

The Lakewood Township Committee held a Meeting on Thursday, October 7, 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 Singer
Raymond Coles
Meir Lichtenstein
Municipal Manager.....Absent.....Michael Muscillo
Municipal Attorney.....Jan 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. 2010-297 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 09/16/10

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 09/16/10

Motion by Committeeman Singer, second by Committeeman Lichtenstein, 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.

Joyce Blay, 1594 Crimson Road, Toms River – Commented on the Resolution releasing a Performance Bond for Bil-Jim Construction Co.

Mayor Langert asked the Township Engineer to provide the information to Ms. Blay.

Solomon Weinrob, Whispering Pines – Commented on a project before the Planning Board on North Apple Street. He is planning to fight the construction of this approved project which is five and a half feet from his property line.

Mr. Wouters explained this is a house that was built on a lot where the plan was approved by the Zoning Department and showed a setback from the property line to the foundation line, which was in accordance with the applicable zoning regulations. Unfortunately the plan also had some dotted lines on it which were very difficult to interpret, but in fact are an extension of the house that starts at the four foot level off the ground and goes up sixteen feet. A stop-work order has been issued; no further construction will be allowed. The builder's alternates are either to (a) remove the extension, or (b) seek a variance from the Board of Adjustment. If that is what the Builder does, the next step would be, if Mr. Weinrob has any further objection as an adjoining property owner, when the builder applies to the Board of Adjustment, Mr. Weinrob will be advised in writing of the application and be given the time and date of his hearing, and he could express his concerns at that time.

Gerry Ballwanz, Governors Road – Commented with regard to the proposed Tree Ordinance. Also commented on the status of the Plan Endorsement Process and Smart Growth Plan.

Noreen Bill, 192 Coventry Drive – Commented with regard to the Plan Endorsement Process. Also commented on the proposed Tree Ordinance.

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

Committeeman Singer and Committeeman Lichtenstein responded to comments on Plan Endorsement.

Mayor Langert responded to comments regarding the proposed Tree Ordinance, which was pulled from the Agenda in order for it to be reviewed so they could perhaps strike a fairer balance between the needs of keeping trees and the needs of what fees are going to be. It is his hope that Developer's keep as many trees as possible.

Mayor Langert advised that Mr. Reinman is sitting in for Michael Muscillo this evening, as the Manager is home ill.

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 the Liquor License Renewal for 2010-2011, for Student Government Club Association, Liquor License No. 1514-31-044-001.
Resolution No. 2010-298**
- 2. Resolution authorizing the Liquor License Renewal for 2010-2011, for Ebony Maze Productions, LLC, t/a Ebony Maze Productions, Liquor License No. 1514-33-024-006.
Resolution No. 2010-299**
- 3. Resolution authorizing the Liquor License Renewal for 2010-2011, for JK Mart Inc., Liquor License No. 1514-33-035-008.
Resolution No. 2010-300**
- 4. Resolution authorizing the Execution of an agreement with the County of Ocean for Municipal Alliance Funds pursuant to and in accordance with the Drug Enforcement Demand Reduction Act of 1987.
Resolution No. 2010-301**
- 5. Resolution releasing a Maintenance Guarantee, posted by S & H Builders, Inc., in connection with application ZB #3505, Block 157, Lots 11, in the amount \$6,270.00.
Resolution No. 2010-302**
- 6. Resolution releasing a Performance Guarantee, posted by Melville Homes, LLC, in connection with application ZB #3679, Block 248, Lots 20 & 21, in the amount of \$30,750.00.
Resolution No. 2010-303**
- 7. Resolution releasing a Performance Guarantee, posted by Bil-Jim Construction Co., Inc., in connection with the Kettle Creek/Vine Avenue Access Project, Phase I, in the amount of \$1,073,031.64.
Resolution No. 2010-304**

