

The Lakewood Township Committee held a Meeting on Thursday, April 8, 2010, 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..... Steven Langert
Deputy Mayor.....Menashe Miller
Committee Members..... Robert W. Singer
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Frank Edwards
Municipal Attorneys.....Lawrence E. Bathgate, II, Esq.
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 1, 2010 and published in the Asbury Park Press on January 6, 2010.

ROLL CALL

CLOSED SESSION
Resolution No. 2010-123 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

Motion by Committeeman Singer, second by Committeeman Coles, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 03/25/10

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 03/25/10

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

PRESENTATIONS - None

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 Langert opened the meeting to the public.

Carol Suchno, 59 Foxwood Road – Commented with regard to a recent burning/dumping incident in Lakewood.

Howard Suchno, 59 Foxwood Road – Commented with regard to a recent burning/dumping incident in Lakewood.

Bert Albert, Lions Head Woods – Commented that as past Executive Director of the Lakewood Airport Authority he obtained \$400,000 in state and federal grants, which required a five percent contribution by the Township; the projects are listed in the current budget.

George Lindsey, 100 Woehr Avenue – Commented with regard to his request for the SAGE Foundation to utilize the MLK Drive, Town Square and the Amphitheater.

Mr. Edwards explained that his requests will be considered at the next Township Committee meeting.

Alice Kelsey, 295B Malvern Court East – Asked what has Lakewood done in terms of going to Court with regard to the homeless people in the woods. Also asked how the State budget cuts will affect Lakewood. Also commented with regard to a recent burning/dumping incident in Lakewood.

David Drukaroff, 1433 Laurelwood Avenue – Commented with regard to a recent burning/dumping incident in Lakewood.

Janice Urbsitus, 68 Seminole Drive – Commented with regard to a recent burning/dumping incident in Lakewood. Asked who issued the permit for this illegal landfill and who owns the land.

Noreen Gill, 192 Coventry Drive – Commented with regard to a recent burning/dumping incident in Lakewood.

Walter Baldwin, 712 Albert Avenue – Commented with regard to environmental issues and illegal dumping in his neighborhood.

Christine Abrams, Coral Avenue – Commented with regard to a recent burning/dumping incident in Lakewood.

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to a recent burning/dumping incident in Lakewood.

Bob Archer, 712 Albert Avenue – Commented with regard to a recent burning/dumping incident in Lakewood.

Ann Richardson, 1870 Lanes Mill Road – Commented with regard to a recent burning/dumping incident in Lakewood. Also complained about garbage all over town.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Commented with regard to a Resolution on the Agenda concerning payment for improvements at the Airport with UEZ funds. Asked why the Committee is taking action on these expenditures before the LDC has done so at their meeting next week.

Gerry Ballwanz, Governors Road – Commented with regard to a recent burning/dumping incident in Lakewood.

Moshe Raitzik, 166 North Crest Place – Commented with regard to a recent burning/dumping incident in Lakewood.

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

Committeeman Lichtenstein advised that the town did not give any permits, site plan approvals, as far as he knows, to anyone to bury anything on that property. This issue is at the State DEP level. Many people have expressed the right for people to properly bury religious items and he is sure that is what the DEP is looking at, to figure out the right way to do it so that it does not endanger the environment. He can not answer all the questions, but this is the place, at the local level, to come and express your concerns. But he asked that everyone understand that it is in the State's hands. He found out about this when he read it in the Asbury Park Press. He was away over the Passover holiday, and had the opportunity to look at the newspaper, and that is when he heard about it. He does not know of any action that the town will take now. At this point, the DEP is meeting with the owners of the property, discussing how to remediate that site, if any remediation needs to be done, and to discuss how to plan for future burials of religious items. He wants everyone to know that the town did not authorize this.

Committeeman Coles advised that he first heard about this situation when the Asbury Park Press called him when he was out in Long Island last week. It was tough because many of the Committee Members were away on vacation for the holiday. The Chief scrambled to get an answer for him quickly because he knew they were working on a deadline. He does not think there was any intent to deceive. The Chief got back to him within a half an hour with an answer, which was then passed on to the Asbury Park Press. Later that day, the Chief sent him an e-mail which outlined the conversation which was forwarded to Bill Hobday in response to one his questions. He talked to the Chief and Mike Saccamanno since that time, and was told there was no site plan approval because for a use like this, the Township has no jurisdiction. But if someone had come in to him and requested to build a burial pit for these items, he would have

been told that he needed to contact the DEP because they are the only organization that has jurisdiction. The Chief has advised that a detective has been assigned to liaison with the DEP to come up with exactly what the plan is, what actions are being taken, and what is being anticipated. That conversation was late yesterday afternoon, and he has not talked to him since that time. It is not something that is being ignored. The Chief is involved, and the inspection official is doing whatever he can, and they will move forward with the proper remediation. He understands that they were not going to overlook it, but that they needed to figure out the best way to dispose of these items, as soon as they come back to Township it will be made public.

