

The Lakewood Township Committee held a Meeting on Thursday, August 6, 2009 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..... Robert Singer
Deputy Mayor..... Steven Langert
Committee Members..... Menashe Miller
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Frank Edwards
Municipal Attorney..... 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, 2009 and published in the Asbury Park Press on January 8, 2009.

ROLL CALL

CLOSED SESSION

Resolution No. 2009-260 – Adopted.

SALUTE TO THE FLAG AND PRAYER

ROLL CALL

OPEN SESSION

Motion by Mr. Coles, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 07/16/09

Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above Minutes.

Mr. Miller abstained.

MOTION TO APPROVE CLOSED SESSION MINUTES: 07/16/09

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

Mr. Miller abstained.

PRESENTATION

Mr. Miller presented a Proclamation to David Fried in recognition of his outstanding contributions to Lakewood and congratulating him on the occasion of his ninetieth birthday.

Mr. Miller further thanked and commended Chief Lawson on the recent National Night Out Against Crime.

PUBLIC HEARING - Housing Plan Element and Fair Share Plan

Mayor Singer advised that the Fair Housing Plan was adopted by the Planning Board and now needs the acceptance of the Township Committee. The Committee members have received the plan, and it was advertised, and there has been a public hearing in front of the Planning Board. Mayor Singer asked if anyone from the public wished to comment on the Fair Housing Plan.

Mary Ann Allacci, for Mi Casa – Advised she had the opportunity to review the plan. She is not quite clear on many points. She wanted to comment on the obligations for very low income housing. The Township suggests that if there is an obligation, that fifty percent of the obligation will be met with family housing, and if there is a remaining obligation, the balance will be met with age-restricted units or supportive or special needs housing. And what her organization would propose is other housing in the form of studios, especially, and efficiency apartments. They feel these should also be included into very low income obligations because, aside from rooming houses, they will be most affordable for a lot of the individuals who need them including some of the people who are living in the woods. Her organization would encourage the Committee to consider building studios and efficiencies into the plan to meet the very low income obligations.

Ms. Allacci further commented in terms of the Smart Growth obligation. They would also encourage the Township to consider instituting an Ordinance that would incorporate passive solar options into the building sites, which would include proper placement of trees and shrubbery to actually assist with keeping the energy costs down, as well as a lot of other assets that are available, without a lot of fancy technology affixed to the home, but just a number of different aspects that could be added to the façade and roof of the house. And that would also contribute to the Smart Growth.

Alice Kelsey, 295B Malvern Court – Asked that the Township Committee consider banning clear cutting for any housing that is built from now on in Lakewood. That

certainly should start with the Affordable Housing. She feels that clear cutting is ruining the town.

Gerry Ballwanz, Governors Road – Stated that at the recent Planning Board meeting, there was a comment made that the Township is not going through the COAH process but going through the Court master system. She did not know if that was an error or not. She asked if the Township was going through the Court system or going through the COAH process.

Mayor Singer answered they were going through the Court system.

Mrs. Ballwanz asked on what basis.

Mayor Singer answered that is not part of this hearing; that is not part of the plan. Whether they deal with COAH or go through the Courts, is not part of the plan, per se.

Mrs. Ballwanz asked what is the rationale of going through the Court system.

Mr. Bathgate explained that the rationale of going through the Court system is that it is a more economic way to do it; they do not contest COAH's calculations for Lakewood. Lakewood is a municipality that encourages density. They are not fighting people coming to live here. They will provide for low and moderate housing in accordance with the State mandate. So the fastest way to get it done is, so that the Housing Plan is approved by the State, is to have it certified by the Court and the Court master. And they are dealing with all of the parties inside the Court system. And Lakewood will most likely be the first in the County to have its Housing Plan approved.

Mayor Singer added that had they gone through the COAH process, the RCA situation through which they received millions of dollars to build the first seventy-two units would not have occurred. COAH would not have allowed it; the Court allowed it, and the town was permitted to use that money for those units. So that is why they did not go through the COAH system.

Mrs. Ballwanz stated her next question was going to be about the Regional Contribution Agreements. What happened to that money that was not allowed for Lakewood to go ahead with the RCA's, that all of that is off the books?

Mayor Singer answered it is all off the books now, but the prior money they received they were permitted to keep. That is the difference. Otherwise, they would have had to return it.

Mrs. Ballwanz asked how much money was received to go towards the affordable housing.

Mayor Singer answered it was approximately three million dollars, that has been used. That is how the seventy-two units were built.

Mrs. Ballwanz asked if there was any more money coming in to help subsidize the building of the other affordable housing units.

