

The Lakewood Township Committee held a Meeting on Thursday, November 18, 2010, in the Lakewood Municipal Building, at 6:30 PM for the Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor.....Steven Langert
Deputy Mayor.....Menashe Miller
Committee Members.....Robert Singer
Raymond Coles
Meir Lichtenstein
Municipal Manager.....Michael Muscillo
Municipal Attorneys.....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. 2010-328 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 11/04/10

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 11/04/10

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

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION

Mayor Langert discussed the proposed Peddler's Ordinance, and requested Committee members to forward any comments on this Ordinance to the Township Attorney, as he would like to have the Ordinance on the Agenda for first reading at the next meeting.

Mayor Langert wished Deputy Mayor Miller well, God's speed, a safe journey and a safe return home, as he is being deployed to Iraq on Sunday, and this may be the last meeting of the year that he will be able to attend.

QUALITY OF LIFE

Deputy Mayor Miller reviewed quality of life items from the previous meeting.

As to the issue of the traffic signal turning onto Route 9 off Central Avenue, and traffic along Central Avenue, Mr. Day advised he spoke with the County yesterday and they are upset with the DOT because they are not getting a response from them. They are going to request a meeting with the DOT. The DOT is looking at a large section of the Route 9 corridor, and they have a lot of things going on. They will try to meet with them over the next few weeks to see exactly what they are looking at.

As to the High Street issue, regarding the permits from the State, Mr. Day advised he received a letter from the DOT; they said that if the Township is going to do any improvements at that intersection, the Township would need to file an application for a Street Intersection Permit. There is a \$150.00 application fee, and a \$500.00 permit fee; the Township needs to put some plans together and get them to the State. Mr. Day suggested that if they do not want to go through the DOT, and if the Township is just looking to widen a section of the street for parking, they could pull back from the intersection, and not do anything in the DOT right-of-way, and they would not have to get any approval from the DOT. They could just widen it because it is a Township road.

Deputy Mayor Miller agreed that would be the smartest way to go.

Committeeman Singer agreed that the widening would make it safer for everyone.

Mr. Day explained that if they are looking for parking on the side, if they pull back about fifty feet from Route 9, it would be out of the DOT right-of-way, and if they do not modify that intersection at all, the Township would not need any DOT approval.

Committeeman Singer agreed that they do that first, and see how it works. If it does not work they might have to go back and do the other work.

Deputy Mayor Miller requested that the meeting minutes reflect the above decision.

With regard to the request of the residents of Tori Court that the pot holes be filled by the Developer, Mr. Day explained that the Developer did not topcoat the two streets because he has about four or five lots that he has not sold as of yet. He wrote a letter

to the Developer after the last meeting, requesting him to repair the pot holes, and provide a schedule for completion, but did not receive a response. He sent an inspector to the site last week, to see if the work had been done, and it was not. He spoke with the Developer this week, who advised he is in financial trouble, and is currently in a difficult situation, and he hopes to be able to give a positive response, and will be in touch early next week. Mr. Day advised that he can keep pushing, but if the Township does not have anything from him by December 15th, then the Township may have to go in and do the repairs. He does not think the Township can pull his Bond because of the current financial situation in the country. However, the Developer is responsible for the safety of the residents, and he does need to get the work done. If not, either the Township or the County will have to go in and do the work, and put a lien on this property.

Deputy Mayor Miller advised that his concern is that the garbage trucks may have trouble getting in there; the pot holes are quite large.

Mayor Langert stated that the bigger problem will be if it snows.

Committeeman Coles stated that they had a similar situation a few years ago, where the Developer went bankrupt and the Township could not go after the Bond. He suggested that they at least start the process, put the Developer on notice that the Township will call in the Bond in order to get the work done. If the Township does not do something now, and the Developer declares bankruptcy, the Township may not be able to do anything to recoup the money for the repairs.

Mr. Day asked Mr. Wouters if the Township can go after a Bond for maintenance purposes; the roads are base-coated, but they need to winterize and fill the pot holes and make it safe.

Mr. Wouters advised they will take a look at the Bond and see what they can do.

Mr. Day added that he hopes that the Developer will have some financial backing next week and will be able to do the work.

The Committee members were in agreement to see what legal remedies that the Township may have in this matter, and whatever legal remedies that the Township does have to make sure that they are implemented. And if in fact that the Developer does own land, that a lien for the repairs is attached to that property.

Mr. Burdge suggested that Public Works could go in and fill the pot holes for the safety of the residents. The Township does not plow the streets because the town has not accepted them as of yet, but the residents there have to put up with the pot holes. The town still has to go in there and pick up the garbage, and the more the trucks ride over the pot holes, the bigger they will be. He asked if it would be legal for the Township to go in and fill the pot holes for the time being, and then go after the Developer, because otherwise it is going to get worse.

Mayor Langert advised they will look into doing that.

