

**LAKWOOD INDUSTRIAL COMMISSION
MINUTES
OPEN SESSION
ANNUAL REORGANIZATION MEETING: WEDNESDAY, JANUARY 23, 2008**

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act, P.L. 1975, c. 231. by Notice in both the Ocean County Observer and the Asbury Park Press, filed with the Lakewood Township Municipal Clerk and by posting of same upon the public bulletin board of the Lakewood Municipal Building.

The meeting was called to order Wednesday January 23, 2008 at 6:18 PM by Chairman Jeff Golub.

ROLL CALL:

Presiding: Chairman Golub
Present: Mr. Albert, Mr. Doyle, Mr. Flancbaum and Mr. Silberberg
Absent: Mr. Katz and Kokes
Also in attendance: Mr. Corby, Mr. Delanoy, Anita Doyle, Gidalty G. Esparza and Mr. Andrew Sinclair
Guests: Elizabeth Durkin, Esq. [for Avallone Partners]

SWEARING IN OF OFFICERS

Lakewood Industrial Commission attorney Ed Delanoy swore in the newly-appointed members of the Commission for a five year term:
Mr. Charles Silberberg and Mr. Justin Flancbaum

APPROVAL OF MINUTES OF: December 4, 2007

MOTION TO Waive the reading of the MINUTES by Mr. Albert - and seconded by Mr. Flancbaum .Voice Vote [Carried]

**ELECTION OF 2008 OFFICERS:
NOMINATIONS ~**

Chairman: Mr. Albert /Mr. Doyle: Nomination of Mr. Jeff Golub as Chairman.
Mr. Albert / Mr. Doyle: Close floor to nominations. – Voice Vote [Carried]

The motion for Acclamation by Mr. Albert second by Mr. Doyle, Confirming the office of Chairman to Mr. Golub.

The above motion hereby being duly adopted by the Lakewood Industrial Commission by a Voice vote [Carried]

Vice Chairman: Mr. Golub/ Mr. Silberberg: Nomination of Mr. Bertram Albert as Vice Chairman

Mr. Golub / Mr. Silberberg Closed the floor to nominations. – Voice Vote [Carried]

The motion for Acclamation by Mr. Golub, second Mr. Silberberg, Confirming the office of Vice Chairman to Mr. Albert.

The above motion hereby being duly adopted by the Lakewood Industrial Commission by a Voice vote [Carried]

Secretary: Mr. Golub / Mr. Flancbaum of Mr. William Doyle as Secretary.

Mr. Golub / Mr. Flancbaum closed the floor to nominations. – Voice Vote [Carried]

The motion for Acclamation by Mr. Golub second Mr. Flancbaum Confirming the office of Secretary to Mr. Doyle.

The above motion hereby being duly adopted by the Lakewood Industrial Commission by a Voice vote [Carried]

Assistant Secretary: Mr. Albert / Mr. Golub Nomination of Mr. Charles Silberberg as Assistant Secretary

The above motion hereby being duly adopted by the Lakewood Industrial Commission by a Voice vote and [Carried]

The gavel was turned over to Chairman Jeff Golub to carry on with the business portion of the meeting.

PRESENTATION:

Mr. Delanoy: Just so that Commission should recall, Ms. Durkin was here at the October meeting and made a presentation to you regarding some land that we have [inventoried] in our Airport Hazard Zone of approximately 19 acres that her clients, Avallone Partners/ Alpha Associates needs. At the time, I asked Ms. Durkin to forward to me a proposal and I forward that to the Commissioners. Hopefully you had a chance to review it.

Mrs. Doyle: The proposal was distributed about December 17, 2007 to the Commissioners.

Mr. Delanoy: Ms. Durkin is here to discuss any questions, thoughts or concerns you may have. Russ, Anita and I have already come up with some thoughts and Anita has given Ms. Durkin a list of concerns points. So, Mr. Chairman, do you want to hear from Ms. Durkin now or leave it up to the Commissioners for some comments?

Mr. Chairman: I would like her to recap.

