

**The Lakewood Township Committee held a Meeting on Thursday, April 19, 2012, in the Lakewood Municipal Building, at 6:30 PM for the Executive Session, and 7:30 PM for the Public Meeting, with the following present:**

**Mayor..... Menashe P. Miller**  
**Deputy Mayor..... Albert D. Akerman**  
**Committee Members..... Absent..... 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. 2012-150 – Adopted.**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

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

**MOTION TO APPROVE MINUTES OF: 03/29/12**

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

**MOTION TO APPROVE CLOSED SESSION MINUTES: 03/29/12**

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

## **PRESENTATIONS**

### **Lynette LaBoy - Employee of the Month**

Mayor Miller and Committeeman Lichtenstein presented Lynette LaBoy with the Employee of the Month Award for May 2012.

### **Holocaust Memorial**

At this time, a Holocaust Remembrance Memorial Ceremony was held.

## **ORDINANCES FOR DISCUSSION - None**

Mayor Miller commented on the matter of a flyer that has been passed out regarding the approval of construction of Condominiums and a flea market in the area of Mountainview Drive, and for people to attend this evening's meeting because the Township Committee was going to approve this project. He advised this is a rumor, and that the Township Committee does not do this type of approval; approvals are done by either the Planning Board or Zoning Board and further advised that Planning Board meetings are held on Monday nights, and Zoning Board meetings are held on Tuesday nights.

## **QUALITY OF LIFE**

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

With regard to the request by Committeeman Lichtenstein for Public works to look at the graffiti issue in town, he advised this has been taken care of.

With regard to the request by Committeeman Lichtenstein for Chief Lawson to speak with the Department of Corrections to arrange clean-ups of public property, he will follow up with Chief Lawson.

With regard to the parking situation along Fourth Street in front of the Inspection Department building, Mr. Arecchi advised they have looked at the area and have taken preliminary measurements. He believes they can get twelve to thirteen more parking spaces.

Committeeman Lichtenstein requested Mr. Staiger to look at the corner of Kent Road and County Line Road. They previously have discussed looking at an easement where people can walk, because they are presently forced to walk in the street when walking down Kent Road trying to cross County Line Road. He advised that the property owner has been resistant to permitting the easement, and he suggested that the Township Attorney may have to take some steps to actually force the easement in order to construct sidewalk. He asked that the Township Attorney look into this with the Engineer.

Committeeman Lichtenstein asked Mr. Arcchi to look at a metal pole and debris sticking out at the corner of Kent Road and County Line Road.

**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.

Noreen Gill, 192 Coventry Drive – Requested that someone monitor the traffic light at Kennedy Boulevard and the entrance to Coventry Square at Princeton Avenue. People have been running the light. There are only two lanes, and people are making it three lanes, and are turning right to go south on Kennedy Boulevard, but they are turning onto Princeton Avenue to go south. The problem is that they are making another lane because you think they are going to turn right, but they trying to get ahead of the car that is in the lane that is supposed to be going straight. Another thing that is happening on Kennedy Boulevard is that people are dropping off their tractor trailers, and they are there from Friday night until Monday morning. Also cars are being parked on the western side of the street with "For Sale" signs on them. It is getting out of control.

Mayor Miller advised that the Police Department will look into this matter.

Mitchell Gertner, 141 Devon Court – Commented on a safety issue regarding the schools. They have gone to the School Administration and Police Department, and Superintendent's office, for the past ten years with regard to this issue. During school hours, they bring the students across the street from the Middle School to the fields for physical education. During the school hours, people use Ridge Avenue as a thoroughfare. And the problem is, obviously, the teachers like to stop the traffic. They have been requesting that this street be closed off during school hours, but it has not yet been closed, and there are issues. Just today, again a driver instead of wanting to stop, decided to make a sharp turn into the Middle School parking lot to go around the teachers who are trying to stop the traffic, nearly hitting several students, and then speeding off before anyone could get the license plate, or contact the police. He is

again requesting, through the Township Committee as opposed to the School Administration, that something be done because it is clearly a safety issue. Several times over the past ten years, students have been hit by cars, most recently, going to their buses. It is a very serious issue; he has also been hit once. The car did not stop, and hit him. This is something that needs to be addressed, and he would appreciate it if that portion of the road could be closed off during school hours, from the housing area to the other side of Ridge Avenue, where it meets Somerset Avenue, so these students can cross the street safely during school hours.

Mayor Miller asked if the Board of Education has made a formal request.