Mr. Day added he will try to get the County to do the Hope Chapel portion.

With regard to the issue of finishing Vine Street from Cedarbridge to Pine, and also between Washington and Vine, which would make more sense to do, Mr. Day explained that both roads are basically the same distance. The one advantage that Vine Street has is that it is partially cleared right now because the utilities have been installed; Washington is still totally wooded. Another issue there is that either way you are going through a lot of wetlands. Looking at Washington Avenue, it looks like you need to go through more wetlands. So if you do a wetlands transition, you will have to do more for Washington. Washington will be more expensive, and more difficult dealing with the DEP. He estimates Vine Street to be approximately 1.5 million dollars to clear, put curbs along both sides, with a 45' roadway, and sidewalk installed along one side. Washington will probably cost about \$50,000 more to do the clearing. Once you start with the wetlands, it will be more difficult to deal with the DEP. The only difference is that one is cleared and has utilities, and the other does not.

With regard to the road painting at Case Road and Fourteenth Street, Mr. Lichtenstein advised that work has been completed, and was done very well.

Comments from Committee Members:

With regard to Fourth Street and Monmouth Avenue, Mr. Lichtenstein advised he received phone calls from residents who have suggested that the Township try to make the intersection a little more pedestrian friendly, with crosswalks, and to consider pulling back one or two parking spots so that when people traveling east on Fourth Street are waiting to make a left onto Monmouth Avenue, the cars coming down Fourth Street can get around them to the right. Part of the problem that has been created there, and he requested that Engineering and Traffic & Safety look at it, is that the cars are stacking because the parking spots are right up to the corner, as opposed to pulling back two or three parking spaces.

With regard to the corner of Pine Street and Martin Luther King Drive, the Warren Avenue area, all the way across to Spruce Street, Marc Drive, Vine Street, Essex Avenue, all the way down to Massachusetts, the entire area seems to have been hit hard with graffiti. A lot of visible public fences and utility boxes have been marked with graffiti. Committeeman Lichtenstein asked Mr. Burdge to send a crew and enforce the graffiti Ordinance to clean up that area.

Committeeman Lichtenstein advised that Tenth Street, between Clifton Avenue and Madison Avenue, has become a very busy block with the new building that has been constructed there. He asked if signs are needed to designate No Parking During Snow Removal. He asked Chief Lawson for a recommendation.

Committeeman Lichtenstein commented on the area between Kennedy and Milton, at Squankum Road, near Whispering Pines. He believes that the County pulled back some of the shoulders and it is creating some issues because there is a lot of pedestrian activity. He asked Mr. Day to take a look at it to see if there is anything that can be done to increase the shoulders at that location.

Committeeman Lichtenstein commented on the intersection of Williams Street and Prospect Street, and the recommendation for a four-way stop sign. He asked that Chief Lawson look at this intersection to see if a four-way stop is warranted.

Committeeman Lichtenstein further commented regarding a letter received from a resident on Fifth Street, off Lakewood Avenue, who has a temporary handicap issue at this time, and is requesting a handicap parking space near his home. He asked that Chief Lawson review this request.

Committeeman Singer advised that a street light is needed at Sunset Road and James Street; it is a very dark intersection.

Committeeman Singer advised that at least three poles in the Industrial Park near the stadium that have been knocked down, have not as yet been replaced. The Township was told by John Franklin that they were waiting for the poles from the manufacturer. It has been a long time and the poles have not been replaced. He suggested that new poles be found and installed; they need to be replaced.

Mr. Burdge advised they were told by the Purchasing Agent, who handled the insurance end of this matter, that purchase orders were sent out for these poles. As he recently received an e-mail from Committeeman Coles, he went to Mr. Dineros and asked where the purchase orders were for the poles. As of yesterday, the purchase orders were not found, and Mr. Dineros will issue new ones. Mr. Burdge stated he will hand deliver the new purchase orders to the company so they can order the poles. That is where the matter stands.

Mayor Langert advised that he recently attended the League of Municipalities convention where he viewed a solar powered portable video recording machine aimed at graffiti. He brought the information back and gave it to Mr. Reinman and asked him to share that information with Chief Lawson, Mr. Muscillo, Public Works, and Mr. Dineros, to see if it would be beneficial for Lakewood to purchase this type of equipment and place it in strategic locations around town.

Mayor Langert also commented on the telephone recording at the Public Works Facility that says "Warning, your phone call is being recorded". He stated it is fantastic; that based on the complaints that have been received about customer service, if this is the only way to make sure that calls are being handled properly, he is happy that Mr. Burdge is taking pro-active measures in order to make sure that the public is being dealt with in a respective manner.

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.

Carol Suchno, 59 Foxwood Road – Thanked Chief Lawson and Sgt. Sasso for the recent police protection activity in downtown Lakewood.

Bill Hobday, 30 Schoolhouse Lane – Commented on the need for an arrow at the intersection of James Street and Route 9, and/or Pine Street and Route 9, where the traffic is constantly backed up.

