

The Lakewood Township Committee held a Meeting on Wednesday, February 16, 2011, in the Lakewood Municipal Building, at 5:30 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, and published in the Asbury Park Press on February 7, 2011.

ROLL CALL

CLOSED SESSION

Resolution No. 2011-80 – 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: 02/03/11

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 02/03/11

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

PRESENTATIONS

Mayor Miller offered congratulations to Michael Muscillo, Municipal Manager, and presented him a cake on the occasion of his 40th Birthday.

ORDINANCES FOR DISCUSSION - None

QUALITY OF LIFE

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

With regard to Tenth Street, between Clifton Avenue and Madison Avenue, Capt. Meyer advised that signs should be posted stating "No Parking During Snow Removal".

Committeeman Lichtenstein requested that Public Works install the signs.

With regard to the request for a four-way stop at the intersection of Williams Street and Prospect Street, Capt. Meyer advised that Chief Lawson will contact the Ocean County Engineering Department in connection with this request; he does not think the Township has the crash data for this intersection at this time that will support a four-way stop.

Mayor Miller asked that regardless what the crash data says, if this is something that the Committee wants to implement, would they have the right to do so?

Capt. Meyer advised he will check with Chief Lawson, as Prospect Road is a County road.

Mayor Miller asked that this item be brought back to the Committee after the Chief's review.

With regard to the handicap parking space issue on Fifth Street, Mayor Miller requested that this item be brought back to the Committee also.

With regard to the complaint about Ridge Avenue, in the area of the school, Mayor Miller advised he knows that traffic enforcement is being done in the area.

Regarding the intersection of Fourth Street and Monmouth Avenue, Capt. Meyer advised that the crosswalks are in need of refreshing. As to the elimination of a couple of parking spaces on Fourth Street, traveling eastbound approximately 40' eliminating two parking spaces to facilitate traffic flow; and approximately another 50' traveling westbound on Fourth Street at Monmouth Avenue.

Mayor Miller asked if it is still too cold to repaint the crosswalks.

Mr. Burdge advised it is still too cold, unless they have a few warm days.

Committeeman Lichtenstein asked that this matter be referred to the Township Attorney so that an Ordinance can be prepared for the parking restrictions.

With regard to the structures in need of demolition on Vermont Avenue at Chestnut Street, Mr. Saccamanno advised that the buildings have been demolished and the area has been cleaned up.

Comments from Committee Members:

Committeeman Lichtenstein advised he has met with the Mayor and Police Chief of Irvington, regarding their assistance in writing grants on gang issues. He hopes that at the next meeting he will have a full report on some of the actions they intend to implement and put into place.

Committeeman Lichtenstein requested Mr. Burdge and his department to keep an eye on graffiti issues in the coming days as they are expecting warm weather; there are a couple of areas in town that need to be cleaned up. He will contact Mr. Burdge and delineate the locations.

Deputy Mayor Langert suggested that they request some graffiti clean-up days with the County crew, as they did last year. He asked that Chief Lawson contact the warden in the County to see if they can pre-schedule a few days for the clean-up crew to come to Lakewood.

Capt. Meyer advised they are in the process of doing that; they do not have the specific dates yet, but the Quality of Life Department has been in contact with the County.

Committeeman Akerman advised there was a big mound snow on Lawrence Avenue that was blocking the vision of drivers, and children had to walk around it. He asked Mr. Burdge to check into it.

Committeeman Akerman also advised that someone complained that a Public Works truck went on their property and ruined their garden.

Mayor Miller advised that when something like that happens, the resident should be advised to call Public Works immediately.

Mayor Miller advised that they received a letter from the Lakewood Development Corporation, stating that since there have been recent vandalism incidents and suspicious activities in the Industrial Park, in accordance with their partnership with the Township where they sponsor six Police Officers to patrol the UEZ zones, they have requested to assign one of the UEZ officers to be dedicated solely to patrolling the Industrial Park, and to update the contact information and alarm file. He forwarded the letter and forms to Capt. Meyer to be given to Chief Lawson for his review.

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.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – With regard to an item on the Agenda, she asked the amount of money that is being paid to the Conflict Attorney; the amount of money authorized to pay LDC counsel this year; and as to the

website, there was an item on the LDC meeting agenda from the end of the year with regard to appointment of a new webmaster. She asked if a new webmaster has been appointed and who that is.

Mayor Miller advised that these questions pertain to the LDC, and should be presented to them.

As Mr. Reinman was present, he answered that a webmaster is typically someone who manages the web on a day to day basis, and the LDC is under contract with an outside contractor, and that contract is continuing for now, until the new website is completed. What was awarded was a contract to a local business that creates websites, to create a new website for the Township of Lakewood.

Mayor Miller repeated that LDC questions should be brought to the LDC. Mr. Reinman is not with the LDC Board, and can not speak on behalf of the board.

