

The Lakewood Township Committee held a Meeting on Thursday, November 20, 2012 in the Lakewood Municipal Building, at 6:30 PM for the Workshop/Executive Session, and 7:30 PM for the Regular Meeting, with the following present:

Mayor..... Menashe P. Miller
Deputy Mayor..... Albert D. Akerman
Committee Members..... Raymond Coles
Meir Lichtenstein
Steven Langert
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 3, 2012 and published in the Asbury Park Press on January 13, 2012.

ROLL CALL

CLOSED SESSION

Resolution No. 2012-399 – Adopted.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

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

MOTION TO APPROVE MINUTES OF: 10/25/12 & 11/01/12

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

Committeeman Coles did not vote.

MOTION TO APPROVE CLOSED SESSION MINUTES OF: 10/25/12 & 11/01/12

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

Committeeman Coles did not vote.

PRESENTATIONS

Nelson Ayala - Employee of the Month

Nelson Ayala was presented with the Employee of the Month Award for December, 2012.

Brian Lonergan – Ace Outdoor Power Equipment

The Township Committee accepted the donation by the Ace Outdoor Power Equipment Company of a chainsaw for the Department of Public Works, in recognition of their hard work during the recent storm. Mayor Miller presented a Proclamation to Ace Outdoor Power Equipment thanking them for this donation.

ORDINANCES FOR DISCUSSION - None

QUALITY OF LIFE

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

With regard to the request for white boxes to be painted on Kennedy Boulevard and Route 9 in the area of the two banks, Mr. Staiger advised that he did not recommend boxing out the driveways, as he feels it will prevent six to nine vehicles from stacking to go through that intersection as it would interrupt that. He would recommend for the Chase Bank on the northeast corner to have cross access across the shopping center lot (Block 104, Lot 38), so that vehicles that want to make a left turn out of the Chase Bank could go that way to the traffic light at Clifton Avenue and Kennedy Boulevard and prevent left turns coming out of the Chase Bank going onto Kennedy Boulevard eastbound. With regard to the TD Bank, there are two driveways going out to Kennedy Boulevard. The westerly driveway should be marked "No Left Turn" onto Kennedy Boulevard, and the traffic easterly driveway should be permitted to make a left turn.

Committeeman Lichtenstein advised that a fence was erected between the Chase Bank and the shopping center to prevent the cross easement. He asked if this was a request they could make to the property owner as it could not be enforced by the Township.

Mr. Staiger responded that the Township could not enforce that the property owners of Block 104, Lot 38 would have to grant the access from traffic coming from the Chase Bank and Shell Station.

Mayor Miller advised that people who make a left turn off Route 9 are cutting through the Shell Station and the bank and shopping center to avoid the traffic light at Route 9 and Kennedy Boulevard. That is why they put up the fence.

Committeeman Lichtenstein requested that Mr. Staiger reach out to the property owners to see if something can be worked out.

Mayor Miller agreed.

As to the request of traffic stacking on Central Avenue towards Route 9, Mr. Staiger advised that he did reach out to the County and they have advised that they do not believe that extending the turning lanes will improve the intersection. Until something gets done with the intersection of Route 9 they have no intentions of changing the striping.

Chief Lawson added that he also spoke with Sgt. Work on this issue and he did not feel it would be safe because of people walking in the roadway and potentially getting hit. He said it would be the County's decision, but he did not think it would be a good idea.

As to the issue of a one-way designation for Caranetta Drive, Mr. Staiger responded he did not do anything with that, but he can certainly work with Chief Lawson on another survey.

Chief Lawson responded that they have done two surveys there, and there has never been a consensus with the residents, and that is why it has not been done.

As to the issue of traffic on Ridge Avenue, Chief Lawson advised that they placed the radar board out there, and Traffic & Safety has not yet submitted a recommendation for a four-way stop sign, but it is on their list of things to do.

As to the issue of the traffic light at Cross Street and New Egypt Road, Mr. Staiger advised he did reach out to the County and they said they are just about done with repairs from "Sandy", and now they are going out to all the traffic lights to make sure that the timing directives are working appropriately and are synchronized.