Mr. Hobday further complained about traffic on New Hampshire Avenue; many sections do not have a shoulder and the jug handles are ill-conceived. He knows that it is difficult to get state arrows on Route 70, but he feels they are needed; there are no turns at that intersection. He requested turn arrows at Route 70 and New Hampshire Avenue to alleviate many of the traffic problems.

Noreen Gill, 192 Coventry Drive – Asked when the papers were signed for the cell tower; how much money is the Township collecting for the year on the contract. Also on Ridge Avenue, traveling west, there is a school. However, at the bend of the road going west, there are buses and cars parked there. There are cars parked on the shoulder of the road. If you are going east, and you have to get off that road, and there is an oncoming car, you have no where to pull over. The buses and cars are parked on the curve in that road. Also, complained about the buses parking on Kennedy Boulevard.

Usher Parnes, Presidential Estates – Advised that the residents are concerned that a large cell phone tower has been erected behind their homes. There are many children in the neighborhood; they paid a lot of money for their homes, and the cell tower brings down the value of their homes. There was no public notice, and no hearing. The residents are very upset, and want to know what they can do about it.

Joseph Brescher, 15 Tori Drive – Representing the residents of Tori Drive. Commented with regard to the issue of pot holes in the development. Advised that the Developer does not have any more land or lots on Tori Drive or Pamela Drive; he has sold all the lots. The issue is not just the pot holes. Because the top coat was not done over Tori Drive entirely, there is a lot of water that pools, and it does not drain properly.

Deputy Mayor Miller asked that all information regarding this matter be forwarded to the Township Attorney for review.

Howard Suchno, 59 Foxwood Road – Commented on the No U-Turn signs in front of the school at 1536 Massachusetts Avenue. He observed people still making illegal turns at this location.

Mr. Suchno further commented on the new pedestrian crossing laws.

Chief Lawson advised that more education is needed regarding these new laws.

Josh Weinberger, 32 Roosevelt Avenue – Thanked Deputy Mayor Miller for his service. Commented with regard to the cell tower on Block 1059, Lot 1. They did not receive any notice regarding this installation. They would like to have the opportunity to oppose it, and asked for a stop work order on the project, so they have the opportunity to fight it, and look into it and see what their options are. The antennas are not up yet, and it is aesthetically horrible. They have a beautiful tree line, and he feels that the home values will drop. They do not think it is fair.

Moshe Raitzik, 166 North Crest Place – Offered well wishes to Deputy Mayor Miller. Advised that he teaches on Oak Street. He stated that the street is very dark, and is not marked well. He feels it needs street lights. The school has been vandalized; if it was better lit that could be prevented, and overall safety could be enhanced.

Mr. Raitzik also advised that the No Parking signs were placed incorrectly in his development; he asked when that would be corrected.

Mr. Raitzik also asked about the fence that surrounds the retention basin in Westgate; the fences have not been locked, and it has become a safety issue.

Mr. Raitzik also commented on the placement of cell towers in Westgate; and asked what the plan was to help bring down property taxes in Westgate.

Mr. Raitzik also commented that near his home, between North Crest Place and Maplewood, a new recycling bin has been placed there. There used to be two bins, and it has been replaced with one bin, that is overflowing. He asked for an additional bin at that location.

Diane Iannarone, Leisure Hack and Laurel Taxi Company, 1650 Route 70 – Stated she has been in business in this town for thirty-seven years. She asked the Committee why they were lowering the medallion price to \$200 for the next six months. She feels it is a very bad choice at this time. There are many problems in the transportation department and companies around town. For the Township to do this, more problems are being added to the Township. It is not good for the community and not good for the taxi owners or the transportation owners of this community.

Evgueny Matvienko, _____Transportation – He runs a limo service in town; complained about illegal taxi services and transportation services in Lakewood.

Shlomo _____ - Owns real estate business, Century 21, corner of Route 9 and County Line Road; recently received a letter that his garbage will not be picked up. Does not understand why his small business, with only one bag of garbage per week, is

different than any other home or institution, or offices in the downtown area, who are entitled to garbage pick-up. Requested garbage pick-up.

Abraham Friedman, 30 Roosevelt Avenue, Presidential Estates – Complained about the installation of a cell tower in his neighborhood. Purchased his home two and a half years ago, in a beautiful development; and a cell tower, 175 feet tall, was constructed recently near his home. The residents are very upset about this and want to know what has to be done to have the tower taken down.

Yanky _____, 1 Schuman Avenue – Complained about the construction of a cell tower in his neighborhood. The residents are nervous about health risks for their children. Wants to know what can be done about removing it.

Solomon Schwartzberg, 2 Taft Avenue – Complained about the construction of a cell tower in his neighborhood. Voiced his concerns about potential health risks.