Mayor Singer answered....according to the state, yes there is. That is the tax on commercial development that the Governor has suspended. The fact is that was supposed to replace the RCA money. There was supposed to be twenty million dollars in the budget for that, and they were able to apply for that; it just never made it into the Budget. But there was supposed to be an alternate term to the RCA's via the taxing on commercial real estate. There are no more RCA's in the State.

Seeing no one else wishing to be heard, Mayor Singer closed the hearing to the public.

Mayor Singer responded to the concern about studio apartments. The Lakewood Housing Authority, in the high rises, built studio apartments along with the one bedroom apartments. If you notice, all the additional building of housing after that era has all been on bedrooms, even for seniors. The most difficult units to rent in Lakewood housing, are studio apartments. People find one room objectionable. They want to have a break in that; they want to have one bedroom, and their living space. He appreciated the comments, but studios do not seem to be the way to go. And they found that when the senior housing was built on Clifton Avenue, every one of those are one bedrooms. There are no studios there, and they are much more desirable. If the Housing Authority could find a way to modify them, they would. It is always a difficult time renting the studios. People want that separation between their bedroom to their living space. If they are building the housing, he would rather build it more conducive for people to have a positive living style, than one that is not acceptable.

Mr. Coles agreed that they have tried very hard to give people something that they can be proud of; something that is a home to them. That is really the direction they want to go, keeping in mind that they have to make sure they are affordable for those folks who really have next to nothing.

Motion by Mr. Coles, second by Mr. Lichtenstein, to adopt the Housing Plan Element and Fair Share Plan.

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

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 Singer opened the meeting to the public.

Charlie Cunliffe, Jennifer Drive – Commented on Ordinances on the Agenda this evening; the first, the Ordinance that permits Zero Lot Lines. He does not think this is the time to introduce more density into the Township. He is very concerned about the section regarding conversions of existing duplexes. He would like an explanation as to the fifty foot frontage, and he sees no provision for recreation or open space. So all it does is add more density, but it does not do anything for the quality of life for the people.

Mr. Cunliffe asked about the changes contained in the Ordinance amending the Non-Residential Zoning District. He asked for an explanation as to the specific changes, what was added, what was deleted, what uses are permitted, and what uses have been deleted.

Mr. Cunliffe also commented on the Ordinance regarding the release of the Deed Restriction for Pine River Village. With all due respect to Somerset Development and with all due respect to the people who are living there, he urged the Committee to vote no, or take no action, on this Ordinance. His reasons are pretty straight forward. While he sat on the Township Committee, the whole concept of that Pine Street development was part of the Cedarbridge Development plan. And the reason that land was given, or Deeded, to Cedarbridge, and it had always been for the express purpose to provide funding for infrastructure and construction. And here we are six or seven years later, and there has not been one thing built in Cedarbridge development, around the ball park. A great job was done on the roads and some infrastructure, but there is not one building standing, not one shovel in the ground. Somerset Development paid a large amount of money and as a Developer, he has the right to bring a product to the public. But the problem is that is not what this Township entered into, and it was contractual, and he does not see how they can break that Deed restriction now. During his last year on the Committee, he asked several times to have Somerset Development and Cedarbridge Development come in to make a presentation to the Committee and to the public. Unfortunately, no time was found to have those presentations. The reason the

town moved that land for nominal consideration was specifically because that was tied to Cedarbridge Development, and that was supposed to be seed money for the building and infrastructure. As a sitting Committeeman, it was never revealed to him that Somerset Development paid nine million dollars for that land. The first time he heard it

officially was when Mr. Zucker mentioned it at a meeting several weeks ago. Nine million dollars was paid to who. He mentioned it was paid to the yeshiva, to BMG. He has every right to do that. But that is not who we gave that land to. Not the documents he has in his possession. The documents that he has indicates that the land was given to Cedarbridge Development. So how did it go from Cedarbridge Development, how did it go from ten dollars to nine million dollars, and what did the Township taxpayers get for it. They got shortchanged, they got nothing for it, and certainly if it was going to be made available for open development, it should have been a lot more than ten dollars coming to Lakewood Township, and to the taxpayers of Lakewood Township.

Mayor Singer asked Mr. Wouters to respond to the question regarding the Zero Lot Line Ordinance.

Mr. Wouters explained as to the Zero Lot Line Ordinance, that Ordinance was drafted in response to a series of meeting they had by an Ad Hoc Zoning Committee to address specific issues dealing with the current process of converting duplexes into condominiums, which is presenting some issues. The Ordinance will now be sent to the Planning Board for their input and they will then take a further look at it. The point of the Ordinance was not directed at developments as it is how to deal with specific duplexes where they wanted to....instead of having a duplex, have a single ownership for each side of the duplex. The Ordinance was drafted in response to that.

