

The Lakewood Township Committee held a Meeting on Thursday, May 2, 2013 in the Lakewood Municipal Building, at 6:30 PM for the Workshop/Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor..... Albert D. Akerman
Deputy Mayor..... Steven Langert
Committee Members..... Raymond Coles
Meir Lichtenstein
Menashe P. Miller
Municipal Manager.....Michael Muscillo
Deputy Municipal Manager..... Steven Reinman
Municipal Attorney..... 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, 2013 and published in the Asbury Park Press on January 4, 2013.

ROLL CALL

CLOSED SESSION

Motion by Deputy Mayor Langert, second by Committeeman Coles. Resolution No. 2013-166 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 04/18/13

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

MOTION TO APPROVE CLOSED SESSION MINUTES: 04/18/13

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

PRESENTATIONS

Mayor Akerman presented a Proclamation to the new Postmaster, from the Township Committee for all the wonderful work he has done in his new position.

Committeeman Miller asked if there would be any way to alleviate the wait-time for customers at the local Post Office, so as to lessen the time they have to wait on line to see a Post Office Clerk.

Lakewood High School Piners – Shore Conference Champions

Mayor Akerman asked Superintendent Winters, Coach Holmes, assistant coaches, and Board of Ed members, and district employees, to join him at the podium. He presented the coaches and the Piners Basketball Team players with awards in recognition of their win as Shore Conference Champions.

Angel Wardell & Kristian Guffrida – SCHI

Rabbi Eisman and Rabbi Greenwald, SCHI School, and Laura Winters, Superintendent of Schools, Lakewood School District, recognized and honored Angel Wardell and Kristian Guffrida for their heroism in saving children from a burning school bus.

Arbor Day Contest Winners

Mayor Akerman and Michael Gross, Chairman of the Shade Tree Commission, presented awards to the winners of the annual Arbor Day Contest.

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 Akerman opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – Commented on this evenings presentations, and the Resolution with regard to the purchase of an Impact Recovery Pedestrian Cross Walk Sign at Kimball Medical Center.

Larry Simons, 7 Schoolhouse Court – Commented regarding the completion of Financial Disclosure Statements by Government Officials as required by the State of New Jersey, Department of Community Affairs. A review by himself of Committeeman Langert's 2012 Financial Disclosure Statement leads him to ask the following questions: (1) On the 2012 Form, he listed Unity Place Partial Care LLC as having an address of PO Box

1255, Lakewood, NJ, yet on a prior Financial Disclosure, the address was listed as 776 South Lake Drive, his home address. He asked if Mr. Langert was no longer using his home address as the legal address for this entity. The Post Office Box address is the same address as he used for Highpoint Partial Care. (2) Is he correct in assuming that the Highpoint Partial Care as identified on a prior Disclosure is the same entity as HPPC Holdings, which he listed on the 2012 Disclosure Statement, as they both have the same Post Office Box address. (3) On Mr. Langert's 2012 Disclosure Statement, he listed Lakewood Township as a source of income in excess of \$2,000.00. Yet on a prior year form, he did not list such. He asked why, as he was a committeeman then, as he is now. He asked if Mr. Langert should file an amended Disclosure form. (4) On his 2012 Disclosure Statement, Mr. Langert listed Unity DRS and EM Funding as entities that he held an interest in. However, they were not listed on a prior Disclosure Form. He asked if they are newly acquired or were they inadvertently omitted previously. (5) On the Disclosure Form, Item E requires that all real property in New Jersey in which interest was held by Mr. Langert be listed. However, on his submitted attachment, Mr. Langert did not complete the column which asked him to list the percentage ownership by both he and his spouse. He asked why not. (6) He asked if Mr. Langert was involved in any other entity, whether as a partnership, or as a single proprietorship, involving real estate in the State of New Jersey, which he has not listed on his 2012 Disclosure form.

Committeeman Langert – "I tried to take notes as you were speaking, so if I miss something you will go back to it. The first thing you mentioned was Unity Place Partial Care. Yes, so the entity is actually registered with the State of New Jersey, and my ownership to my home address. But we receive the mail, like the bills, and the mail.... we receive at the Post Office Box 1255. That is the reason why I listed it as the Post Office Box 1255, in addition to Highpoint Partial Care. I listed that at Post Office Box 1255 as well. Then you asked for HPPC Holdings. HPPC Holdings is not Highpoint Partial Care, but it is an entity that has an ownership in Highpoint Partial Care".

