

TOWNSHIP OF LACEY
TOWNSHIP MEETING MINUTES
August 24, 2006

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Laws, 1975. Said notice was advertised in the Observer and Lacey-Beacon and was posted on the bulletin board showing the time and place of the meeting.

The meeting was called to order at 8:00 PM by Mayor Mark Dykoff with a salute to the flag and a moment of silence. Committee members present were Messrs. Reid, Parker, and Most. Mr. Quinn was absent.

Ordinance #06-40: First reading amending and supplementing Chapter 215 of the Township Code, entitled "Land Use Procedures", so as to amend Section 215-15 entitled "Technical Checklist".

A motion was made by Mr. Parker, seconded by Mr. Reid to adopt the ordinance on first reading. Motion carried.

Ordinance #06-31: Second reading amending and supplementing Chapter 185 of the Township Code, entitled "Flood Hazard Areas".

The floor was opened for public comment. There being none the floor was closed on a motion by Mr. Reid, seconded by Mr. Parker. Motion carried.

A motion was made by Mr. Parker, seconded by Mr. Most to adopt the ordinance on second reading. Motion carried.

Resolution #06-253: A resolution awarding a contract for the Cranberry Hill Microsurfacing Project to Asphalt Paving Systems, Inc. was passed on a motion by Mr. Most, seconded by Mr. Parker. Motion carried.

Resolution #06-254: A resolution authorizing and approving a person-to-person transfer and a place-to-place transfer of Liquor License No. 1512-33-017-001 to the Shark Fin Inn, Inc. was passed on a motion by Mr. Most, seconded by Mr. Parker. Motion carried.

Resolution #06-255: A resolution appointing members to the Municipal Alliance Committee of the Township of Lacey was passed on a motion by Mr. Reid, seconded by Mr. Most. Motion carried.

Resolution #06-256: A resolution in opposition to a statewide equalized school tax was passed on a motion by Mr. Reid, seconded by Mr. Parker. Motion carried.

Resolution #06-257: A resolution authorizing the release of a site improvement performance guarantee for "Harbor Equities" conditioned upon the posting of a new performance guarantee was passed on a motion by Mr. Parker, seconded by Mr. Most. Motion carried.

Resolution #06-258: A resolution authorizing the release of a Performance Guarantee for NAPA Auto Parts was passed on a motion by Mr. Reid, seconded by Mr. Parker. Motion carried.

Resolution #06-259: A resolution authorizing the release of monies charged for a recreation trip was passed on a motion by Mr. Most, seconded by Mr. Parker. Motion carried.

Resolution #06-260: A resolution authorizing the release of deposit monies held for the use of municipal facilities was passed on a motion by Mr. Parker, seconded by Mr. Reid. Motion carried.

Resolution #06-261: A resolution authorizing the payment of Township Bills was passed on a motion by Mr. Reid, seconded by Mr. Most. Roll call showed the following votes: Mr. Most, yes; Mr. Reid, yes; Mr. Parker, yes but abstained on E-1260; and Mayor Dykoff, yes. Motion carried.

A motion was made by Mr. Reid, seconded by Mr. Parker to approve the Township Meeting Minutes of August 10, 2006. Motion carried.

A motion was made by Mr. Reid, seconded by Mr. Parker to approve the Caucus Meeting Minutes of August 10, 2006. Motion carried.

A motion was made by Mr. Parker, seconded by Mr. Reid to approve Raffle License Applications for the Lacey Little League and the Lanoka Harbor PTO. Motion carried.

Resolution #06-262: A resolution providing for the cancellation of unexpended Current Fund Accounts Payable was passed on a motion by Mr. Parker, seconded by Mr. Most. Motion carried.

Mr. Parker announced the closing of the Township parks on September 12th for field fertilization. He announced upcoming trips sponsored by the Recreation Department. He spoke about the success of Lacey Day and that the left over food was donated to the Lacey Food Bank. He spoke of the recent donation from the Lacey High School Booster Association to the school for the Athletic Department. He spoke of the letters of commendation to those that assisted with Lacey Day.

Mr. Reid spoke of the resolution adopted with regard to the opposition of the statewide equalized school tax and if the resolution is passed, the people of Lacey Township would see substantial increases to their taxes. He urged the residents to contact their legislators opposing such a law. He spoke of the correspondence received from the Administrative Office of the Courts regarding a Municipal Court Security Plan and has set mandates for these court updates. He listed mandates that are required by the state for which we do not receive any money. He thanked the Police and Fire Departments for their services on Lacey Day.