With regard to Route 9 and Prospect Street, Mr. Staiger advised he did reach out to the State and requested they check to see if the timing directive is working.

As to the issue of traffic problems at Squankum Road and Kennedy Boulevard East, Mr. Staiger advised he did go out there to observe the traffic patterns, and it does appear that some vehicles heading south on Squankum Road, and vehicles turning right off Kennedy Boulevard, do occasionally block portions of that intersection. He believes that those same vehicles will block the intersections whether you have signs up saying "Do Not Block the Intersection" or striping. What he thinks would benefit that intersection would be to synchronize the light at Squankum Road and Kennedy Boulevard with the light at County Line and Squankum, because he observed that sometimes the light at Squankum and Kennedy was green and the light at County Line and Squankum was red,

so vehicles were not going anywhere, and the different timing was not working out. He did write a letter to the County and they are going to go through all their different traffic lights to make sure everything is working and synchronized.

As to the issue of the yellow painted area at the synagogue at Rodden and Hillside, Committeeman Lichtenstein advised he spoke with Mr. Burdge, and requested that the yellow painted area be removed from the corner because it is valuable parking for the synagogue. As to the signs, Mr. Burdge advised that two signs were placed on Monmouth Avenue, and within two weeks they were demolished.

Committeeman Lichtenstein suggested that the sign shop prepare and put signs up at the intersection saying "Wait for Pedestrians in Crosswalk". Mr. Burdge responded they will work something out.

With regard to the brush growing into the Township right-of-way at North Apple and County Line Road, Mr. Saccamanno advised that the area has been cleaned up.

Committeeman Lichtenstein stated that the brush has been cut back, but he asked if there is physically room for someone to walk through, because he received another call about it.

Mr. Saccamanno advised there is really no room there to walk.

Committeeman Lichtenstein asked if the trees are in the Township right-of-way.

Mr. Saccamanno responded there is a mound of dirt and then four-by-fours to hold it back, but there is not enough room to walk by. He does not know if you can make the people move their landscaping back more.

Committeeman Lichtenstein asked that the Engineering Department take a look at it and give the Committee a recommendation as to what it would take to fix it. He does not want to cause an unnecessary expense to a homeowner, but on the other hand, the public can not walk down that road other than in the road.

Mr. Saccamanno advised that the hill would have to be cut back and a retaining wall installed.

Comments from Committee Members on Quality of Life Matters:

Committeeman Lichtenstein asked if there was a problem with the timing at the traffic light at Route 88 and South Clifton after the electrical outage.

Chief Lawson advised that DOT was very busy and would not come down to disconnect it.

Committeeman Lichtenstein asked if only DOT could disconnect it.

Mayor Miller responded it has now been disconnected.

For Public Works, Chief Lawson, and Inspections, Committeeman Lichtenstein advised that Mayor Miller has designated Mr. Reinman to help gather all the FEMA information. There is some good FEMA money out there that the Township can collect. Public Works and the Police Department maybe can put in a lot of the hours that were worked. There are a lot of hours that they have put in, and perhaps under some of the OEM umbrellas, and some of the other organizations that have been involved can reach out to Mr. Reinman and maybe they will be able to apply for some of the FEMA funding.

Chief Lawson advised he is collecting the information.

Mr. Burdge advised that Mr. Arcchi is keeping track of all the hours worked.

Mr. Burdge also advised that the Department of Public Works is working on the brush and weeds, working on a section of town at a time. They have four units out every day, plus the two chippers.

Committeeman Langert advised that anyone who gets garbage pick-up on Thursdays, will be picked on Wednesday instead, due to the Thanksgiving holiday.

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 Miller opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – Congratulated Mayor Miller and Committeeman Lichtenstein on their re-elections. Also commented on the damages from the storm, and the performance of JCP&L.

Harold Hershkowitz, 1496 Cedar Row – Commented on his requests to improve the downtown area.

Kathy and Michael Stillwell, 950 Brook Road – Wished everyone a Happy Thanksgiving. Commented regarding a landfill issue on Ridge Avenue, and an underground structure that has been built. They are concerned that this may be directly connected to the illegal dumping of religious articles. They are trying to get information and asked if it has been approved by the Township or a board of the Township, what is the purpose, and who is monitoring what is being put in this area.

