

**LAKWOOD DEVELOPMENT CORPORATION
MEETING MINUTES
DECEMBER 6, 2005**

CALL TO ORDER – Rabbi Moshe Zev Weisberg, Chairman at 4:35 pm

ANNOUNCEMENT OF MEETING COMPLIANCE WITH THE SUNSHINE LAW.

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, PL 1975, C 231, by notice published in both the Ocean County Observer and the Asbury Park Press, and by posting of same in the office of the Municipal Clerk, the office of the Lakewood Development Corporation, and upon the public bulletin board of the Lakewood Municipal Building.

ROLL CALL:

Present: Bertram Albert, Lynn Celli, Dr. David Eisenberg, Meir Lichtenstein (arrived 4:40), Robert Mohel, Abraham Muller, James Waters, Rabbi Weisberg and alternate James Savage (departed 5:45 pm.).

Absent: Michael D’Elia, William Doyle, Stanley Federowicz, Mayer Hoberman, Sen. Robert Singer and Francis Edwards.

Also Present: Russell K. Corby, Executive Director; Office Staff: Douglas Doyle, Anita Doyle Trish Komsa and Joan Wilkes; Scott Kenneally of Starkey, Kelly, Bauer & Kenneally, Corporate Counsel.

MOTION –A. Muller/Dr. Eisenberg

To approve the minutes from the November meeting.

Abstention by J. Waters and B. Albert

All others in favor

Motion carried

OLD BUSINESS

None

NEW BUSINESS

The Executive Director wanted to inform the members of the new regulation going into effect under the Pay to Play Law with respect to the hiring of professional service providers. The current process is you can hire professional services under “no bid circumstance” or the RFP process. The new Executive Order suggests the “Open and Fair” process or a “Non-Fair” process both of which have consequences with respect to what any professional firm can contribute to political campaigns or candidates, and suggested that Counsel provide the members with more detailed information.

Counsel informed the members that the new law goes into effect January 1, 2006. It does not change the process of bidding laws or exemptions from the bidding laws under the public contracts law; however it now creates two categories of appointing professionals, i.e. auditors, attorneys, and engineers, all of which are normally considered U.S. appointments under local public contracts law for extraordinary unspecified professional services, which current are an exemption under the public bidding laws. New law now requires awarding the contract under the Open and Fair process or under a Non-Fair and Open process. Under the Fair and Open process the governing entity solicits proposals (RFP) from professionals, and adopts a resolution appointing that professional based upon the proposal. This process prevents getting into the Election Law contributions limits. Using the Non-Fair and Open process requires no solicitation; however whoever is appointed is prohibited from making any political contributions during the term of the contract.

Counsel further informed the members that his firm received a letter from Lakewood Township’s attorney indicating that the township is choosing the “Fair and Open” process as are other municipalities. Counsel has suggested going the Fair and Open route, which requires advertising for proposals, informing the members that the ad must be open for ten (10) days, the ad does not need to be published in the newspaper it can be posted on website. Counsel also informed the members that if the contract is under \$17,500 over an entire year, it would be exempt.

Further discussion followed. Discussion resulted in a resolution indicating the LDC is choosing to award contracts under the “Fair and Open” process. This resolution is to be memorialized at the next meeting.

DIRECTOR’S REPORT:

The Executive Director’s first matter to discuss with the members had to do with Resolution 05-12-3 the 2006 meeting dates informing the members that the only date we have a problem with is the January 3rd meeting, it follows the holidays rescheduling for January 10th conflicts with another holiday. Consensus was to move the January 3rd meeting to Thursday, January 5th.

The Director provided brief information for two (2) resolutions on the agenda:

- 05-12-4 is simply an accounting matter. We are taking monies that we have

received for loans that have been paid off and going back into our 2nd generation funds. This is a paper trail for the auditors.

- 05-12-1 is the Utilities Relief Grant for the Stand Theater. This is a reimbursement grant. This grant has been provided for the last two (2) years and this resolution authorizes the continuation of this grant.

The Executive Director gave a presentation to the members with regard to Resolution 05-12-2. This resolution is requesting the encumbrance of \$200,000 of Second Generation Funds for the year 2006. This money would be used for soft costs such as inspection, coring costs, initial site work that will provide us with the information in determining feasibility, concept designs, study of easements, projected costs and possibilities in areas for future projects. Some of the projects for 2006 include the repaving of the roads in the industrial park, construction of road in the Airport Hazard Zone, entrance signs and the Jamesway area.

Lengthy discussion followed with all members questioning back and forth the Jamesway area and why should UEZ monies be used for privately owned properties. The Director informed the members that the LDC could take the position of "hands off, it's privately owned", or the LDC can, as we are encouraged to do as a UEZ, create partnerships for progress. Further stating that without finding out what are the easements, what the conditions are, can the municipality through the LDC get involved in those easements and publicly participate in cleaning those easements to give whatever, whoever is going into that area a chance. This area has been a focal point for so long and nothing is being done to solve the problem.

Discussion continued at length with Mr. Savage requesting the matter be tabled and excused himself from the meeting (5:45pm).

The Director updated the members on our Zone Boundary revision and the projects on the UEZ December agenda for approval.

Question was raised on what is a Quality of Life officer which was explained in detail by the Director and Patricia Komsa.

COMMITTEE REPORTS:

None

PUBLIC COMMENTS

None

COMMENTS BY TRUSTEES

M. Lichtenstein made reference to the newspaper articles the downtown businesses having issues with the handling by the township committee of the day laborers, informing the members that the committee may be looking to the LDC Downtown Retail subcommittee to gather information for them.

CHAIRMAN'S COMMENTS

The Chairman recommended tabling Resolution 05-12-2.

- Motion –R. Mohel/J. Waters
To accept Resolution 05-12-1 (Utility Relief Grant to Strand Theater).
Roll Vote Taken
Yes -B. Albert, L. Celli, Dr. Eisenberg, M. Lichtenstein, R. Mohel and James Waters
No - A. Muller
Abstention – Rabbi Weisberg
Motion carried
- Motion –A. Muller/Dr. Eisenberg
To Table Resolution 05-12-2 (Encumbrance of 2nd Generation Funds)
Roll Vote Taken
All in Favor
Motion carried
- Motion –L. Celli/Dr. Eisenberg
To accept resolutions on the consent agenda:
Resolution 05-12-3 – Accepting 2006 Meeting dates, with change from January 3rd to January 5, 2006.
Resolution 05-12-4 – Transfer of Micro Loan Account to UEZ Loan Pool Account
Roll Vote Taken
All in favor
Motion carried
- Motion –R. Mohel/J. Waters
To accept and memorialize Resolution to award Professional Service Contract under the Fair & Open Process. (RESOLUTION TO BE PREPARED BY COUNSEL)
Roll vote taken
All in favor
Motion carried

MOTION TO ADJOURN – M. Lichtenstein/A. Muller

All in favor

Motion carried.

6:00 p.m.