

The Lakewood Township Committee held a Meeting on Thursday, July 25, 2013 in the Lakewood Municipal Building, at 6:30 PM for the Executive/Workshop 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

Resolution No. 2013-274 – 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: 07/11/13

Motion by Committeeman Lichtenstein, second by Committeeman Miller, and carried, to approve the above Minutes.
Committeeman Coles did not vote.

MOTION TO APPROVE CLOSED SESSION MINUTES: 07/11/13

Motion by Committeeman Miller, second by Committeeman Lichtenstein, and carried, to approve the above Closed Session Minutes.
Committeeman Coles did not vote.

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION - None

QUALITY OF LIFE

Mayor Akerman reviewed quality of life items from the previous meeting.

With regard to the cleaning of graffiti around the lake, Mr. Arecchi responded that the work has been completed.

With regard to the request for the painting of striping at the intersection of James Street and Route 9, and Pine Street and Route 9, Mr. Staiger responded that they are coordinating that project with the neighbors and the DOT.

With regard to the light outages along the Avenue of the States, Mr. Staiger responded that the work was completed by Mr. Arecchi.

With regard to the matter of traffic backing up on New Hampshire Avenue and Pine Street, Mr. Staiger responded that he contacted the County and they advised that the light is working properly. The light is part of the corridor along New Hampshire, so changing the timing of that light would change the functioning of the corridor.

With regard to the complaint by Noreen Gill about traffic on Clifton Avenue and Fourth Street, caused by double-parking and delivery trucks, Mr. Staiger responded that the double-parking is an enforcement issue, and there is room to put a possible loading zone, but they would possibly lose two parking spaces.

Mayor Akerman asked that Mr. Staiger prepare a report with his recommendations for a loading zone for discussion by the Committee at their next Executive Session.

With regard to the complaint by Menachem Lazar requesting a street name change from Garfield to McKinley, Mr. Staiger advised that Meir Lichtenstein had recommended that those individuals obtain letters to be submitted to the Township Committee requesting same, but they have not received such letters.

Comments from Committee Members on Quality of Life Items:

Committeeman Lichtenstein advised that at the corner of Washington and Pine, the traffic backs up when people travel down Washington. He believes it can be resolved by the creation of right and left turning lanes.

Mayor Akerman asked if there was any way possible to make it a sub-standard three lanes, or is there any other way to resolve this issue.

Mr. Staiger advised there is a JCPL pole on the west side of Washington Street at the corner of Pine.

Committeeman Lichtenstein asked Pete Johner to look at this, and if it would not be too costly, could they move the pole over a couple of feet in order to create the turning lanes, heading north on Washington Street so as to execute right and left turning movements on Pine Street, at the same time. He asked that the Engineering Department contact JCPL.

Committeeman Lichtenstein asked Mr. Staiger if it would be possible to mount a left turning light on Clifton Avenue and Second Street. There is a turning lane, but a lot of people heading south on Clifton and go east on either Second or Fourth Streets, they are waiting to make left turns. If a green signal went off, it would allow people to complete a few turning movements before the traffic started flowing.

Committeeman Lichtenstein requested that Chief Lawson ask Traffic & Safety look at the intersection of Central Avenue and Regent Place. There is a wide entrance into the street, with no sidewalks. There are a lot of children that wait for buses at the mouth of that street, and cars coming off Central are traveling at a high rate of speed. He suggested they may recommend to Engineering and DPW some signage or the placement of the radar board, in order to slow down the traffic.

Committeeman Miller advised he received a request from Kosher World that at night, when people are either coming or going, the traffic light there works with the sensor. If there is a car waiting on either Clifton and County Line, or Clifton and Kennedy, then the light changes. However, there are two lights, one after the next; one at Clifton and Kennedy, and one at Clifton and County Line. If there is a car waiting at each of the lights, then they will both turn green, and both have time. If a car is only waiting at one of the lights, only that light will turn green. Then he has to go to the next light, and wait another few minutes to wait for it to turn green. He asked if there is a way to make then turn green at the same time at night.

Committeeman Miller advised that when someone calls for a repair to their garbage can, they are told to leave them out, and someone will come by and take care of the repair. In the meantime, code enforcement issues a summons for leaving the can out. He suggested some coordination between departments to avoid this type of action. Mr. Arcchi advised he will check into it tomorrow.

Deputy Mayor Langert advised that he received a call from a resident on Myrtle Place, who called in requesting that leaves be removed from the corner of Central Avenue and Myrtle Place. When the truck came out about a week later, it bypassed her home, but did pick up leaves and debris on Myrtle Place. When the resident called back, he was told that there was trash in the leaves, and that was probably the reason the leaves were not picked up. And he was also told that when they came back the next day, if

there was trash in the leaves, he would receive a summons. He does not know why the employees speak to the people who pay their salaries this way. He asked Mr. Arcchi to check into it.