Mr. Gertner responded that he did not know. He knows that the teachers have requested it on more than one occasion, through their administration, the superintendent's office, and the Police Department.

Mayor Miller responded that they will certainly look into this matter.

Barbara Eisenberg, Morris Avenue – Asked about the construction on Finchley Boulevard; the road is horrendous, and it is unbearable to travel down that street without ruining your car. She asked who is responsible for repaving the street; is it the builder or the Township. She also commented on the fact that commercial vehicles are not permitted to be parked on the street. In the vicinity of Morris Avenue, at the Wyndham Condominiums, there are two large trucks that park there overnight on Morris Avenue, across from the fire tower. She also commented on Massachusetts Avenue. Her home backs up to it. In the middle of the night, she hears the speeders. Cars travel that road going about eight-five miles per hour, because it is a straight road, from Cross Street to Prospect Street. Speed has been monitored by the radar board, but it does not do any good, because there is no one in the area to stop them. She understands that a police officer can not be there twenty-four hours a day, but she asked if anything can be done to alleviate this problem.

Mayor Miller asked Mr. Staiger to look into who did work on Finchley Boulevard.

Mr. Staiger responded that NJ American Water Company did work, extending the sewer for a development, on the section of Finchley Boulevard between the entrance to the development and Route 9. He has been pursuing NJ American Water to at least put down a leveling course. What they really wanted to do was to let the trenches settle before they do the final pavement. From the last conversations with them, NJ American Water Co. is offering, from Route 9 to the entrance to the development on Finchley Boulevard, they will be paving curb to curb, and past the entrance way to the development do a leveling course there because there is still more utility work that has to get done west of that entrance. That is the course of action they have been pursuing. They are aware of the condition of the road, and they are trying to resolve the problem with NJ American Water Co.

Mayor Miller asked Mr. Staiger that when they put the sewer in, and do the attachments for the gas lines, on MLK Drive also, he asked that he look at the area before they release the bond, as the contractors do a mediocre job, and over the next few years, the Township is left with all the pot holes. He asked Mr. Staiger to look at each of those houses, before they release the bond, to make sure they have done a good job with the paving and leveling the roadway.

Moshe Raitzik, 166 North Crest Place – Commended the Committee and participants of the Holocaust Remembrance Ceremony. Also commented on the failed Board of Education budget, and the cost to the Township for the election.

Mayor Miller responded the cost was to the Board of Education, not the Township.

Mr. Raitzik asked what the timetable is for the Township to review the budget.

Mayor Miller responded that the Township just received it; but the review has to be completed by May 21<sup>st</sup>. By law, any meetings concerning this matter will be advertised.

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

Deputy Mayor Akerman advised he received an inquiry regarding the area of Central Avenue, between Lapsley Lane and Myrtle Place. There is a pole that is broken and jutting out, on the north side of Central Avenue, towards the corner of Myrtle Place.

Mr. Arecchi advised he will look into it.

Mayor Miller advised that on Clifton Avenue, close to Route 9 on the right side, near the cemetery, on the northbound side, there must have been a motor vehicle accident there because the fencing surrounding the cemetery sticks out. He asked that the Inspection Department look at this and find out when the repairs will be made.

Mayor Miller advised he is in receipt of the defeated Board of Education budget. He passed it to Committeeman Langert, to work with Committeeman Lichtenstein, to review the budget and make recommendations.

Committeeman Langert commented this is his fourth year on the Committee, and this is the fourth budget that has been defeated. In his first year, as Deputy Mayor, they achieved a significant cut after the budget was defeated, and reduced the amount of the levy by a penny. In his second year, as Mayor, there was a slate of candidates that ran on a campaign of fiscal reform. They challenged them to back up their words with actions, and they came back with an eight million dollar cut in the budget that year. Last year, Mr. Akerman's first year on the Committee, the School Board actually had proposed a Budget that reduced their tax levy, and under Mr. Akerman's direction last

year, they reduced their tax levy even further, so this year, they will certainly reach out to those in the finance department, to see what they can do to work with them. He will set up a meeting with them, and report back to the Committee. He is hopeful they will be able to come up with a plan of action that will be satisfactory to everyone.

For Chief Lawson, Mayor Miller also advised he received a letter from the LDC, from Chairman Muller. They provide funding for the Police Department personnel. Part of the criteria is that the UEZ officers are in the UEZ zones. He advised there needs to be a UEZ officer in the Industrial Park constantly, to be the watchman for the Industrial Park. His presence there is to deter theft or other types of crimes that go on in the Industrial Park. It is important, and they have reiterated this fact, and there needs to be a UEZ officer in the Industrial Park for the entire day.