Mr. Reid read the police statistics for August 10th – August 23rd :

209	Summonses	319	Motor vehicle stops	6	DWI
33	Motor vehicle accidents	58	First aid calls	56	Written warnings

He spoke of the arrest of three adult males for illegal dumping and a second incident with two adult males for illegal dumping.

Mr. Most spoke of the Municipal Alliance and welcomed Sergeant DiBella to the committee. He thanked Joe Soto for his service to the Municipal Alliance Committee. He announced the Municipal Alliance 5K Run. He thanked all the sponsors and runners who are participating in the event. He reminded drivers to be aware that school will be starting. He thanked Bob Vosseller our local reporter for the fine articles he has written. He thanked Guy Burnett of the Lacey Food Bank and announced that the Food Bank is looking for volunteers. He spoke of the Senior Advisory Group. He announced the Senior Property Tax Reimbursement deadline was extended to October 1st. He spoke of the proposed Statewide Equalized School Tax. He spoke of the 9th Legislative District's efforts with trying to help cut the State Budget and cut State employees. He highlighted the article that was in the Asbury Park Press. He spoke of the League supporting changes to the State Health Benefits Plan. He highlighted the August 22nd memo from the League. He spoke of the recent arrests for illegal dumping. He spoke of Assembly Bill 8482, regarding underground oil tanks in residential properties and assistance in removing them to above ground, stating that money is available for those who qualify for the relocation of the tank. He stated the money for this would come from the corporate business tax and not from the State Budget.

Mayor Dykoff spoke of the hopeful changes to the State Health Benefits Plan. He commended the 9th Legislative District for their tax cutting efforts. He spoke of Lacey Day stating that it was a resounding success and that the residents were pleased with the event. He thanked all the businesses and volunteers who made the event a success, listing many of the people, organizations, and businesses that donated to Lacey Day.

Alison Lemke of 68-1 Maxim Drive announced an upcoming event sponsored by Lacey Rail Trail Environmental Committee on September 16th at the Community Hall. She wanted to address some misleading statements made at the last couple of meetings. She spoke of the Home Depot site and that Mr. Quinn stated it was a 19-acre site with 7 acres being preserved when in fact, it is a 42-acre site with a little over 6 acres being preserved. She spoke of the article in the newspaper with the Rail Trail picture at Mill Pond. She stated that it is her opinion that the picture is correct and does not speak of the Rail

Trail. She stated the Rail Trail group would like to see the Mill Pond Bridge section preserved. She spoke of the ordinance adopted by the governing body authorizing a lease to the County for the Rail Trail. She stated the 12 foot section is on the west side of the Railroad Right-of-Way and the cleared area is in the middle.

Mayor Dykoff stated that the picture in the newspaper gave the impression that the portion in the picture was a part of the Railroad Right-of-Way and the road. He questioned Ms. Lemke if that portion in the picture was going to be part of the road.

Ms. Lemke stated no, that the Mill Pond portion is not part of the road.

Mr. Reid commented on the article and the misleading headline and picture.

Ms. Lemke spoke of the purpose and mission of the Lacey Rail Trail Environmental Committee. She spoke of comments made by a resident at several meetings about the Railroad Right-of-Way road being a faster way to get to Shop-Rite and that this needs to be corrected because there are no curb cuts on that road for an egress to Shop-Rite.

Mr. Parker asked where the bike path goes at the south end of town with regard to the County Rail Trail Plan.

Mr. Reid spoke of the proposed plans from the County that seem to have disappeared. Mr. Reid spoke of the proposed plans of the rail trail crossing Rt.9, heading down Beach Boulevard and coming out on the emergency access road at Finnegar's Farm and then back onto Rt. 9 to Waretown.

Tim O'Connor of 401 Sinclair Avenue spoke of the need to build additional roads to alleviate traffic. He stated that he remembers that it was decided that no one would have access to the road – no driveways. He stated the only access would be from the intersecting roads with the exception of the school and church. He questioned if the Township Committee would be taking the barriers down so people could see what it is.

Mr. Most stated he thinks it is a great idea.

Mr. Reid stated it sounds like a good idea but hesitates because of liability. He stated he is not sure what type of condition the area is in.

Mr. O'Connor stated it was just a thought. He received a comment that this road would destroy the character of this Township. He spoke of the street/road layout in this Township. He stated he feels the State will bypass Lacey for any Rt. 9 improvements because of the fear of lawsuits. He spoke of the number of voters with regard to the last Road Referendum that this would impact.