- 8. Resolution reducing a Performance Guarantee (First Reduction), posted by SK&B Realty, LLC, in connection with ZB #3569aa, Block 174.11, Lot 40.01, from \$245,460.00 to \$73,638.00.
Resolution No. 2010-305**
- 9. Resolution reducing a Performance Guarantee (Second Reduction), posted by Somerset Development, LLC, in connection with SD #1584, Block 174.04, Lots 24 & 63, from \$173,988.00 to \$104,392.80.
Resolution No. 2010-306**
- 10. Resolution releasing a Performance Guarantee, posted by Silver Polish, LLC, in connection with ZB #3304AA, Block 423, Lots 10, 16, and 70-74, in the amount of \$481,920.00.
Resolution No. 2010-307**
- 11. Resolution authorizing the Award of a Professional Services contract to Hydrosience Inc., in the amount of \$30,785.00. (200 Monmouth Avenue)
Resolution No. 2010-308**
- 12. Resolution authorizing the Award of a Professional Services contract to Hydrosience Inc., in the amount of \$40,295.00. (121 Second Street)
Resolution No. 2010-309**
- 13. Resolution authorizing the Award of a contract for Proprietary Computer Hardware and/or Software to Dynamic Imaging Systems, Inc., in the amount of \$39,167.50. (Police Mug Shot System)
Resolution No. 2010-310**
- 14. Resolution authorizing the Township of Lakewood Tax Collector to refund Tax Lien Redemptions.
Resolution No. 2010-311**
- 15. Resolution authorizing the Award of a Professional Services Contract to Remington, Vernick & Vena Engineers, Inc., in the amount of \$19,720.00. (Forest Drive Dam)
Resolution No. 2010-312**

Motion by Committeeman Coles, second by Deputy Mayor Miller, to approve Resolution Nos. 1 through 15 on the Consent Agenda.

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

Committeeman Lichtenstein abstained on Resolution No. 10.
Committeeman Singer abstained on Resolution Nos. 1 and 7.

Resolution Nos. 2010-298 through 2010-312 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Waiver of Employee Coverage of Health Benefits. (Chapter 10 – Personnel Policies)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Bert Albert, Lions Head Woods – Asked how many people does the Committee anticipate would opt out of the medical benefits, and how much do they think they will save.

Committeeman Singer answered that depending or not if it is a family plan, they could save upwards to \$20,000.00 per individual. They estimate several hundreds of thousand of dollars could be saved.

Committeeman Lichtenstein added that even if only one person opts out, the Township will save money.

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 Coles, second by Committeeman Singer.

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

Ordinance No. 2010-71 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) Section 11-20 (Loading/Unloading Zones) of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter XI – Sec. 11-20 Loading/Unloading Zones – High St. North)

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 Deputy Mayor Miller.

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

Ordinance No. 2010-72 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) Section 11-3.5 (Parking Prohibited during Certain Times on Certain Streets) of the Revised

General Ordinances of the Township of Lakewood, 1999. (Chapter XI – Sec. 11-3.5 Parking Prohibited during Certain Hours – High St. South)

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 Deputy Mayor Miller.

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

Ordinance No. 2010-73 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) Section 11-12A (No Stopping, No Standing) and Schedule XI-A (No Stopping, No Standing) of the Code of the Township of Lakewood. (Chapter XI – Sec. 11-12A No Stopping/ No Standing – Monmouth Ave. between Eighth St. & Ninth St.)

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 Coles.

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

Ordinance No. 2010-74 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) Section 11-12A (No Stopping, No Standing) and Schedule XI-A (No Stopping, No Standing) of the Code of the Township of Lakewood. (Chapter XI – Sec. 11-12A No Stopping/ No Standing – Emmanuel Dr. between MLK Dr. & Warren Ave.)

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 Deputy Mayor Miller.

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

Ordinance No. 2010-75 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing acceptance of a Deed of Dedication for a Detention Basin for Block 11.12, Lot 62, from Eden Terrace, LLC, as shown on the Tax Map of the Township of Lakewood, County of Ocean, State of New Jersey.

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz, Governors Road – Asked what the criteria is for the dedication of a detention basin; what has to be done by the Developer in order for the Township to approve this.

Mr. Wouters explained that when projects go through the approval process, whether it is before the Planning or Zoning Board, there are conditions attached to each of those projects. Usually there are conditions such as the building of detention basins, streets, etc., any kind of improvement that is for the benefit of the Township. In this particular case, this project required two detention basins. These basins are an integral part of the drainage system that is part of the drainage requirements for that area of the town. It is the normal process with developments where the Builder goes in and puts up the project, completes it, it is inspected, and they are accepted. The same process goes for streets if they happen to be publicly dedicated streets.