_____ Herth, 28 Roosevelt Avenue – Complained about the construction of a cell tower in his neighborhood. Voiced his concerns about potential health risks.

Martin Weiss, 8 Grant Avenue – Complained about the construction of a cell tower in his neighborhood. Voiced his concerns about potential health risks. Wants to know what can be done to take it down.

Gerry Ballwanz, Governors Road – Commented with regard to the bids for garbage pick-up at Lakewood Public Schools. Asked if the Township will be submitting a bid. Also commented on the Resolutions for the appointment of a Special Counsel, and the purchase of properties around the Airport.

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

Committeeman Coles advised that cell towers have been an issue before the Township Committee for some time. When he first came on the Committee there were many lawsuits because there were areas all over town where the cell towers were prohibited. Lakewood was told by the State that the town could not prohibit cell towers in town; that there had to be certain areas where they could be permitted. They tried to keep them as far away from residential development as possible; in Lakewood that it impossible. There is no way that you could put something up that would not impact a current residential development, or a development planned for the future. There is a cell tower in his neighborhood, in Raintree. A few years ago, the County put up a tower on their property a few hundred yards from him home, and he did not know it was coming either. The Township can not make the tower go away. One of the places that they decided to put a tower was on municipal property, over by the John Patrick Sports Complex, back in November 2008. It was discussed in public at a Township Committee Meeting. At that time, because it was a municipal project, it did not require a full set of plans to go before the Planning Board. They did have it go to the Planning Board last March. It is called a courtesy review. But it was in fact on a Planning Board Agenda, it

was advertised, and it was discussed in public. Those are the facts. The town is currently in a lease with the company, and he does not think there is any legal way they can get out of it at this point in time. That is the history of the project; he was Mayor in 2008, and that is his understanding as to where they came from, and why the towers were placed where they were. You can get a thousand studies that say there is absolutely no problem with the towers, and everyone will be fine, but you will always find a study that says there is something wrong with it. He can probably name half a dozen tobacco companies that would argue that smoking is detrimental to your health, even today. This is something they need to look at, and you also need to know that everyone has a cell phone, and it has become almost a necessity in life. For years there were complaints that there was no reception in town, and that was the basis for a lot of the lawsuits. There are towers all over where you travel daily that you do not even realize. From his own standpoint, the first few weeks walking out his front door, looking up and seeing the tower with the flashing red light, he thought he would go crazy. A couple of years later, he notices it, but it does not have the impact that it had when it first went up. And it has had no impact whatsoever on the property values. You are not going to have to worry from that standpoint. The property values are not going to suffer because a thousand feet away there happens to be a cell tower. He is sorry he can not say they will take it down. He does not want to give anyone false hope that there is something they can do to make it go away. It was not done in secret; it was done publicly. They followed the letter of the law, as well as the spirit of the law.

Mayor Langert responded to comments regarding quality of life sweeps, and thanked Chief Lawson.

Mayor Langert advised they have addressed the concerns regarding the traffic lights at Route 9 and New Hampshire Avenue. He will ask the Engineer to once again review Mr. Hobday's issues.

Mayor Langert addressed the concerns of the residents of Tori Drive. If there is no more land to be developed, can they find out why the streets have not been top-coated, and see if that can be done.

Mr. Day responded that if that is the case, they should be able to pull the Bond based on non-performance. He was under the impression that there were other lots; he will look into it.

Mr. Wouters advised they will look into it. If the Bond can be pulled, that is exactly what they will do.

Mayor Langert responded to comments regarding U-turns/K-turns on Massachusetts Avenue.

Mayor Langert addressed comments regarding street lights on Oak Street. He requested that a street light survey be done.

With regard to the striping at Westgate, Deputy Mayor Miller advised that he met Tony Arcchi from Public Works at Westgate, and they decided to move the striping over in order to correct the traffic flow, which will be done over the next week.

As to the fences around the basins at Westgate, he asked Mr. Burdge to look into locking the gates. Mr. Burdge will also take care of the recycling bin problem.

Mayor Langert responded to comments regarding property assessments in Westgate.

With regard to comments concerning taxi companies, Mayor Langert explained that one of the reasons that they lowered the medallion fees is because there are sixteen medallions sitting unused for a long time. They are trying to entice people who may be illegally running a business to come in and buy medallions and become legal.

Mayor Langert responded to comments about private garbage pick-up. Commercial businesses in town do not have garbage pick.

Mayor Langert responded to comments about garbage pick-up for the schools. The Board of Education presently pays the Township for garbage pick; he assumes the Board of Education is looking for proposals to see if it can be done at a lesser cost.

As to the appointment of a Special Counsel, Mayor Langert explained that the appointment of Mr. Gross is for a legal opinion regarding the Plan Endorsement, the sewer and Planning Area 1. Mr. Gross is a noted expert in this field, and he is being appointed as Special Counsel in order to get his written opinion on the issues dealing with sewer service area and Plan Endorsement.