Mr. Saccamanno advised he has some information and has some contacts for DEP. He will be happy to sit down with them and give them all the information he has. To his knowledge, there has been a Zoning Board approval for a religious burial dumpsite.

Mrs. Stillwell stated her questions to the Committee are: What is being dumped there, and who is monitoring what is being dumped there.

Committeeman Coles responded that he does not have complete information but when this first became apparent to him as to what is going on over there, he spoke with Mr. Saccamanno and told him that this would be a very sensitive issue and he wanted to make sure it was being handled in a proper way. He understands that the DEP is supposed to be supervising, and the bags are supposed to be emptied, not thrown into the landfill, and someone from DEP is supposed to be there to monitor this process.

Mr. Saccamanno agreed that is what was discussed.

Mrs. Stillwell asked if anyone has the name of the DEP official, and are there logs of when the dumping is taking place.

Mr. Saccamanno advised he has the name of the DEP official; as to the logs, he advised that DEP has jurisdiction over this project and therefore they gather that information.

Mrs. Stillwell advised she is very concerned about this project. It is not to be a landfill, and it appears to be turning into a landfill. If it is a religious burial ground, the religious items should be just that in nature, religious, and they should be buried. If they are thrown there in bags, they are not buried, they are garbage able to be blown around or moved. She would also like to know who is the owner of that landfill.

Committeeman Coles responded he believes that was private property. The Township did not sell them the property.

Committeeman Coles requested Mr. Saccamanno to contact the DEP tomorrow morning, and see how soon they can come down to meet with him and Mr. & Mrs. Stillwell at the site, and he will also attend. He would like see what is going on there, and if something went into the ground that was not supposed to be buried, let's remove it, and get an answer from DEP; get a schedule from the DEP about what is supposed to be done, and when it is supposed to be done, who is supervising, and who is authorized to allow them to put things in the ground and cover it up, so they do not have the guessing and the misinformation, or people doing the wrong thing out there.

Mr. Saccamanno stated that in the Resolution, it says "religious burial site".

Mr. Wouters advised it is a cemetery that received approval from the Zoning Board of Adjustment in July 2011 for religious burials, including the burial of religious text.

From the audience....."are there going to be any people buried there?"

Mr. Wouters responded you would have to ask the people who are operating it. But they did get consent of the Board of Adjustment.

Mrs. Stillwell stated that her understanding of a cemetery, according to the dictionary, is a place where the dead are buried. If they are doing something under the context of "cemetery", she would like to understand that, and she would like the Township Committee to understand that, because it sounds to her like the Zoning Board approved something and she is not so sure everyone on the Township Committee is completely in agreement with it, or is understanding what is going on there. She would like to believe that if something was a little bit questionable, that they would all be on top of that and questioning why they are allowing this to happen. This is in an electrical right-of-way, and is ridiculous to consider it anything close to a cemetery.

Mayor Miller suggested that the meeting be set up between the parties.

_____ Pietrokovski, 23 Tuscany Terrace – Commented on his problems and drama with the piece of property he purchased. Believes there is a conflict between the Township records in the Tax Office and the Deed that was filed in the County. Township records show that the piece of property that he owns was owned previously owned by the Developer, who clearly damaged the property illegally. However, in the Deed it does not appear that way. Demo permits were pulled on his house for well and septic, which could only have been done if the Developer owned his piece of property. At best, this was an innocent mistake, which is a little hard to explain. He believes this is an issue that has to be addressed, and requested the Township Attorney to agree to place a stop work order on the entire development where there seems to be this discrepancy.

Mr. Wouters responded that it is not his decision to put a stop work order on this project. That is not within his area of responsibility. He suggested that Mr. Pietrokovski have his attorney call him, and they can discuss this matter, as the dispute is between him and another independent party, as to who owns what. He will be glad to review the paperwork and discuss this matter with the Engineer.

Mayor Miller requested that Mr. Pietrokovski submit his information for review by the Township Engineer and Township Attorney.

Noreen Gill, 192 Coventry Drive – Commented regarding the burial site on Ridge Avenue.

