

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

PRESENTATIONS - None

2010 MUNICIPAL BUDGET

RESOLUTION AMENDING THE 2010 MUNICIPAL BUDGET

Mayor Langert advised that the amendment covers moving the Interlocal Agreement with the School Board and listing it as a separate appropriation line item.

The Township Clerk read the amendment into the record.

Motion by Committeeman Singer, second by Committeeman Lichtenstein.

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

Resolution No. 2010-225 – Adopted.

FINAL ADOPTION OF THE 2010 MUNICIPAL BUDGET

Motion by Committeeman Singer, second by Committeeman Lichtenstein.

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

Resolution No. 2010-226 – Adopted.

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.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked about the amendment to the Budget; what was the amount of the line item. Also asked why the hearing was held on the Municipal Budget before the State approved it. Also asked Mayor Langert why he does not respond to the public's questions at the podium before they sit down, which she feels deprives them of a chance to have a discussion with their elected representative.

The Township Clerk advised that the amount of the amended budget item is \$102,795.00.

Bill Hobday, 30 Schoolhouse Lane – Commented on the adopted Ordinance with regard to No Stopping, No Standing areas on Massachusetts Avenue. Asked when signs will be

posted. Also commented on the audit of the Lakewood School District. Also commented on the Township's lawsuit with regard to the homeless in the woods.

Committeeman Lichtenstein advised that the Township's Ordinance has been sent to the County; the Township is awaiting the County Resolution approving the Township's action.

Mayor Langert requested that the Municipal Manager speak with the Engineer with regard to the posting of the signs on Massachusetts Avenue.

Committeeman Singer advised that the County is responsible for erecting the signs, as Massachusetts Avenue is a County road. The Ordinance was sent to the County in order for them to erect the signs.

David Drukaroff, 1433 Laurelwood Avenue – Welcomed Mr. Muscillo as Township Manager. Thanked Mayor Langert for accepting his suggestions with regard to the Inspection Department.

Yossie Zucker, 407 Arlington Avenue – Commented on the proposal to put Arlington Avenue through from Cedarbridge Avenue to Pine Street. He offered his concerns for the safety of the children in the neighborhood. He asked if the project does go through, he requested the opportunity for the residents to voice their opinions.

Noreen Gill, 192 Coventry Drive – Commented on the recent dumping incident. Asked if the Township has responded to the Attorney General's correspondence on this issue. Also commented on the recent Ordinance with regard to businesses in the home.

Alice Kelsey, 295B Malvern Court East – Commented on Board of Education issues. Also commented on the homeless issue; asked if Mayor Langert's recent quotes in the Asbury Park Press were accurate, "we are not throwing the homeless out on the street; we are trying to do this to benefit and protect them and the town".

Mayor Langert answered yes, the quote was accurate. But that was the only accurate thing in the article.

Mrs. Kelsey asked a series of questions....why isn't the Township allowing Mike McNeil to complete his job with the people in the woods.

Mayor Langert advised that Mike McNeil is working every single day to clear up the homeless issue. Over the past eighteen months, STEPS has relocated over thirty people from the Cedarbridge camp.

Mrs. Kelcey asked how the Township expects to collect lawyer fees and court costs from the homeless in the woods. Where exactly will the homeless go when they are terminated from the woods. Will Lakewood be passing the buck to some other community? Will the Lakewood Township Committee be satisfied with relocating people in the woods to temporary housing?

Gerry Ballwanz, Governors Road – Commented on input from the Planning Board with regard to Zoning Ordinances.

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

Committeeman Singer advised that Township Committee receives a memo regarding the Planning Board's input on Zoning Ordinances, which is taken into consideration before they vote on an Ordinance.

Committeeman Singer also commented on the homeless situation. Advised that when he was Mayor, they made an arrangement with STEPS that the people in the woods were to be relocated to permanent housing, and also that the camp would not grow.

Meir Lichtenstein responded regarding the comments by the person representing the Arlington neighborhood. He had a quick discussion with them on the way in. He asked that the Clerk take his name and address and forward it on to the Engineering Department and if and when the Engineering Department decides that they need to look at opening Arlington Avenue, to call the person who spoke, who can reach out to his neighborhood. They will have the chance to voice their opinion at that time. At this point in time, he has not heard of any plans to open Arlington all the way up.