As to the purchase of property around the Airport, Mayor Langert explained that the FAA has asked the Township to look into making improvements at the Airport including lengthening the runway. The Township is authorizing the professionals to go out and look at parcels in the area that can be identified to be acquired. There is no money right now to purchase anything; nothing has been funded. This is exploratory in nature to see what can be done in the future to comply with the FAA's request.

Committeeman Coles clarified that they are not looking to extend the runway; they are looking to get property around the existing runway so that the end of it can be used. There are no plans to make it longer to accommodate different types of aircraft.

Mayor Langert responded to comments about the cell tower, and explained that the papers signed for the cell tower rate covered that the Township gets about \$31,000 per year in rental income, a little bit more than \$2,500 per month.

As to comments regarding parking on Ridge Avenue, Mayor Langert advised that there is an Ordinance on the Agenda this evening prohibiting parking on Ridge Avenue. Regarding the buses parked on the shoulder, a few weeks ago one of the

Committeemen asked Chief Lawson to look into stricter enforcement. He asked the Chief to revisit the issue.

Chief Lawson explained that the zone unit has been assigned to keep a better watch on that issue. Summonses have been issued for those violations.

Mayor Langert further addressed the cell tower issue. He was just as surprised at the time lines for the cell towers. He went out to the sites, and he does not think anyone was looking to do anything without being up front about it. If you go out to John Patrick Park, and you take a look at where the tower is, you do not see any of the residential development...you see the trees, and you are not thinking about it. He does not believe that it entered anyone's mind about how close it actually was to the neighborhoods. He apologized, but there isn't anything that the Township can do at this time about it. The Township has a signed lease. There are approvals and the pole is up, and legally he does not think, based on the advice of the Township Attorney, there is nothing that the Township can do to break that contract.

Regarding the illegal taxi companies, the Police Department has implemented sting operations. As far as the other medallions are concerned, the Township is selling the medallions at a lower rate because they want to encourage those who are not running legal businesses to become legal. If part of the problem is that the medallion cost is \$1,000 instead of \$200, he is hoping that people will come in and step up to the plate and buy the medallions for \$200 and not be able to say they are not becoming legal because it costs \$1,000.

At this time, the professionals left the meeting.

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 Awarding a contract to and Authorizing the Appointment of Michael Gross, Esq. and Giordano, Halloran & Ciesla as Special Township Counsel for the Township of Lakewood pursuant to and in accordance with N.J.S.A. 40A:11-1 et. seq.
Resolution No. 2010-329**

- 2. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Appointing C. Anne Doyle, as Tax Collector for an unexpired term.
Resolution No. 2010-330**

- 3. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Appointing C. Anne Doyle as Tax Collector for a four year term.
Resolution No. 2010-331**
- 4. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Authorizing service charges for returned checks.
Resolution No. 2010-332**
- 5. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Canceling small tax account balances.
Resolution No. 2010-333**
- 6. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Supporting the Over the Limit under Arrest 2010 year end statewide crackdown.
Resolution No. 2010-334**
- 7. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, reducing the Performance Guarantee (First Reduction) posted by Bais Medrash Mayan Hatorah, Inc., in connection with SP# 1902, Block 104, Lots 23 & 32, 101 Milton Street, in the amount of \$41,845.00.
Resolution No. 2010-335**
- 8. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, releasing a Performance Guarantee posted by Eli Seeve, in connection with application SD# 1642, Block 774.01, Lots 12 & 1, Wynatt Street, in the amount of \$10,270.00.
Resolution No. 2010-336**
- 9. Resolution of The Township of Lakewood, County of Ocean, State of New Jersey, Releasing a Maintenance Guarantee posted by Parkway Lodging Realty, LLC (Garden State Hotels, LLC), in connection with Application SP# 1714a Block Various, Lots Various, Route 70, in the amount of \$19,000.00.
Resolution No. 2010-337**
- 10. Resolution Authorizing the Identification of certain property, and the commencement of bona fide negotiations for the acquisition, purchase or condemnation of a portion of properties located in Lots 269, 268, 251, and 224 in Block 1160. (Airport)
Resolution No. 2010-338**
- 11. Resolution for The Township of Lakewood to accept a subgrant award of the Federal Fiscal Year 2010 of Department of Homeland Security**

**Emergency Management Performance Grant Program Funding and for
The Township Chief Financial Officer to amend the budget and certify
the availability of funds. (Homeland Security)
Resolution No. 2010-339**

Motion by Committeeman Coles, second by Deputy Mayor Miller, to approve Resolution Nos. 1 through 11 on the Consent Agenda.

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

Committeeman Lichtenstein did not vote on Resolution No. 9.

Resolution Nos. 2010-329 through 2010-338 – Adopted.

ORDINANCES 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 11-21A & Schedule XI-A)

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 Deputy Mayor Miller, second by Committeeman Coles.

