

**LAKWOOD INDUSTRIAL COMMISSION  
MINUTES  
OPEN SESSION  
MEETING OF: JUNE 28, 2006**

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 Wednesday, June 28, 2006 at 12:10 PM by Chairman Jeff Golub.

**ROLL CALL:**

Presiding: Mr. Golub  
Present: Mr. Kokes, Mr. Albert, Dr. Eisenberg, Mr. Silberberg and Mr. Doyle  
Absent: Mr. Katz

Also in attendance: Mr. Corby, Mr. Delanoy, Anita Doyle, and Gidalty G. Cruz

**APPROVAL OF MINUTES OF:** March 22, 2006, April 26, 2006 & May 23, 2006  
MOTION TO APPROVE THE MINUTES by Mr. Albert and seconded by Dr. Eisenberg.  
[Carried] Minutes were approved by a voice vote.

**STATEMENT OF ACCOUNTS:** Dated June 28, 2006.  
Mr. Silberberg/Mr. Kokes- Motion to accept the Statement of Accounts as presented.  
[Carried] Statement of Accounts was approved by a voice vote.

**BILL LIST:** Dated June 28, 2006

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

Num	Name/Memo	Paid Amount
2051	Acculmage Typesetting & Design, Inc. Marketing and Public Relations Services Provided - May 2006	\$ (3,500.00)
2052	Anita B. Doyle For Services as Administrator of Accounts - Month of June 2006 Res#060109	\$ (400.00)
2053	MONOC FCU Acct# 2009183-6 RKC- Car Allowance - Month of June, 2006 Res# 060108	\$ (350.00)

2054	New Jersey Chamber of Commerce Invoice # 22147 - Membership Renewal 2006-2007	\$	(543.75)
2055	Princeton Public Affairs Group, Inc. Legislative Consulting Services provided Retainer Fee for June, 2006	\$	(2,500.00)
2056	Secare, Delanoy, Martino & Ryan Professional Legal Services provided Month of May 2006	\$	(1,280.00)
2059	Township of Lakewood Land Sale Proceeds - transfer to Township of Lakewood from LIC	\$	(1,500,000.00)
2058	Watchung Spring Water Co., Inc. Meeting Refreshment Expenses Acct# 127214	\$	(30.27)
		\$	(1,508,604.02)

**Mr. Silberberg/Mr. Kokes– Motion to accept the Bill List** (exclusive of check # 2057 to the Township of Lakewood in the amount of \$1,550,000.00). NOTE: Check # 2059 was issued in replacement of #2057 as approved by LIC action –Resolution # 060602)

**On Roll Call:**

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Dr. Eisenberg	X		
Mr. Katz	-		
Mr. Kokes	X		
Mr. Silberberg	X		
Mr. Golub	X		

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

**EXECUTIVE DIRECTOR’S REPORT:**

Mr. Corby: You have in your package the initial review of new signage design and placement. Essentially, what has happened here is ~ we have identified certain areas where the signage could occur; this is a project that is being funded by the LDC. However, it is integral to the LIC; if we were going to do this entranceway, should we keep the name ‘industrial park’ or something else? We would like, in an informal fashion, that the members of the LDC and LIC give us suggestions. There have been some suggestions: Lakewood Business Center East & West. This matter will eventually go before the Township Committee. This was the initial study; an initial suggestion; and draft and ideas...how the entranceway might change and type of ‘structures’ that we review. I would also like to move on unless there is some discussion.

Discussion continued. In conclusion, the Commissioners all agreed to come up with some suggestions.

Mr. Corby: As an update, the LDC reviewed the road (analysis) survey at their meeting in June. They approved an application to the UEZ for costs of the actual repaving of 3 roadways for about \$700,000.00, we may be adding another road to this project ~ Airport Road. There is a particular drainage problem where the roadway is sinking. So, through the LDC/UEZ we will go back to amend the project and ask for additional funding, but it likely that this project would be started by the fall so we actually see some roads being paved in the fall and spring. That was taken from a priority list develop by the engineers. As an update, one of the other studies we have ordered looked at the usefulness (development) of the Block 1606 Lot 9 better known to us as Airport Hazard Zone near Swarthmore Avenue. We have received a detailed report, and I'm going to be preparing a memo for the LDC, we believe now, after having done this that we may have environmental restraints in that some of the things that were proposed may not be able to be done. Some of the proposals were: a Township impound yard, an established area for big trucks to park and several different things. I haven't finished reviewing this, but I can say that there probably would be sufficient environmental restraints so that it may not be possible. That's also in the works and is available for anybody to read. Finally, we are in a period of public hearing on our LOI on the Northeast Parkway Acquisition Area tract, and that should be completed this summer. We will be able to proceed with that following submission. You do have another matter on the agenda regarding recent sale of property. We are being asked to approval the client for the third pad on the Hotels Unlimited/ Parkway Lodging project. We rejected Dunkin Donuts as a tenant and he has come back with a Starbucks.

