

The Lakewood Township Committee held a Meeting on Thursday, March 11, 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
Absent..... Meir Lichtenstein
Municipal Manager..... Frank Edwards
Municipal Attorneys..... Lawrence E. Bathgate, II, Esq.
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. 2010-103 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

Motion by Committeeman Coles, second by Deputy Mayor Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 02/18/10

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 02/18/10

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

PRESENTATIONS: 2010 CENSUS

Deputy Mayor Miller advised that the Township has been actively involved in preparation for the upcoming 2010 Census. The Township Committee has established a Lakewood Complete Count Committee which is a group of people from throughout the community, members from the senior, Latino, Orthodox, etc. communities to be able to ensure that they get a complete count for Lakewood Township. New Jersey is planning extensive budget cuts; federal dollars come to Lakewood depending on the population; that is why it is imperative that they get a complete and accurate count of people in Lakewood. Members of the committee, Barry Rothberg, from the LRRC, and Betty Rod, from the US Census Bureau, have been visiting various areas of Lakewood, spreading census awareness and commented on their efforts and progress, and offered a brief presentation on the importance of an accurate census count.

PUBLIC HEARING: FIRE DISTRICT I – DEFEATED BUDGET
Township Committee Action on Fire District I – Defeated Budget

Mr. Wouters explained that statutorily, once the voters voted down the Budget for the Fire District, it is incumbent upon the Township Committee to hold a public hearing within thirty days of that vote in order to give the public a chance to make their thoughts and comments known on the Budget. Then the Township Committee is to decide what actions they wish to take with regard to the Budget, fix the amount, and certify it to the County Tax Board.

Mayor Langert opened the meeting to the public for anyone who wishes to be heard on the defeated Fire Budget only.

Noreen Gill, 192 Coventry Drive – Asked how much it was defeated by. She feels it is incumbent on the Township Committee to review the budget, of course every year, as they do. However, the Planning Board has allowed building in this town that goes way beyond anyone's imagination. And not to have people working, and that they have a standard.....that they have the money there that they need. If something happens, they have condominiums built in the 70's where they did not use fire walls. And what is going on today in the building industry. So she feels it is incumbent upon the Township Committee to reach out to see what they can do.

David Drukaroff, 1433 Laurelwood Avenue – Advised he voted for the Budget. And it is a simple thing, you get what you pay for. You need a fire service. He thinks that the Township should, notwithstanding the voters' decision, give the Fire Commissioners what they ask for.

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

Mayor Langert reported to the Committee that after the Budget was defeated, Mr. Edwards and Mr. Rieker went through the Budget, and came back to the Committee. He then met, along with Committeeman Lichtenstein, with the Business Administrator and a couple of the Fire Commissioners, and they had a very productive meeting. They went

over the Budget. Their Budget is very lean. While their overall spending this year is down over 2009, the tax levy was increased by \$28,000.00. Through negotiating with them, looking at specific line items that perhaps they could amend, it was his thought that they could reduce their budget by \$50,000.00 out of their capital expenditures, which would result in a net reduction of a \$22,000.00 tax levy. So the amount in taxes that the Fire Commissioners will be raising in Lakewood this year will be reduced by \$22,000.00. He would like the Township Committee to entertain a Motion to reduce the Budget by \$50,000.00

A Motion was offered by Committeeman Coles, second by Deputy Mayor Miller.

Senator Singer advised he was Liaison to the Fire Commissioners up until this year, and they are very proud of their Fire Companies; they do a great job. He appreciates that they came in and worked with the Township Committee. He thinks there is an understanding of the plight of the residents of the community, that in these tough times, everyone has to tighten their belts. And they did so without sacrificing quality of service, or putting people's lives in jeopardy. He thanked them for a great job and for being so cooperative.

Deputy Mayor Miller thanked Mayor Langert and Committeeman Lichtenstein for meeting with the Fire Commissioners on this matter. He appreciates the Fire Companies for doing a good job.

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

Resolution No. 2010-104 – 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.

Bert Albert, Lions Head Woods – Thanked Mayor Langert and Committeeman Coles for appearing at Lions Head Woods and speaking to the residents to discuss the EMS issue. Offered his suggestions with regard to the Township's Budget.

Sal Tobia, 63 Spring Valley Drive – Thanked Mayor Langert and Committeeman Coles for appearing at Lions Head Woods with regard to the EMS issue. Spoke in support of the Lakewood EMS.

George Leggitt, 13 Bay Hill Road – Spoke in support of retaining the current Lakewood EMS.

Moshe Raitzik, 166 North Crest Place – Commented with regard to the Fire District Budget. Stated he was the deciding vote against it.

Larry Simons, 7 Schoolhouse Court – Commented with regard to the Cedarbridge Development Urban Renewal Corporation Option Agreement.

_____Vorhand, 84 Whispering Pines – Commented with regard to landlord issues.

Mayor Langert advised that his issues are being reviewed.