Deputy Mayor Langert also asked if they only have one vac truck in town.

Mr. Arcchi confirmed that is correct.

Deputy Mayor Langert asked if that vac truck is constantly moving around town.

Mr. Arcchi advised the truck is twelve years old, and has been up and down mechanically, but it is in use every single day that it is available.

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 dangerous intersections, specifically Chestnut Street and New Hampshire Avenue. He asked that the State be requested to consider installing left turn arrows on Route 70 in order to alleviate the traffic back-up.

Mayor Akerman requested Mr. Staiger contact the State with regard to this matter.

Hershel Hershkowitz, 1496 Cedar Row – Spoke in opposition to the Ordinance approving ten digital signs throughout the town, on seven different roads.

Larry Simons, 7 Schoolhouse Court – Commented on his previous recommendations to the Township Committee.

Noreen Gill, 192 Coventry Drive – Commented on business owners moving their businesses to Howell.

David Drukaroff, 1433 Laurelwood Avenue – Commented on the proposal to construct a parking garage at the old Little League site.

Gerry Ballwanz, Governors Road – Commented on a previous Ordinance regarding the transfer of land between the school on Massachusetts Avenue and Somerset Development for land off Pine Street and Charity Tull Road. She noticed there has not been a Deed recorded for the transfer of this land.

Mayor Akerman advised that the transfer of land was subject to the owner going to the Zoning Board for certain approvals, and he has not done so. So therefore, there has been no transfer of the land.

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

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 Supporting the use of "No Passing Zone" on Route 70, as recommended by New Jersey department of Transportation. Committeeman Miller advised that the Resolution needs to be corrected to read Route 70, not Route 9. Resolution No. 2013-275**
- 2. Resolution Releasing the Maintenance Guarantee, posted by, Dubin Contracting LLC, in connection with Application SD# 1678, Sneddon Minor Subdivision (Pawnee Road), Block 2.08, Lot 4. Resolution No. 2013-276**
- 3. Resolution Authorizing the Tax Collector to Refund a Double Payment, for Block 27, Lot 22, in the amount of \$1,767.12. Resolution No. 2013-277**
- 4. Resolution Amending the 2013 Capital Budget, in the amount of \$50,000.00. Resolution No. 2013-278**
- 5. Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate, pursuant to Chapter 99 of the Public Laws of 1997. Resolution No. 2013-279**
- 6. Resolution Awarding a Contract to Sirchie Acquisition Company DBA Sirchie Fingerprint Laboratories for the purchase of a Prisoner Transport Van to and in accordance with N.J.S.A. 40A:11-1 et seq. Resolution No. 2013-280**

- 7. **Resolution Canceling Tax Lien Certificate 08-00104 held against Block 224, Lot 14.01 in the amount of \$25,107.41 and correcting Assessed Taxes on the property to \$0.00.
Resolution No. 2013-281**
- 8. **Resolution Authorizing a Refund of Taxes for 2013 pursuant to N.J.S.A. 54:4-3.30 et seq., in the amount of \$1,311.88.
Resolution No. 2013-282**

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

Deputy Mayor Langert asked for an explanation on the No Passing Zones on Route 70. Mr. Staiger explained that the State went out and looked at Route 70 and there are sections that have No Passing and sections that may have passing. Essentially, what they are doing is they are getting their paperwork to match what is out on the field. It would be much like in town if they had a Stop Sign at an intersection, but did not have an Ordinance. The town would then pass an Ordinance for a Stop Sign and go forward from there. The State is getting their paperwork to match the field No Passing Zones. Nothing is going to change on Route 70; it is all going to remain the same.

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

Resolution Nos. 2013-275 through 2013-282 – Adopted.

ORDINANCE SECOND READING

An Ordinance Authorizing the Township of Lakewood to Acquire Portions of a certain Property by Conveyance or Condemnation in Order to Access Township Property along Cedarbridge Avenue in Lakewood Township.

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 Miller.

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

Abstain: Committeeman Coles.

Recused: Committeeman Lichtenstein.

Ordinance No. 2013-47 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 a Portion of a Paper Street, known as Bushwick Avenue, in the Township of Lakewood. (St. Vacation – Bushwick Avenue)

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 Committeeman Coles.