Mayor Langert advised that the public hearing on the Municipal Budget was held on the date that they did because they were required to by statute. Once you pass the Budget on first reading, there are certain time lines that must be followed by statute. The Township is not to be held accountable because the agency reviewing the Township's Budget could not get it back to the Township on time.

As to Ms. Blay's question of why the Mayor runs the meeting the way he does, it is because he does not like to get into discussions with people, and then their time runs out, and then they feel they got shortchanged. He feels that the people at the podium have the opportunity to share all information they want to share, and then the Committee and Mayor respond to the best of their ability.

Mayor Langert continued with comments regarding the Board of Education issue. He does not attend the Board of Education meetings regularly, and can not answer for them.

With regard to comments on the Arlington Avenue issue, Mayor Langert advised he has been approached by a contingent of residents who do not live on Arlington Avenue, about one hundred of them, who want to see Arlington Avenue opened up, because of the terrible traffic situation that is affecting Pine Street and Martin Luther King Drive. It would be nice if Vine Street would have been opened up by now, but the funding for that has been appropriated to another project. Mr. Brown came in with an application to build some houses on Arlington Avenue. The Planning Board, instead of telling Mr. Brown that he has to extend Arlington Avenue to the end of his property, told him that

not only does he have to do that, but he has to finish Arlington Avenue out to Pine Street.

John Brown, 203 Pine Street - Spoke from the audience. He advised he has residential property on Arlington Avenue. He has been developing Pine Street for the last twenty years, from Forest Park to Arlington Avenue. On his last request before the Planning Board, he came in for a subdivision which would create three new lots, and was approved to have a cul-de-sac. But, in the final Resolution, he was told that he had to go back to the drawing board and extend a service road 13' wide, and roughly 108' out to Pine Street. The purpose was that it was to be for emergency vehicles only, and it was not to be used for any other purpose. But that street, even in its infancy when it is a dirt road, is being used as a thoroughfare. And it dumps down into a street that is 26' wide, with cars parked on both sides. He thinks that if that street is allowed to be opened, the way the opposing group would like it to be opened, it would create a tremendous hazard and also there would be a lot of accidents because only one car can go through at a time, when cars are parked on both sides right now.

Mayor Langert thanked Mr. Brown for speaking on this issue.

Mayor Langert continued that the Planning Board asked Mr. Brown to pave a 13' wide strip, 108' feet long. He took this matter to the Township Engineer, and asked him to research it, and he came back and advised that he is against such a recommendation. Mayor Langert asked the Engineer to brief the Committee as to what he feels are different solutions. If the solution is to open the road, or not, there is a lot to be said on both sides. It is a public street, and whether it is opened, or not opened, is not germane. What should be germane today is, do they want a 13' strip of Arlington paved where even if it says Do Not Enter, Service Vehicles Only, everyone is going to claim to be a service vehicle. That is the question to be answered. Another question that the Committee will have to consider is if they decide that in order to alleviate traffic on Martin Luther King Drive, they do want Arlington Avenue opened up one block to Wynatt, and if they want to make Arlington a one way coming off of Cedarbridge south, and therefore if anyone did want to use it as a cut-through they would have to make a left turn onto Wynatt, and then a right turn....those are all issues that are not germane for tonight, but are all issues that are out there. The Engineer did advise that he is against having a 13' strip of right-of-way paved because you all know what would happen, because it is happening without it being paved.

Meir Lichtenstein confirmed that currently there is no plan to open Arlington Avenue, other than the 13' wide strip.

Mayor Langert answered that is opening Arlington Avenue; the Planning Board asked Mr. Brown to open Arlington Avenue, but they did not ask him to pave it curb to curb. They asked him to do it half way, and the Engineer is totally against that.

Mayor Langert further commented on the dumping issue. He asked the Attorney to give a short update as to the status of the correspondence from the DEP.