As to the other Ordinance, the only change in that is Item G, which is the addition of banks and drive-in facilities to the other permitted uses in that zone. The only reason for the adoption of that amendment is to allow banks to be in the ROP zone also.

Noreen Gill, 192 Coventry Drive – Commented on a recent Planning Board meeting, and their discussions regarding duplexes and parking. She stated that Parking was left out of the Ordinance, and she suggested that the Committee further review the Ordinance regarding duplexes.

Mrs. Gill further complained about the issuance of Certificates of Occupancy in her development. She is concerned about the inspection of the units in her development due to the recent problems in the Inspection Department.

Mr. Edwards responded that there has been a reassignment within the Inspection Department so there is a different individual acting as the primary housing inspector. He anticipated this question, and he spoke with Mr. Saccamanno, who says that if there is information as to any individual address that can be given to him, he will have that unit reinspected.

Alice Kelsey, 295B Malvern Court East – Commented on the issuance of Certificates of Occupancy to landlords for units in poor condition. Asked what the Township Committee is going to do about the landlords who have offered those bribes, to protect the people of Lakewood who are the victims of unscrupulous landlords, who get CO's because they have offered bribes, or something else. Will there be any kind of investigation, will these landlords be held accountable to the people of Lakewood.

Yoshua Kravelski, one of the homeowners in Pine River Village – Moved here two years ago, paid over \$500,000 for his home. He wants his quality of life, as all the residents there do, they are interested in their quality of life, and hopes that the Township Committee will agree to approve the division of their development.

Mary Ann Allacci, for Mi Casa – Asked if the Township will take action against landlords who have conspired in the bribe process.

Mr. Coles responded that it is almost impossible to look into someone and know what they are capable of. They hope that the people they have working for the Township respect that level of responsibility. They have to make sure that the folks who are out there, who are really of risk when they are renting some of the apartments, that they are taken care of properly. A couple of years ago, the Township Committee increased the salary level of those inspectors to bring them up to a more livable wage, so a lot of the temptation that may be there to take money would go away. Obviously, that is not the case for everybody. They can not talk about specifics where Mr. Williamson is concerned. He hopes that, in addition to what he was brought in for, that the names of the people involved may go to the authorities and some of those folks may be quaking in their boots tonight. There are a lot of things they can look at. He has spoken with Mr. Wouters and Mr. Saccamanno about some ideas. He does not know if they can implement them, so he is hesitant to say anything publicly as to what they are, but they are looking at different options as to what they can do to try to put a level of oversight; any time that someone is in a situation where that may occur, where someone might be looking to take advantage of them, by offering them something when they should not be doing it.

Mary Ann Allacci asked about the landlords. Obviously there was a percentage, there was an estimate of how much in bribes were allegedly taken. So if there is an estimate, there has to be a way to trace that back to the landlords that were allegedly involved.

Mr. Coles answered that those numbers were not provided to the Township Committee. The authorities have those names; if they have numbers there is a name associated with that number, and hopefully those people will be brought in for questioning.

Ms. Allacci asked if the Township will have any role in trying to clean up that part of the fraud that has been happening among the landlords in the Township.

Mr. Coles answered that what the Township can do is to look forward to see what they can do to put in place measures to prevent this from happening again.

Ms. Allacci asked if the Township is going after landlords at this time who have participated in the alleged bribery activities.

Mr. Edwards stated that the Township does not know the names of anyone, or have any information whatsoever. It is a federal and state investigation; any information they have they will follow through; but the Township is not a part of it, other than if they ask the Township for some documents or information. They are not sharing that responsibility with the Township. The Township does not have a role right now because the Township has no evidence or information. If the federal authorities contact the Township, then the Township will cooperate. They have all the information, not the Township.

Ms. Allacci stated that as a citizen and a taxpayer, she would hope that the Township would take an affirmative position and take a look at what has been going on, so that it does not continue.

Mayor Singer asked for the assistance of Ms. Allacci's organization in providing information to the Township regarding overcrowded facilities, as she advised there are landlords who are creating slum areas that she is aware of, and the Township is requesting a list of those areas so they can check those facilities.

Ronald Gray, 4 Goldcrest Drive – Commented with regard to Pine River Village.

Pat DeFillipes, 325 Fifth Street – Complained about landlords. Commented on the recent allegations in the Inspection Department.

Joseph, Owner of Lakewood Transportation – Complained about ongoing problems with illegal taxicabs.

Diane Iannarone, Owner of Leisure Hack and Laurel Taxi Cab, operating out of the bus terminal – Spoke in opposition to the Ordinance increasing the taxi license fees. Also complained about the illegal taxi cabs.