With regard to the amount of money that is being paid to the Conflict Attorney, Mr. Wouters advised that the position is per diem; they get paid only for the days they appear. The contract will be available in the Municipal Clerks Office, and Ms. Blay can request a copy of the Contract from that office.

Mayor Miller confirmed that if he does not appear, he does not get paid.

Mr. Wouters answered yes; it is not a retainer. He gets paid only for the days that he appears.

_____ Goertzman, 64 Twelfth Street – Commented on the issue of the day laborers. He thanked the Township Committee and Police Department for addressing the issue of the day laborers, as they are off Clifton Avenue. The issue now is that they are congregating in the entire parking lot, not just in the area that has been designated for them. You can not pull your car into the parking lot. He manages an office building on the block, and people come to work every day and are unable to get into the parking lot. When the female employees come in, the workers are all around their cars thinking they are coming to pick up workers. He has empty space in the building, which he can not rent, due to the people being unable to get into the parking lot. He requested that the Police Department enforce that the day laborers be confined to their designated area within that parking lot, where they belong, so they do not interfere with the ongoing activities of the parking lot, and all of the offices in the area.

Mayor Miller requested Capt. Meyer to advise Capt. Lawson of this issue.

Mr. Goertzman also asked if there can be something done, in the form of an Ordinance, prohibiting people from congregating in Township parking lots, and maybe that would provide the tool to move the people out of the parking lot.

Deputy Mayor Langert suggested that they speak with some of the leaders in the day laborers' community, and reach out to them and explain to them the problems, perhaps they can get some cooperation. He would like the Police Department to please do better enforcement to make sure that the people are not encroaching back onto Clifton Avenue and Second Street.

Mayor Miller recommended that Mr. Goertzman contact the Mayor's Office to get the contract number for Mr. Seda, to set up a meeting with regard to this issue.

David Drukaroff, 1433 Laurelwood Avenue – Offered his opinion on the death penalty.

Noreen Gill, 192 Coventry Drive – Commented with regard to the day laborers issue.

Evgeny Matvienko, 166 Main Street – Commented with regard to the Ordinance adding a limousine card fee. Also commented with regard to the illegal transportation businesses in town.

Mayor Miller advised that the police department is currently working on the issue of illegal transportation businesses, and the Township, as well, has attempted to offer incentives for the illegal business owners to come in and purchase medallions to become legal.

Committeeman Coles asked Mr. Wouters about researching possible fines for illegal cabs, and asked that the information be available at the next meeting.

Mr. Wouters answered yes, he has accumulated information regarding this issue.

Seeing no one else wishing to be heard, Mayor Miller 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 amending resolution 2011-42 authorizing the Lakewood Township Tax Collector to refund tax overpayments, in the amount of \$47,097.38.**

Resolution No. 2011-81

- 2. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes on, Block 1082, Lot 9.139, Qualifier C1000 due to Disabled Veteran Exemption, for the Year 2011.
Resolution No. 2011-82**
- 3. Resolution authorizing the execution of a Collective Bargaining Agreement with the Fireman's Mutual Benevolent Association Local 380 (EMT'S).
Resolution No. 2011-83**
- 4. Resolution accepting a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program, through the New Jersey Economic Development Authority and the Department of Environmental Protection, in the amount of \$37,123.00. (UEZ – Grant - Blk. 93, Lots 6 & 12)
Resolution No. 2011-84**
- 5. Resolution awarding a contract to and authorizing the appointment of Sean T. Kean, Esquire and Campbell, Foley, Delano & Adams, LLC, as Conflict Municipal Prosecutor for the Township of Lakewood pursuant to and in accordance with N.J.S.A. 19:44A-20.4 et. seq.
Resolution No. 2011-85**
- 6. Resolution releasing a Performance Guarantee posted by Beth Medrash Govoha, in connection with application SP#1596, Block 104, Lot 46, in the amount of \$48,190.00.
Resolution No. 2011-86**
- 7. Resolution requesting the Department of Community Affairs and the New Jersey Housing Mortgage Finance Agency convert the 30 year Deed Restriction on Block 778, Lot 18.45 in the Forest Park Development to 10 Years.
Resolution No. 2011-87**
- 8. Resolution authorizing the Lakewood Tax Collector to cancel any and all property taxes on, Block 774.04, Lot 14.02, due to Disabled Veteran Exemption.
Resolution No. 2011-88**

Motion by Committeeman Coles, second by Deputy Mayor Langert, to approve Resolution Nos. 1 through 8 on the Consent Agenda.

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

Resolution Nos. 2011-81 through 2011-88 – Adopted.

Committeeman Lichtenstein asked Mr. Wouters about the status of the homeless situation. He knows they have spoken about it, and the Police Department is dealing with it. The camp is growing; when you drive by, especially now when there are no leaves on the trees, it is clear as to what is happening.