Ms. Durkin: Absolutely. And again, thank you. If you recall from our October meeting, I represent Avallone Partners who is also Alpha Associates. It is a family owned business and they own a little over 15 acres in the industrial park. They currently operate their business there. They just finished construction of what we call their "B" building- their plant in Woodbridge, as well in Charleston, South Carolina, are planned for consolidation into the Lakewood Industrial Park. You are all familiar with CAFRA. We made an application for a CAFRA permit for the B building and received our approval there. And for a new building to be constructed on the property, we made an application for a CAFRA permit on January 9, 2007. We have been working on this almost 2 years. Unfortunately, we've been caught in that -with the roll back. When we made our initial application, impervious coverage requirements were as 80% and, as you are all very familiar with, it has been rolled back to 30%. This situation puts, I think, about 95 % of the industrial park in non conformity. And honestly, we had hoped that it would have been worked out by now, but it hasn't been. You have been kind enough in that I came with an alternative plan to be able to engage the property contiguous to our parcel for the sole purpose of enlarging our piece on paper to a little over 34 acres so that we would conform with the 30% impervious coverage formula and therefore meet the requirements so that we may get our CAFRA permit. It is intended that the minute it [CAFRA coverage regulations] rolls back, the lease would be terminated. You had asked, and we have supplied you with, an appraisal. That's where we came up with the number of \$8,000 [annually] for 18 acres. The proposed construction of the 120,000 square feet to be built that, when we have all of our improvements on our 15 acres track, there will still be less than 80%, so that when there is a roll back, we [the currently-existing 15 acres] would be considered fully-conforming. My understanding, in speaking to our engineer as of right now, our site is conforming. So in essence, we are not asking for a variance or bulk variance or anything. Just to give you the comfort level, our goals here are to have a short term lease instead of a long term lease.

Mr. Delanoy: What I had asked Ms. Durkin to do- I had given her a sample of a lease we had use with Coni-Seal and she has basically taken this sample and tailored it to her particular client's needs and that is what you have before you.

Mr. Golub: The Coni-Seal lease is same to this lease?

Mr. Delanoy: Yes it is the basic. The format is all the same.

Ms. Durkin: The different in the Coni-Seal lease is that they needed parking. We don't; it's going to stay in its natural state. Unless you tell us to the contrary if there is pruning (the lease provides that if the municipality tells us to do something to the property is our obligation to take care of it), we will do that. I can see where we asked for the additional acreage (to 19 acres) that at \$8,000 I think we would have to take that into consideration. We could break that down per acre figure off the \$8,000 and for sure that would be reasonable to increase that (prorated considering the additional acre needed). On the Coni-Seal, which is a 5 year lease with 4 five-year extensions, and at each extension there is a set \$1,000 increase. Whatever figure that is perfectly reasonable, just tells me a number. Another factor is, right now the property is zoned for flight safety and you can't construct on it. What we provide in the lease is that, if at any time the zone changes, and is not for the airport, then we are obligated to get another appraisal on that property for fair market value within 90 days of the designation and pay the increase rent.

Further discussion followed. Mr. Albert expressed his concerns with regard to the amount of the lease.

Mr. Albert: Is this land taxable?

Mr. Delanoy: Yes it is

Mr. Albert: are you aware you have to pay taxes?

Ms. Durkin: Yes and we provide for that in the lease.

Mr. Albert: I withdraw my objections

Mr. Silberberg: If Lakewood is not successful in getting the roll-back [regulatory] this piece of property, it would be very valuable to us to provide additional open space to anyone surrounding the spot. No one would be able to do anything unless they do similar [negotiations]. Right now, \$8,000 may be a fair price.

Mr. Golub: That's exactly why Mr. Corby recommended that there be a graduating scale.

Ms. Durkin: I can see if you wanted to do flexibility into the lease that said at a certain time period in the calendar that you want to reappraised the property.

Mr. Silberberg: If the Roll back don't happen we are stuck with 30% maximum lot coverage, every business in the park that want to expand they would have to come back to us and lease land.

Ms. Durkin: You have a couple of things there: (1) we are contiguous to the piece and what I understand is that 90-95 percent of the Industrial Park is already developed. I can understand if we were just one of the first ones, in that you might say we just can't do that. In the two years that I been working on this, I know there was no other pending CAFRA application. I know that for a fact. And there are now other pending applications or expansions that are on the horizon that I'm aware of.