Robert Lubin, Lakewood Courtyard – Complained about the traffic congestion along Route 9.

Gerry Ballwanz, Governors Road – Commented on the Ordinance regarding Pine River Village. Also commented on the allegations against the housing inspector, and suggested that all the units that he inspected over the past two years should be reinspected. Also commented on a land exchange.

Fishel Goldberg, 640 Seventh Street – Commented with regard to Pine River Village.

Mayor Singer advised that the Ordinance is only being introduced this evening. It will be forwarded to the Planning Board for their input.

_____ - Commented with regard to Pine River Village. Spoke in favor of the passage of the Ordinance.

Leah Fontana – Commented on the contract between the Township and STEPS, and homeless issues.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked who Mr. Smith is replacing on the LDC.

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

Committee members responded to comments, as follows:

Mayor Singer answered that they had a member who was not attending LDC meetings, and therefore, under the by-laws, he is being replaced, and that member is Mitch Dolobowsky. Another concern was that Mr. Dolobowsky did not file his disclosure form; he was sent a letter, which was ignored, and therefore, they took the appropriate action.

Mr. Lichtenstein commented on the taxi ordinance. He has worked with Mr. Langert, the Liaison to the Transportation Board. It is very unfortunate that there are illegal taxi cabs, operating without insurance. Even though Mr. Smith does not have specific enforcement powers, all concerns are turned over to the Traffic & Safety Division of the Police Department, and they do the enforcement. The Police Department has done sting operations across the board, and they have fined illegal taxi cabs, and he believes that the Police Department continues to do that.

Deputy Mayor Langert commented with regard to the Taxi Ordinance, and advised Leisure Hack that he is certainly willing to look into a rate increase for the taxi cabs. The Township is proposing to increase the taxi driver license fees, and they are looking

at fees across the Township. There are some fees that have not been raised since 1971. He will address at the next Transportation Board meeting the increase in taxi rates. He further suggested more enforcement by the Police Department regarding the illegal taxi cabs.

Deputy Mayor Langert responded to comments with regard to overcrowding situations. He asked for information as to specific locations, and he will make sure that Code Enforcement checks into it.

Mayor Singer commented with regard to the taxi situation. He suggested a meeting with all of the certified taxi owners to discuss how to work along with the Township and the Police Department to stop the practice of illegal taxi cabs. They are going to take a hard look at that, and he asked that Deputy Mayor Langert look into it, and he also asked the Township Attorney to look at the fines imposed for violations and unlicensed and uninsured taxi cabs. Mayor Singer also requested additional enforcement through the Police Department.

Mayor Singer further commented on the fair housing situation. He does not know of a boarding house Ordinance in Toms River, Brick, Howell, or Jackson, but he will not allow boarding houses in Lakewood. This is his decision on that matter. He does not know how the remaining Committee members feel about it, and he is only vote, but he does not want to see them in Lakewood.

Mayor Singer also advised he will ask for a presentation by STEPS regarding homeless issues.

Mayor Singer also commented on the inspection issues. Overcrowding is not acceptable. If they inspect a site for violations, and find overcrowding issues, they take action on both issues. If anyone knows of landlords in violation, please let them know and the Township will take the appropriate action.

Mayor Singer also commented on the investigation into the Inspection Department. The Township is not part and parcel to the investigation regarding Mr. Williamson. The Township was notified of his indictment, he was suspended without pay, and his benefits were also suspended. What will happen to his benefits, and everything else, will be determined through the Court process. Mayor Singer also advised that the Township is waiting to hear from the federal government as to what exactly they know so they can share that information with the Township. The Township does not know if there is anyone else involved, or if any other landlords are involved, the Township does

not have any information. So, if anyone knows of a violation, about any landlord, please advise the Township and they will check into it. The newspapers were saying that there were people that knew about this problem. The Township was aware only that there was a problem going on when they attempted to take some action, the Township was told by the federal government to back away, that they were in charge. It was not something that the Township was neglectful about. When this investigation becomes public, the Township will take the appropriate action.

Mayor Singer also commented on the Cedarbridge issue. It is very clear that this issue is a very contested issue. He is surprised at Mr. Cunliffe's comments. If you look at all the documents that were signed at that time, regarding Cedarbridge, and Pine River Village....his signature was not on it, nor was Mr. Miller's, nor was Mr. Langert's. It was the prior Committees that were in control for the past ten or twelve years, that signed those agreements, and voted on those issues. If Mr. Cunliffe was not aware of it, it was his professionals that prepared those contracts, not the present professionals. Mr. Cunliffe signed and agreed to those documents, and if he does not know about them, or if he has a problem with Cedarbridge, he was part and parcel of it. He is not exempt from it. He was sitting on the Committee; he was Mayor during that period of time. And the fact that he sits here tonight and wants to know why there was no hearing on it....he was in control. Look at the records to see who was on the Township Committee for the last ten years, and who was in the majority and who was in the minority, and who were the Mayors.

