put Vine Street in, from Pine Street to Cedarbridge Avenue.

Mr. Kielt advised he has a call into him and is awaiting a call back.

Mayor Miller added that if they can move ahead next year on this project, they already have the plans. They just need to find out what the cost will be.

Committeeman Lichtenstein asked who owns the land on either side of Vine Street; is it Township owned land?

Deputy Mayor Langert responded that the Township does not own all of it.

Committeeman Coles advised Mr. Kielt that the Township may have the plans for this project already done, because they had initially received a grant from the State that was rescinded when the economy went sour a few years ago.

Mr. Kielt responded that the way he understood it was there was a preliminary conceptual plan, but there was no design plan.

Mayor Miller added that for the infrastructure of the south side of town, he would love to see that portion of the road put through.

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 Reducing the Performance Guarantee (First Reduction), posted by South Lake Properties LLC, c/o Chaim Abadi, in connection with SD# 1580 (Esther Court formerly Rubin & Feinroth), Block 11.29, Lots 3, 4 & 75, from \$187,790.00 to \$55,716.00
Resolution No. 2011-303**
- 2. Resolution Releasing a Performance Guarantee posted by, Pine Street Development LLC, (Chaim Friedman of Platinum Developers), in connection with ZB# 3697 (Treeside Lane off of Pine Street), Block 774.01, Lots 7-10, in the amount of \$363,660.00.
Resolution No. 2011-304**
- 3. Resolution Approving a leave of absence, without pay, for Jose Muniz, until January 30, 2012.
Resolution No. 2011-305**
- 4. Resolution Authorizing the disposal of Public Works Vehicles for its value as scrap to Blewett's Recycling in Howell, New Jersey.
Resolution No. 2011-306**
- 5. Resolution Authorizing the Lakewood Tax Collector to cancel any and all property taxes on Block 1449, Lot 5.28 C1000, due to Disabled Veteran Exemption, in the amount of \$3,979.31.
Resolution No. 2011-307**
- 6. Resolution Authorizing the Lakewood Tax Collector to cancel any and all property taxes on Block 1449, Lot 8.27, due to Disabled Veteran Exemption, in the amount of \$4,403.23.
Resolution No. 2011-308**
- 7. Resolution Authorizing the Lakewood Tax Collector to cancel any and all property taxes on Block 27, Lot 38, due to Disabled Veteran Exemption, in the amount of \$6,709.82.
Resolution No. 2011-309**
- 8. Resolution Authorizing the insertion of a Special Item of Revenue into the 2011 Municipal Budget increase in UEZ 08-136, Downtown Parking Development Phase 2, Project Grant, in the amount of \$200,000.00. (Chapter 159- UEZ)
Resolution No. 2011-310**

9. **Resolution Authorizing settlement with Developers Surety and Indemnity Company in connection with SD#1441, SD#1476, and SD#1408.
Resolution No. 2011-311**
10. **Resolution Requesting and Endorsing the Application for Expansion of the Township of Lakewood, New Jersey Foreign Trade Zone. (FTZ)
Resolution No. 2011-312**
11. **Resolution Requesting and Endorsing the Application for reorganization under the alternative site framework for the Township of Lakewood, New Jersey Foreign Trade Zone 235. (FTZ)
Resolution No. 2011-313**
12. **Resolution Authorizing the advertisement for Request for Qualifications for Professional Services regarding redevelopment of Real Property.
Resolution No. 2011-314**
13. **Resolution Authorizing the Acceptance of a Gift/Donation from Beth Medrash Govoha.
Resolution No. 2011-315**
14. **Resolution Authorizing an Emergency Appropriation pursuant to N.J.S.A. 40A:4-48 to fund repairs to the storm sewer on Swarthmore Avenue.
Resolution No. 2011-316**

Motion by Deputy Mayor Langert, second by Committeeman Coles, to approve Resolution Nos. 1 through 14 on the Consent Agenda.

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

Resolution Nos. 2011-303 through 2011-316 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, in the County of Ocean, New Jersey, providing for various projects for the Township of Lakewood Police Department and appropriating \$425,000 therefor and providing for the issuance of \$403,750 in Bonds or Notes of the Township of Lakewood to finance the same.

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

David Drukaroff, 1433 Laurelwood Avenue – Stated he is very happy that the town wants to put up a traffic signal at Forest Avenue and Fourteenth Street, because they need it. He is interested in knowing more about the computer system to scan and index records.

Committeeman Lichtenstein responded that the Police Department is obligated to keep records for a certain amount of time, so they have gone to look for assistance where they can actually scan the record. They have run out of room to keep all the files. They have to make sure that sensitive records are protected.

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

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

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

Ordinance No. 2011-51 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 December 9, 2005 Deed between the Township of Lakewood and Bnos Rivka, Inc.

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 Deputy Mayor Langert.

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

Not present for the vote: Committeeman Lichtenstein

Ordinance No. 2011-52 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 11/17/11)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the exchange of certain lands within the Township of Lakewood, in particular, the Township to acquire Block 1007, Lot 3, and to convey Block 443, Lot 4, as part of an exchange of lands pursuant to N.J.S.A. 40A:12-16.

Read by title only for first reading.

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

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

Not present for the vote: Committeeman Lichtenstein.

Ordinance No. 2011-53 adopted on first reading. Second reading and public hearing to be held on November 17, 2011.

CORRESPONDENCE

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

Per schedule of one (1) picnic/event request, attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to accept the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 10/25/11

Motion by Committeeman Coles, second by Deputy Mayor Langert, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Deputy Mayor Langert commented that he agreed with Mrs. Ballwanz with regard to Resolutions as to the subject of location, and he asked the Manager and Attorney that in the future, when they have such types of Resolutions, that they specify the area in question, and what the Township is looking to do.

Mayor Miller commented that this is the last Township meeting prior to the election, and he wished all candidates the best of luck.

ADJOURNMENT

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 8:24 PM.