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

Not Voting: Committeeman Lichtenstein

Ordinance No. 2010-81 adopted on second reading.

An Ordinance amending and supplementing Chapter IX (Taxicabs) of the Revised General Ordinances of the Township of Lakewood, 1999, more specifically Section 9-5.2 (Fees). (Chapter IX, Section 9-5.2 Taxi Fees)

Read by title only for second reading.

Mayor Langert opened the meeting to the public.

Diane Iannarone, 1650 Route 70 – She understands the comments by the Mayor that he would like to bring in other companies, and that no new companies have purchased medallions in sixteen years. There is a reason for that. There are numerous illegal companies working; there were two companies that were legal last year, and they dropped off and became illegal because it is better for them not to abide by the law. She heard that the Chief of Police did some stings. That was done on certain people.

Committeeman Lichtenstein interjected and stated that was incorrect. It is not true that the sting was against certain people. He knows because he got calls, as he was Transportation Commissioner and Police Commissioner at that time. He is not challenging the speaker, but stated that she is misinformed.

Ms. Iannarone stated that she did not mention that they could be Mexican or of the Jewish faith. There are certain people running illegal companies.

Committeeman Lichtenstein clarified that it was not a certain community, it was across the board.

Ms. Iannarone stated that lowering the medallion fee makes her company half of what it is worth today when she goes for a loan. How is the community guaranteed better service from someone who comes in and will only pay \$200 when she knows what the real investment is. It is not a fire sale.

Mayor Langert stated they are lowering the fee in order to entice companies that are not legal to become legal. They are not doing it forever. This is only until next July. After next July 1st, 2011, the price for a new medallion will revert back to \$1,000.

Ms. Iannarone stated, for six months the Township has lowered the worth of her company....for six months....to entice other people after she gave thirty-seven years of her life in this community, servicing it well.

Ms. Iannarone continued that in Brick, the medallions are \$3,000. Two new companies bought in Brick. If Brick can sell them for \$3,000, why can't Lakewood sell them for \$1,000.....because there are too many problems in the Township. There has not been an increase in rates in ten years. The fares are the same. The cost of living has gone up. It is \$9,000 just to insure a cab. They have inspections; there is a Compliance Officer that has no power to help. She does everything in her power to go to every meeting, but there has not been a Transportation Meeting in six months. The last two months a meeting was scheduled, and she went there. The people do not even show up for the meeting. The ones that are on the Board are very nice, but their hands are tied. They have no power to help.

Mayor Langert responded that is correct.

Ms. Iannarone continued that she came here in 2007, 2008, 2009, and now in 2010 and not one problem that she addressed to the Committee has been resolved. The problems are growing. And now the fee is being lowered to bring in more garbage. If you pay \$1,000, you are sincere that you are going to run a good company. If you give something away, and people don't care, they say it's only \$200. She requested that the Committee look at this before voting on it.

Mayor Langert stated that back in 2009 when he was Deputy Mayor, at the Township meetings, as well as at the Transportation meetings, he asked Ms. Iannarone to come up with a new rate plan. Towards the end of the year, she had some personal issues, and asked for additional time to provide the information.

Ms. Iannarone answered that yes she did have personal issues at that time. But she was promised a committee that would come to her and tell her when they could sit down and listen to the problems and iron them out.

Mayor Langert stated that there was perhaps a miscommunication. It was his understanding at the time, through the Chairman of the Transportation Board, that she was to come to the Committee with a proposal for new taxi rates. He stated that he asked numerous times that she come to him with suggestions and recommendations to resolve the problems, and he would make sure the Committee acted on it in order to help. He stated it has been a year and she has still not reached out to him and has not given him the recommendations. Perhaps there was a miscommunication, and again extended the same offer, for Ms. Iannarone to come to him with the recommendations that are needed in order for her cab company to survive, for others to want to be legal cabs, and what she feels, as a cab operator for thirty seven years, would help her business, and other legitimate businesses in town, to operate and do a good job. He is accessible and available. He will make sure the suggestions and recommendations are acted upon.

Ms. Iannarone responded that she did give them proposals for increases. She submitted them at the meetings.

Committeeman Coles added that what the Mayor is offering right now is not the need to go to the Transportation Board, but to come directly to him. He would also be happy to work on it. If she has the proposals that were given to the Transportation Board, she can submit them tomorrow, and they can start looking at it tomorrow. He offered the commitment to work with her, and try to get these things addressed.

Ms. Iannarone answered that is very fair, but she still hopes that the Committee does not support this Ordinance. As this affects her company, she feels this should have been discussed on October 27th at a Transportation Board Meeting, when she was there. She should not have to read about it on November 4th, that the Committee is changing part of her life, part of her company. And she is tired of hearing that they have no manpower to help the community, to clean up the community, regarding transportation. It is needed, and good people should come in. If the illegals keep running the way they are, there is no way.

