

The Lakewood Township Committee held a Meeting on Thursday, December 9, 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.....Absent.....Menashe Miller
Committee Members.....Robert Singer
Raymond Coles
Meir Lichtenstein
Municipal Manager.....Michael Muscillo
Municipal Attorney.....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. 2010-340 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 11/18/10

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 11/18/10

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

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION – None

Mayor Langert explained that the next meeting, which is the last meeting of 2010, will be held on Thursday, December 23, 2010. It was originally scheduled for Wednesday, December 22nd, but was rescheduled for December 23, 2010.

Mayor Langer further advised, although he is not sure as of yet, he may be asking the Committee to change the date of the Reorganization Meeting, to Thursday, January 6th, because of Deputy Mayor Miller's travel plans back from Iraq, and he is uncertain as to the exact date that he will be permitted to leave Iraq. Mayor Langert advised that Deputy Mayor Miller had asked him to request the Committee to consider having the Reorganization on Thursday, January 6th, 2011, as opposed to Monday, January 3rd. Adequate Notice of the meeting will be provided.

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.

Alice Kelsey, 295B Malvern Court East – Commented with regard to issues concerning the Lakewood Township employees. She hopes that the Committee does whatever they can to retain them, in particular the Police, and Public Works. She asked that they do not pick on the Unions, as they are there to help the workers, and she speaks as an over twenty-five year member of the NJEA.

Pastor Cruz, Spanish Pentecostal Church, 1st Street and Clifton Avenue (Spoke through an interpreter) – They received a letter from the Township concerning the lot adjacent to the church, Lot 19, Block 120, 215 Clifton Avenue, asking if they are interested in purchasing the lot. They are waiting for a response to their letter to the Committee of October 25, 2010.

Mr. Muscillo responded that they discussed this matter in Closed Session, which and the sale would have to be open to public bid. He sent a letter to the Church, and they have responded, and it is up to the Committee to decide if they want to move forward on the sale of the lot.

Mayor Langert answered that it was his impression that they agreed to put the lot up for public sale.

Committeeman Lichtenstein advised they were to notify the Church and make sure they understood that.

The interpreter responded that the lot is not a big lot; it is a piece of land that would only benefit the Church or the Korean Laundromat. She does not believe that the

Laundromat owners have made any effort to obtain the lot. If the Church purchases the lot, it would help to prevent the loitering in the area, and the accumulation of garbage. If the Church purchases the lot, they will fence it in, and make it part of the Church.

Mayor Langert explained that the lot is located in the B-2 zone and it is a conforming lot. In order for the Committee to sell it, and they intend to do so, they have to do it through an open public sale. Because it is a conforming lot, they can not sell it at a private sale, and the Church will be notified as to when that lot will go up for sale, and they will have the opportunity to bid on the lot at that time.

Committeeman Coles added that as a conforming lot, it is a very valuable piece of property. Someone could build a building on the lot, and there is a very good possibility that someone will come forward to bid against the Church to buy that property so they can build their own building.

Mayor Langert repeated that the Church will be notified of the date of the Public Sale.

Committeeman Lichtenstein asked the Church representatives if they wanted the lot to go up for public sale.

The interpreter answered that they do not want it to go up for sale; they would prefer to negotiate the purchase, but if the Township has to put it up for public sale, then there is nothing they can do.

Committeeman Lichtenstein answered that the Township can leave it as it is.

The interpreter repeated that they do not want it to go up for public auction because they are interested in buying it. But now they have been told it is mandatory that it has to go for public auction.

Committeeman Lichtenstein answered that is only if the Township is going to sell it. Or they could not sell it, and leave it the way it is.

The interpreter answered they would like the opportunity to try to purchase it, because they are interested in it.

Rene Cora, 742 Marlin Street – Asked the Mayor for a meeting.

Mayor Langert recommended that he wait until the end of the year, when he gets his W-2, and they can discuss the matter. If there is a problem, they can bring it to the attention of the Manager and CFO.

Evgeny Matvienko, 166 Main Street – Commented with regard to the issue of illegal taxi companies in Lakewood.

Committeeman Coles responded that they are looking into his concerns. He will be meeting with the Police Chief and the Attorney on this issue.

Noreen Gill, 192 Coventry Drive – Commented on the illegal taxi company issue.

Lucy Laquera – Commented with regard to the conditions at the residential care facility at Lexington Avenue and Seventh Street. The residents are permitted to walk around in Lakewood, and are not being taken care of. Wants the Committee to investigate this issue.