Mrs. Ballwanz confirmed there is an Engineer that goes and approves how it is constructed to make sure it works; as in the future if it clogs up, it will be the Township who has to maintain it.

Mr. Wouters answered yes; every improvement like that is initially covered by a construction bond which lasts until the improvement is installed and inspected, and the Bond is released, and then a Maintenance Bond is put into place for two years to see that it operates, and then when it is functioning totally, the Township Engineer has to sign off on it, and it is accepted.

Joyce Blay – Asked since this is located in Westgate, and residents have lobbied for several years to ask the Builder to put fencing around it, is there currently fencing around this detention basin, and the one for the next Ordinance, or is the Township going to install the fencing after accepting ownership of both detention basins.

Mr. Wouters answered he does not believe that the requirement for fencing is an obligation of the Township; he thinks it is an obligation of the Developer.

Ms. Blay asked if there is fencing around the detention basin.

Mr. Wouters answered he does not know.

Mr. Wouters added that is a question for the Engineer, not the Committee.

Ms. Blay stated that the Township is accepting ownership for private property without knowing what improvements may or may not have been installed there.

Mr. Wouters answered that if you actually read the Ordinance and understand how it functions, this is nothing more than an authorization to accept ownership; they are not accepting ownership actually, there is a process where a Deed has to be given to the town, and the property will be further inspected. All this Ordinance does is authorize the

Township to accept ownership. Ownership is not completed by the adoption of this Ordinance, nor is it ever.

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.

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

Ordinance No. 2010-76 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing acceptance of a Deed of Dedication for a Detention Basin for Block 11.12, Lot 27, from Forest Haven, LLC as shown on the Tax Map of the Township of Lakewood, County of Ocean, State of New Jersey.

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 Coles, second by Committeeman Singer.

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

Ordinance No. 2010-77 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 10/21/10)

Mayor Langert requested that the following Ordinance be put off to a future meeting, as they do not have any back-up information.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-12A (No Stopping, No Standing) and Schedule XI-A (No Stopping, no Standing) of the Revised General Ordinances of the Township of Lakewood 1999. (Chapter XI, Section 11-12A)

The above Ordinance died due to lack of Motion.

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 18-902H (Multi-Family Residential (R-M), of the Revised General Ordinances of the Township of Lakewood 1999. Chapter XVIII, Section 18-902H)

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. 2010-78 adopted on first reading. Second reading and public hearing to be held on October 21, 2010.

CORRESPONDENCE

Per list of two (2) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of three (3) picnic requests, attached hereto and made a part hereof.

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

Committeeman Lichtenstein advised that he does not see a response from the Chief of Police on Correspondence Item 2.

The Township Clerk advised that the Chief of Police was notified about it and he had a question about the megaphone which he directed to the Township Attorney.

Mr. Wouters answered this is your classic First Amendment issue. They are taking a look at the Noise Ordinance to make sure that whatever he does with his amplification equipment fits within the Noise Ordinance requirements under the Board of Health regulations. The bottom line is he does not think there is too much you can do about it.

Committeeman Lichtenstein stated that he thinks that what this person is doing, while it is perfectly legal and certainly he has a right under the First Amendment to do it, it can lead to an issue of public safety. He suggested that they do not issue him any sort of permit; they just know he is going to be there....does he have the right to get up there.

Mr. Wouters advised that the Ordinance does not cover this kind of action; it covers parades and things like that, but it does not cover some guy standing on a street corner voicing his point of view, possibly with a megaphone; is really is not addressed. They are probably not going to respond at all; and they can not stop him, unless he is creating a public nuisance.

Committeeman Lichtenstein asked that the Motion be amended that this request be left to the discretion of the Chief of Police of Mr. Wouters.

Committeeman Coles and Deputy Mayor Miller agreed to the amendment to the Motion.

MOTION TO APPROVE BILL LIST OF: 10/05/10

Motion by Committeeman Lichtenstein, second by Committeeman Singer, 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 - None

ADJOURNMENT

Motion by Committeeman Lichtenstein, second by Deputy Mayor Miller, and carried, to adjourn the meeting. Meeting adjourned at 8:12 PM.