

The Lakewood Township Committee held a Meeting on Thursday, April 28, 2011, in the Lakewood Municipal Building, at 5:15 PM for the Executive Session, and 7:30 PM for the Public Meeting, with the following present:

Mayor..... Menashe P. Miller
Deputy Mayor..... Steven Langert
Committee Members..... Albert D. Akerman
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Michael Muscillo
Deputy Municipal Manager..... Steven Reinman
Municipal Attorney..... Jan L. Wouters, Esq.
Municipal Clerk..... Mary Ann Del Mastro, RMC

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 and published in the Asbury Park Press on April 14, 2011.

ROLL CALL

CLOSED SESSION

Resolution No. 2011-130 – 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: 04/07/11

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

MOTION TO APPROVE CLOSED SESSION MINUTES: None

PRESENTATIONS

Employee of the Month – Susie Beck

Mayor Miller and Committeeman Lichtenstein presented Susie Beck with a Proclamation congratulating her as Employee of the Month for May 2011.

D.A.R.T.

Mayor Miller presented representatives of D.A.R.T. with a Proclamation in recognition of their work with the youth of Lakewood, for the protection of the young adults from the dangers resulting from underage and excessive drinking.

The following Ordinance was considered by the Township Committee at this time:

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI (Alcoholic Beverage Control) of the Revised General Ordinances of the Township of Lakewood, 1999, so as to add New Section 6-6.5 entitled "Consumption by Underage Persons on Private Property". (Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited.)

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 Lichtenstein.

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

Ordinance No. 2011-19 adopted on second reading.

T & M Associates – Lee Klein

Mr. Klein, T & M Associates, gave a brief overview of the Downtown Parking Strategic Plan they have developed for the Township. A diagram was shown of the study area, basically from Kennedy Boulevard on the north, down to Main Street at the south, Lakewood Avenue to the west, and Lexington Avenue to the east. They put together a steering committee made up of members of the Township, private citizens, elected officials, Planning Board members, business and community leaders, and the Office of Smart Growth as well. They were involved in the process as well as the recommendations and review of the options. They conducted an inventory of the on-street and off-street parking within that downtown study area. They did parking durations, they noted the number of parking spaces, how long they parked there by noting the last few digits of the license plates, and did a match on that. They did that observation back in March of 2008. There were 962 spaces in the parking lots and 1,333 parking spaces on-street. They tabulated that data and made determinations and recommendations as to the shortcoming or parking and what recommendations they might need in the report. They put together a summary table that gave a series of recommendations. Those recommendations range from municipal garages, and parking lots. Also different parking strategies, such as sharing parking with different facilities that do not operate twenty-four-seven, that have availability of parking; enforcing parking time limits for the on-street and some of the parking lots; possibly putting in meters for parking spaces on-street; instituting a parking authority or parking utility, a parking bureau or department within the Township; developing some employee parking lots for not only employees of the town but for employees of shop owners or shop

keepers, and employees within those stores. They put together a series of relative construction costs, operations and maintenance costs, that are summarized in that table. Basic solutions were that the town is short by about 1,000 to 3,000 parking spaces depending how far out you project with land use expansion and development in the Township. They recommended things like parking garages and parking lots. One of the latest things they have done, as one of the recommendations, is to look at the parking lot between Ninth and Tenth Streets and Clifton and Lexington Avenues, to put in a parking lot/garage in the future. That is a quick overview of the study.

Committeeman Lichtenstein thanked T & M Associates for their work on this project. This was a long time in the making, and they have all worked very hard on it.

ORDINANCES FOR DISCUSSION: None

QUALITY OF LIFE

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

In connection with the request for a four-way stop sign at the intersection of Williams Street and Prospect Street, unfortunately there was not enough data to support that. Chief Lawson responded that Sgt. Work has been in contact with the County Engineer, however, they have not received a definitive answer back as of yet.

With regard to the request for a dedicated left-turn right-turn lane on Williams and James Street, and again on Williams and Prospects Streets, Mr. Staiger advised they went out and took measurements of the pavement for both ends of Williams Street, where there is forty feet between curb to curb, so there would be sufficient room to have those different lanes. Mr. Staiger further advised they would have to coordinate any changes there with the County since they are intersections with County roads.

Mayor Miller suggested they move ahead with that. He also requested that Mr. Staiger check the intersection of Martin Luther King Drive and Pine Street, for the same type of improvements.

Regarding the request to make North Lake Drive two-way in the area of Route 9, Chief Lawson advised that Sgt. Work reviewed this request and informed him that is a feasible request, and could be done.

Mr. Staiger added that he did look at the plan and the intersection, and he believes the road does seem wide enough to accommodate two-way traffic. Any sort of change at that intersection would also require approval of the DOT.

Committeeman Lichtenstein asked if the State would require a Resolution from the Township.