Mr. Simons asked if they are two separate entities.

Committeeman Langert – "Yes they are. That is why they are listed.....that's why one time I had Highpoint Partial Care, and then I had HPPC Holdings".

Mr. Simons asked if Committeeman Langert receives income from both of them.

Committeeman Langert – "No, only from HPPC. Then you asked about Lakewood Township on the Disclosure Form. Which year did I not list an income from Lakewood Township?"

Mr. Simons responded, 2010.

Committeeman Langert – "Did I list it for 2009 and 2011?"

Mr. Simons responded that he did not have that information with him.

Committeeman Langert – “Can I see that?”

Mr. Simons approached the dais with the document, and reviewed it with Committeeman Langert.

Committeeman Langert – “Thank you for bringing this to my attention”.

Mr. Simons asked if Committeeman Langert will file an amended Disclosure.

Committeeman Langert – “I will ask if I have to, and if I have to, I will. If I do have to file an amended Disclosure Form, I certainly will, and thank you for bringing that to my attention. Then you asked me about Unity....it is not Doctors, it is DAS, not DRS, and EM Fundings, and yes, they were newly formed entities that I received compensation from in those years, and that is why you saw them first listed in 2012. You did not see them listed before because I had not received any.....they were not around before 2012. Now, I always put a schedule of the property I own besides my house. My house I put on the form, and then my home address I put on the actual form, and then attached a sheet for any other property I own. Is that correct?”

Mr. Simons responded that he did not check off on the column self or spouse. (Mr. Simons approached the dais to point to the form).

Committeeman Langert – “It says ownership 100 percent”.

Mr. Simons repeated that it also has to say whether it is owned by self or spouse.

Committeeman Langert – “So the fact that it says 100 percent ownership, that does not tell you that it is me?”

Mr. Simons responded that it does not tell him whether it is his wife or him.

Committeeman Langert – “I’ll ask the Township Attorney, or I will ask the Clerk, and if they feel that I have to amend it, I will. To answer your last question, if I may Mr. Mayor, break protocol, I would like to ask why you asked me that question”.

Mr. Simons responded that he did not have to answer it, and that he is the one asking the question.

Committeeman Langert – “Right....you don’t have to answer anything. So I am going to answer you as follows. I don’t know why you are asking me that question. Although I can surmise why you asked me that question”.

Mr. Simons responded that he is sure he could.

Committeeman Langert – “So let’s set the record straight, shall we? As usual, everything that you hear from a certain person is either incorrect or a gross distortion of the facts. I never personally owned the property, and have never owned an interest in an entity that owned the property that you are thinking about”.

Mr. Simons responded that he did not know what property Committeeman Langert was talking about.

Committeeman Langert – “The property you are up here asking me if I had an involvement in. My only involvement was as a facilitator when the property was purchased in 2004 for which I was to receive compensation if and when the property ever made a profit, either by reselling the property or developing it. But let me be very clear Larry. I never owned the property, nor did I ever have an interest in an entity that owned the property. My only interest in the property was as a facilitator and if the property were to make a profit, I was to receive a share of the profits. On the radio when I was asked about the property, I used the term partner for the sake of brevity. I should have realized who I was talking to, and who was asking the question, and perhaps I should have given an in depth explanation at that time. So for the record, let me restate, the reason you don’t see it on my Financial Disclosure Forms is because again, I never was an actual owner of the property, nor did I have an ownership in an entity that owned the property. Let’s also be clear that this took place five full years before I was elected to the Township Committee. That is my answer to your question. So my answer is no. Other than what you see on that form, I do not own any other property in the State of New Jersey”.

Mr. Simons responded that he would suggest that maybe Committeeman Langert go into the Ocean County Tax Board website, and there are close to one hundred items listed under Mr. Langert’s name....deeds, mortgages, etc. He has not had the chance to go through them all.

Committeeman Langert – “I think you will see that none of them...I have owned, bought and sold since 1997 over two hundred pieces of property, through foreclosures, through distressed real estate. So you see a lot of stuff in my name, yes, but all you will see of what I own currently is on that form”.