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

Ordinance No. 2013-48 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article IX (Zoning Districts and Regulations), Section 18-903 R (Corporate Campus/Stadium Support Zone B-6), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XVIII, Sec. 18-903 R, B-6 Zone)

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Gerry Ballwanz, Governors Road – She thinks this is a very bad way to go to allow residential to go in the B-6 zone, in the area of the Blueclaws Stadium, in land that is to be basically nice ratables for the town.

Mayor Akerman advised that that residential is already allowed in the B-6 zone. This Ordinance would restrict any residential in the B-6 zone along Cedarbridge Avenue.

Mrs. Ballwanz responded that if that is the intent of this Ordinance, then she is in favor of it.

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 Committeeman Lichtenstein.

Deputy Mayor Langert advised there was a vote a few months ago to allow residential in that area, and it did pass. But this Ordinance is restricting where in that area it could be. It can not be within three hundred and fifty feet of the intersection of New Hampshire Avenue and Cedarbridge Avenue.

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

Ordinance No. 2013-49 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article X (Conditional Use Requirements), Section 18-1008 (Service Stations and Public Garages), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XVIII, Article X, Sec. 18-1008 – Service Stations and Public Garages)

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 Coles, second by Committeeman Lichtenstein.

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

Ordinance No. 2013-50 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), of the Revised General Ordinances of the Township of Lakewood, 1999, specifically Section 18-200 (Definitions), Section 18-812 (Signs), Section 18-903 (Non Residential Zones), and Article X (Conditional Uses). (Chap. XVIII, Sec. 18-200 Definitions; Sec. 18-812 Signs; Sec. 18-903 Non-Residential Zones; and Article X Conditional Uses)

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Larry Simons, 7 Schoolhouse Court – Advised that he disagrees with the statement in Section 9, part 18-1018, Digital Billboards.....“It having been determined that such a single integrated system would most cost effectively, efficiently and professionally be handled by a single for profit third party operator, and it having been determined that such a system and operator is likely to reduce the costs and expenses of the Township of Lakewood inherent and dealing with multiple operators”. In his opinion this is a “batch of bull”, and asked why does Lakewood currently go out for multiple bids on contracts. He questioned the bidding process, and further spoke in opposition to various details of this Ordinance.

Noreen Gill, 192 Coventry Drive – Spoke in opposition to this Ordinance. She asked why does the Township want digital signs. She feels it is degrading to her as a person living in this town.

Bill Hobday, 30 Schoolhouse Lane – Commented on this Ordinance and suggested that the signs not be placed behind a telephone pole.

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

Mayor Akerman advised that the Township retains ten percent of the advertising space that the Township intends to use for events and silver alerts, etc. It is not only the five hundred dollars per sign. The town is also getting ten percent of the advertising space. The Committee has the right to evaluate and sit down with whoever gets the signs and increase the fees if they see that it is working out. This is a new idea and an initial fee. Mayor Akerman further advised that it is not going to be sign after sign. There will be a maximum of ten signs, and they will be spread out on eight different roads. You will not see them all over the town.

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

Deputy Mayor Langert commented on Section 9F. He was at the Blueclaws Stadium, and he understands that their maximum height is thirty-seven feet. He understands that the height of the tri-vision is thirty-seven feet. He would like to change 65 to 40. Mr. Wouters responded that it is a minor change.

Committeeman Lichtenstein agreed to the revision, and amended his Motion to reflect the change.

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

Ordinance No. 2013-51, as amended, adopted on second reading.

Deputy Mayor Langert absented himself from the following Ordinance.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic) by Repealing a portion of Section 11-10.2 (Stopping or Standing Prohibited during Certain Hours or Certain Days on Certain Streets) and amending Section 11-26B (School Bus Loading and Unloading Zone) of the Revised General Ordinances of the Township of Lakewood, 1999. (Chap. XI, Sec. 11-10.2 and 11-26B - Sixth St.)

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – Asked why this proposed Ordinance is the way it is. He would think that a school bus on their prepared route should be able to stop and stand at any location that is a designated school bus pick-up or drop-off. He does not understand why it is restricted to several streets where they have a high volume of school bus traffic and they worked very diligently to figure where those stops should be. He asked why they are complicating it when they could just say... a school bus designated pick-up or drop-off area is allowed to stop and stand to discharge or pick-up passengers, unless this has got something else in it, and the no stopping no standing is specifically restricted here.

Mayor Akerman advised this is in front of a school.

Mr. Hobday stated they need to stop and stand in front of a school. But how about the route to pick up children. If there is a no stopping no standing zone, and there is a development where children need to get on the bus, or off the bus, it would be easier if it said the school buses have the right to stop and stand to pick up or discharge passengers, as opposed to restricting it to a school. A school bus is different than any other vehicle. It needs to stop and stand and discharge and pick-up students, anywhere.