Mr. Wouters advised that the material was not placed on any Township property; to the best of their knowledge it was on private property. The jurisdiction over that kind of environmental issue falls solely within the purview of the Department of Environmental Protection. The Township has been working very closely with their enforcement division, and now with the Deputy Attorney General who is handling the matter. They have been in regular contact with Rabbi Obadi as to how to remediate the situation. The Township has continued to cooperate with the DEP and is in daily contact with them in their efforts to work with Rabbi Obadi in remediating and correcting the situation at that site. The action to be taken and the remediation efforts and requirements are solely within the purview of the DEP, and not within the control of this Township, but the Township is doing whatever they can to assist the DEP in order to correct the situation.

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 Denying the Application of Ebony Maze Productions, LLC for a Place to Place Transfer of Plenary Retail Consumption License No. 1514-33-024-006.
Resolution No. 2010-227**
- 2. Resolution of the Governing Body of the Township of Lakewood Certification of the Annual Audit.
Resolution No. 2010-228**
- 3. Resolution authorizing the insertion of a Special Item of Revenue into the 2010 Municipal Budget, from the Urban Enterprise Zone Program, in the amount of \$770,000.00. (Chapter 159 – UEZ Administrative Budget FY 2011)
Resolution No. 2010-229**
- 4. Resolution releasing a Performance guarantee posted by Julian Blumenthal, in connection with application ZB# 3700, Block 420.01, Lots 1.01, 21 & 22, in the amount of \$29,550.00.
Resolution No. 2010-230**
- 5. Resolution releasing a Performance Guarantee posted by East County Line, LLC in connection with application ZB# 2653, in the amount of \$76,530.00.
Resolution No. 2010-231**

- 6. Resolution releasing a Performance Guarantee posted by Towers Street, LLC in connection with application SD#1454a, Block 855.04, Lot 27.01, in the amount of \$16,311.00.
Resolution No. 2010-232**

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

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

Resolution Nos. 2010-227 through 2010-232 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XII entitled Building and Construction of the Code of the Township of Lakewood. (Chapter XII 12-2.11)

Read by title only for second reading.

Mayor Langert 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 Singer, second by Committeeman Lichtenstein.

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

Ordinance No. 2010-41 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXXII (Storm Water Management) of the Code of the Township of Lakewood. (Chapter XXXII – Section 30-3)

Read by title only for second reading.

Mayor Langert 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 Singer, second by Committeeman Lichtenstein.

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

Ordinance No. 2010-42 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXXII (Storm Water Management) of the Code of the Township of Lakewood. (Chapter XXXII – Section 30-4)

Read by title only for second reading.

Mayor Langert 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 Singer, second by Committeeman Lichtenstein.

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

Ordinance No. 2010-43 adopted on second reading.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Tax Collector to cancel any and all taxes, penalties, interest due by Congregation Ahavas Chesed, Inc. for 2010 on Block 125.01, Lot 12, pursuant to and in accordance with N.J.S.A. 54:4-3.6c.

Read by title only for second reading.

Mayor Langert 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 Singer, second by Committeeman Lichtenstein.

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

Ordinance No. 2010-44 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Article XX (Policies and Procedures) of the Code of the Township of Lakewood. (Chapter II - Section 2-76.3)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked what specific meetings are videotaped which are referenced in this Ordinance. To her knowledge there are no meetings that are videotaped by the Township.

Mr. Wouters advised that the question is being asked based on an improper reading of this Ordinance. Nothing in this Ordinance references videotapes of meetings. It references videotapes, which can be of accident scenes, or a number of things, so if the Township maintains a videotape, and you want a copy of it, you can request it, and this is the cost. There is nothing in the Ordinance that addresses anything dealing with videotapes of meetings. So the question is improper with regard to this particular Ordinance.

Ms. Blay continued by asking if it would be accurate to state that there are no meetings that are videotaped by the Township at this time.

Mr. Wouters answered that he is not aware of meetings that are videotaped by the Township. But that has nothing to do with this Ordinance and this public hearing. This Ordinance deals with costs for duplicating any videotape that is maintained in the files of this Township that is subject to an OPRA request.

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 Lichtenstein, second by Committeeman Singer.