Committeeman Singer advised this is a State issue and DEP is on top of it. Any type of disposal has to be part of the County Solid Waste Plan and obviously this is not part of that. The County Solid Waste Plan does not allow for any disposal of anything out of County. That is overseen by the Ocean County Health Department at the landfill; they check that on a regular basis. Once the investigation is completed, DEP will issue their findings. This is something that neither the Inspection Department, nor anyone else, knew anything about. He had received a phone call from DEP that they had found dumping, and were stopping it, and they were dealing with the issue.

Mayor Langert stated it is difficult facing an issue like this. He does not condone what was done. He will not defend it, and will not say it was right. He believes that if someone wants to do something, he needs to have the proper permission, and if you don't, you can't do it. It does not matter who you are. He has asked the Township Attorney to monitor what the DEP is doing, because they do have jurisdiction, and to keep the Township Committee informed of their decisions. And to see if there is anything that the Township can do to remediate the situation. After lengthy discussion, he was told that the bags that were buried were biodegradable plastic bags. That is what he was told; he can not say whether that is the truth or not. As far as it being done in the future, he is going to ask the Township Attorney to look at the Ordinances on file, to make sure that if there are permissions that are needed from the State, the County, or on a local level, that those permissions are obtained, and presented to the Township.

Mayor Langert further advised that no permits were issued by the Township for any such activity, and he does not know who owns the land.

As to the issue of the Airport improvements, Mayor Langert advised he does not know the answer, but he will ask the Manager's Office to look into it and get an answer.

As to the issue of the appropriations for Airport improvements, the Manager's Office will also research that and get an answer.

As to the issue of the homeless in the woods, Mayor Langert advised that he has asked the Township Attorney to draft papers to go to Court, requesting permission to allow the Township to relocate the people who live in the woods.

As to the issue of the State budget cuts and their affect on Lakewood, Mayor Langert advised he has had preliminary discussions of the Budget, and there will be some very tough decisions this year.

As far as the garbage downtown, Mayor Langert advised there is not a day that goes by that he does not pick up garbage from his front lawn; he walks around the Lake, and picks up garbage. He walks the downtown area each day, and picks up garbage.

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 Emergency Temporary Appropriations for the period between the beginning of the Current Fiscal Year and the date of the Adoption of the 2010 Budget.
Resolution No. 2010-124**
- 2. Resolution Releasing a Maintenance Guarantee posted by School for Children with Hidden Intelligence, in connection with SP#1717 for various Blocks and Lots, in the amount of \$27,000.00.
Resolution No. 2010-125**
- 3. Resolution Releasing a Maintenance Guarantee posted by Walter Ostrowicki, in connection with SP#1722 for Block 1609, Lot 6, in the amount of \$3,524.00.
Resolution No. 2010-126**
- 4. Resolution Releasing a Maintenance Guarantee posted by Majestic Investment, LLC, in connection with SD#1432 for Block 169, Lots 31, and 32, in the amount of \$10,700.00.
Resolution No. 2010-127**
- 5. Resolution Releasing a Maintenance Guarantee posted by Sean Kohn as nominee for Brei Moishe, in Connection with SD#1475 for Block 148, lot 2, in the amount of \$9,630.00.
Resolution No. 2010-128**
- 6. Resolution Authorizing the Award of a Professional Services Contract to T & M Associates, in an amount not to exceed \$25,000.00.
Resolution No. 2010-129**

Motion by Committeeman Singer, second by Committeeman Lichtenstein, to approve Resolution Nos. 1 through 6 on the Consent Agenda.

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

Resolution Nos. 2010-124 through 2010-129 – Adopted.

ORDINANCE 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 H (Highway Development Zone HD-7), of the Revised General Ordinances of the Township of Lakewood. (Chapter 18, Section IX – Highway Development Zone – HD-7)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz, Governors Road – Stated she thinks this is a bad idea. To lessen the distance from Highway 9 to either the commercial or residential.....she thinks the previous amount of feet from the road was important to keep at that distance. She presented a map showing the zoned area. She believes this will impact Route 9 and any future widening.

Bill Hobday, 30 Schoolhouse Lane – Asked how this affects Lakewood’s relationship with the State that has been telling them for years, and Lakewood has been requesting for years, to have Route 9 expanded. He thinks that the agreement with the State that if they hope to have Route 9 widened that the Township would have to do their part by not allowing building closer than one hundred feet from the centerline.

Mr. Wouters stated that was never the understanding. It may have been circulated within the Township that this one hundred and fifty feet was a requirement of the State. It’s not, it wasn’t, it hasn’t been, and it is not now. They have checked with the State; they do not require one hundred feet from the centerline on each side in order to protect road widening. It is an erroneous position. This Ordinance has been, and the distances have been set, to meet with the State’s typical desired section, which is about fifty seven feet from the centerline. They verified that recently with the DOT. This far exceeds the State’s requirements in the event that they would want to widen Route 9.