Terry Feaster of 805 Margaret Place stated he was present this evening to discuss the issue that took place at Western Boulevard that resulted in his daughter's death. He stated this is very emotional for him and he just wanted to discuss the character of the Police Department regarding the lack of investigation. He questioned if the Township Committee was even aware of the incident.

Mr. Reid questioned if this matter should be entertained. He questioned Mr. Feaster regarding the character of the Lacey Township Police Department because it is his understanding that the investigation regarding the accident was taken care of by the Ocean County Prosecutor's Office.

Mr. Feaster stated that actually all of the reports came from the Lacey Township Police Department and the report was signed by a Lacey Police Officer.

Mayor Dykoff stated that the Township Committee were all aware of this tragedy and stated to Mr. Feaster that they have spoken about the issue and did not feel that this was the proper place to drag this out.

Mr. Feaster responded that he believed the Township Committee had the power to investigate the Police Department or was it just the Attorney General.

Mayor Dykoff questioned Mr. Gilmore if he needed to answer.

Mr. Gilmore stated that he could not promise Mr. Feaster that he would not be interrupted, because he appears to have a lot that he wants to speak about based on the papers he held in his hand. He stated he is not sure if Mr. Feaster has any intentions to sue the Township because of his dissatisfaction. Mr. Gilmore stated that he is not stating that Mr. Feaster has filed a lawsuit but is not sure of his intentions for the future. Mr. Gilmore stated two things occurred. He stated, number 1, the Chief of Police has the authority over the Police Department and Number 2, if Mr. Feaster is dissatisfied with something that the Police Department has done and he feels that law enforcement is not taking its proper course in Lacey Township, he suggests he go and see the Ocean County Prosecutor's Office.

Mr. Feaster stated he has spoken to the Prosecutor's Office.

Mr. Gilmore stated that it sounded to him as if Mr. Feaster was not getting the satisfaction he wanted so is going elsewhere. He stated his choices are the Ocean County Prosecutor's Office or the Attorney General's Office if he feels that law enforcement is not being properly conducted in this Township. He stated for a group of civilians, which he would refer to the governing body as civilians, to think that they have the expertise greater than the Chief of Police in regard to how the Police Department conducts its investigations, he thinks it is an erroneous assumption on Mr. Feaster's part. He stated unless there is some reason why the governing body feels that this matter has not been handled properly by the Chief of Police and his subordinate officers in the Police Department, he does not know if there is much this governing body could do. He stated that this doesn't help Mr. Feaster with his loss, doesn't satisfy him he is sure, because he feels that something improper has been done or not enough has been done in the investigation. He stated he does not know exactly what his complaint is. He stated certainly the Mayor has indicated that he has the right to speak if he so desires to speak.

Mr. Feaster stated that from his understanding then the Township Committee does not have the legal to investigate, this is not their job.

Mr. Gilmore stated if the Chief of Police felt there was a problem in the Police Department and sought the assistance of the governing body in that regard, the governing body could take action.

Mr. Feaster questioned if anyone was aware that the two drivers were related to the Lacey Township Police Department. He spoke of a conversation by Mayor Dykoff whereas he stated that the woman was not speeding.

Mayor Dykoff stated that was not what he said. He stated the preliminary report was that excessive speed was not involved.

Mr. Feaster stated ok, that is correct but when he asked Mayor Dykoff for that preliminary report, there was not a preliminary report.

Mayor Dykoff stated that is what he was informed of by the Chief of Police.

Mr. Feaster stated that Mayor Dykoff stated he would apologize if the car was not doing 35 mph in a 45 mph zone.

Mayor Dykoff stated he did not say that.

Mr. Feaster stated the vehicle was doing 53 mph in a 45 mph zone and no ticket was given.

Mayor Dykoff stated if he recalls there was a range of speed that the vehicle was going, it was not specifically saying they were doing 53 mph. He stated they could not pinpoint the speed.

Mr. Feaster stated he is sure it was 53 mph which is from a report at the Prosecutor's Office. He stated no range was listed. He stated he guesses all the Township Committee members have seen the report and there was a lot of falsification on the report.

Mr. Gilmore stated, wait, when you go in that area, A., Mr. Feaster indicates that there is a problem

because the drivers were somehow related to someone in the Police Department; and B., Mr. Feaster now indicates that there may have been falsification of Police documents. Mr. Gilmore stated that would be a crime and Mr. Feaster is in the wrong forum and should go to the Ocean County Prosecutor's Office if he feels someone has been falsifying public records. Mr. Gilmore stated this governing body could do nothing about that but the Prosecutor's Office could. He stated if Mr. Feaster has proof that documents have been falsified, he should be at the Ocean County Prosecutor's Office.