Mr. Delanoy: Yes, we should take a vote and memorialize that.

Discussion continued regarding Starbucks quality. In conclusion, the Commissioners agreed that Starbucks was the better choice.

**Motion by Mr. Kokes/Golub memorializing the approval of the third pad restaurant client as Starbucks.**

**On Roll Call:**

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Dr. Eisenberg	X		
Mr. Katz	-		
Mr. Kokes	X		
Mr. Silberberg	X		
Mr. Golub	X		

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

## **ATTORNEY'S REPORT:**

Mr. Delanoy: We had the closing of the hotel property on June 8, 2006. Mr. Golub and Mr. Corby and myself were present. It took a little while, there were some issues that had to be ironed out between parties and whatnot, but it finally completed itself and everything turned out well for the Industrial Commission. As far as the Hamilton Partners property is concerned, I'm expecting to close shortly. I'm just waiting for a metes and bounds description because I need to know exactly what it is as a result of their subdivision that we would be conveying. They are going to be forwarding that information to me as soon as they have it prepared. I will check that with Mr. Kielt as well as with Mrs. Doyle to be sure that the metes and bounds we receive is accurate and do reflect what legally we are conveying. Once that is taken care of, then we can close on the property as well. I expect that to be done prior to the July LIC meeting. That's all I have.

Mr. Golub: Just to keep everyone up to speed, in that real estate (Parkway Lodging) closing, their conversation involved the revalued value of the land, and the taxes the would be borne on it because of the increase value. Mr. Tajfel was a little concerned about it. I explain to him that the reason the property is valued a little bit greater is because your consumables that you have in place, sewerage, water, electric, gas, phone, CAFRA, DOT, street opening, planning board, and there is a lot of enthusiasm and excitement in the area. He also said to me that Mr. Levin, who was there with him on Mr. Muller's behalf, said that there is a lot of excitement around the Route 70 corridor and there are properties that just have trees that are actually are selling for more than you bought this for; that you got a garage sale price and just love it and lets move on. So he apologized and asked to please extend to everyone that it move with expedience. I also had the opportunity to tell Mr. Secare that I thought that the expertise that you operated with was second to none given the undertone of some problems.

Mr. Delanoy: Thank you.

Mr. Golub: I wanted to say that to your face, because I want you to know that's how I feel.

Mr. Delanoy: I appreciate it.

Mr. Golub: There wasn't a hiccup in his movement. It was very secure and sure in what he was doing and I was very impressed, and that's the way you want an attorney, believe me.

## **CORRESPONDENCE:**

Mrs. Doyle: The correspondence you have in your package is a letter from the Municipal Manage requesting a transfer of land sale proceeds to the Township of Lakewood in the amount of \$1,550,000.00 since they are aware of the land sale closing.

Mr. Kokes: Through the chair, I been talking for this for years...I just want to make sure, obviously in 2006 we can fund ourselves. How about 2007? If we can fund ourselves current or to projected revenues to 2007~ we need to take a look at that before we send the money...or with the understanding that someone else fund us.

Mr. Albert: Aren't we negotiating a contract to sell the NE Parkway Acquisition Area?

Mr. Golub: Yes

Mr. Albert: There is no price on it yet right?

Mr. Corby: No, there was a re-appraisal done in December.

Mr. Albert: And that was how much?

Mr. Corby: \$95 thousand an acre; an average of 14-15 acres.

Mr. Kokes: I just want to make everyone aware.

Mr. Silberberg: You're absolutely right, and we don't know when it is going to close.

Mr. Kokes: That's what I'm saying. We don't know.

Mr. Albert: We can go to the Township Committee and ask them to fund us or to loan us some money.

Mr. Kokes: When we send them the money, just say that we want to have enough to operate with for at least next year.