Mayor Akerman advised this would restrict any other vehicles from parking in front of that school.

Mr. Hobday stated he understands that, but if you restrict the Ordinance to school buses to have a right to do it only, you broaden the spectrum of where that school bus can stop and stand.

Naomi Krone, 421 Sixth Street – Represents family members, and several neighbors. They submitted a letter to the Committee with signatures of all the families involved. If this Ordinance as proposed is voted upon, it will affect their quality of life to such an extent that it would be almost impossible for them to continue. They are dealing with a parking situation that is choking them. They only have parking officially on one side of the street, from the hours of 8:30 AM to 4:30 PM. They have restricted parking on two-thirds of the block. Their neighborhood and family needs have grown. She has two cars, and a special needs child, and she always has to have a vehicle available. She has no place to put her second car because she only has one parking space in the back of her driveway in front of her garage, because she has a shared driveway with an easement on it. The only other place would be across the street from her house. With this proposed Ordinance, she would be losing that spot also. Even if she was offered a handicapped parking spot, it would not satisfy her, because she is not the only person, and she does live for herself. She thinks about other people too. And that would restrict one more spot on the block from everybody else, and it would not make her feel good about it at all, to the point that she is here to fight for everyone's rights as well as her own. She also has an upstairs neighbor who has no designated parking spot. There is only one for her house. She has three children under the age of fourteen months. She has no place to put a car. There are other people on the block who also have no parking and are always looking from one place to another. They feel there should be no bus parking on the block at all. It should be diverted back to Fifth Street, the way it was for many years. There is enough room there, and no one would be inconvenienced. The loading and unloading could be done off the street or in the parking lot. It does not make a difference. They are not getting involved with anyone's logistics and technical problems. They are just here to ask that the Township consider the needs of the families who live on the block for many years, and they are being very inconvenienced,

and they are suffering a lot. They hope the Committee will reconsider and not vote for this Ordinance.

_____ Rosenbaum, 427 Sixth Street – Spoke in opposition to this Ordinance for proposed No Parking between the two driveways. She is representing Mrs. Abosh, who is close to ninety years old, and lives in the house right next to the school. Her driveway is an active driveway. There are a lot of issues of safety that the neighbors are concerned about besides the other issues raised regarding losing a lot of parking spaces which are necessary due to the fact that there are large families with many drivers, and there are not enough parking spaces. The safety issues are as follows. With the four school buses parked on the street, children will be darting in and out between the buses. Additionally, the driveway will have one bus on either side of it, and it will be impossible to pull out of the driveway any time the buses are there. If children are going to be discharged on the other side of the driveway, it also creates an unsafe situation because they will be running across the driveway, and there are cars coming in and out of the driveway. Her neighbor spoke about the inconvenience and the hardship that is being created by the fact that they are losing so many parking spaces, and therefore they request that the Committee not vote on this Ordinance.

Mayor Akerman advised that until very recently, they were told that the neighbor wanted No Parking, and they just found out today that the neighbor does not want No Parking. The Committee did put a lot of time and effort into this Ordinance to see if they can make it work for everyone. He wanted to say that before they make any decisions.

Mr. Wouters advised that he just became aware this afternoon of the letters from the property owners and particularly the letter from Mrs. Abosh, which has raised a very serious concern. When the parties met, and this Ordinance was originally crafted, it was based in great part on the belief and the representations that the neighbors, and in particular Mrs. Abosh, were in favor of this loading and unloading zone. That appears not to be the case. And so at this point in time, he would recommend that the Committee not take any action on this Ordinance. He should be given time to look further into talking to the neighbors, and re-evaluating with the Traffic & Safety Officer exactly the details of the loading and unloading zone. He is not wishing to cut off public comments, but he thinks this matter should be carried.

Ron Gasirowski, Esq., spoke, representing the school, and advised he was present at the various meeting that took place between Rabbi Tendler, of Congregation _____, his client, to discuss this issue which has to do with a dispute that arose between the synagogue and the school as to parking. They did meet on two occasions at which Committeeman Coles, his client, Rabbi Tendler, were present. Mr. Wouters is correct as to the representation made by Rabbi Tendler that he believed that Mrs. Abosh had consented to the extension of the bus parking zone to that portion of the property in front of her property. He would like to clarify that he does not believe

