

1 **LAKEWOOD INDUSTRIAL COMMISSION**
2 **MINUTES**

3 **OPEN SESSION**

4 Meeting of: June 25, 2008

5 *Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act,*
6 *P.L. 1975, c. 231.*

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8 The meeting was called to order Wednesday, June 25, 2008 at 12:45 PM by Vice Chairman Bertram
9 Albert.

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11 **ROLL CALL:**

12 Presiding: Vice Chairman Bertram Albert
13 Present: Mr. Flancbaum, Mr. Katz and Mr. Doyle
14 Absent: Jeff Golub, Mr. Kokes and Mr. Silberberg
15 Also in attendance: Mr. Corby; Mr. Delaney; Anita Doyle; and
16 Gidalty G. Esparza;

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19 **APPROVAL OF MINUTES OF: May 28, 2008**

20 *By general consensus, the minutes of the May 28, 2008 were tabled and to be presented at the next*
21 *meeting to give time for commissioners' review.*

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24 **STATEMENT OF ACCOUNTS: Dated June 25, 2008**

25 *Mr. Flancbaum / Mr. Katz – Motion to accept the Statement of Accounts as presented.[Carried]*
26 Statement of Accounts was accepted by a voice vote.

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30 **BILL LIST: Dated June 25, 2008**

31 The following bill list was presented for payment approval to be paid with Industrial Commission
32 budgeted funds:

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Num	Name	Memo	Paid Amount
2299	Asbury Park Press	#0100742643 Legal Advertisement- FTZ Expansion	\$ (90.52)
2300	Anita B. Doyle	Replenishment of Petty Cash on Hand	\$ (179.74)
2301	Ocean ELC	Registration - R. Corby meeting of 6/20/08	\$ (20.00)
2302	Anita B. Doyle	As Administrator of Accounts - Month of June, 2008	\$ (400.00)
2303	MONOC FCU Acct# 2009183-6	Car Allowance RKC - June 2008	\$ (400.00)
2304	New Jersey Chamber of Commerce	Membership dues- Lakewood Industrial Commission 8/1/08-7/31/09	\$ (595.00)
2305	Lakewood Chamber of Commerce	Meeting Registration Bert Albert 6/4/08	\$ (35.00)

2306	Acculmage Typesetting & Design, Inc.	June 2008 Twp M & PR program	\$ (2,500.00)
2307	Princeton Public Affairs Group, Inc.	June 2008 Legislative Consulting Services	\$ (2,500.00)
2308	Watchung Spring Water Co., Inc.	Inv # 1535170 Spring Water	\$ (56.82)
2309	Secare, Delanoy, Martino & Ryan	Legal Services - May 2008	\$ (2,448.00)
			\$ (9,225.08)

1 *Mr. Flancbaum / Mr. Katz – Motion to accept the Bill List as presented.*

2 On Roll Call:

<u>Commissioner</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum	X		
Mr. Katz	X		
Mr. Kokes	-		
Mr. Silberberg	-		
Mr. Golub	-		

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

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5 **EXECUTIVE DIRECTOR’S REPORT:**

6 *Mr. Corby deferred to Mr. Sinclair for his reporting of new matters in the legislature and in*
7 *Trenton.*

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11 **LEGISLATIVE CONSULTING SERVICES REPORT:**

12 *The following are the June 25, 2008 topics that Mr. Sinclair discussed with the Commissioners:*

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14 **RESOLVING DISPUTE WITH CAFRA:**

15 PPAG is working closely with Senator Bob Singer to dislodge Lakewood Township’s CAFRA
16 issues. NJDEP reviewers are sitting on Lakewood’s CAFRA’s request in large part because
17 there is a major difference of opinion on the plan as a whole – not the Industrial Park in
18 particular. We will urge the State to resolve those differences because Industrial Park tenants
19 such as Gaming Labs and Iorio Construction, who have threatened to leave Lakewood, and
20 indeed New Jersey entirely, unless they can move forward with expansion plans in the near
21 term. Jesel sold their building because they were not able to acquire land for expansion. In
22 addition, there are 3 plans held up at the Planning Board because of this CAFRA issue.

23

24 **Jong Sook Nee, Smart Growth Ombudsman.** This is new position in the Governor’s Office.
25 Jong was appointed in April and has influence over both NJDEP and OSG. Jong was most
26 recently a redevelopment attorney with the Law Firm of McManimon & Scotland.

27

28 **Ben Spinelli, Executive Director of the Office of Smart Growth (OSG),** which is housed
29 within the NJ Department of Community Affairs. Ben was mayor of Chester Township in
30 Morris County. He was founding member of the Highlands Council.

31

32 **Jennifer Godoski, NJDEP Deputy Commissioner.** Jennifer replaced Adam Zellner as second
33 chair to Commissioner Lisa Jackson. NJDEP includes CAFRA. Jennifer is new to the
34 Department and to environmental issues in general. She was most recently at NJDOT, where
35 she coordinated the public outreach campaign for the Governor’s Toll Road Initiative.