Larry Simons, 7 Schoolhouse Court – Commented on the recent storm. Also commented on the availability of gasoline pumps at the Public Works site and the authorization for usage of the pumps.

Mr. Burdge explained that he did not have authorization for the usage of the pumps by Public Works employees.

Committeeman Coles advised that several people from Public Works called him saying they were turned down by Mr. Burdge, and asked if anything can be done, and he told them there was no way they could do it.

Chief Lawson explained that they had numerous volunteers who were using their personal vehicles. The gasoline containers were being used to fuel generators for people on various medical devices, and they were being filled constantly over a period of two weeks for people who did not have power and who had serious medical conditions who needed power to survive. Before he authorized that, as Emergency Management Coordinator, he consulted with the Township Attorney and he was told that he did have the authority, in an emergency situation, to provide access to gasoline to these emergency responders so they could essentially save lives.

Mayor Miller advised Mr. Simons that building improvements were proposed for the restoration of the first floor restroom facilities in the Municipal Building. Mr. Burdge added that he was awaiting approval of the Engineering Report before they could go ahead with the work.

Alice Kelsey, 295B Malvern Court East – Wished everyone a Happy Thanksgiving, and congratulated those who had a political victory. Voiced her concerns on the homeless issue. Also commented on the presence of Township Committee Members at the grand opening of a pharmacy in violation of the Sunshine Law.

Mayor Miller advised that all five members of the Committee were present at this grand opening.

Mr. Wouters explained that it was not a violation of the Sunshine Law. There is a specific exemption for situations where, in social circumstances, Committeemen will attend.

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

Committeeman Lichtenstein commented that it was a very rough two weeks that they just went through, and their paid employees, and volunteers, performed incredibly well under pressure, and they should be very proud of their departments. There were mistakes made that they can learn from, and there are areas that they can better themselves. To the rank and file, they need to pass a tremendous thank you for the

hours that they spent and the fact that they put themselves in harms way, time and time again, and that goes also for the Township employees, and all the wonderful volunteers. And he says this, he is sure, on behalf of the entire Committee.

At this time, the professional 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 releasing Performance Guarantee posted by Yehoshua Frankel, in connection with application SD# 1831 (East Spruce St.), Block 855.02, Lot 20, in the amount of \$7,500.00.
Resolution No. 2012-400**
- 2. Resolution releasing Performance Guarantee posted by Dewey Avenue LLC, in connection with SD#1716, (7 Lot Subdivision), Block 246, Lots 18, 53, 54, and 55, in the amount of \$65,520.00.
Resolution No. 2012-401**
- 3. Resolution releasing Performance Guarantee posted by 1317 Central Avenue LLC, in connection with application SD# 1664 (Minor Subdivision Central & St. Nicholas Avenues), Block 12.04, Lots 42, 42.01 and 43, in the amount of \$24,200.00.
Resolution No. 2012-402**
- 4. Resolution releasing Performance Guarantee posted by W & M Realty LLC in connection with application SP#1871 (5 Story Commercial Building – Fourth and Monmouth), Block 128, Lot 7, in the amount of \$44,696.00.
Resolution No. 2012-403**
- 5. Resolution authorizing the Liquor License Renewal for 2012-2013, to Bacoli Inc., t/a Bacoli Pizza Pasta and Grill, Liquor License No. 1514-33-033-003.
Resolution No. 2012-404**
- 6. Resolution authorizing Appropriation Transfers in the 2012 Municipal Budget, in the amount of \$240,445.00
Resolution No. 2012-405**