that any portion of public parking is really being diminished as a result of this Ordinance for this reason. The existing Ordinance extends in front of the Congregation Sons of Israel as well as in front of his clients property. What is really happening is that portion of Sixth Street, located to the east of his clients' property, which presently is burdened with this No Parking zone, is being vacated, and that portion is basically being taken and placed to the west of his clients' property. So, he does not think that the amount of permitted public parking on Fifth Street would be diminished. He also understands Mr. Wouters' comment saying these negotiations were predicated upon a representation that Mrs. Abosh had consented to this. And he understands that it puts the Committee in a dilemma because they were all relying upon an understanding which may not in fact be so. However, if in fact this Ordinance is not passed, then the existing Ordinance covers a portion of the property located to the east of his clients' property and the only remaining issue then would be the hours that it is in effect. They are kind of trading oranges for oranges; they are not diminishing parking, they are just relocating a portion of it. The Committee must also be made aware that, previously with regard to the synagogue, they were parking on site at the school area which was offsite and on the property that has now been restricted by Court Order so they are really going to be having parking on that street by the synagogue somewhere along the line. They want to park in front of the synagogue rather than have to walk further down the street.

Naomi Krone spoke again, stating that she is representing everyone else on her block that feels the same way she does. She stated that public parking has been diminished, and is being further diminished. If four parking spots are opened at the corner of Madison to the parking lot of Congregation Sons of Israel, to the driveway, it does not help her in any way. She can not walk to the corner of Sixth and Madison with her autistic son who does not know anything about safety, does not understand what a street means, what cars mean....for her to get him just from across the street into her gate is miraculous. To get him off the bus when he comes home from school is miraculous. Also, there is never anything available there, because there are families living on that side of her block, and they need those spots. So parking is being diminished. That is why they are asking that the _____Torah's parking, loading and unloading should be shifted to Fifth Street because for all practical purposes there is practically no public parking on the street. And it is an intolerable situation.

Larry Simons – Advised he has attended many meetings, and there are certain sets of rules. He asked the Mayor why he violates the rules for certain people and not for others. Over the years, people have not been permitted to represent someone else unless they are legal.

Mayor Akerman responded that he thought of that. At the Planning Board level, they always say that if they are not an attorney, they can not represent anyone. They all know she was not claiming to be an attorney, and she was given the courtesy to speak.

Mr. Simons also stated that next time when he wants to get up and speak twice, he should be permitted.

Mayor Akerman responded that was a mistake on his part.

Shlomo Meyer, 423 Sixth Street – Commented on the present parking situation on Fifth and Sixth Streets. Further stated that no professional in this state, whether an Engineer, Traffic Engineer, will allow a school bus to be parked where children going to and from a school have to cross a driveway. Right now, the bus loading area has a driveway in front of it, and in back of it, the Abosh driveway and a three car driveway. If you are going to let a bus go west of Mrs. Abosh's driveway, you are creating a very serious safety situation. The Planning Board and Zoning Board have turned down applications anytime a school proposed where children will be getting on and off a bus, and have to dart their way to and from school...

Mayor Akerman advised he spoke with Committeeman Coles about it, and he said that it was his understanding they are not going to unload back there. The bus will wait for the next one. He is not sure if that is accurate or not, but that is his understanding.

Yaakov Wenger, 224 Lincoln Street – Advised that the current situation where the bus loading and unloading zone is from the corner to the 220' does have a driveway in between, and basically just moving the whole situation over a certain amount of feet was to accommodate the shul at the corner. He agrees that there is a safety concern with the driveway. He also does not trust the fact that a letter came from Mrs. Abosh that she is against this change. He further stated that Fifth Street is definitely not a safe condition. So, all they are asking is to extend hours because they need a little more time.

Naomi Jacobs, 427 Sixth Street – Advised she is very concerned about the safety issues that this will cause and the fact that her children that come with their children to visit her will have to park elsewhere. She further advised that Mrs. Abosh was approached, but when she was approached a second time, she said she had no idea what they were talking about the first time, she was definitely up in arms about it, and the co-owner of the house seems to have sent an e-mail to the Township stating that she is very against it.

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

Mayor Akerman asked for a Motion.

Committeeman Lichtenstein asked what type of a Motion was the Mayor asking for; to vote on the Ordinance or to carry it, like the attorney recommended. He wanted to understand what the Mayor is asking for.

Mayor Akerman responded that he has to think about it, and left the podium.

Committeeman Miller explained that this issue is not just a simple issue. There is a feud on the block, and the Committee is trying to do the right thing. Until now, it was represented to the Committee that the homeowner allowed for the school to access parking restrictions in front of their house. If the homeowner agrees to that, the Committee is in favor of that, as they are here to help out, and if that is what the people want. If they want no parking in front of their house, the Committee will make that happen. So they are in a dilemma. As before the meeting, it was represented to them that the owner of the house did not mind if the school bus parked in front of house, they were in agreement with that and voted unanimously at the last meeting. But right before this meeting they received a letter basically stating that was not true. People are saying that the letter was fabricated.....not fabricated..... and this is where they are right now.