Gerry Ballwanz, Governors Road – Commented on the Resolution concerning the UEZ boundary map; stated there is no map attached. She asked how far is the boundary to extend in the area of East County Line Road. And she also asked why the Tree Protection Ordinance is listed on both the first and second reading Ordinance portions of the Agenda, and asked what the differences are.

Mayor Langert responded that he will explain the Ordinance.

Mrs. Ballwanz asked when the next meeting will be held.

Mayor Langert answered that the meeting will be held on December 23rd at 7:30 PM.

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

Committeeman Singer asked the Manager to contact the Church and ask them if they want to put up a fence, and want to have a small playground for the Church, and maybe the Township can lease them the property for a five-year lease, and do something like that, which may solve the problem of the loitering in the area. Maybe the Township can arrange something that is affordable for the Church. The Committee members were all in agreement.

Mayor Langert addressed comments with regard to lay-offs. It is no secret that his first priority is to the taxpayers and to the Budget and to plan properly for next year. No one on the Committee wants to do layoffs, and no one feels good about it. There are other alternatives that they are talking to the Unions about. They have asked the Unions to buy into an amended health care plan. He does not want to say too much because he met with the PBA yesterday, even though they voted not to accept the health care amendment. He has asked them to reconsider, and the PBA has asked for certain assurances. The PBA are of the mind they are open to reconsidering and going along with the healthcare proposals. He is hoping that the DPW and the Teamsters will reconsider and come back with an affirmative answer. He did tell the PBA that if they did come back in the affirmative that he would ask the Committee to again look at the layoff plan, and rescind the layoff plan because the savings are about the same. The Committee has been given the information that the savings will be about the same in the healthcare benefits savings and the layoff plan. So, yes, he would like to be able to say that the Township and its employees are in agreement that they are going to amend

the health insurance plan and will be able to avert layoffs. Especially in today's economy, it is no fun to be out of a job, and it is no fun to have to tell someone that they are out of a job. So he is in agreement with Mrs. Kelsey's comments; he would like to try to avert those layoffs if they could.

Mayor Langert responded to comments with regard to illegal taxicab companies. Since they have passed the Ordinance reducing the fees for medallions, the Clerk advised him there has been interest expressed and paperwork generated for all of those medallions. He hopes to have at least sixteen more legitimate cabs on the road, as opposed to unlicensed taxi services.

Mayor Langert responded to comments with regard to the residential healthcare facility; the residents are entitled to walk the streets and to have a life, just like everyone else. Many of these people come from mental institutions or state hospitals, and they are living in the residential healthcare facility because they have nowhere else to live; they do not have any family support and do not have a way to support themselves in society. The Lexington Healthcare Facility has been the subject of many investigations by DCA, and every time the DCA comes down, in order for them to be re-licensed every year, they have to pass those inspections. The fact that they are open leads him to believe that they are compliant with all the regulatory bodies that oversee them.

As to comments regarding the extension of the UEZ boundaries on East County Line Road, he personally does not know how far it extends.

Mayor Coles recalls that the zone boundary actually bisected the Somerset Village, and it is meant to include that entire shopping center, so that all the stores are eligible to be in the UEZ.

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 and directing the submission of a request in the amount of \$105,000.00 to the New Jersey Urban Enterprise Zone Authority to evaluate and approve Transit Connect. (UEZ-Transit Connect formerly Job Link)
Resolution No. 2010-341**

- 2. Resolution prioritizing the areas for inclusion into the Lakewood Urban Enterprise Zone and authorize and direct the offices of the Lakewood Development Corporation/Lakewood UEZ to submit the modified Zone Boundary application and addendum to the UEZ Authority for review and approval. (LDC/UEZ – Prioritize – Zone Boundary)
Resolution No. 2010-342**
- 3. Resolution awarding a contract to Bergey’s Truck Center for the purchase of a Roll-Off truck with snow plow and sand spreader pursuant to and in accordance with N.J.S.A. 40A:11 et. seq., in the amount of \$225,985.00
Resolution No. 2010-343**
- 4. Resolution authorizing the insertion of a special item of revenue into the 2010 Municipal Budget, from the New Jersey Department of Environmental Protection, Division of Parks and Forestry, for Community Forestry Management Plan, in the amount of \$7,000.00. (Chapter 159 – Forestry)
Resolution No. 2010-344**
- 5. Resolution authorizing the \$50,000.00 County Census Grant, under Chapter 159. (Chapter 159 – Census Grant)
Resolution No. 2010-345**
- 6. Resolution endorsing the reappointment of a member to the Ocean County Solid Waste Advisory Council. (Alvin Burdge)
Resolution No. 2010-346**
- 7. Resolution authorizing the advertisement for and solicitation of proposals for Township Attorney, Township Planner, Township Engineer, Township Auditor, Real Estate Appraisal Services, Municipal Prosecutor, Special Counsel Tax Appeals/Exemptions, Bond Counsel, Special Counsel, and Labor Counsel.
Resolution No. 2010-347**
- 8. Resolution releasing Performance Guarantee, posted by Somerset Investment Holdings, LLC, in connection with application ZB#3664a – Gardens at Village Park (E. County Line at Somerset Ave.) Block 208.01, Lots 10.01, 10.02, 11 & 72, in the amount of \$435,720.00.
Resolution No. 2010-348**