As to Pine River, Mayor Singer stated that nothing is being done in a vacuum. They put this Ordinance on for first reading because they want to forward it to the Planning Board. They have received an offer from the Developer of \$5,000.00 for every unit that is sold, to come to the Township. There are approximately eighty units to be converted, and that comes to approximately \$400,000.00. That offer came in yesterday. Mayor Singer further advised that they have not had the chance to have the professionals or anyone else look at this offer. This is a process, and it is an open process. What he would like to do this evening, is to introduce the Ordinance, forward it to the Planning Board, and wait for a report to come back, forward all this information to the professionals and get a report back as to the validity of this offer. Both the Planning Board's recommendation, and the professional's report, will the information they will look at, and the public will see, prior to any vote on making this a permanent Ordinance. This is an open process. There is nothing being done in back rooms, or being hidden. The Township said they were waiting for an offer from the Developer, as to what he felt was fair to give to the Township, for the Township to make this change,

which is perfectly legal. This is not like going in front of the Zoning Board. Anyone going before the Zoning Board, they absolutely do not pay for a variance. This is not a variance. This is a change of use that the Township did by Deed restriction. And they are doing so, for the main reason, for the concern of the seniors that live there. Just as he would be just as concerned about the quality of life of Fairways, the Enclave, Four Seasons, or Leisure Village. He has concerns about people who are retired and live on fixed incomes, and have an expectation of their quality of life. And that is what this issue is about. On the other hand, they also felt, because of that change of use, there are certain consequences to the Township. And those consequences are, when you go from a senior community, to a family housing development, there is more of an expense to the Township, such as in the case of garbage collection, recreation, and the use of roads for buses and other transportation, and what effect this will have on the seniors of the community, so that they are protected in their quality of life. These are all issues that the Township has to look at before they make a decision. In the beginning, there was no money offered to make this change, now the residents of the Township are looking at the possibility of \$400,000 in taxpayer's money. He would like to see this Ordinance adopted on first reading, and forwarded to the Planning Board for their comments and opinions, and that Deputy Mayor Langert will work with the professionals to come back with a report as to if this is a fair amount of money for the Township, and what is a fair amount of money, so that they can make a valued judgment on what the Township is doing, based on the recommendations from the professionals and Planning Board.

Mr. Lichtenstein stated that he was not on the Committee when the original entire Cedarbridge deal was signed. He was on the Committee when the land was transferred to Pine River Village, and obviously he is on the Committee now when this request is being made. He would agree that, and his biggest concern with this for the past year, has been, was it legal for the Township, in that redevelopment zone, to change the deed restriction. If they decide to do so, obviously there has to be typical Planning Board approvals, etc. That concern has been addressed. Outside legal council has advised them on those issues. He is comfortable that it is legal. The question then becomes, of course, to help the seniors with their quality of life. Last year, there were other developments that were going bankrupt. The Township actually chipped in until the Developer took over by sending in Public Works to assist with trash collection and maintenance of the drainage basins, even though it was not the Township's responsibility. Now, he is comfortable moving ahead with the request and obviously the question becomes now the financial remuneration to the Township, because even though the seed money was given, and a lot of the road work was done, and a lot of the infrastructure was done. And again, he was not there for the original Cedarbridge deal, and if you look at that deal now, the Township now owns property that is along very well developed roads, with lighting, etc., and it is still the Township's land, the

taxpayers' land. It has not transferred ownership, and is still part of whatever that original contract was. Now, the question will become what kind of Planning Board approval will the Developer get, and what kind of financial remuneration will there be to the town. He will support this tonight as a first reading, based on the conditions that the Committee is discussing, before they take their final vote on second reading, whenever that may be.