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

Ordinance No.2010-45 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 07/22/10)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Chapter XI Section 11-6 – Westgate)

Read by title only for first reading.

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

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

Ordinance No. 2010-46 adopted on first reading. Second reading and public hearing to be held on July 22, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of two undersized parcels in the Township of Lakewood, at a Private Sale pursuant to N.J.S.A. 40A:12-1, et. seq.

Read by title only for first reading.

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

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

Ordinance No. 2010-47 adopted on first reading. Second reading and public hearing to be held on July 22, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending in part Ordinance 2010-14 entitled "An Ordinance

releasing, extinguishing and vacating the rights of the Public in a paper street known as Geula Court and the Shade Tree Easement and Utility Easement, Block 1081, Lots 10.01 to 10.04 in the Township of Lakewood” (Amend St. Vacation – Geula Ct.)

Read by title only for first reading.

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

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

Ordinance No. 2010-48 adopted on first reading. Second reading and public hearing to be held on July 22, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IV (General Licensing) of the Code of the Township of Lakewood, establishing procedures for licensing dealers of precious metals and gems. (Precious Metals)

Read by title only for first reading.

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

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

Ordinance No. 2010-49 adopted on first reading. Second reading and public hearing to be held on July 22, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Kelm Woods Ave./Brisk Lane)

Read by title only for first reading.

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

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

Ordinance No. 2010-50 adopted on first reading. Second reading and public hearing to be held on July 22, 2010.

CORRESPONDENCE

As per list of five (5) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of four (4) picnic requests, attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 07/06/10

Motion by Committeeman Singer, second by Committeeman Lichtenstein.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Lichtenstein advised he received an e-mail today that he has referred to the Manager and Chief of Police, which is a request to close 12th Street and Monmouth Avenue on July 14th. He spoke with the Chief who referred it to Traffic and Safety, but does not see a problem with the request. He is requesting that the Committee, based on the Chief's approval, to approve closing 12th Street, between Monmouth Avenue and Lexington Avenue, from 10:15 AM to 3:15 PM, on July 14th.

Mayor Langert added that as long as Traffic & Safety comes back with a report saying it is approved by them, he believes they can go along with this request.

Motion by Committeeman Lichtenstein, second by Committeeman Singer, with regard to this matter.

Committeeman Singer stated that the Committee was going to amend the Liquor License Ordinance, and asked when the amendment would come before the Committee.

Mr. Wouters advised they are still looking into the extent to which they need to amend that Ordinance. He is awaiting a recommendation from the Police.

Committeeman Singer added that he hopes it will be at the next meeting. The way it was done was ridiculous and he believes they have to amend it. He does not want to wait for that report. It required that anyone that serves....that anyone that works in any establishment or restaurant in town has to be licensed like that. The restaurants are going crazy. It is not fair to a restaurant person that has thirty or forty people, and has a rotating schedule of waiters and waitresses, and this was never the purpose of the license. They are not serving the liquor; they are taking it from the bar where they make it, and bringing it to someone's table, and we are asking for a four-way check. By the time it is done, and the expense factor, some of these people are finished working.

Mr. Wouters confirmed that the recommendation is to remove all waiters/waitresses.

Committeeman Singer stated he did not have a problem if they want to do the bartenders. But he has a problem with requiring it from the people waiting on the tables.

Mayor Langert requested the amendment for the next meeting.

Mayor Langert asked Committeeman Lichtenstein, as Liaison to the Fire Department, to extend the Committee's thanks to all the fire personnel, and all the volunteers, who responded to the fire on Chestnut Street. They did a wonderful job in containing the fire.

Committeeman Lichtenstein answered he will provide a list of all who responded.

Mayor Langert also asked for a list of all the fire personnel and volunteers who were present for the Fireworks on July 1st. He would like to thank them also.

Mayor Langert also asked Mr. Muscillo to request, that Public Works has the proper equipment next year, that the fireworks are moved back to the barge in the middle of the Lake.

Mayor Langert further commented that the Expo that was held last week was a success.

ADJOURNMENT

Motion by Committeeman Singer, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:35 PM.