9. **Resolution releasing a Performance Guarantee, posted by Aden Homes, in connection with application SB#1390 – formerly Queens Equities, Block 11.02, Lots 19 & 32, in the amount of \$37,346.40.
Resolution No. 2010-349**
10. **Resolution releasing a Performance Guarantee, posted by Hatzolah EMS, Inc., in connection with application ZB#3674, Block 268, Lot 1, Royal Court/Central Ave. (garage), in the amount of \$15,520.00.
Resolution No. 2010-350**
11. **Resolution reducing the Performance Guarantee, (first reduction), posted by Toras Imecha, Inc., in connection with SP#1904, Block 194, Lots 2 & 3, New High School (E. County Line Road), from \$27,490.00 to \$8,247.00.
Resolution No. 2010-351**
12. **Resolution releasing a Performance Guarantee posted by Special Children’s Center (c/o Chaya Bender, Executive Director), in connection with application SP#1847 – Special Children’s Center (Prospect Street), Block 490, Lot 13, in the amount of \$37,634.00.
Resolution No. 2010-352**
13. **Resolution authorizing the Tax Collector to refund the overpayment taxes, penalties, interest paid by Stavola Construction Materials, Inc. on Block 173, Lot 9.
Resolution No. 2010-353**
14. **Resolution authorizing the award of a Professional Services Contract to Remington Vernick & Vena Engineers, Inc., Zoning Overlay Study.
Resolution No. 2010-354**

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

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

Committeeman Lichtenstein abstained on Resolution No. 10.

Resolution Nos. 2010-341 through 2010-354 – Adopted.

ORDINANCE 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 Revised General Ordinances of The Township of Lakewood, 1999 (Chapter XI, Section 11-12A, Schedule XI-A: First 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 Coles, second by Committeeman Singer.

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

Ordinance No. 2010-87 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 Revised General Ordinances of the Township of Lakewood, 1999 for Lucerne Drive, Milano Drive, Engleberg Terrace, Sienna Way and Arosa Hill. (Chapter XI, Section 11-12A - Brook Hill Estates)

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.

Mayor Langert thanked Chief Lawson and Traffic & Safety for their work on this Ordinance.

Mayor Langert also requested the Manager to make sure that the resident's petition is a permanent part of this Ordinance.

The Motion was amended to include the Resident's Petition to be a permanent part of this Ordinance.

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

Ordinance No. 2010-88 adopted on second reading.

An Ordinance releasing, extinguishing and vacating the rights of the public in a portion of a paper street known as Henry Street, in the Township of Lakewood. (Street Vacation – Henry Street)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz – Stated that Henry Street comes off Williams, and it is a paper street. Asked who is going to benefit from this street vacation and how will it affect the lots on Birch Street. Is there a business or another facility on the other side?

Mr. Wouters answered no, this is a strip of Henry Street that is wooded and it is a thoroughfare for people, so when they vacate the street it will then be for the benefit of all the adjoining property owners. There are no businesses; they are all residences.

Mayor Langert added that all the lots have houses on them whether they front on Buttell or Birch.

Mr. Wouters agreed, and each one will pick up a little piece of this, in their backyard, and it will stop the transients from going through.

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 and Mayor Langert.

Resolution No. 2010-89 adopted on second reading.

An Ordinance releasing, extinguishing and vacating the rights of the public in a 190 foot portion of a paper street known as Evelyn Avenue, in the Township of Lakewood. (St. Vacation – Evelyn Ave.)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Gerry Ballwanz – Asked for an explanation of this street vacation.

Mr. Wouters explained it was done at the request of the adjoining property owners. The street is of no use and would never be a street, per the Engineering Department, that the Township would improve.

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.

Mayor Langert advised there was a written objection submitted, that has since been withdrawn.

Mr. Wouters confirmed that the objection was from a property owner who has now withdrawn his objection, and approved the vacation.