Deputy Mayor Langert stated that he is not against the concept of lifting the Deed restriction. He was very happy when they got the opinion from Gluck Walrath that said that the Township could do it. The Township Committee met with Mr. Zucker two weeks later, and four weeks later he also appeared at a public meeting. The Township has not dragged their feet on this matter. He has not shied away from, and he will not back down from it. The Township was advised that they are within their rights to ask the Developer to remunerate the Township, to pay for the value of lifting that Deed restriction and amending the redevelopment agreement. On the other hand, it is also their responsibility to all the taxpayer's of Lakewood to look out for their best interests. And it is within their rights to ask the Developer to pay for that, and he feels that they have a fiduciary responsibility to every taxpayer in this town to ask the Developer to pay. He asked for an offer, and that offer is for \$400,000 based on the Township lifting the Deed restriction on eighty lots. He does not know if that is a good offer, or the

right offer. He has not had time to give it to his tax appraiser, or to the Attorney, or to any other professional deemed necessary by the Township Manager. But he will do that as quickly as he can. He will vote on this Ordinance this evening, for the sake of beginning to move the process along for the thirty-eight families that live in that development. That is why he is voting for it. But he gives his word, to the taxpayer's of Lakewood, that if the appraiser, or the Attorney, or the professionals tell them that it is not a fair price, then he will not vote for it on second reading. And he will encourage his fellow his fellow Committee members to do the same.

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 Cancellation of old Outstanding Checks appearing on the records of the Township of Lakewood.
Resolution No. 2009-261**
- 2. Resolution awarding a Contract to Earle Asphalt for road improvements to Del Mar Road, Ventura Drive and Coronado Street, pursuant to and in accordance with N.J.S.A. 40A:11-1 Et SEQ., in the amount of \$275,113.13. (Raintree Phase V)
Deputy Mayor Langert removed the above Resolution from the Consent Agenda.**
- 3. Resolution authorizing and supporting the submission to the New Jersey Urban Enterprise Zone Authority for UEZ Project funding in the amount of \$57,000.00 for Professional Services associated with preparation and submission for Lakewood Airport Environmental Assessment Phase III. (UEZ – Airport Environmental Assessment)
Resolution No. 2009-262**
- 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. (Municipal Alliance)
Resolution No. 2009-263**
- 5. Resolution authorizing the creation of the Complete Count Committee. (Census 2010)
Resolution No. 2009-264**
- 6. Resolution authorizing the Execution of a Shared Services Agreement between the Township of Lakewood and the County of Ocean. (Byrne Justice Assistance Grant - Police)
Resolution No. 2009-265**
- 7. Resolution authorizing the Execution of a Shared Services agreement between the Township of Lakewood and the Township of Toms River. (Truck Wash Facility)
Resolution No. 2009-266**

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

Mayor Singer abstained on Resolution No. 9.

Resolution Nos. 2009-261 through 2009-273 – Adopted.

Resolution No. 2 that was removed from the Consent Agenda was discussed and acted upon as follows:

- 2. Resolution awarding a Contract to Earle Asphalt for road improvements to Del Mar Road, Ventura Drive and Coronado Street, pursuant to and in accordance with N.J.S.A. 40A:11-1 Et SEQ., in the amount of \$275,113.13**

Motion by Deputy Mayor Langert, second by Mr. Coles, that the above Resolution be amended to contain language as recommended by Birdsall Engineering.

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

Resolution No. 2009-274 – Adopted as amended.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter IV (General Licensing), Section 4-2.6 (License Fees) of the Revised General Ordinances of the Township of Lakewood (Section 4-2.6 – General Licensing)

Read by title only for second reading.

Mayor Singer 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 Mr. Coles, second by Mr. Miller.

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

Ordinance No. 2009-33 adopted on second reading.

As to the following Ordinance, Deputy Mayor Langert offered a Motion to carry this Ordinance to the next meeting; a second was offered by Mr. Coles.

Mr. Lichtenstein suggested that if they need time to meet with the taxi owners, that they carry it forth to a date positive; not necessarily to the next meeting, to allow more time....maybe two meetings away.

Mayor Singer agreed, and suggested that they carry the second reading to the second meeting in September. That would allow enough time for the taxi owners to meet with the Transportation Board.

Deputy Mayor Langert amended his Motion, and Mr. Coles amended his second to the Motion, that the second reading and public hearing on the following Ordinance be carried to the second meeting in September.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey amending & Supplementing Chapter IX (Taxicabs), Section 9-6.2 (Fee) of the revised General Ordinances of the Township of Lakewood. (Section 9-6.2 - Taxicabs)

Second reading and public hearing on Ordinance No. 2009-34 carried to the meeting of September 24, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter V (Animal Control), Section 5-2.5 (Dog License Fees) of the revised General Ordinances of the Township of Lakewood. (Section 5-2.5 – Animal Control)

Read by title only for second reading.

Mayor Singer 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 Mr. Coles, second by Mr. Miller.

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

Ordinance No. 2009-35 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 08/20/09)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Section 2-36.4 (Fees) of the Revised General Ordinances of the Township of Lakewood. (Administration – Section 2-36.4)

Read by title only for first reading.

The above Ordinance was offered by Mr. Lichtenstein, second by Mr. Miller.