Mr. Silberberg: I'm personally aware of several of them but they are waiting to see what happens to CAFRA because they don't want to through the whole CAFRA process.

Ms. Durkin: Well with all due respect my client spent a load of time and money to get this expansion.

Discussion followed relative Lot 9 Block 1606 regarding the [scenario of] 19 acres that would be locked for 99 years if CAFRA did not amend its terms terms, at the set price of \$8,000 per year with a 5 year review ad adjustment to the current fair market value. Three months prior to the expiration of every 5 year period, Avallone must provide the Commissioners with a certified appraisal of the leased property and it would be up to the Commissioners to accept the appraisal or conduct their own certified appraisal. Noting that rent cannot go down despite appraised value. Ms. Durkin also express the importance to have a signed lease in order to go forward.

Mr. Albert: Can I move that we approve the suggestions and the changes we discuss here today?

Mr. Delanoy: If the Commission is satisfied with the language as it is now with requirements, the rollback, the additional acre and so forth~

Mr. Albert: I would move that we approve it pending changes made by the attorney as we discussed.

Mr. Delanoy: So, the Lease as written subject to the amendments we just discussed with the additional acre as well as the additional language is submitted by Ms. Durkin with regards with the 5 years increment. Is that's your motion Mr. Albert?

Mr. Albert: Yes that would be my motion.

Mr. Golub: I would second it.

Mr. Albert / Mr. Golub: Motion to approve the lease it was writing but subject to the changes; 19 acres of Lot 9 Block 1606 to Avallone Partners, LLC for 99 years at a monthly set price of \$8,000.00 –calculated as 18 acres- [at a rate prorated rent to reflect 19 acres as the new acreage] with a revisit of the market value (with a certified appraisal) every 5 years to consider the validity of an increment to the rent amount.

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

Mr. Delanoy: Just one other question going back to what you said earlier; when would you like to commence the lease?

Ms. Durkin: Whenever you want, its not really going to matter to us we would pay the \$8,000 if you wanted to commence in March, that won't be a problem.

The Commissioners and Ms. Durkin both agreed that the final details can be worked out and the lease would commence March 1, 2008.

7:00 pm: At this time Ms. Durkin thanked the Commissioners and left the meeting.

7:01PM Dinner was served

7:10PM Mr. Delanoy left meeting.

LEGISLATIVE CONSULTING SERVICES REPORT:

Mr. Sinclair: Thank you, there are five principal areas I wanted to report on and they are all in the area of transportation. In the report you have in front of you I will just walk you thru very quickly with some of the items that we been work in it.

The following are the topics that Mr. Sinclair discussed with the Commissioners:

1. Downtown Park & Ride: PPAG continues to provide strategic guidance with respect to implementing the federal transportation earmark for Lakewood's proposed Downtown Park & Ride system. Activities include coordination with NJTRANSIT and the Federal Transit Administration. The formal grant application was submitted the week of January 21st 2008. A meeting with the NJ Office of Smart Growth is scheduled for January 31st 2008.
2. Route 9 Improvements. PPAG's continues to advocate for Route 9 Improvements as part of the NJ Department of Transportation mandate 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.
3. Vine Street Extension: PPAG is well versed in NJDOT's Municipal Aid programs. As such, well 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 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.
4. Garden State Parkway Interchange 88 & 89. The Ocean County Engineer is partnering with the NJ Turnpike Authority to complete interchange 88, which only partially connect to Rt 70 and combine it with Interchange 89. The project relieves congestion and opens up landlocked property to non-residential development. The concept is done but there is no funding available to design and construct the \$50 million project. The project is intermodal and features a Park & Ride. PPAG can be helpful by interfacing with NJDOT and expediting consideration for this project by the New Jersey Turnpike Authority.
5. Monmouth-Ocean-Middlesex Rail Line (MOM): Since a Lakewood Station is contemplated for all three MOM alternatives. Monmouth junction to Lakehurst, Red Bank to Lakehurst and Matawan to Lakehurst, the objective is to prioritize the project with decision makers. However, planning for MOM has been substantially delayed as a result of NJTRANSIT's decision to make direct service to New York via the proposed trans-Hudson Express Tunnel the goal for each of the MOM alternatives. This decision was driven by the need to increase rider ship projections in order to gain additional federal funding. As a result, the Draft environmental Impact Statement (DEIS) will be completed in 2009. The additional time is needed to recalculate and analyze each alternative to reflect