Mr. Simons thanked Committeeman Langert.

Committeeman Langert – “You’re welcome”.

Harold Hershkowitz, 1496 Cedar Row – Commented on Committeeman Langert’s discussions on a radio show, and ownership of certain real estate.

Committeeman Langert explained the non-ownership of the property in question.

Discussion followed between Committeeman Langert and Mr. Hershkowitz.

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

CONSENT AGENDA

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- 1. Resolution Releasing the Maintenance Guarantee posted by Cedar Investments LLC, in connection with Application ZB #3725 (Fifth Street), Block 240, Lots 5, 6, and 22, in the amount of \$3,679.55. Resolution No. 2013-167**
- 2. Resolution Releasing the Performance Guarantee posted by Cottage Place LLC, in connection with Application ZB #3682 (Cottage Place), Block 247, Lots 28.01, and 28.02. Resolution No. 2013-168**
- 3. Resolution Authorizing the Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72. Resolution No. 2013-169**
- 4. Resolution Memorializing Salary Increases for Non-Union Employees for the Year 2011. Resolution No. 2013-170**
- 5. Resolution Memorializing Salary Increases for Non-Union Employees for the Year 2012. Resolution No. 2013-171**
- 6. Resolution Accepting bid from "LChayim Liquors, Inc." for Purchase of Class D Plenary Retail Distribution Liquor License. Resolution No. 2013-172**
- 7. Resolution Ratifying and Approving a Non-Fair and Open Contract for Expert Engineering Services to DW Smith Associates, LLC, 149 Yellowbrook Road, Farmingdale, New Jersey, not to exceed \$15,000.00 Resolution No. 2013-173**

- 8. Resolution Authorizing the Execution of an Agreement with the County of Ocean for Municipal Alliance Funds pursuant to and in Accordance with the Drug Enforcement Demand Reduction Act of 1987.
Resolution No. 2013-174**
- 9. Resolution Authorizing the Tax Collector to Cancel Uncollectable Taxes pursuant to N.J.S.A. 54:4-91.2
Resolution No. 2013-175**
- 10. Resolution Authorizing a State Contract Purchase for an FCC Mandatory Police Radio Upgrade from Motorola C/O Quality Communications, not to exceed \$119,997.00.
Resolution No. 2013-176**
- 11. Resolution Authorizing the Purchase and Installation of an Impact Recovery Pedestrian Cross Walk Sign at the Mid-Block Crosswalk on Prospect Street at Kimball Medical Center.
Resolution No. 2013-177**
- 12. Resolution Amending a Schedule "C" Agreement, with the County of Ocean made February 6, 2013.
Resolution No. 2013-178**
- 13. Resolution Authorizing the Award of a Professional Services Contract to Remington Vernick & Vena Engineers for Environmental Remediation Services for the "Hageman" Property Site.
Resolution No. 2013-179**
- 14. Resolution Releasing the Maintenance Guarantee posted by Gem Ambulance in connection with Application SP #1931 (Oberlin Avenue), Block 1605, Lot 1
Resolution No. 2013-180**
- 15. Resolution Authorizing Refund of Taxes on Mother Lot Due to Subdivision, in the amount of \$1,473.67.
Resolution No. 2013-181**

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

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

Resolution Nos. 2013-167 through 2013-181 – Adopted.

ORDINANCES SECOND READING

An Ordinance Amending and Supplementing Chapter IX (Taxicabs) of the Revised General Ordinances of the Township of Lakewood 1999, more Specifically, Section 9-5.5 Regulations. **(Chap. IX, Sec. 9-5.5 Regulations)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked why the Township is limiting the number of taxicab medallions.

Mayor Akerman explained they are increasing the number of medallions because the number has not changed in many years, and a couple of new people moved into the Township. Because of the increase in size, some of the existing companies requested it. And there are new companies that came in, and want to come in, and they all requested to add more medallions. So we are adding ten medallions.

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

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

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

Ordinance No. 2013-32 adopted on second reading.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of Block 805, Lot 1, 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.

Read by title only for second reading.