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

Ordinance No. 2009-36 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter II (Administration), Section 2-76.3 (Fees for Copies) of the Revised General Ordinances of the Township of Lakewood. (Administration – Section 2-76.3)

Read by title only first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Miller.

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

Ordinance No. 2009-37 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI (Alcoholic Beverage Control) of the Revised General Ordinances of the Township of Lakewood. (Alcoholic Beverage Control – New Section 6-7)

A Motion was offered by Mr. Coles, second by Mr. Lichtenstein, that the first reading is to be carried to the meeting of August 20, 2009, so that some inconsistencies can be addressed before it is introduced.

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

First reading carried to the meeting of August 20, 2009.

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. (UDO – Section 18-911)

Read by title only for first reading.

The above Ordinance was offered by Mr. Lichtenstein, second by Deputy Mayor Langert, for discussion.

Mr. Lichtenstein stated that what he thinks this Ordinance is for is not to create R-5 lots as was brought up by Mr. Cunliffe. The issue is that when people go for mortgages or they have a financing issue, they can not be in a condo situation because you need to be fee simple; it creates fee simple without increasing the density. However, one thing they discussed, which makes sense, is that if you are effectively creating R-5 lots, they need to now that if for whatever reason only half of the duplex gets built, or half of the duplex gets destroyed, that you don't find little R-5 lots, with little houses on it. And he knows they discussed language, but he does not see it in the Ordinance.

Mr. Wouters advised it will be amended that to include...there is an owners' agreement that has to go of record, that will restrict the use of that lot for duplex structure either, from initially, or in the event of partial or total destruction, and that would go of record with the County Clerk's Office. And that will be included in the second reading.

Mr. Lichtenstein confirmed that it will protect anyone from coming in to the Courts and asking for R-5 lots because the neighbors have R-5 lots. Effectively they are not

changing any look, they are just giving people responsibility for their own lot, but they are not going to allow it to infect or spread to other R-5 little tiny singly family lots.

Mr. Wouters answered that is correct.

Mr. Lichtenstein further stated that when that amendment is made, he will be good to vote on it.

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

Ordinance No. 2009-38 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXI (Solid Waste Management), of the Revised General Ordinances of the Township of Lakewood. (Solid Waste Management and Recycling)

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Lichtenstein, On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

Ordinance No. 2009-39 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII (The Lakewood Township Unified Development Ordinance of 2005), Section 18-903 (Non-Residential Zoning Districts) of the Revised General Ordinances of the Township of Lakewood. (UDO – Section 18-903)

Read by title only for first reading.

The above Ordinance was offered by Mr. Lichtenstein, second by Deputy Mayor Langert. Mr. Lichtenstein asked that in the future, they get a red-lined version so that they can see exactly what they are changing.

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

Ordinance No. 2009-40 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XXIV (Taxation), Section 24-1

(Tax Exemption and Abatement of the Revised General Ordinances of the Township of Lakewood (Taxation – Section 24-1)

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Deputy Mayor Langert.

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

Ordinance No. 2009-41 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, establishing the annual minimum and maximum salary ranges for the offices and positions of persons employed by the Township of Lakewood in the County of Ocean and State of New Jersey for certain employees of the International Brotherhood of Teamsters Local 97.

Read by title only for first reading.

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

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

Ordinance No. 2009-42 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, releasing and discharging a portion of a Deed Restriction contained in the March 17, 2005 Deed between the Township of Lakewood and Somerset PRV, LLC. (Pine River Village)

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein, with the public record being attached to it that they discussed previously.

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

Ordinance No. 2009-43 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

Mayor Singer asked that this Ordinance be forwarded to the Planning Board.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending the Redevelopment Plan for Area II-Pine Street Acquisition Area.

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein, with the understanding that it be sent to the Planning Board.

Mayor Singer advised that these Ordinances are tied together.

Deputy Mayor Langert stated that all three Ordinances are tied together. He further stated that he is only voting for first reading. He is not committing himself to second reading.

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

Ordinance No. 2009-44 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

Mayor Singer advised that this Ordinance will be forwarded to the Planning Board also.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending Section 18-903 N of the Unified Development Ordinance to permit Residential Development in the M-2 Zone. (UDO – Section 18-903 N)

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Lichtenstein (with the same conditions stated), Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

Ordinance No. 2009-45 adopted on first reading. Second reading and public hearing to be held on August 20, 2009.

Mayor Singer advised this Ordinance shall be forwarded to the Planning Board.

CORRESPONDENCE

The Township Clerk was asked to read correspondence from Arthur Lang, 918 East Kennedy Boulevard, as attached hereto and made a part hereof.