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 Singer, second by Committeeman Coles.

Committeeman Coles advised that he had the same understanding that Mr. Hobday had about the amount of space needed. They had discussions about this right before it came up for first reading. Mr. Wouters did look into it with the State, and they came back and said that the original Ordinance far exceeded their needs. That with this Ordinance in place, there is still more than enough room for Route 9 to be widened as

proposed. It will not require them to take any additional property. That is the only reason he decided to support it.

Committeeman Lichtenstein stated he was going to say the same thing as Committeeman Coles. He spoke with Mr. Wouters and he also clearly remembered the same thing as Mr. Hobday and Committeeman Coles. They got some mixed messages from the State, and he was not clear. He had asked Mr. Wouters to triple check to make sure that what they were doing was not going to endanger the widening of Route 9. It was confirmed that what they were doing was not going to have any effect on the widening of Route 9.

Committeeman Miller advised that he sits on the Planning Board. He believes that where the error came from was when the State originally told the town that they need one hundred and fifty feet. The Township thought they meant that they needed one hundred and fifty feet from the centerline to each side. Ultimately, they needed seventy-five feet from the centerline; that is where the one hundred fifty feet total came from.

Committeeman Singer stated that one of the major concerns is that when you take a look at the Hagaman property that the Township owns, that has spent thousands of dollars to remediate in order to put back on the tax rolls, they realized that the one hundred and fifty feet made a large portion of that property un-sellable for the taxpayers.

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

Ordinance No. 2010-19 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 3 in Block 1032 at Open Public Sale, pursuant to N.J.S.A. 40A:12-1, et seq. (Bradhurst/Pinehurst Avenues)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz, Governors Road – Stated she is glad to see that the Township is going beyond just the assessed value for the sale of this property, increasing it to a minimum of \$75,000.00. This is land that is next to the Chateau Grande, in the woods, that is part of the HD-7 zone. As it is very valuable land, she thinks that the minimum should go up to \$100,000.00.

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 Singer, second by Deputy Mayor Miller.

Committeeman Singer advised this is a public land sale; it is not a private land sale. That is the opening bid, and can be bid by anyone who wishes to bid on it.

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

Ordinance No. 2010-23 adopted on second reading.

ORDINANCE FIRST READING (**Second reading and Public Hearing 04/22/10**)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the grant of a Right of Way Easement to Bais Kaila School with respect to a forty-two (42 Ft.) wide Right of Way over a portion of Block 839, Lot 2. (Right of Way Easement – Bais Kaila School – Blk. 839, Lot 2)

Read by title only for first reading.

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

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

Ordinance No. 2010-24 adopted on first reading. Second reading and public hearing to be held on April 22, 2010.

CORRESPONDENCE

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

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

PARKS AND EVENTS CORRESPONDENCE

Per schedule of seventeen (17) items attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Deputy Mayor Miller, and carried, to approve the above parks/events requests.

MOTION TO APPROVE BILL LIST OF: 04/06/10

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

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Lichtenstein commented with regard to the Census. He stated that getting the Census count will only be good for the town. They will have a handle on what is going on, and will know how the town is growing, and be able to receive more federal funding. He asked everyone to help get people counted, and to pass the word around.

Deputy Mayor Miller advised he is an ordained Rabbi, and is also a Chaplain for the Ocean County Sheriff's Department, and a reservist in the US Air Force. He was appalled and embarrassed by the comment made by a Rabbi....."if you don't like it, you can leave." He had joined the military to give back to this country. His ancestors came to this country, to find freedom, to live with other people, to be able to follow their religious customs. He is embarrassed by that comment; he does not share in such a sentiment, and the fact that that person made that comment in no way speaks for the Orthodox community, and certainly not for him.

Mayor Langert agreed with Deputy Mayor Miller. Also, there has been a lot of discussion about the Employment Service Area in downtown, which was supposed to be in effect as of April 1st. Due to the request of the Census Committee, the Latino community leaders, and religious leaders, they have asked the Chief of Police to delay the enforcement of the Employment Service Area until June 15th. He is happy to see some of the laborers utilizing it on their own. They are also talking to some organizations about the possibility of one of them managing, or overseeing the area once they begin enforcement. With regard to the Weed and Seed Program, he is sorry to announce that according to some of the people involved in the Township, they have heard from the US Attorney's Office that the program has been scrapped, and unfortunately will no longer be in effect. Also, the Committee is changing the date of the May 6th meeting, to the following week of May 13th.

Committeeman Singer added there may be a change in location of the Employment Service Area.

ADJOURNMENT

Motion by Deputy Mayor Miller, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 8:56 PM.