- 7. Resolution authorizing the Insertion of a Special Item of Revenue into the 2012 Municipal Budget for Funding under the US Department of Housing and Urban Development Block Grant. (CDBG)
Resolution No. 2012-406**
- 8. Resolution awarding Professional Services for provision of Engineering, and Consulting Services Lakewood Airport. (LIC – Lakewood Airport)
Resolution No. 2012-407**
- 9. Resolution authorizing the cancellation of Old Outstanding Checks appearing on the records of the Township of Lakewood.
Resolution No. 2012-408**
- 10. Resolution authorizing the Lakewood Tax Collector to extend the date for the payment of Real Estate Taxes from November 10, 2012 to November 16, 2012.
Resolution No. 2012-409**
- 11. Resolution releasing the Maintenance Guarantee posted by Somerset Chestnut LLC, ZB#3471, (Somerset Meadows at Lakewood - Chestnut Street), Block 105, Lots 45 and 46.
Resolution No. 2012-410**
- 12. Resolution reducing the Performance Guarantee, (Fifth Reduction), posted by Somerset PRV LLC, in connection with SD#1430 A/B and D (Pine River Village and Somerset Walk), for Block 830.01, Lots 10-25; Block 830.02, Lots 1-39; Block 830.03, Lots 1-20; Block 830.04, Lots 1-47; Block 830.05, Lots 1.01-24.01; Block 830.06, Lots 1-10; Block 830.07, Lots 1-34.
Resolution No. 2012-411**
- 13. Resolution reducing the Performance Guarantee, (First Reduction), posted by Route 88 Acquisition LLC in connection with, ZB #3671A (Ocean Point Major Subdivision and Site Plan Route 88), Block 189, Lots 109, 110, 111.01, 111.02, 112, 113, 114, 148, and 163.
Resolution No. 2012-412**
- 14. Resolution reducing the Performance Guarantee, (First Reduction), posted by Teen Center for Education and Opportunity in connection with, SP# 1848, (Somerset Avenue), Block 208.01, Lots 10.03 and 71.
Resolution No. 2012-413**

15. **Resolution reducing the Performance Guarantee (First Reduction) posted by W & M Realty Group LLC in connection with, SP#1871a (Fourth and Monmouth) for Block 128, Lot 7.
Resolution No. 2012-414**
16. **Resolution authorizing the Execution of a Shared Services Agreement between the Township of Lakewood and the County of Ocean for Debris Removal, Monitoring and Related Services.
Resolution No. 2012-415**
17. **Resolution authorizing the Acceptance of a Gift/Donation from Ace Outdoor Power Equipment.
Resolution No. 2012-416**

Motion by Committeeman Langert, second by Committeeman Coles, to approve Resolution Nos. 1 through 17 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles (abstained on No. 8), Committeeman Lichtenstein, Committeeman Langert, Deputy Mayor Akerman and Mayor Miller.

Resolution Nos. 2012-400 through 2012-416 – Adopted.

ORDINANCE SECOND READING

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of Lots 1, and 3 in Block 1006, and Lots 1, and 3 in Block 1007, 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 Miller 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 Langert.

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

Ordinance No. 2012-63 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 12/06/12)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public in a portion of a Paper Street known as Halsey Street, in the Township of Lakewood. (St. Vacation – Halsey St.)

Read by title only for first reading.

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

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

Ordinance No. 2012-64 adopted on first reading. Second reading and public hearing to be held on December 6, 2012.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing, Extinguishing and Vacating the Rights of the Public in a portion of a Paper Street known as East Kennedy Boulevard, in the Township of Lakewood. (St. Vacation – E. Kennedy Blvd.)

Read by title only for first reading.

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

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

Abstain: Committeeman Lichtenstein

Ordinance No. 2012-65 adopted on first reading. Second reading and public hearing to be held on December 6, 2012.

CORRESPONDENCE

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

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

MOTION TO APPROVE BILL LIST OF: 11/06/12 & 11/16/12

Motion by Committeeman Langert, second by Committeeman Coles, to approve the above Bill Lists.

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

Bill Lists approved.

COMMENTS FROM COMMITTEE MEMBERS

Committeeman Lichtenstein congratulated Mayor Miller on his re-election.

Mayor Miller advised that for all those who were wondering how come they did not see political signs, both parties bought political signs, and spent a lot of money on the signs, but they felt it was insensitive to put them up during the storm, when there were people without power, and for them to go out campaigning, so they put that aside so they could focus on the storm issues and not on politics.

Committeeman Langert wished everyone a Happy Thanksgiving, and congratulated Mayor Miller and Committeeman Lichtenstein on their re-elections.

Deputy Mayor Akerman wished everyone a Happy Thanksgiving, and congratulated Mayor Miller and Committeeman Lichtenstein on their re-elections.

ADJOURNMENT

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 9:15 PM.