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Lakewood and NJDEP have not reached agreement on the Township’s proposals for habitat and water quality protection. There has been no appreciable progress from my (Mr. Sinclair’s) perspective relative to any commitments by Lakewood Township to actually identify and protect the remaining important habitats previously identified by NJDEP beyond what would already be protected by the impervious coverage restrictions of CAFRA, C1 Stream buffers, Flood Hazard Riparian corridors, and Wetlands regulations. To date, Lakewood Township has not produced an overall habitat and water quality protection strategy that NJDEP can support. This is a significant Obstacle that continues to remain a major impediment to progress in resolving the Planning Area and Centers designations sought by the Township.

DOWNTOWN PARK & RIDE:

PPAG continues to provide strategic guidance with respect to implementing the \$2.2 million federal transportation earmarked for Lakewood’s proposed Downtown Park & Ride system. The formal Federal Transit Administration grant application was submitted to NJTRANSIT.

On February 4, 2008, Lakewood Township met with NJDEP Green Acres staff to resolve an issued related to using former ball fields for part of the Park and Ride project. The issue was solved by the Township agreeing to go thru the State House Commission process to “de-list” the property from Green Acres.

ROUTE 9 IMPROVEMENTS

PPAG’s continues to advocate for Route 9 Improvements as part of the NJ Department of Transportation (NJDOT) mandated Smart Growth Corridor Study which includes Route 9 from Route 88 in Lakewood to Route 571 in Toms River. NJDOT will defer to Lakewood regarding which projects to prioritize. NJDOT has not heard from Lakewood regarding the contract modification with Edwards & Kelcey. This is critical to moving forward. Lakewood needs to provide feedback on the Edwards & Kelcey scope of work soon.

VINE STREET EXTENSION:

PPAG is well versed in NJDOT’s Municipal Aid programs. As such, we will continue to work with the Department to advance the Vine Street improvements that coincide with the John F. Patrick sports complex. Last year, PPAG successfully expedited additional installments of Municipal Aid. This year the firm will focus on how the extension ties into Route 70. This task will include a series of meetings with the County and NJDOT.

Summary of Permit Extension Act.

1. The time period for the permit extension is January 1, 2007 – July 1, 2010, with up to an additional 6 months phase-in period to December 31, 2010. That amounts to a maximum 4 year permit extension period.
2. Permits and approvals that are typically required for subdivision and site plan approval in New Jersey will be extended.
3. Permits and approvals will not be extended in a defined ‘environmentally sensitive area’ which means:

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- A. State Plan Planning Area 4B (Rural/Environmentally Sensitive) as designated pursuant to the version of the Sate Plan in effect at the time the Act is signed
- B. State Plan Planning Area 5 (Environmentally Sensitive) as designated pursuant to the version of the State Plan in effect at the time the Act is signed.
- C. Highland except for a growth area pursuant to the Highlands Regional Master Plan
- D. Pinelands except for any growth area designated in the Comprehensive Management Plan.

- 4. Except for Right-of-Way permits, permits and approvals issued by the Department of Transportation will not be extended.
- 5. Permits and approval that are issued under the Flood Hazard Area Control Act will not be extended, EXCEPT “where work has commenced, in any phase or section of the development on any site improvement as define in the Municipal Land Used Law (MLUL), or on any buildings or structures.”
- 6. Coastal Center designation will not be extended where (1) an application for Plan Endorsement was not submitted to the State Planning Commission as of March 15, 2007 and (2) designations were not in compliance with the Coastal Zone Management rules. Under the Act, all Coastal Area Facility Review Act (CAFRA) permits will be extended.
- 7. The Act does not affect DEP issued Administrative Consent Orders that are in effect or are issued during the extension period.
- 8. Where an approval tolled under the Act is based upon connection to a sanitary sewer system, the extension is contingent upon the treatment facility having sufficient capacity to accommodate the development. If there is not sufficient capacity, those with permit extension will have priority for further allocation of gallonage over those permit holders who did not receive hookup approval prior to PEA’s enactment.
- 9. The DEP Commissioner would retain the ability to revoke or modify specific permits or approval where DEP is authorized to do so under the permit or approval. This revocation or modification can also occur with those permits or approvals that qualify for extension.
- 10. The act does no modify any requirements related to State’s authority for delegation or assumption to implement a federal law or program (i.e. Wetlands Program).

Similarly it does not affect any permits or approval issued by the U.S. government (or any of its agency or instrumentality) where its duration, date or expiration terms are specified or determined under a federal law or regulation.
- 11. The Act does not limit counties/municipalities’ obligation of submission of wastewater management plans or plan updates, as required under the newly adopted Water Quality Management Planning rules.