Shannon Ortiz, Lakewood EMS, FMBA 380 – Thanked the Committee and Mr. Edwards for taking the time to sit and speak with the Union regarding the EMS issue. They hope to be working together continuously.

_____153 East Eight Street – Thanked the Committee for dealing with the Township’s financial issues. Commented with regard to the Township’s budget crisis. Spoke in support of the Lakewood EMS.

Gerry Ballwanz, Governors Road – Commented with regard to the EMS issue. Also commented on Resolutions on the Consent Agenda.

Joyce Blay – Asked what was the amount of the defeated Fire District Budget, and once it is reduced by \$50,000, what will the new Budget amount be?

Mayor Langert answered the original tax levy was \$3,625,321.00, and you can reduce that by \$50,000.00.

Ms. Blay asked what services does the Township propose to change or reduce based on the \$50,000.00.

Mayor Langert answered that was their capital expenditure account.

Seeing no one else wishing to be heard, Mayor Langert 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 authorizing submission of an application to the New Jersey Urban Enterprise Zone Authority for the use of \$950,000.00 of NJ Urban Enterprise Zone Assistance funds, for the “Financial Assistance Program V”. (UEZ)
Resolution No. 2010-105**
- 2. Resolution authorizing appropriation Reserve Transfers in the 2009 Municipal Budget, in the amount of \$35,000.00.**

Resolution No. 2010-106

- 3. Resolution authorizing appropriation Reserve Transfers from the 2009 appropriation reserve budget to the Snow Removal Trust Fund, in the amount of \$35,000.00
Resolution No. 2010-107**
- 4. Resolution authorizing submission of an application to the New Jersey Urban Enterprise Zone Authority, for the project entitles:
"Supplemental Downtown Parking Phase III, in the amount of \$1,200,000.00. (UEZ)
Resolution No. 2010-108**
- 5. Resolution authorizing the use of Urban Enterprise Zone Assistance Funds for the purposes of Acquisition of Land within the Franklin Street Redevelopment Area, in the amount of \$1,000,000.00. (UEZ)
Resolution No. 2010-109**
- 6. Resolution authorizing the submission of an application for Fiscal year 2010 to the New Jersey Urban Enterprise Zone authority for use of Enterprise Zone Assistance Funds in the amount of \$1,275,000.00, for the project to be entitled: "Emergent Stadium Repairs". (UEZ)
Resolution No. 2010-110**
- 7. Resolution authorizing the Application to the New Jersey Department of Environmental Protection for a 2009 Business Stimulus Fund Grant and the Execution of a Grant Agreement, in the amount of \$7,000.00 (Business Stimulus Fund Grant)
Resolution No. 2010-111**
- 8. Resolution authorizing the Acceptance of an Airport Improvements Programs Grant from the Federal Aviation Administration and the execution of a Master Agreement on terms and conditions of accepting Airport Improvement Program Grants, in the amount of \$52,447.00. (Airport Improvement Program Grant)
Resolution No. 2010-112**

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

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

Resolution Nos. 2010-105 through 2010-112 – Adopted.

ORDINANCE SECOND READING

An Ordinance Amending and Supplementing Chapter IV (General Licensing)

of the Revised General Ordinances of the Township of Lakewood, 1999, more specifically Section 4-1 (General License Provisions). (Chapter IV, Section 4-1.2 and Section 4-1.3)

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 Coles, second by Committeeman Singer.

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

Ordinance No. 2010-13 adopted on second reading.

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 10.14 in the Township of Lakewood. (St. Vacation - Geula Court)

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 Singer, Deputy Mayor Miller and Mayor Langert.

Ordinance No. 2010-14 adopted on second reading.

An Ordinance Amending and Supplementing Chapter II (Administration) of the Revised General Ordinances of the Township of Lakewood, 1999, more specifically Section 2-10.2 (Municipal Manager) for the purposes amending the Duties and Powers that the Municipal Manager may Delegate. (Chapter II, Section 2-10.2 c 13)

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 Singer, Deputy Mayor Miller and Mayor Langert.

Ordinance No. 2010-15 adopted on second reading.

Refunding Bond Ordinance providing for the Funding of an Emergency Appropriation in connection with the Payment of Amounts owing to others for Taxes Levied in and by The Township of Lakewood, in the County of Ocean, New Jersey, Appropriating \$2,700,000.00 therefor and authorizing the issuance of \$2,700,000.00 Bonds or Notes of The Township of Lakewood for Financing the cost thereof.

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 Singer, Deputy Mayor Miller and Mayor Langert.

Ordinance No. 2010-16 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, changing the name of a Street to Gobar Way pursuant to and in Accordance with N.J.S.A. 40:67-1(k), et seq.

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Bonnie Gobar - Thanked everyone; her mom would be honored.

Larry Simons, 7 Schoolhouse Court – Stated that he is in favor of this Ordinance. But he feels that Mayor Langert and Senator Singer have to recuse themselves from this vote since Gail Gobar was their political campaign manager.

Mayor Langert answered that he does not intend to recuse himself, and would be honored to vote for this Ordinance.