Committeeman Lichtenstein advised that he is not sure what the Mayor is going to ask for. He intends to support whatever the Mayor asks them to do. He has said that privately, and he says it now publicly. This issue is much greater than the Township Committee. He is addressing his comments to the attorney representing the school, and he is hoping he will carry it back to his counterpart who is addressing the school. They are not a Court of Law, or a _____, depending where the parties intend to go. This issue....what he would like to say is, knock it off....just knock it off. The infrastructure could support the buses, the parking, the neighbors....it could support everybody. He is not only addressing one side. He hopes that the attorney carries the message back. Just work it out, and resolve it.

Mayor Akerman returned to the podium.

Committeeman Miller stated this issue is larger than them. This is not their fight; they are messengers of the community, and they try to govern and do the right thing. Apparently this is a local feud. And they were trying to do the right thing, and voted unanimously at the last meeting based upon an assumption, and they were going to go ahead with it. And apparently that assumption.....with the whole neighborhood coming out, there might be an issue with that assumption. They are not taking any sides here. They do not know what to do.

Mayor Akerman again asked for a Motion.

Ordinance No. 2013-52 died due to lack of Motion.

Deputy Mayor Langert returned to the dais.

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 a Paper Street known as Endor Lane, in the Township of Lakewood. (St. Vacation – Endor Lane)

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Ron Gasiorowski, Esq. - Represents an adjoining property owner who was the entity who received this original minor subdivision, which provided for the construction of a cul-de-sac. That is how the subdivision was approved. His understanding now is that the purchaser of that property has come before this Board and is seeking to have the cul-de-sac vacated and would seek to have the two lots that were created to be consolidated into one lot. His client has no objection to that. There was a written understanding between the parties with regard to the establishment of an easement and he understands that it is a civil matter as compared to what they are doing here. He appeared before the Committee at a workshop session. At that time, his understanding was that the person seeking the vacation of this cul-de-sac, the vacation of a public right-of-way, which he thinks is serious business, because right now, if he complies with the subdivision approval, he must install the cul-de-sac. They have no objection if that is not done. They have that additional property. But if they are going to have an easement, this Ordinance does not provide for a description of the easement as to where it is going to be located on the property. When he was present at that meeting, and what he believes was agreed to was a paved area of that easement. He believes he had agreed to pave three feet, and they wanted four feet paved. There is nothing in there saying that. And lastly, this would just simply be an easement burdening the property for the benefit of the public. The property will still be owned by the property owner, but it will be subject to this easement. He asked if that was correct.

Mr. Wouters confirmed that was correct.

Mr. Gasiorowski stated that his only request is that if you in fact give up this right which you have to have a paved cul-de-sac there which his clients would be able to walk across, that what the owner of the property should agree to is to have a metes and bounds description showing the exact location of the easement, and agree to, in addition to creating the easement, pave a four foot portion of that easement so that the public can travel across it. In requesting that, that will be far less a cost to him than the cost of paving the cul-de-sac and it will certainly increase the value of his property because it will have all of that additional property which is not burdened by the cul-de-sac. That is his understanding of what was agreed to.

Mayor Akerman asked if he realizes that the cul-de-sac was created for a specific subdivision, otherwise, the cul-de-sac was not needed.

Mr. Gasiorowski responded that when he looked at that subdivision, there are not two lots fronting on that subdivision, there was really only one. And if you vacate this cul-de-sac you don't have sufficient frontage on the street. If in fact you vacate this cul-de-sac, you will then be creating a dead end street. So the frontage of this proposed new lot will be the frontage of the street and he thinks that will create an undersized lot.

Mayor Akerman responded he knows where it is going to go. It is going to be a three foot paved path, and a five foot wide easement.

Mr. Gasiorowski stated he has not seen that map.

Mayor Akerman asked Mr. Wouters if it is in the Ordinance.

Mr. Wouters responded that he wanted to clarify that the understanding was if you vacate the cul-de-sac, that property then becomes what is now currently the right-of-way...the cul-de-sac becomes part of the property of the current property owner that is requesting the street vacation. When that person acquired the property, there was an understanding that across the property, there is a current pathway, not paved, not specifically located, not defined, not described, but a pathway that the public uses to get from one point across the property to that portion of Endor Lane that is improved. What the Township has said consistently throughout this process is that their concern is that the public that uses that walkway will have the continued right to use that walkway once the street is vacated. So, they said to the property owner, show where you would locate the right-of-way, which he did on a map, along the property line, and initially they proposed three feet. The Township came back and said five feet. And what the Township is requiring is that the property owner create, in perpetuity, which means forever, by way of a Deed, on his property, a right-of-way for the public to forever cross that five foot area from his property line, five foot in, from the back property line across his property to Endor Lane where it is improved. And the Township will not record the vacation Ordinance until that is done. Mr. Gasiorowski's client's disagreement with the current property owner as to paved or unpaved is his clients' disagreement. The Township is not part of that. So, the Township is not going to condition the Ordinance on it being paved. The Ordinance is going to be conditioned, as it is, on the creation of a five foot right-of-way, or walkway, created for the benefit of the public, forever, across that property, along the property line, five foot in.