Mayor Akerman opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

Mr. Wouters explained that this Ordinance was originally set up for a sale with requirements on the property that are not correct. He suggested that they let this Ordinance go, and requested they not adopt it on second reading. There is a new version under first readings that has all the correct requirements and restrictions as to an educational facility that need to be in the Ordinance.

Ordinance No. 2013-33 died due to lack of Motion.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public of a Portion of Clark Avenue, in the Township of Lakewood. (St. Vacation – Clark Ave.)

Read by title only for second reading.

Mayor Akerman 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 Langert, second by Committeeman Coles.

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

Ordinance No. 2013-34 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public of Portions of Paper Streets known as First Avenue, Second Avenue, Third Avenue, Sage Street, Sycamore Street, Cedar Drive, Carnegie Boulevard, Hammond Avenue, Astor Avenue, Myrtle Avenue, and Lafayette Boulevard, in the Township of Lakewood. (St. Vacation – Various)

Read by title only for second reading.

Mayor Akerman opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

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

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

Ordinance No. 2013-35 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Execution of a Deed of Easement with respect to a Conservation Easement for Block 1230, part of Lot 1; Block 1229, part of Lot 1; Block 1228, Lots 1 & 5; Block 1228, part of Lot 3; Block 1227, part of Lot 1; Block 1226, Lot 1; Block 1224, Lot 1; Block 1225, Lot 1; Block 1218, part of Lot 3; Block 1219, part of Lot 1; Block 1220, Lot 1; Block 1222, Lot 1; Block 1223, Lot 1; Block 1160.08, part of Lot 155; Block 1198, part of Lot 1; Block 1197, Lot 1; A portion of Englewood Street, A Portion of Cannon Street, A Portion of Barnum Street, A Portion of Woodlawn Avenue, Woodside Avenue, Brown Place, A Portion of Inman Avenue, A Portion of Shorrock Street, A Portion of Reed Avenue, and Keune Place.

Read by title only for second reading.

Mayor Akerman opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

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

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

Ordinance No. 2 013-36 adopted on second reading.

ORDINANCES FIRST READING (Second reading and Public Hearing 05/23/13)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Change of a Street Name in Accordance with N.J.S.A. 40:67-1 (K).

Read by title only for first reading.

Committeeman Lichtenstein requested the record to reflect that he is not participating in the vote on this Ordinance.

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Miler, Deputy Mayor Langert and Mayor Akerman.

Not Participating in the Vote: Committeeman Lichtenstein.

Ordinance No. 2013-37 adopted on first reading. Second reading and public hearing to be held on May 23, 2013.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Granting Municipal Consent for the Operation of a Cable Television System within the Township of Lakewood, New Jersey to Cablevision of Monmouth, LLC

Read by title only for first reading.

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

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

Ordinance No. 2013-38 adopted on first reading. Second reading and public hearing to be held on May 23, 2013.

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of Block 805, Lot 1, 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.

Read by title only for first reading.

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

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

Ordinance No. 2013-39 adopted on first reading. Second reading and public hearing to be held on May 23, 2013.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII, of the Lakewood Township Unified Development Ordinance of 2005, Section 18-901 B (Map and Interpretation) (Chap. 18, Sec. 18-901 – M-1 to R-20 Zoning Change)

Read by title only for first reading.

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

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

Deputy Mayor Langert asked if they need to have a public hearing on this matter as it is a zoning change.

Mr. Wouters responded yes. It most likely will not be on May 23rd, because the Ordinance has to be referred to the Planning Board.

Committeeman Langert suggested they set it up now for second reading at the first meeting in June, rather than have to carry it.

All Committee members were in agreement.

Ordinance No. 2013-49 adopted on first reading. Second reading and public hearing to be held on June 6, 2013.

CORRESPONDENCE

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

PARKS AND EVENTS CORRESPONDENCE

Per schedule of twenty (20) parks/events requests, attached hereto and made a part hereof.

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

Committeeman Miller abstained from correspondence item No. 1.

MOTION TO APPROVE BILL LIST OF: 04/30/13

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Miller announced that the Memorial Day Parade will be held on May 27th. Anyone wishing to join in the parade as an active marching participant to please call his office.

ADJOURNMENT

Motion by Committeeman Coles, second by Deputy Mayor Langert, and carried, to adjourn the meeting. Meeting adjourned at 8:55 PM.