Mr. Reid stated he wanted to make one statement for the record. He stated as liaison to the Lacey Township Police Department he stands by and behind the Lacey Township Police Department 100%.

Paul Bowen of 371 Constitution Drive was present to address our treatment by the State of New Jersey. He stated we get nothing from the State, for example, the only road to get out of here we have to pay to use. He stated we have no other alternate Route. He spoke of Rt. 9 and that once it hits Ocean County it becomes a two-lane highway, a country road. He spoke of the lack of funding to this area from the State and that we still continue to pay more and more. He questioned where the 1% increase in sales tax goes and that it would not help us. He stated no jobs would be cut and that the money is already earmarked. He stated the folks in Ocean County are taking a beating with the increase in taxes. He stated if Rt. 9 was adequate, there would not be these issues over the Railroad Right-of-Way. He stated we are just a source of revenue here in Ocean County to the State of New Jersey. He stated the entire education budget is \$315 million for 16,000 students in the City of Camden. He stated Lacey is a \$60 million budget with 1/3 of the students.

Mr. Bendar of 122 Bay Avenue spoke of the bond sale and questioned the results.

Mr. Adams stated we had notes and turned them into permanent bonds. He stated the bonds are long term with a twelve year life.

David Hannah of 218 Conifer Drive wished to discuss bicycle safety stating that he sees a lot of kids/adults riding on the wrong side of the road without helmets. He stated he wishes to see this enforced more by the Police Department.

Mr. Reid stated they could enforce it. He stated that we are supposed to ride a bike with the flow of traffic and walk against traffic.

Mr. Hannah stated this is just an idea to get the word out.

Mr. Reid stated he would speak with Chief Nally to see about Bicycle Education.

Mr. Hannah spoke of the use of Lake Barnegat Drive as a bikeway versus Rt. 9.

John Coan, Jr. of 1005 Center Street questioned when was the last time the Economic Development Committee met and if they are required to meet.

Mr. Most stated it had been quite some time and that it was during the initial Railroad Right-of-Way issue.

Lorraine Sansone of 1156 Laurel Blvd. questioned the transfer of the liquor license, who the principals were and the location of the license.

Veronica Laureigh responded with the principal names and location of the premises.

Ms. Sansone questioned what the relationship is between the Township Committee and the Police Department.

Mr. Gilmore spoke of the Chief's Bill of Rights and the purpose of such.

Ms. Sansone questioned what the Township Committee does with regard to the Chief of Police and how they interact with him.

Mr. Gilmore stated that the Township Committee dialogues with the Chief just like any other Department Head. He stated that if there were allegations of police misconduct, the proper forum would be the Ocean County Prosecutors and if not satisfied, then the Attorney General's office.

Ms. Sansone questioned if anything has happened with reverse 9-1-1.

Mayor Dykoff stated funding from the County and State is not forthcoming. He stated we do have some semblance of a system and are still working on the final details.

Ms. Sansone questioned how the vehicles are assigned to members of the Police Department, especially the Durango's.

Mr. Reid stated vehicles are assigned to the officers and he believes the Durango's are assigned to superior officers.

Ms. Sansone stated she would like to see those vehicles, especially in Bamber.

Mr. Reid feels those vehicles are being used appropriately.

Ms. Sansone questioned the Well Head Protection Ordinance and why the Township is not doing one.

Mayor Dykoff stated they adopted a land use change this evening whereas the Lacey M.U.A. regulations would be followed with regard to Well Head Protection in Tiers 1, 2 and 3.

Ms. Sansone stated she believes the Office of Smart Growth wants the Township to adopt an ordinance concerning Well Head Protection.

Mayor Dykoff stated that no, the State wants a plan.

Ms. Sansone questioned if the Township Committee would like to change the question and put a number on the Railroad Right-of-Way ballot question as to the cost of the road.

Mr. Reid stated nothing is going to change.

Ms. Sansone questioned if the Township Committee has any idea how much the road, the entire length, would cost.

Mayor Dykoff stated if this Township Committee could get a permit to build this road, he would bet that no one on this Township Committee would put the residents in hock to build a road. He stated if this question is voted down, the topic would not be brought up by him again.

Ms. Sansone stated that none of the facts are out there, so how could one make an intelligent decision to vote on it.

The meeting was adjourned at 9:38 PM on a motion by Mr. Reid, seconded by Mr. Parker. Motion carried.

ATTESTED

APPROVED