Mr. Staiger responded he would contact the DOT to find out.

Chief Lawson further advised that Sgt. Work informed him that the attorney for the nursing home on the corner has already been in contact with DOT and they have permission to do it pending the Township's approval.

Committeeman Lichtenstein offered a Resolution from the floor, to be formalized at the next meeting, approving this at the standards the LPD, Engineering and State have requested. Committeeman Coles offered a second to this Motion.

Deputy Mayor Langert asked who would be paying for this.

Committeeman Lichtenstein answered he believes that the Developer wants to pay for it.

Deputy Mayor Langert advised he was under the impression that the Developer will only pay for it if it comes along with certain conditions.

Mayor Miller suggested they create a meeting with all the parties, and then bring it back to the Committee.

Committeeman Lichtenstein withdrew his Motion at this time.

Mayor Miller asked Committeeman Lichtenstein and Deputy Mayor Langert to make a sub-committee on this project, and they can get together and work on it.

With regard to the crater in the road at Myrtle Place, near Lakeview Drive, Mr. Burdge advised that the road department took a look at it, and they did temporary repairs, and it is slated for road resurfacing.

Mayor Miller requested Mr. Burdge to look at an area on Pine Street near the OEM garage where there are two bay doors and two garages. In between the bay doors, there is a sandy area that they utilize as a turn-around. He asked for that area to be paved.

Mr. Burdge advised he would take a look at it to see what they can do.

Mayor Miller also commented they were speaking about purchasing a machine that does the painting, or the striping on the roadways. In front of the garage on Pine Street, there used to be yellow striping across the roadway. Unfortunately, over time, the striping has worn away. He asked that it be restriped.

Mr. Burdge advised he will look into it.

As to the request from the Eleanor Levovitz Senior Citizen Apartment Complex, Mr. Burdge responded that the Township bus will make the requested stop at their complex.

Comments from Committee Members:

Committeeman Lichtenstein advised that the town will have Public Works go out, now that Spring is here, and clean up the graffiti locations in the town.

Committeeman Coles advised there are several streets that are in need of repaving. He requested to set up a meeting with Mr. Burdge to discuss the locations and availability of funding.

Mayor Miller advised he would like to be part of that meeting regarding the discussion as to what streets are to be resurfaced.

Deputy Mayor Langert advised that on the north side of St. Nicholas Avenue, off Central Avenue, over the past years, five houses have been built and a cul-de-sac has been put in on St. Nicholas. He understands that some of the residents are having a problem with their garbage pick-up, because sometimes cars and trucks are blocking the garbage trucks ability to turn around on St. Nicholas Avenue. He requested that the radius be looked at by either Chief Lawson or Mr. Burdge to see whether they need to do something as far as the further most point, if there has to be a No Parking designation there, so the garbage truck can get around St. Nicholas Avenue.

Mayor Miller asked if the residents are willing to do a petition asking to restrict parking in the area.

Deputy Mayor Langert answered that it really only affects one residence, backing up to another residence. He was actually there one day and saw the garbage truck having problems.

At this time, Mayor Miller presented a plaque to _____, a medical assistance organization in Lakewood who loans out medical equipment to anyone in need, thanking them for their service to the town.

Pastor Salguero offered a prayer for those who are sick and in need of speedy recovery.

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.

Dave Fried – Commented regarding the Lakewood Police Foundation, that was founded by a small group of people who love this community and who appreciate the men and women on the job for their professionalism and their dedication to their mission toward the safety and well being of the people they serve.

David Drukaroff, 1433 Laurelwood Avenue – Commented regarding the replacement of doors and windows on the Inspection Building.

Mr. Muscillo advised this project is being done through the energy grant that was received by the Township.

Norman Eisen, _____ Court – Thanked the Engineering Department for their understanding regarding problems in the County Line Manor development. He asked if anything can be done about the pot holes in the development, as the Developer has not completed improvements required by the Performance Guarantee.

Mr. Wouters advised they are moving ahead with action against the Developer.

Mayor Miller asked Mr. Burdge to look at the pot holes in the development, to see if temporary patch work can be done.

Ernesto Ordinera, President of NJ Classic, a non-profit organization located at 230 First Street – They are an organization who focuses on providing healthy and fun activities to various communities and dedicate their time to minimize violence, gang activities, and negative role models. Advised he was denied use of the basketball courts at the Community Center for his adult league.

Mayor Miller advised that the Liaison to the Community Center is Committeeman Akerman, and he will look into it.

Alice Kelsey, Malvern Court East – Commented regarding this evening's presentation. Asked Mr. Klein if any consideration has been given to getting a parking lot in the Industrial Park and providing a jitney service to bring people into town.