Mr. Corby: If I may, Mr. Chairman, in conversation with the Municipal Manager, one was that he saw our budget for this year and didn't ask ~ assuming we need money for 2007. There is confidence that we can operate to 2007, the out-years are another issue, and you're probably right to bring out the point. Another issue, and not to be an advocate for the Township, but necessarily in this position, the other matter is that there is some concern that that the Township has not issued the tax bills to the residents and there are an extreme number of tax appeals this year as a result of the revaluation. So, the Township's position, as per Mr. Edwards, was that they may have a cash flow problem. The longer it goes on, in terms of establishing a tax rate and getting the tax bills out...I think he is looking a little bit to protect himself in this budget year with respect to general cash. Now, I don't believe there anything in the rules that suggests that we have to give them all. We can give them a portion.

Mr. Kokes: I'm just bringing it up and I have asked in the past; that I think we should consider putting it down as an agenda item. Our future and how we generate funds; whether the Township gives us other land to sell or what ever, so that we can stay in business. I don't see a problem to 2007 it's really working very well and I just want to make sure it continues. For the town and everyone.

Mr. Albert: I have agreed with Mr. Kokes on this issue many times, but I know we are going to give some of those funds to the Township because that is the whole purpose of the Industrial Commission. I would like to see the widest possible publicity done in whatever amount we give the Township.

Mr. Corby: I will contact the people who take care of that. So the only issue is, do you accept the amount?

Discussion followed regarding the amount to be transferred.

Mr. Kokes excused himself from the meeting at 12:55 PM

Mr. Albert: Aren't items in our budget that we are funding for the benefit of the Township? Could we give them back to them?

Mr. Corby: Well, I think they should be made aware of that, yes.

Mr. Albert: That they should fund it rather than us.

Mr. Golub: Yes, they could be funding it, but they are not.

Mr. Corby: I would say about \$90 thousand worth of Township-sponsored expenditures.

Mr. Albert: I think that should be made known to them, that if we give them more than we can afford, that they would have to pick up those bills.

More discussion followed. In conclusion, the Commissioners all agreed to reduce the amount to be transferred to \$1,500,000.00 and ask the Township to take back their sponsored program.

**Mr. Golub / Mr. Eisenberg: Motion to approve the conveyance of \$1,500,00.00 to the Township of Lakewood on condition the Township takes control of Township-sponsored programs for the calendar year 2007.**

**On Roll Call:**

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Dr. Eisenberg	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

**COMMITTEE REPORTS:**

Mrs. Doyle: SP# 1540 Minor Subdivision of Lot 1 in Block 396 into two conforming lots. The Site Review subcommittee reviewed and produced no objection to the proposed subdivision. SP #1842 - Prospect Business Park II for new construction of office/storage multi-tenant space totaling 47,056 SF. Subcommittee reviews produced no objections to the project development as proposed.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CLOSED SESSION:**

The following Resolution was offered to move the meeting into closed session by Mr. Doyle/ Dr. Eisenberg and carried

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:

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	P
PERSONNEL	≤
LITIGATION (impending)	≤
OTHER	≤
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 1:14PM

The Meeting returned to Open Session upon passage of a motion by Mr. Albert/Dr. Eisenberg and carried at 1:23PM

Mr. Albert / Dr. Eisenberg: Motion to decline the offer by Stavola Asphalt Company LLC to construct an asphalt plant on Block 1160.01, Lot 228 (Oak Street Landfill). Motion carried on a voice vote.

**RESOLUTIONS:**

**060601 - Resolution Memorializing the LIC Action to accept the third pad tenant at the Parkway Lodging project site as Starbucks. Kokes/ Golub. Carried.**

**060602 - Resolution Memorializing approval of the transfer of \$1,500,000.00 to the Township of Lakewood as land sale proceeds conditioned on the Township taking control of Township-sponsored services for 2007. Golub/Eisenberg. Carried.**

**COMMENTS FROM THE COMMISSIONERS:**

**COMMENTS FROM THE PUBLIC: NONE**

**ADJOURNMENT:**

Mr. Albert/ Mr. Silberberg - Motion to adjourn. Carried  
Meeting Adjourned at 1:25PM

Dated: June 30, 2006  
by  
Gidaly G. Cruz  
Recording Secretary

[Reviewed] by Anita B. Doyle,  
Secretary- Designee