At this time, the professionals left the meeting.

With regard to the following Consent Agenda, Mr. Wouters advised that Item No. 17, which is a Resolution dealing with competitive contracting for amendments to the Smart Growth Plan, they have determined that it is more cost effective, instead of going this route, to designate T & M Associates as one of the Township Planners pursuant to the open RFP process that they have already responded to in December when they submitted a proposal along with other Planners. He would ask that Resolution No. 17 be removed from the Consent Agenda, and replaced with a Resolution appointing T & M Associates as a Township Planner. With regard to this matter, a Motion was offered by Deputy Mayor Akerman, a second was offered by Committeeman Langert.

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

## **CONSENT AGENDA**

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

- 1. Resolution authorizing the execution of a "Schedule C Agreement" with the County of Ocean for 2012 for Engineering Services, not to exceed \$5,000.00.  
Resolution No. 2012-151**
  
- 2. Resolution releasing the Performance Guarantee, (posted by Big Shop LLC), in connection with ZB# 3524a (681 River Ave./32 Spruce St.), Block 782, Lots 1, 2, and 3, in the amount of \$106,313.00.  
Resolution No. 2012-152**

- 3. Resolution authorizing the execution of an agreement between the County of Ocean and the Township of Lakewood for construction of an Intersection Control Beacon (Flashing Signal) at C.R. #9 (County Line Road) and Monmouth Avenue.  
Resolution No. 2012-153**
- 4. Resolution appointing a Member to the Shade Tree Commission. (Dave Richardson)  
Resolution No. 2012-154**
- 5. Resolution releasing the Performance Guarantee, (posted by Bais Chinuch L'Bonos Bayis Ruchel, Inc.), in connection with SP# 1924 (Carey Street School), Block 136, Lots 6 and 7, in the amount of \$17,690.00.  
Resolution No. 2012-155**
- 6. Resolution authorizing the Lakewood Township Tax Collector to apply a credit for Tax Overpayment due to County Tax Appeal Judgment for Block 11.01, Lot 3.  
Resolution No. 2012-156**
- 7. Resolution authorizing the Tax Assessor to file a Petition of Appeal with the Ocean County Board of Taxation.  
Resolution No. 2012-157**
- 8. Resolution authorizing the cancellation of Tax Sale Certificate No. 10-00329, for Block 173, Lot 9.  
Resolution No. 2012-158**
- 9. Resolution authorizing the Township of Lakewood Tax Collector to waive interest charged for Block 174.11, Lot 40.01.  
Resolution No. 2012-159**
- 10. Resolution authorizing the Lakewood Township Tax Collector to apply credits for Tax Overpayments due to State and County Tax Appeals to subsequent years.  
Resolution No. 2012-160**
- 11. Resolution authorizing the Lakewood Township Tax Collector to refund Tax Overpayments due to State and County Tax Appeals.  
Resolution No. 2012-161**

12. **Resolution authorizing the execution of a Shared Services Agreement between the Township of Lakewood and the Lakewood Housing Authority.  
Resolution No. 2012-162**
13. **Resolution appointing Effie E. Pressley as Tax Collector to fill the unexpired term ending December 31, 2014.  
Resolution No. 2012-163**
14. **Resolution authorizing the award of a Professional Services Contract to Remington, Vernick & Vena Engineers for 2012 NJ DOT Municipal Aid Program Grant – Phase 3 Road Improvements (Davis, Sunset and Myrtle).  
Resolution No. 2012-164**
15. **Resolution awarding Professional Services Contract for Engineering Consulting Services and Construction Management at Lakewood Airport for Runway End Identification Lights Installation.  
Resolution No. 2012-165**
16. **Resolution awarding Professional Services contract for Engineering and Consulting Services at Lakewood Airport for Security Fencing.  
Resolution No. 2012-166**
17. **Resolution authorizing the use of Competitive Contracting for Professional Planning Services to revise the 2009 Smart Growth Plan and Unified Development Ordinance.  
The above Resolution was removed from the Consent Agenda.**

Motion by Deputy Mayor Akerman, second by Committeeman Langert, to approve Resolution Nos. 1 through 16 on the Consent Agenda.

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

Resolution Nos. 2012-151 through 2012-166 – Adopted.