Mr. Klein advised that the study focused mainly on the downtown area. There are other projects going on in town with shuttle bus systems. Also the Job Link bus does come from the industrial area into downtown. There was some consideration given to that location, it's just that the focus of their study was the downtown.

Committeeman Coles added that a few years ago, they did receive a grant from the federal government to purchase buses. That is still being worked on. They are trying to work out a way to run that system without putting the burden on the taxpayer. That is the reason they want to get that going, to get people to and from the different areas, out of downtown, to keep the parking open as much as they can, and make them available for that service to take them in and out of town, as well as into the industrial park, without having to go through the expense of building a multi-million dollar facility out there.

Mrs. Kelsey stated that the parking for the universities in town should have been taken into consideration in the study.

Mr. Klein advised that the study did take into account the BMG school, Georgian Court to a certain extent, and with the offshoot of the project of the shuttle buses, they are

looking at possibly having remote parking to get people in and out. That was part of a different study.

Mrs. Kelcey added that, for safety reasons primarily, she would like to see the installation of cameras in town. She feels they are needed to encourage people to drive safely in Lakewood, particularly on Clifton Avenue and Route 9.

Mrs. Kelcey continued that she feels that affordable rental housing is needed in Lakewood that respects the dignity of the people who provide very necessary services.

Mrs. Kelcey continued that with yesterday's vote, when the Board of Education budget was turned down, what process will the Lakewood Township Committee use to do something to improve the Board of Education budget. She did notice that the Board of Education said they would have zero salary increases for teachers.

Mayor Miller advised he would respond during his comments regarding the Board of Education Budget.

Committeeman Lichtenstein left the meeting at 8:17 PM due to a previous personal commitment.

Gerry Ballwanz, Governors Road – With the new parking arrangement, she asked how many new parking spaces will be created; are they going to be on one level, ground level, or is it going to be a structure; who is paying for it and what will be Lakewood's share; and the area of the former Lakewood Little League field has been flooding recently, and how is that going to impact the creation of a parking facility at this location.

Mr. Wouters explained that they are in the process of gravelling and grading the entire field so that flooding is not an issue. The work will be done by way of a private donation, and tax dollars will not be paying for that. As far as the water condition, it is his understanding that while that is due to a grading issue, it will have no affect on the ability to build any kind of parking structure on that property, and that is according to the engineers who have evaluated it.

Mr. Klein explained that as to the surface parking, there are concept plans that show at least two hundred and fifty parking spaces, maybe more can be fit depending on the design. Ultimately the recommendation was to have a multi level parking garage, with approximately 1,500 parking spaces. They are looking at different sources of funding and grants for the project, similar to the shuttle bus system. He is not sure of the status of any of the grant applications. The grading issue was addressed by Mr. Wouters.

Joyce Blay, NJ News and Views, 1594 Crimson Road, Toms River – Asked Mr. Klein if he has consulted with the Transportation and Safety Board who discussed this project at a recent meeting she attended. They proposed installing some kind of prefabricated

parking garage. Is that a proposal that the Township is seriously considering, or just listening to as one proposal among many.

Mr. Klein responded that as far as the prefabricated structure, that is typically how garages are built these days.

Ms. Blay asked if the Township will be posting this report on the website.

Mr. Klein responded he believes so.

Mayor Miller answered yes.

Mr. Klein added they met with the Transportation Board, both on this project, and also the Downtown Circulation Study.

Seeing no one else wishing to be heard, Mayor Miller 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 authorizing and directing the submission of a request in the amount of \$100,000.00 to the New Jersey Urban Enterprise Zone Authority to evaluate and approve the Project: Business Assistance Initiative.
Resolution No. 2011-131**
- 2. Resolution approving an extension of Leave of Absence, without pay, for Donald Freibott, from April 1, 2011 to June 1, 2011.
Resolution No. 2011-132**
- 3. Resolution authorizing Emergency Temporary Appropriations for the period between the beginning of the Current Fiscal year and the date of the Adoption of the 2011 Budget, in the amount of \$399,000.00.
Resolution No. 2011-133**
- 4. Resolution authorizing Execution of a Deed of Release of reverter as to Institutional Lenders for Tashbar of Lakewood Inc.
Resolution No. 2011-134**