Mr. Gasiorowski asked how you would know whether or not that five foot right-of-way is even traversable; what if it is covered with trees.

Mr. Wouters stated it will have to be traversable. That will be in the document.

Mr. Gasiorowski responded that he has not seen that.

Mr. Wouters responded that he did not need to. This is something between Mr. Markowitz, the property owner, and the Township. If Mr. Gasiorowski's client has a disagreement with the property owner, then they should take it up with the property owner. He does not know how else to say that. This is a simple process that has been complicated beyond all belief.

Mr. Gasiorowski stated it is very simple. All the town has to do is...the town is giving up a very valuable property right, by giving up, and vacating this cul-de-sac. And they are absolving the owner of a substantial cost in creating that. All they are asking for that in return for that, agree as a condition of that vacation, to create the easement, do it in the form of a metes and bounds description, that it be traversable, and that there be a paved area where people can walk.

Mr. Wouters responded that he will get three out of four. The Township is not going to require that it be paved, but it will be traversable. It will be by Deed, and by metes and bounds description, it will be five foot wide, and the property owner will be burdened forever to maintain it and make sure it is traversable at all times.

Mr. Gasiorowski responded that if that is the Township's position, then they will have to deal with that property owner. And that may in fact be questioning the validity of this Ordinance.

Mayor Akerman asked Mr. Wouters why can't they put it in the Ordinance that three feet has to be paved. The property owner agreed to pave it.

Mr. Wouters confirmed that the property owner agreed to pave it.

Mayor Akerman answered yes. He called the property owner during the last Executive Session.

Committeeman Lichtenstein asked he if wants them to change the Motion to include that it has to be paved.

Mayor Akerman responded that he is asking Mr. Wouters why it wasn't in the Ordinance.

Mr. Wouters responded that it was never his understanding that paving was a requirement of the property owner. If they wish to amend the Ordinance to require that, they can do that.

Mr. Gasiorowski advised he was present when Mayor Akerman made that phone call.

Deputy Mayor Langert added that he does not remember anyone saying paving.

Mayor Akerman repeated that he spoke to the property owner about paving three feet.

Deputy Mayor Langert suggested that they carry the second reading of the Ordinance, and if he agrees to pave it, they can add it in for the next meeting, and it will be paved. And if he doesn't agree to pave it, they will pass the Ordinance without paving, and let Mr. Herzog and Mr. Markowitz fight it out on their own terms.

Committeeman Coles offered a Motion to carry the Ordinance to the meeting of August 8th. A second to the Motion was offered Committeeman Lichtenstein.

David Herzog – Advised they measured and it is four feet one inch. Three feet is very narrow. People don't accept three feet walkways. He is only asking for four feet, and that it should be put in the Ordinance.

Mr. Wouters added that the property owner agreed to a five foot easement.

Mr. Herzog stated that a five foot easement is hard because if it is muddy, people don't have anywhere to walk. But if it is paved, and they put four feet in.....

Mayor Akerman interjected that it looks like the Ordinance is going to be carried.

Mr. Herzog asked why don't they make the decision now to make it three feet.

Deputy Mayor Langert responded that if Mr. Herzog wants a decision right now, and won't allow the Committee the courtesy to carry it, then he would like the maker of the Motion to amend their Motion that no paving be necessary.

Mr. Herzog asked why should there be no paving necessary. The Township could do whatever they want. If they have a walkway, if they have sidewalks, it doesn't make sense.

Deputy Mayor Langert stated he offered a Motion to carry the Ordinance, and if Mr. Herzog does not want the Committee to carry it, then they should just go forward the way it is now.

Mayor Akerman explained that what Deputy Mayor Langert is saying is that if Mr. Herzog wants the Committee to give him the courtesy of hearing his opinion, and saying that the property owner has to pave four feet, he would want the property owner to have

the same courtesy of the Township having discussion with him. The property owner does not want the Committee to have the conversation with Mr. Herzog.

Deputy Mayor Langert withdrew his Motion to carry the Ordinance.

Mayor Akerman closed the meeting to the public, and asked for a Motion.