Mayor Langert stated he hope that she will take him up on his offer and submit the proposals. He will bring them to the Committee and they will enact them if in fact they are helpful.

Ms. Iannarone stated she wants to be assured that being in business, as Township is the law, and they will protect business people, and she expects the Township to reach out and help her in every way.

Mayor Langert answered yes.

Mr. Matvienko stated that he understands that right now \$1,000 a year is the price for a taxi medallion.

Mayor Langert answered no. It is \$200 for new medallions. The renewal price is also \$200 per year. Because the renewal price is \$200.00, that is why he suggested \$200 per year.

Mr. Matvienko stated that the Township is losing \$800 to entice new businesses to come in.

Mayor Langert answered no, he wants the Township to gain \$200. No one is buying these medallions. He wants to entice people to buy them so he is hoping that the Township will gain \$200. It is not even the \$200. He just wants people to become legal.

Mr. Matvienko stated that he does not think that the core issue is understood. He understands that the Township wants more taxi companies. He does not view Latino Taxi, or Diane's company, or Lakewood Transportation, as his competition. They are in the same business and as far as he is concerned, customers can choose between people who are qualified, licensed and insured, and comply with regulations. If you operate a business, a medallion is just one part of your expenses. It is not the major expense. And if you think that people who are illegal...the price of the medallion, an eight hundred difference, is something that is going to entice someone to go into the business, he really doubts it. There is so much more to it.

Mayor Langert stated that they are doing this with the hope that someone that may be running an illegal cab service will take advantage of the cost, and come in and buy a medallion. They are not adding medallions; they are saying there are a lot of medallions that are unused. Let them try to entice people to run their taxi cab in a legal way. And, just because they buy a medallion, does not mean they do not have to conform to all the other rule and regulations.

Mr. Matvienko stated he inquired about purchasing a medallion a few years ago. For one taxi, even though he has a spotless record, the insurance for one vehicle was \$12,000. So a \$1,000 medallion fee was not the issue. The Township wants to move the medallions, but they have to understand what is going on in the streets. He feels that you have to approach the problem from the street, not from the other side of the table, and the Committee does not have the complete picture as to what is going on. There have been people who have been ticketed, more than once. It did nothing. They are back in business.

Noreen Gill – Stated she would like to see the Committee table this Ordinance right now, and have a little bit more input. She feels it is sending the wrong message. She knows people who come into her development who are running illegal cabs. You can try to sell these medallions for \$200, but they are not going to pay the insurance. They make

more money. She feels that the Committee is encouraging people in this town to keep doing illegal transportation, and they need to work closely with the Police Department.

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 Lichtenstein.

Committeeman Singer stated that he thinks that the point is being missed. If someone buys a medallion, even though it is \$200, they still have to meet all the qualifications of the cabs being safe, having insurance, and that the driver and the facility must be both registered and licensed properly. You can't just pay the \$200 and go and operate a cab; you have to do all the other things with it. This will take a person who is illegal and make them legal; and by doing so, they also have all the requirements of having their cab inspected on a yearly basis, and having everything else required. The hope is that maybe with the incentive of lowering the price, people will come in and buy the legal medallion, and bring their cabs into proper compliance with the Ordinance. It is also an attempt to try and work on the problems. He agrees that they need to talk about what are the fines for someone who is being stopped for being illegal, is their cab being impounded, is the person being arrested, etc. There is a host of things they have to look at if they want to do enforcement. And that should be part of the discussions. There are two issues; one about cab licenses and the other about limos. But this is about cabs, and not about limos. This is the beginning, and not the end.

Committeeman Coles stated he thinks they are looking at three separate things here. One is the medallion issue, the second is the enforcement of the illegals, and the third is the rate structure. This aside, the Township has every intention of working on addressing the problems in the future.

Committeeman Lichtenstein and Deputy Mayor Miller agreed.

Mayor Langert summed up by stating they are willing to work with Ms. Iannarone, as it was offered before. From today, forward, he asked that she bring in the proposals and recommendations, and they will sit down with her and discuss the problems. Even though Mr. Matvienko feels that no one will buy a medallion, even if the town lowers the fee, it does not mean that they should not try. It is truly his hope that people will take advantage of the lowered cost of the medallion, and come in and take a chance on becoming a legal cab service in Lakewood.

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

Ordinance No. 2010-82 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 (Department of Administration) for the purpose of creating the position of Deputy Municipal Manager. (Chapter II, Section 2-11, Deputy Municipal Manager)

Read by title only for second reading.
Mayor Langert opened the meeting to the public.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked that since the Township’s Director of Economic Development filled in for the Township Manager at a Committee meeting last month, are there any other candidates who are being considered for this position, and did they have a specific salary range, or a specific salary, that the Township would be prepared to offer that person if the Township were to hire that person this evening. Asked Mayor Langert what the Township is willing to pay this person

Mayor Langert explained that the Committee is considering this Ordinance because the Manager asked them to. It is true that he did ask Mr. Reinman to sit in for him. It is true that Mr. Reinman is one of the people that Mr. Muscillo is considering. He has not asked who else is being considered. Right now there is no salary range for this position. It is an unfunded position at this time. Most likely, if it goes to someone in town hall, it will be added to the duties that they already have. It is not the Committee’s intention to go out and hire an extra person to fill this position. It is the Committee’s intention to give these additional duties to someone who is already in town hall.