- 5. Resolution authorizing the Tax Collector to cancel the payment of Taxes, penalties, Interest for the year 2010, for Congregation Bais Medrash Chayim, for Block 290, Lot 1.11.
Resolution No. 2011-135**
- 6. Resolution awarding a contract to Airhandlers Mechanical Services, for Capital improvements to the Municipal Building, specifically HVAC upgrades pursuant to and in accordance with N.J.S.A. 40A:11, et. seq. in an amount not to exceed \$378,035.00.
Resolution No. 2011-136**
- 7. Resolution awarding a contract to C&M Door Controls, Capital improvements to the Municipal and Inspection Buildings, specifically Window and Door replacement, pursuant to and in accordance with N.J.S.A. 40A:11, et. seq. in an amount not to exceed \$96,000.00.
Resolution No. 2011-137**
- 8. Resolution releasing a Performance Guarantee posted by Cedar Investments, LLC. in connection with Application ZB #3725 (Fifth Street), Block 240, Lots 5, 6, and 22, in the amount of \$28,439.60.
Resolution No. 2011-138**
- 9. Resolution releasing a Maintenance Bond posted by Somerset Development LLC., in connection with Application ZB #3296 AA, (Pine River Retail Center, Route 9), Block 778, Lots 17, 42, and 82, in the amount of \$2,500.00.
Resolution No. 2011-139**
- 10. Resolution in support of A-3412 Sharing the Burden of property Assessment Appeal Refunds.
Resolution No. 2011-140**
- 11. Resolution releasing a Performance Guarantee posted by Gem Ambulance, LLC in connection with Application SP #1931 – Gem Ambulance, LLC. (Oberlin Ave. North), Block 1605, Lot 1.
Resolution No. 2011-141**

Motion by Deputy Mayor Langert, second by Committeeman Coles, to approve Resolution Nos. 1 through 11 on the Consent Agenda.

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

Resolution Nos. 2011-131 through 2011 141 – Adopted.

ORDINANCE SECOND READING

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of an Undersized Parcel, Block 1028, Lot 3, in the Township of Lakewood, at a Private 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 Deputy Mayor Langert.

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

Ordinance No. 2011-20 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of Block 445, Lot 9, 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 Akerman.

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

Ordinance No. 2011-21 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 05/12/11)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IX (Taxicabs), of the Revised General Ordinances of the Township of Lakewood, 1999, more specifically Section 9-5.2 (Fees). (Chapter IX, Sec. 9-5.2 – Fees)

Read by title only for first reading.

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

Mayor Miller explained that this Ordinance brings the medallion fees for taxi cabs back to \$1,000.00.

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

Negative: Deputy Mayor Langert

Ordinance No. 2011-22 adopted on first reading. Second reading and public hearing to be held on May 12, 2011.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IV (General Licensing), Section 4-6.5 (Standards for Licensing) of the Revised General Ordinances of the Township of Lakewood 1999. (Chapter IV, Sub-Sec. 4-6.5d Employee Standards)

Read by title only for first reading.

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

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

Ordinance No. 2011-23 adopted on first reading. Second reading and public hearing to be held on May 12, 2011.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IV (General Licensing), Section 4-3 (Transient Merchants, Peddlers and Hawkers) of the Revised General Ordinances of the Township of Lakewood 1999. (Chapter IV, Sec. 4-3 Transient Merchants/Peddlers/Hawkers)

Read by title only for first reading.

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

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

Ordinance No. 2011-24 adopted on first reading. Second reading and public hearing to be held on May 12, 2011.

CORRESPONDENCE

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

PARKS AND EVENTS CORRESPONDENCE

Per schedule of nineteen (19) picnic/event requests, attached hereto and made a part hereof.

Motion by Committeeman Akerman, second by Deputy Mayor Langert, and carried, to approve the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 04/26/11

Motion by Deputy Mayor Langert, second by Committeeman Coles, to approve the above Bill List.

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

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Deputy Mayor Langert wished everyone a safe ride home, during this period of inclement weather; and that they are thankful they do not live in an area where they are subject to the storms that are occurring in the south.

Mayor Miller commented with regard to the School Board Budget. Congratulated the new members of the School Board. As to the Budget that was voted down, Mayor Miller asked Committeeman Akerman to be the Township Committeeman Liaison to obtain the Budget, bring it back to the Committee, discuss it, to be the Liaison from the Committee to the School Board, and to bring back recommendations to the Township Committee.

Mr. Wouters explained that the time frame is set by New Jersey Statute. The Board of Education has a certain short period of time to deliver to the Township Committee the Budget upon its defeat. Then, the Township Committee representatives meet with the Board of Education to discuss the Budget, and then the Township Committee has the ability to make cuts, as they see fit. They can recommend line items but the Board of Education is not bound by the line item cut, but it is bound by the dollar amount cut. That is basically the process.

Mayor Miller stated he feels confident that Committeeman Akerman, together with the Board of Ed members, will be able to sit down together and come back with a recommendation.

Mayor Miller further commented that Memorial Day is approaching. He invited the community to participate; anyone wishing to take part in the Memorial Day parade he asked that they please contact the Mayor's Office. He asked that everyone please come out and enjoy the day, to honor those who have fallen while supporting the country.

ADJOURNMENT

Motion by Committeeman Coles, second by Deputy Mayor Langert, and carried, to adjourn the meeting. Meeting adjourned at 8:32 PM.