As to the previous Motion by Deputy Mayor Akerman, seconded by Committeeman Langert, to **appoint T & M Associates as Township Planner:**

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

**Resolution No. 2012-167 – Adopted.**



**ORDINANCE SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII of the Revised General Ordinances of the Township of Lakewood entitled "The Lakewood Township Unified Development Ordinance of 2005" specifically, Article VIII (Design Standards), Section 18-803 F (Paving Materials, Walls, and Fences). (Chap. XVIII, Sec. 18-803)**

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 Langert, second by Committeeman Lichtenstein.

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

**Ordinance No. 2012-26 adopted on second reading.**

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

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 Lichtenstein, second by Deputy Mayor Akerman.

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

**Ordinance No. 2012-27 adopted on second reading.**

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

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 Langert, second by Committeeman Lichtenstein.

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

**Ordinance No. 2012-28 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XII, (Building and Construction) of the Revised General Ordinances of the Township of Lakewood 1999, specifically amending Section 12-2.11 Mechanical Systems and Equipment. (Chap. XII, Sec. 12-2.11 – Mechanical Systems & Equipment)**

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 Deputy Mayor Akerman, second by Committeeman Langert.

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

**Ordinance No. 2012-29 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter III of the Revised General Ordinances of the Township of Lakewood 1999, entitled "Police Regulations" to include a new Section 3-5, entitled "Interference with Retail or Wholesale Business Practices" (Chap. III, Police Regulations, Sec. 3-5, Interference with Retail or Wholesale Business Practices)**

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked for an explanation of this Ordinance.

Mr. Wouters explained that this Ordinance was instituted by request of the Municipal Court because in normal situations shop lifting charges are what they refer to as 2C charges which refers to a section of the State criminal statutes. This is not a criminal charge. This would be a local municipal Ordinance which would allow the Court, in certain circumstances, to permit a different charge other than shop lifting for someone that has caused a problem at a retail establishment, which would result in a fine but would not be a criminal conviction under the 2C statutes. This would apply to any retailer who is operating a retail establishment, as established by Lakewood.

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 Akerman, second by Committeeman Lichtenstein.

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

**Ordinance No. 2012-30 adopted on second reading.**

**ORDINANCE FIRST READING (Second reading and Public Hearing 05/03/12)**

**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 Brighton Street, in the Township of Lakewood. (St. Vacation – Brighton St.)**

Read by title only for first reading.

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

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

**Ordinance No. 2012-31 adopted on first reading. Second reading and public hearing to be held on May 3, 2012.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Vacating Drainage Improvement Easement located on Block 508, Lot 29, in the Township of Lakewood.**

Read by title only for first reading.

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

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

**Ordinance No. 2012-32 adopted on first reading. Second reading and public hearing to be held on May 3, 2012.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI (Traffic) of the Revised General Ordinances of the Township of Lakewood 1999, Amending Section 11-10 Stopping or Standing, specifically, Section 11-10.1 Stopping or Standing Prohibited. (Chap. XI – Sec. 11-10.1)**

Read by title only for first reading.

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

Mayor Miller commented that the Ordinance says from the southerly curb lines of Hope Chapel Road and Fourteen Street extending 465' east. He does not know how far 465' east is.

Committeeman Langert explained it goes to Curtis Lane.

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

**Ordinance No. 2012-33 adopted on first reading. Second reading and public hearing to be held on May 3, 2012.**

## **CORRESPONDENCE**

### **PARKS AND EVENTS CORRESPONDENCE**

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

#### **MOTION TO APPROVE BILL LIST OF: 04/17/12**

Motion by Committeeman Lichtenstein, second by Committeeman Langert.

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

**Bill List approved.**

### **COMMENTS FROM COMMITTEE MEMBERS**

Committeeman Lichtenstein thanked Mayor Miller and Mr. Simons for their arrangement of the Holocaust Memorial Ceremony.

Mayor Miller advised that Carl Fink has resigned from the Planning Board, in order that he can dedicate more time to his position on the Board of Education. Mayor Miller passed the gavel to Deputy Mayor Akerman and offered the appointment of Joshua Schmuckler, moving him up from an Alternate seat, to a Regular Member, to fill the unexpired term of Carl Fink. He also offered the appointment of Eli Rennert, as an Alternate, to fill the unexpired term of Joshua Schmuckler. A second to the Motion was offered by Committeeman Langert.

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

Mayor Miller advised that the Memorial Day Parade will be held on May 28<sup>th</sup>. On the prior Thursday, a memorial ceremony will be held in the Municipal Building in the evening. He invited everyone to attend and participate.

### **ADJOURNMENT**

Motion by Committeeman Lichtenstein, second by Committeeman Langert, and carried, to adjourn the meeting. Meeting adjourned at 8:46 PM.