The Township Clerk also advised there was an additional item of correspondence that was received just prior to the meeting, and Mr. Edwards would comment on it.

Mr. Edwards advised that they received a letter from the Lakewood Elks Lodge. They will be holding a circus, and they wanted to close off a portion of Kennedy Boulevard, between Cedarview and Laurelwood Avenue, in case there is insufficient parking. The letter is dated July 25th, but it did not arrive in his office until this afternoon at 1:00 PM.

He gave a copy to the Chief of Police, and the Chief does not feel comfortable with approving it, but if the Township Committee wants to approve it, it could be approved subject to working out satisfactory details with the Chief, but not just a flat out approval the way it has been proposed.

Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the request for the usage, once the Chief signs off on it.

Mayor Singer also requested that the Township Clerk respond to the letter from Mr. Lang concerning the Board. Firstly, he does not know of any state law that allows the Township to pay anybody for any board; he thinks that is regulated. You can not pay people; you just can't do that. Secondly, they certainly will forward the letter to the Attorney to take a look at if there is any feasibility in doing something like that.

As to the remaining correspondence, per attached list of seven (7) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per attached schedule of thirteen (13) items, attached hereto and made a part hereof.

Motion by Deputy Mayor Langert, second by Mr. Coles, and carried, that the above correspondence is received and filed.

Deputy Mayor Langert did not vote on Correspondence Item No. 2.

MOTION TO APPROVE BILL LIST OF: 08/04/09

Motion by Deputy Mayor Langert, second by Mr. Lichtenstein, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller advised that there was a Resolution on the Agenda this evening forming the Complete Count Committee. The function of the Complete Count Committee is to ensure that all the residents are counted in the upcoming 2010 Census. The members will be as follows: Jay Braun, Castillo Consuelo, Dovid Friedman, Moshe Glieberman, Yitzchok Halberstam, Bill Hobday, Sarah Kay (Aide to the Committee), Rob Lawson, Mike McNeil, Nancy Robinson, and Betty Rod, as Vice Chair, and Mr. Miller will serve as Chair. This information has already will be posted to the website. The contact for this Committee is completecount@lakewoodtwpnj.org. The Complete Count Committee has met a number of times. The purpose basically is to ensure that they get a complete

count of residents of Lakewood Township. It is vital that all people are counted. One of the projects that the Complete Count Committee is working on right now is doing a

Census Day here in Lakewood, for this upcoming year. The Aide to the Committee has been tasked to attend all meetings. She has attended many meetings in the County together with Betty Rod. She attends all the Complete Count Committee meetings as well. The Aide to the Committee has been very involved with this. She is putting together a grant for the Township to apply for.

Mayor Singer advised he will appoint this evening the Lakewood Higher Education and Coordinating Council. The purpose of this is to start to bring a focus of the university, the college, and the community as a whole, on economic development, transportation, and environmental energy issues. From Lakewood, the Mayor will serve, together with Steve Reinman, the Director of Economic Development, Gerald Walsh, the LDC Initiative Coordinator, and Ervin Oross, the CDBG Director. From Beth Medrash, Rabbi Aaron Kotler will serve, together with Moshe Gliberman, and Chaim Jacobovitz. From Georgian Court University, Sister Rosemary Jeffries will serve, together with Ruthann Burns, and Andrew Krist. He met with Mr. Edwards, Sister Jeffries, Aaron Kotler, and Ervin Oross to discuss this. They feel this is a wonderful initiative, and brings to bear that there are issues that effect the two large institutions in the community. They are volunteering their expertise. The one great thing that both the university and the college have is people power, that we do not have to pay for. And they are willing to get involved with that power by using their staffing to help the Township do things. He has a lot of great hopes for this committee; it is a very positive thing.

Mayor Singer further commented with regard to the traffic plan prepared by T & M, and the Engineer has done a wonderful presentation to the Transportation Board, as to how they see to implement the plan on issues that do not cost a lot of money, to help in traffic movement. He asked that they make that presentation to the Township Committee and to the public as to how exactly they plan to start implementing the T & M plan. They will be doing that in the very near future.

Mayor Singer further advised they have received word that DOT is getting involved, and they will see a change in the Route 9 situation with DOT. They will also be making a presentation to the public as to exactly what they are planning for Route 9. Right now they will be working with the corridor from Kennedy Boulevard all the way to the Lake. There is other news they want to talk about, some other positive things from the Lake, south. Some good things are going to happen, and they are talking about years away, but within weeks to months. He thanked Mr. Miller for his involvement in these issues.

ADJOURNMENT

Motion by Deputy Mayor Langert, second by Mr. Coles, and carried, to adjourn the meeting. Meeting adjourned at 9:28 PM.