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

Ordinance No. 2010-85 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, repealing Chapter XIX entitled "Protection of Trees" and replacing it with new Chapter XIX entitled "Protection of Trees". (Chapter XIX, Protection of Trees)

Read by title only for second reading.

Mayor Langert advised he was going to ask the Committee to let this Ordinance die. He will open the meeting to the public because there some members of the public who expressed interest in commenting on the Ordinance for first reading, but they did not come up during the public portion. So he hoping they will come forward now. Mayor Langert opened the meeting to the public.

Brian Flannery, Atlantic Avenue – He reviewed both Ordinances. The one that is on for second reading he does not think was appropriate for Lakewood. The one that is on for first reading he thinks is a very good Ordinance. It accomplishes the goals of the Ordinances without hurting any of the potential homebuyers in town.

Michael Stillwell, Brook Road – He agreed with Mr. Flannery’s comments. There was a lot of give and take in this Ordinance. He thanked the Mayor for his work, as well as the other members of the Township Committee. It is a good Ordinance for Lakewood; it is needed, and is long overdue. As Chairman of the Shade Tree Commission, he will work as hard as possible to make it work for everyone in Lakewood. This Ordinance will put us on the path of protecting the trees and doing a lot better as far as clear cutting, etc.

Mayor Langert thanked Mr. Stillwell for his work on this Ordinance.

Sam Rabinowitz, South Lake Drive – He is a Developer in Lakewood, and tries very hard when he builds houses to preserve as many trees as he can. He thanked the Committee and Mr. Stillwell for all the effort they put into trying to bring an Ordinance to town so that when Developers build developments, they will leave as many trees as possible.

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

Ordinance No. 2010-63 died due to lack of Motion.

ORDINANCE FIRST READING (Second reading and Public Hearing 12/23/10)

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Tax Collector to refund/waive any and all taxes, penalties, interest due by Lev Avoth Foundation on Block 19, Lot 4, for the years 2009 and 2010 pursuant to and in accordance with N.J.S.A. 54:4-3.6c.

Read by title only for first reading.

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

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

Ordinance No. 2010-90 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

An Ordinance of The Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-7 (Through Streets) and Schedule VIII (Through Streets) of the Revised General Ordinances of The Township of Lakewood, 1999; Oak Street between Vine Street and Airport Road. (Chapter XI, Sec. 11-7 – Through Streets - Oak St. between Vine St. & Airport Rd.)

Read by title only for first reading.

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

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

Negative: Committeeman Lichtenstein

Ordinance No. 2010-91 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

An Ordinance releasing, extinguishing and vacating the rights of the public in an unnamed Paper Street that intersects Central Avenue and that is bounded by Lots 48, 50, 51, 53, and 54 in Block 12.04 in the Township of Lakewood. **(St. Vacation – Unnamed St.)**

Read by title only for first reading.

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

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

Ordinance No. 2010-92 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-16 (Yield Intersections) and Schedule XIV (Yield Intersections) of the Revised General Ordinances of The Township of Lakewood, 1999: Oak Street/Albert Avenue Roundabout. (Chapter XI, Sec. 11-16 – Oak St./Albert Ave. Roundabout)

Read by title only for first reading.

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

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

Ordinance No. 2010-93 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-14 (Stop Intersections) and Schedule XII (Stop Intersections) of the Revised General Ordinances of the Township of Lakewood, 1999; - Four Way Stop-Vine Street and Oak Street. (Chapter XI, Sec. 11-14 – Four Way Stop-Vine Street and Oak Street)

Read by title only for first reading.

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

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

Ordinance No. 2010-94 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, repealing Chapter XIX entitled "Protection of Trees" and replacing it with new Chapter XIX entitled "Protection of Trees". (Chapter XIX, Protection of Trees)

Read by title only for first reading.

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

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

Mayor Langert asked that Mr. Stillwell be present at the next meeting for second reading and public hearing on this Ordinance, to answer any questions from the public.

Ordinance No. 2010-95 adopted on first reading. Second reading and public hearing to be held on December 23, 2010.

CORRESPONDENCE - None

MOTION TO APPROVE BILL LIST OF: 12/07/10

Motion by Committeeman Singer, second by Committeeman Coles, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mayor Langert again thanked Mr. Stillwell and the Shade Tree Commission, the Developers, and Mr. Wouters, for their hard work on the Tree Preservation Ordinance.

ADJOURNMENT

Motion by Committeeman Lichtenstein, second by Committeeman Singer, and carried, to adjourn the meeting. Meeting adjourned at 8:17 PM.