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

Deputy Mayor Langert explained that the Motion is to pass the Ordinance as written.

Deputy Mayor Langert further commented, and advised Mr. Wouters that it was his understanding that part of this Ordinance will also condense two lots into one; was that correct, because he longer has that access from Endor Lane to the back lot.

Mr. Wouters responded there is nothing about combining lots. It is solely a street vacation Ordinance, and that is all it does.

Mr. Gasiorowski advised it was his understanding that it will no longer be two lots; it will only be one lot.

Mr. Wouters responded....not by operation of this Ordinance.

Mr. Gasiorowski stated that the problem is that if you vacate this cul-de-sac, and the two lots remain as they are, then basically the lot to the rear will be accessed through a long driveway. And you are really creating, by vacating this cul-de-sac, a non-conforming lot because you do not have sufficient frontage. This whole thing is so simple. All it requires is, for someone who is getting a great benefit, to put in a sidewalk for one hundred feet.

Mayor Akerman added that it is a great benefit to the town too. You have heard members of the public say that there is too much building going in town, and this takes away one building unit.

Deputy Mayor Langert stated that it was his understanding, and if not, he would like it to be addressed as to how there will be access to the rear of the property.....he was told by the Mayor that they have already consolidated those two lots.

Mayor Akerman responded that he thought they have done that.

Mr. Wouters responded that it is a technicality. This Ordinance, while it references the consolidation of the two lots, and makes that a condition of the completion of this Ordinance, this Ordinance by itself does not consolidate anything. But it does contemplate the consolidation of those lots.

Deputy Mayor Langert asked that in order for this Ordinance to take affect, that consolidation of the two lots has to occur.

Mr. Wouters answered that is correct. The Ordinance will not be recorded, and that is how you affect the street vacation, until two things happen: the lots are consolidated, and the Deed of right-of-way is given to the Township and approved in form. But this Ordinance, by itself, does not consolidate anything. It is a condition.

Deputy Mayor Langert stated that his Motion stands.

Mr. Herzog asked if they are carrying it.

Mayor Akerman advised that it is a Motion to approve.

Deputy Mayor Langert stated that he made a Motion to approve it because Mr. Herzog would not give them the courtesy of carrying it, and he insisted that the Committee make the property owner pave it.

Mr. Herzog responded that it was discussed last time.
Mayor Akerman stopped the conversation because the hearing on the Ordinance was closed to the public.

Mr. Herzog requested that it be carried.

Mayor Akerman responded that the Motion was to pass the Ordinance.

Mayor Akerman asked for a Roll Call.

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

Mayor Akerman stated that the property owner will pave a three foot path.

Deputy Mayor Langert stated it is five foot easement.

Ordinance 2013-53 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 8/08/13)

Bond Ordinance Amending in part Bond Ordinance No. 2012-60 adopted October 25, 2012, providing for Various Capital Improvements and other Related Expenses, and Appropriating \$3,168,000.00 therefor and Authorizing the issuance of \$3,017,135.00 Bonds and Notes to Finance a Portion of the Costs thereof, in order to expand the purpose to include the Reconstruction and Repaving of the Municipal Building Parking Lot, Authorized in and by the Township of Lakewood, in the County of Ocean, New Jersey.

Read by title only for first reading.

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

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

Ordinance No.2 013-54 adopted on first reading. Second reading and public hearing to be held on August 8, 2013.

Deputy Mayor Langert absented himself from the above Ordinance.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic) by Repealing a Portion of Section 11-10.2 (Stopping or Standing Prohibited during Certain Hours or Certain Days on Certain Streets) of the Revised Ordinances of the Township of Lakewood, 1999. (Chap. XI, Sec. 11-10.2 – Sixth St.)

Read by title only for first reading.

A Motion was offered by Committeeman Coles. There was no second to the Motion.

Ordinance died due to lack of Motion.

Deputy Mayor Langert returned to the dais.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic), Section 11-10.1 (Stopping or Standing Prohibited) of the Revised General Ordinances of the Township of Lakewood 1999. (Chap. XI, Sec. 11-10.1 – Pine St./Albert Ave.)

Read by title only for first reading.

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

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

Ordinance No. 2013-55 adopted on first reading. Second reading and public hearing to be held on August 8, 2013.

CORRESPONDENCE

Per list of two (2) correspondence items, attached hereto and made a part hereof.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of twelve (12) parks/events requests, attached hereto and made a part hereof.

Motion by Committeeman Lichtenstein, second by Committeeman Miller (abstained on Correspondence Item No. 2), and carried, to approve the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 07/23/13

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

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

ADJOURNMENT

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 9:42 PM.