

**LAKWOOD INDUSTRIAL COMMISSION
MINUTES
OPEN SESSION**

MEETING OF: MARCH 24, 2010

Adequate Notice of this meeting was provided in accordance with the OPEN PUBLIC MEETINGS ACT, P.L. 1975, c. 231.

The meeting was called to order by Chairman Robert Kirschner at 12:19 PM

Presiding: Robert Kirschner, Chairman
Present: Commissioners William Doyle, Jeffrey Golub, and Shlomo Katz.
Absent: Commissioners Justin Flancbaum, Jan Kokes, and Charles Silberberg.
Also in attendance: Executive Director Steven Reinman, LIC Counsel Jan Wouters, Township Engineer Todd Day, Anita B. Doyle, Gidalty Esparza and Lakewood Township Publicist Frances Kirschner.

MINUTES FOR MEETING OF JANUARY 27, 2010:

Doyle/Golub- Motion to approve minutes of the January 27, 2010 meeting as transcribed. Carried.

MINUTES OF FEBRUARY 24, 2010:

No formal meeting took place on February 24, 2010 due to lack of a quorum of members to meet. The meeting was declared "Informal".

STATEMENT OF ACCOUNTS:

Administrator of Accounts Anita Doyle recapped the Statement of Accounts presented to the Commissioners dated March 24, 2010. Annual Land Lease Payment of \$4,500 was received from Coni-Seal; AT&T monthly Lease of Land in the amount of \$460.00 was also received and reflected in the posting.

BILL LIST:

The following Bill List was presented for payment approval \$10,744.27) to be drawn from Industrial Commission Budgeted Funds:

Num	Name	Memo	Paid Amount
2485	Parkway Lodging Realty, LLC		(\$7000.00)
2486	Kimball Medical Center Foundation	5/1/10 event Registration (2)	(\$550.00)
2487	Frantasy Enterprises, LLC	Marketing and Public Relations Consulting Services - March 2010	(\$2000.00)
2488	Israel Reinman	Car Allowance for March 2010 auth via Res# 100110	(\$400.00)
2489	Anita B. Doyle	Services as Administrator of Accounts - March 2010 auth via Res # 100111	(\$400.00)
2490	Greater Media Newspapers	Publication of Industrial Commission meetings for 2010 Ref: 1126722	(\$63.20)
2491	Bathgate, Wegener & Wolf, PC	Legal Services Provided through 2/28/10	(\$380.07)

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		(\$10793.27)
cancel # 2448	NJ Chamber of Commerce Registration for Seminar – LOST and Replaced- this is a correction of bill list of December 9th.	<u>\$49.00</u>
	adjusted expenses total	(\$10744.27)

It was explained that the \$7,000.00 check (#2485) represented a refund to Parkway Lodging Realty of monies provided by them, deposited and held by the NJDOT in the development of their Lakewood Hilton Garden Inn project on Route 70. As the Lakewood Industrial Commission was listed as the applicant (as owner of the lands at the time that application was made) the NJDOT returned \$7,000.00 to the LIC, which was then deposited into the Commission’s Income Account and had cleared the banks. Check # 2485 returns the funds to the entity that “fronted” the retention funds.

Explanation of the cancellation of Check # 2448 - Check # 2448 was issued in the amount of \$49.00 as registration fees to attend a seminar. Apparently the check was lost and not cashed. This office issued another check to replace the lost check, added the check to the bill list and in December’s bill list totals (duplication of debit) and overlooked a cancellation of the original lost check (and return of the funds to the account). This caused an imbalance in the books. The correction on this bill list is to add the amount of check # 2448 to the balances bringing internal account up to date with bank reconciliations.

Golub/Katz- Motion to approve payment of bills # 2485-2491 totaling \$10,793.27. This motion hereby duly adopted by the Lakewood Industrial Commission.

On Roll Call:

<u>Commissioner</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mr. Doyle	X		
Mr. Flancbaum	-		
Mr. Golub	X		
Mr. Katz	X		
Mr. Kirschner	X		Abstain: #2487
Mr. Kokes	-		
Mr. Silberberg	-		

The above motion hereby being duly adopted by the Lakewood Industrial Commission

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***The Bill list of February 24, 2010 will be offered for review at the meeting of April 28th to ratify same. Routine Bills were authorized to be paid by consensus of the Commissioners present at the informal meeting of February 24th. ***

EXECUTIVE DIRECTOR'S REPORT:

Mr. Reinman reported on the following matters of interest:

- NJDEP and Lakewood Airport issues. There are issues of preservation of certain lands for “endangered species” and buffers around wetlands and Class 1 waterways areas.

Jeff: Have any conceptual ideas been presented to them (NJDEP) regarding anything that we are proposing for review? As far as ideas?

Mr. Reinman responded that we have a problem with the airport. In 2005 we had a study done of the lands of the Airport and they discovered the “leavings” of a Pine Snake. This DEP “snake” issue has plagued development in other areas of Ocean County (Walmart in Toms River is still battling NJDEPE over location and accommodation of the Pine Snake). This is also Lakewood’s current issue.

- The Chairman, Mr. Katz and Mr. Reinman attended a conference in Woodbridge on 3/18/10 regarding Redevelopment issues (UEZ and Governor’s View on Freezing UEZ funding, etc.) facing communities. They felt that the information gleaned at this conference and contacts made were beneficial overall.
- Had a request by Nitto Denko (organizing softball league) to support (marketing sponsorship paying for t-shirts, etc) the formation of the softball league comprised from Industrial Park companies’ employees. This office orchestrated an informative mailing to Industrial Park companies inviting all to participate along with news about the EXPO.