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**ATTORNEY’S REPORT:**

1 **Mr. Delanoy:** On the matter regarding Stamos & Sommers, I have spoken with the attorney,  
2 Michelle Katz, she has been in touch with DEP with regard to some questions on the Deed  
3 language. Mrs. Doyle has a copy of an e-mail the Michelle Katz sent to the DEP she hasn't received  
4 an answer. But once we have that answer, we will be able to fill in the blanks to what we need in  
5 terms of our Deed. So we are just waiting on the DEP. Ms. Katz has been pursuing it and she asked  
6 me to submit this e-mail to everyone so that the Commissioners can see what her questions are to  
7 the DEP.

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10 **CORRESPONDENCE: NONE**

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14 At this time Mr. Andrew Sinclair left the meeting. [1:00 PM]

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16 **CLOSED SESSION:**

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18 The meeting moved into **Closed Session at 1:01 PM on a resolution offered by Mr. Doyle / Mr.**  
19 **Flanbaum** and carried.

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21  
22 **WHEREAS**, Section 8 of the Open Public Meetings Act, P. L. 1975, Chapter 231, permits  
23 the exclusion of the public from a meeting under circumstances; and

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

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

28 1. The public shall be excluded from discussion of private and confidential matters  
29 involving any of the nine (9) exclusion as set forth in Section 7(b) of said law and as  
30 hereinafter specified.

31 2. The general nature of the subject matter to be discussed is as follows:

- |    |                               |                                     |
|----|-------------------------------|-------------------------------------|
| 32 | <b>CONTRACT NEGOTIATIONS</b>  | <input checked="" type="checkbox"/> |
| 33 | <b>PERSONNEL</b>              | <input type="checkbox"/>            |
| 34 | <b>LITIGATION (impending)</b> | <input type="checkbox"/>            |
| 35 | <b>OTHER</b>                  | <input type="checkbox"/>            |

36  
37 3. It is anticipated at this time that the above stated subject matter will be made public  
38 only when the reasons for discussing and acting on them in closed session no longer  
39 exists; said determination to be made by further resolution adopted by the Industrial  
40 Commission.

41 4. This resolution shall take effect immediately.

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43 **The meeting moved into Closed Session at 1:01PM**

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The Meeting returned to Open Session upon passage of a motion by Mr. Doyle / Mr. Flancbaum and Carried.

The Meeting returned to Open Session at 1:17 PM

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**COMMITTEE REPORTS: None**

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OLD BUSINESS: NONE

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**NEW BUSINESS:**

**Mrs. Doyle:** Leeds Symposium that we were directed to coordinate with Mr. Jeff Golub is scheduled to take place on July 24, 2008 at 4:00 PM in the Municipal Auditorium. The Township committee is expected to pass a resolution in support of this symposium and authorizing us to work with this organization. I will let you all know the details when they are made available to me.

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NON-CONSENT AGENDA RESOLUTIONS: None

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**RESOLUTIONS-**

Motion by Mr. Katz / Mr. Flancbaum directing Mr. Delanoy to forward his letter to Mr. Michael J. Gross with respect to the 'Option' Agreement/Contract.

On Roll Call:

| <u>Commissioner</u> | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> |
|---------------------|------------|------------|----------------|
| Mr. Albert          | X          |            |                |
| Mr. Doyle           |            | X          |                |
| Mr. Flancbaum       | X          |            |                |
| Mr. Katz            | X          |            |                |
| Mr. Kokes           | -          |            |                |
| Mr. Silberberg      | -          |            |                |
| Mr. Golub           | -          |            |                |

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

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**1 Motion by Mr. Flancbaum / Mr. Katz to approve an updated Developers' Agreement as
2 presented to the Commission**

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4 On Roll Call:

| <u>Commissioner</u> | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> |
|---------------------|------------|------------|----------------|
| Mr. Albert | X | | |
| Mr. Doyle | | X | |
| Mr. Flancbaum | X | | |
| Mr. Katz | X | | |
| Mr. Kokes | - | | |
| Mr. Silberberg | - | | |
| Mr. Golub | - | | |

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

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**9** COMMENTS FROM THE PUBLIC: None

**10**

**11**

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13 COMMENTS FROM THE MEMBERS:

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15 Mr. Albert: In view of the fact that am involved with the Airport Authority and the Federal
16 Aviation Authority... there is a subject before the FAA to fund the purchase of the object-free area
17 at both ends of the [airport] runway and one end bordering on Cedarbridge [Avenue] will go over
18 into the area that the Industrial Commission owns so there may be some discussion with the FAA to
19 purchase, not all, but some, of the land.

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**23** ADJOURNMENT:

**24**

**25** *Mr. Flancbaum / Mr. Katz Motion to adjourn. Carried*

**26**

**27** *Meeting Adjourned at 1:20PM*

**28**

**29**

**30** Dated: June 25, 2008

by

**31**

**32**

Gidalty G. Esparza  
Recording Secretary

**33**

**34**

[Reviewed] by Anita B. Doyle,

**35**

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