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

The above Ordinance was offered by Committeeman Coles, second by Deputy Mayor Miller.

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

Not Present for the Vote: Committeeman Singer

Ordinance No. 2010-83 adopted on second reading.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the sale of Lot 19, in Block 120 in the Township of Lakewood, County of Ocean, State of New Jersey, at Open Public Sale pursuant to N.J.S.A. 40A:12-1, et. seq. (Clifton Avenue between 2nd & 3rd Streets)

Read by title only for second reading.

The above Ordinance was offered by Committeeman Coles, second by Deputy Mayor Miller.

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

Not Present for the vote: Committeeman Singer

Ordinance No. 2010-84 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. (Street Vacation – Evelyn Ave.)

Read by title only for second reading.

Mayor Langert asked for a Motion to carry this Ordinance to the meeting of December 9th.

Motion by Committeeman Singer, second by Committeeman Coles, to carry the above Ordinance to the meeting of December 9, 2010.

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

Second reading and public hearing on Ordinance No. 2010-85 carried to the meeting of December 9, 2010.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Tax Collector to remove the exemption and reinstate taxes for 2009 on Block 33, Lot 6.

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 Committeeman Singer, second by Committeeman Coles.

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

Ordinance No. 2010-86 adopted on second reading.

Mayor Langert requested that the following Ordinance be carried to the meeting of December 9th.

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)

Motion by Committeeman Coles, second by Deputy Mayor Miller, that the above Ordinance is carried to the meeting of December 9, 2010.

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

Second reading and public hearing on Ordinance No. 2010-63 carried to the meeting of December 9, 2010.

ORDINANCE FIRST READING (Second reading and Public Hearing 12/09/10)

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 first reading.

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

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

Ordinance No. 2010-87 adopted on first reading. Second reading and public hearing to be held on December 9, 2010.

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 first reading.

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

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

Ordinance No. 2010-88 adopted on first reading. Second reading and public hearing to be held on December 9, 2010.

Deputy Mayor Miller asked that the petition be put into back-up documentation on the above Ordinance, for future record.

Mayor Langert asked Mr. Muscillo to make sure that the petition that was presented to the Committee is made part of the back-up on this Ordinance.

Mr. Muscillo responded, absolutely.

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 first reading.

The above Ordinance was offered by Committeeman Lichtenstein, second by Deputy Mayor Miller.

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

Ordinance No. 2010-89 adopted on first reading. Second reading and public hearing to be held on December 9, 2010.

CORRESPONDENCE

Per list of one (1) correspondence item, attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, approving the above correspondence item.

MOTION TO APPROVE BILL LIST OF: 11/16/10

Motion by Committeeman Singer, second by Committeeman Lichtenstein.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

The Committee wished Deputy Mayor Miller well, a safe journey and safe trip home, and thanked him for volunteering to protect our country.

Committeeman Singer further commented with regard to the cell tower issue. He is very disturbed that the cell tower was placed at that location without the knowledge of the residents. It is a very confusing issue. He remembers back in 2008 that they addressed where it was to be placed; he believes that Mr. Cunliffe was handling the matter at the time. Committeeman Singer explained that the Attorney at the time advised that there was no reason to notice the people. He would presume they would not do the same thing today. It is a very upsetting thing for the residents there. The largest investment that people have is their home. Certainly transparency is the key factor for everything. He feels extremely stressed that it was done without their knowledge, whether it would have gone through or not is a mute point. The fact is that they did not have the opportunity to say why they did not want it. This is something that the Township has to correct so that it does not happen again. Whether it is required or not, he believes they have to go the extra mile in any application that the Township is involved in, that residents should understand what is happening, and should receive notice.

Mayor Langert wished everyone a happy and a safe Thanksgiving. At this time, it is good to think about someone who may be less fortunate, and he encouraged everyone to donate to any of the drop-off locations and food pantries. The next meeting will be after Hanukah, so to all who celebrate, he wished everyone a very happy and a safe Hanukah.

Mayor Langert further agreed with Committeeman Singer's comments on the cell tower issue. Even though it is not necessarily required, he believes that notice to the residents is necessary. People should be made aware if something is happening in their neighborhood. While it will not help the people in Presidential Estates who are affected by this project, it will go a long way to help people in the future.

ADJOURNMENT

Motion by Committeeman Singer, second by Deputy Mayor Miller, to adjourn the meeting. Meeting adjourned at 9:36 PM.