Mr. Wouters answered that they are going into Court to actually try to find them in attempt and to have the Judge order the removal of the people who came after the initial litigation began, and also other actions, which he would rather not discuss publicly. But they are actively moving forward in Court.

Committeeman Lichtenstein asked if they had a way of knowing who the people are that came after the initial litigation.

Mr. Wouters answered that they know who was there, and they will, as part of this process, go out and take another inventory as to who is there presently.

Mayor Miller requested the Engineering Department to post the Township Tax Maps on the website. The reason being is that people come in all the time looking for a tax map. He thinks it would save them time, and the hassle of coming to town hall, if the maps could be posted on the website.

At this time, the professionals left the meeting.

ORDINANCES SECOND READING

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of Lots 9 and 10 in Block 89, commonly known as 18 Clifton Avenue and 12 Clifton Avenue, respectively, 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.

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 Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-5 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Execution of a Deed of Easement with respect to a fifty (50) foot wide Utility Easement over and through portions of Powell Avenue, Clinton Avenue, and Gates Avenue, all unimproved roads, and Block 1159, Lots 30 & 35. (MUA – Utility Easement)

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 Akerman and Mayor Miller

Abstain: Deputy Mayor Langert

Ordinance No. 2011-6 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IV (General Licensing), Section 4-2.6 (License Fees), License Fee Schedule, of the Revised General Ordinances of the Township of Lakewood 1999, specifically adding a Motor Vehicle Card Fee. (Chapter IV, Sec. 4-2.6 - Motor Vehicle Card fee for Limousines)

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Evgeny Matvienko – Stated that everything that is charged is passed on to the consumer, and in this situation they can not pass anything on to the consumer. What they really need the Township to do is, before charging the businesses more money, to address the issues regarding illegal transportation businesses, and stop them from advertising their businesses.

Mayor Miller advised that both he and Mr. Coles called publishers and asked them not to take ads from illegal businesses. From their angle, they also do not have a mechanism to go ahead to follow through on this; they are not lawyers.

Mr. Matvienko stated he spoke to the publishers himself, and they said they do not care.

Committeeman Lichtenstein stated he wanted to put this to rest. He asked Mr. Wouters if they can control what people put in their publications.

Mr. Wouters answered no. This Township does not have the legal ability, nor does any Township in the United States of America, to adopt an Ordinance to prohibit someone from publishing whatever they want to publish. It is called "Freedom of the Press". It is not a point to discuss or argue. They can't do it; it is that simple.

Deputy Mayor Langert stated that this subject does not pertain to the Ordinance. There is a reason for this.

Mayor Miller agreed; the Ordinance at hand is the fee for the limousines.

Mr. Matvienko stated he is against it, and the Township knows for what reasons. They will pay more, but he added that the Township has to help them.

Committeeman Coles added that what they can do is look at the Ordinance for the fines that people who illegally run cab companies pay, and that is what they were discussing previously. Hopefully, within the next couple of weeks they will be able to address that issue, and make the fines a little bit more meaningful, so that people have to think twice before they decide to go into an illegal business.

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 Akerman.

Deputy Mayor Langert stated that this Ordinance has nothing to do with taxi cabs. This is specifically geared toward limousines. What is happening is they have three limousine companies in town that he is aware of; Mr. Matvienko has one. There are a couple of companies who come in consistently, switching cars, adding new cars, switching old cars for new cars, and they are taxing the resources of the Clerk's Office. The Township has the ability, under State Statute, to charge them fifty (\$50.00) dollars every time they come in to do this. This is not one or two times a year; this is on a constant basis, and he feels it is only fair to be able to charge these companies who come in every time they want to switch in, or switch out a car, to charge them fifty (\$50.00) dollars, to cover the Township's costs, which they are entitled to do under State Statute.

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

Negative: Committeeman Coles

Ordinance No. 2011-7 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 03/03/11)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Ordinance No. 2004-86, authorizing the Private Sale and Conveyance of Block 807 Lot 1, Block 808 Lot 2, Block 809 Lots 1, and 3, Block 815 Lot 1, Block 816 Lot 1, Block 817 Lot 1, Block 818 Lot

1, Block 819 Lot 1, Block 820 Lot 2, Block 831 Lot 3, Block 832 Lot 3, Block 833 Lot 2, Block 834 Lot 1, Block 835, Lot 3, and Block 836, Lot 3, lying within the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:12-21(1), et. seq., to New Jersey Hand, a New Jersey Non-Profit Corporation, for nominal consideration.

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 Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-8 adopted on first reading. Second reading and public hearing to be held on March 3, 2011.

CORRESPONDENCE

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

PARKS AND EVENTS CORRESPONDENCE

Per schedule of twenty-two (22) parks requests, attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 02/15/11

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 - None

ADJOURNMENT

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:28 PM.