ATTORNEY'S REPORT:

- **NJDEP** – Mr. Wouters touched on the current status of the NJDEP and their lack of support in development of lands. It is viewed by the current Administration of Governor Christie (following presentation of the Transitioning Report made) that the NJDEP has acted well beyond their statutory authority in setting and enforcing regulation. It is anticipated that there will be resolution to some matters involving pine snakes during the tenure of this Administration via change of personnel, change of policy, change of emphasis and issues that are stymieing us now.

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Mr. Golub asked whether there was anything that the Commission could offer to “redefine / re-illuminate” the significance” of change by the DEP.

- **“Tree Save” (2 acre parcel - Stamos and Sommers assigned to Lakewood Industrial Holdings)** area and status of closing of the transaction and deeding the 2 acres in perpetuity as “tree save”.

Mr. Wouters reported that Attorney Michelle Katz has presented a new draft of the Deed with “restriction” language for review. The changes are being made and the law office is conferring with their client regarding closing on the transaction with the LIC. They anticipate a closing in approximately 30 days.

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- **Pine Belt Enterprises – land set aside for “tree save”.**

Mr. Wouters reported that he received a call from Pine Belt’s attorney on March 23rd. He was unable to return the call to ascertain the status of the matter on that day but will report on this matter at the next LIC meeting.

COMMITTEE REPORTS:

- Chairman Kirschner verified that the LIC Sub Committee assignments from 2009 will carry over through 2010.

- Anita Doyle reported that there were no Committee meetings during the prior month, but a Site Plan was just presented to the LIC office to arrange for review and recommendation by the LIC from GEM Ambulance for the property located at 1750 Cedar Bridge Avenue. She reviewed the procedure of LIC review of Site and Subdivision Plans of properties located within their jurisdiction (M-1 Zone), which recommendation is made part of Lakewood Planning Board files for the applicant. The Plan will be reviewed after conclusion of this meeting.

OLD BUSINESS:

- None.

NEW BUSINESS:

- Chairman Kirschner reported that **EXPO 2010** will take place on July 1, 2010 from Noon to 6 PM. Invitations are to be sent to the 2009 Participants, Lakewood Industrial Park Businesses, Local Chambers of Commerce and other Economic Development Organizations. Seminars are also being included in the program of events to take place at the EXPO.

- **Change of date of May meeting** – Mr. Reinman reported that he will be out of the state on business and cannot attend the scheduled LIC meeting on May 26th. Commissioners, by consensus, agreed to change the May meeting date as can be arranged. The matter will be researched.

COMMENTS FROM THE PUBLIC:

- Publicist Fran Kirschner reported that there will be media coverage of the EXPO on July 1, 2010. Everything is moving along well in organizing the event.

COMMENTS FROM THE COMMISSIONERS:

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- Mr. Doyle asked whether there have been any responses received relative to the EXPO. Anita Doyle updated the Commissioners on the LIC's office's progress of notification/advertising of the EXPO to recruit vendors to exhibit.

- Mr. Golub discussed the property at 1750 Cedar Bridge Avenue that is the subject of the GEM Ambulance Site Plan under review by the Commission (where a recommendation is scheduled to be made to the Lakewood Planning Board). He recommended that if the Commission makes a recommendation to the Planning Board, that they indicate that the ambulance 'rigs' be parked in the back during the day to provide continuity of campus-like and professional aesthetics of the Corporate Campus.

CONSENT AGENDA RESOLUTION:

The following resolution was offered by Katz/Golub for the purposes of acknowledging assignment of contract and contract terms relative to the 2 acres of Tree Save lands to be deed restricted to settle litigation between Stamos & Sommers and the NJDEP.

100301	Resolution authorizing Assignment of Contract to 1920 Swarthmore Avenue, LLC; assigned from Stamos & Sommers, LLC through Lakewood Industrial Holdings, LLC. Relative to deed restricted lands of 2 acres which currently exist as a portion of Lot 9 in Block 1606.
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Vote: Carried by Voice Vote (all voted in the affirmative to adopt the resolution).

The above resolution hereby being duly adopted by the Lakewood Industrial Commission.

RESOLUTIONS THAT REQUIRE INDIVIDUAL ACTION:

None

CLOSED SESSION:

The following resolution was offered by Katz/Doyle to move the meeting into Closed Session:

WHEREAS, Section 8 of the Open Public Meetings Act, P. L. 1975, Chapter 231, permits the exclusion of the public from a meeting under circumstances; and

WHEREAS, this Industrial Commission of the Township of Lakewood is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Industrial Commission of the Township of Lakewood in the County of Ocean as follows:

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1. The public shall be excluded from discussion of private and confidential matters involving any of the nine (9) exclusions as set forth in Section 7(b) of said law and as hereinafter specified.
2. The general nature of the subject matter to be discussed is as follows:

CONTRACT NEGOTIATIONS	<input checked="" type="checkbox"/>
PERSONNEL	<input type="checkbox"/>
LITIGATION	<input type="checkbox"/>
OTHER	<input type="checkbox"/>
3. It is anticipated at this time that the above stated subject matter will be made public only when the reasons for discussing and acting on them in closed session no longer exists; said determination to be made by further resolution adopted by the Industrial Commission.
4. This resolution shall take effect immediately.

The meeting moved into Closed Session at 1:03 PM

Meeting Returned to open Session at 1:25 PM

Golub/Katz- Motion to adjourn the meeting. Carried.

Meeting was adjourned at 1:26 PM

Dated: April 23, 2010

by: Anita B. Doyle
Secretary-Designee