Senator Singer answered that the test of being in conflict is the appearance of financial gain. Renaming a street in honor of a dear friend is no financial gain. It will be his pleasure to vote for this. Gail was like family to him, and he has no problem with voting for a street to be named after her since there is no financial gain to him, not his family, or anyone else.

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.

Deputy Mayor Miller advised he is having a street name sign prepared, and will present it to the family later this week.

Senator Singer remembered Gail Gobar, and that she and her husband were true "Lakewoodites" and appreciated the good things in Lakewood. She would be thrilled that this street is being named after them. This is just a small token of their many, many thanks for a dear lady who did so much for all of us in Lakewood.

Committeeman Coles stated he would also be very glad to vote on this Ordinance this evening. They were good people and will be missed.

Mayor Langert stated he owes Gail a debt of gratitude because she had a big influence on his political career and in no small measure he is sitting on the dais this evening because of her. No matter what he does, he will never be able to repay that debt of gratitude to her. She will be missed.

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

Ordinance No. 2010-17 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 03/25/10)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II (Administration), Article 36 (Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment), of the Revised General Ordinances of the Township of Lakewood. (Chapter II, Section 1 – Tax Map Maintenance Fees)

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, Deputy Mayor Miller and Mayor Langert.

Ordinance No. 2010-18 adopted on first reading. Second reading and public hearing to be held on March 25, 2010.

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 XVIII, Section IX – Highway Development Zone – HD-7)

Read by title only for first reading.

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

Committeeman Coles advised he is concerned about the fact that they are reducing that 150' buffer. This goes back several years when this Ordinance was put together. The reason they put it together was that the State of New Jersey said many times that they would not consider widening Route 9 unless they were guaranteed that buffer. He would like to vote for this Ordinance tonight, but he would like the Township to send a request in writing to the State Department of Transportation giving them this information and getting a response back from them that this will not impact any decisions they have on widening Route 9 in the future.

Mr. Wouters stated he would do that.

Senator Singer asked what is the right-of-way necessary for the dualization of the highway.

Mr. Wouters answered he believes it was 57' feet from the centerline, and it was planned so that the parking would not interfere.

Senator Singer asked how much is needed to do the dualization.

Mr. Wouters answered it is his understanding it is 57', but he will check into it.

Senator Singer advised he agrees with Committeeman Coles. They can not change what they need for the dualization.

Mr. Wouters answered that was correct. When they checked with the County, they asked the question of the County. They were not aware of any 150' foot regulation. They took a look at the zoning map for Toms River; the entire Route 9 corridor in Toms River is in one zone, and there is it a 100' setback.

Committeeman Coles advised he appreciates that. He remembers a lot of effort being put into this six or eight years ago, and that number sticks in his head. They took an awful lot of grief from people about imposing that, and they have really tried to stand up for it over the years.

Mr. Wouters advised he will check into it.

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

Deputy Mayor Miller was not present for the vote.

Ordinance No. 2010-19 adopted on first reading. Second reading and public hearing to be held on March 25, 2010.

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) of the Revised General Ordinances of the Township of Lakewood. (Chapter 18 – Section 18-903, Car & Van Rental Agencies)

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.

Deputy Mayor Miller was not present for the vote.

Ordinance No. 2010-20 adopted on first reading. Second reading and public hearing to be held on March 25, 2010.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XXI (Solid Waste Management) Section 21-5 (Municipal Source Separation and Recycling Program) of the Revised General Ordinances of the Township of Lakewood. (Chapter 21 – Section 21-5, Source Separation and Recycling Program)

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 Singer, Deputy Mayor Miller and Mayor Langert.

Ordinance No. 2010-21 adopted on first reading. Second reading and public hearing to be held on March 25, 2010.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of five (5) items attached hereto and made a part hereof.

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

MOTION TO APPROVE BILL LIST OF: 03/09/10

Motion by Deputy Mayor Miller, second by Committeeman Coles.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Coles thanked Mayor Langert for scheduling the discussions at the senior communities.

Committeeman Singer advised that on Tuesday they will hear the unfortunate Budget of the State, and they will know better their figures by then. He has been receiving phone calls from the school boards around the area concerned about their revenues. As you may or may not know, there will be cuts in school and municipal aid.

Deputy Mayor Miller thanked Fran Kirschner for her assistance with the census. Also, they are beginning work on the upcoming Memorial Day Parade, soliciting invitations for everyone to please join the festivities.

Mayor Langert commented on the census and CDBG grants. Lakewood has approximately \$126,000 to allocate to different public service agencies in town. The requests that came were in the area of \$400,000. The Township would like to be able to help everyone, and give them as much money as they need, but hopefully with the census, Lakewood will receive more funding.

Mayor Langert further reminded everyone about Daylight Saving Time which begins this weekend.

ADJOURNMENT

Motion by Committeeman Coles, second by Deputy Mayor Miller, and carried, to adjourn the meeting. Meeting adjourned at 8:50 PM.