changes associated with the availability of a one seat ride to Manhattan. Specifically, NJTRANSIT must revisit all of the Section 106 environmental surveys, wetlands impacts, traffic analysis and historic features. PPAG will continue to monitor the satiation closely and advise the Township and Commission as appropriate.

STATEMENT OF ACCOUNTS: Dated January 23, 2008

**Motion to accept the Statement of Accounts as prepared: Mr. Albert / Mr. Golub
Voice Vote [Carried]**

EXECUTIVE DIRECTOR'S REPORT:

ATTORNEY'S REPORT:

CORRESPONDENCE: NONE

COMMITTEE REPORTS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

CLOSED SESSION: NONE

CONSENT AGENDA RESOLUTIONS

RESOLUTION #s 080101, 080102, 080103 and 080109 were presented for approval for consent approval.

**Mr. Albert / Mr. Silberberg: Motion to accept Resolutions 080101, 080102, 080103 and 080109
Voice Vote [Carried]**

NON-CONSENT AGENDA RESOLUTIONS-

080104 Resolution Adopting the Lakewood Industrial Commission's Permanent Budget for 2008

Mr. Albert / Mr. Golub: Motion to adopt Resolution # 080104

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080105 Resolution of authorization for the maintenance of a petty cash fund for the calendar year 2008.

Mr. Doyle / Mr. Golub: Motion to adopt Resolution # 080105

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080106 Resolution appointing legal counsel services for the year 2008 under Township Appointment for Legal Services.

Mr. Albert / Mr. Doyle: Motion to adopt Resolution # 080106

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080107 Resolution Appointing General Engineering Services for the year 2008 under Township of Lakewood appointment.

Mr. Albert / Mr. Flancbaum: Motion to adopt Resolution # 080107

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080108 Resolution appointing Auditing Services under Lakewood Township contract.

Mr. Doyle / Mr. Flancbaum: Motion to adopt Resolution # 080108

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080110 Resolution authorizing car allowance funding of Executive Director's Expenses and Travel for the calendar year 2008.

Mr. Golub / Mr. Flancbaum: Motion to adopt Resolution # 080110

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		

Mr. Doyle	X
Mr. Flancbaum,	X
Mr. Katz	-
Mr. Kokes	-
Mr. Silberberg	X
Mr. Golub	X

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

080111 Resolution appointing the Administrator of Accounts and Secretary-Designee for the year 2008

Mr. Doyle / Mr. Flancbaum: Motion to adopt Resolution # 080111

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080112 Resolution authorizing the Industrial Commission's participation in a Lakewood Township joint agreement for Marketing and Public Relations Services and awarding a contract under the Fair and Open Process for the calendar year 2008 in an amount not to exceed \$39,000.000.

Mr. Golub / Mr. Silberberg: Motion to adopt Resolution # 080112

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

080113 Resolution authorizing the Industrial Commission's participation in a Lakewood Township joint agreement for Legislative Consulting Services and awarding a contract under the Fair and Open Process for the calendar year 2008 for an amount not to exceed \$32,000.00.

Mr. Golub / Mr. Flancbaum: Motion to adopt Resolution # 080113

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle			X
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

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

BILL LIST: Dated January 23, 2008

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

Num	Name	Memo	Paid Amount
2244	Shore Business Solutions # WT2663 Quarterly Maintenance Agreement 10/1/07-12/31/07		\$ (661.38)
2245	Anita B. Doyle Reimbursement of Out of Pocket Expenses - meeting of 12/4/07		\$ (86.05)
2246	Anita B. Doyle Replenishment of Petty Cash on Hand		\$ (189.79)
2247	Acculmage Typesetting & Design, Inc. December 2007 Administration - Marketing and Public Relations -		\$ (2,500.00)
2248	Asbury Park Press Industrial Commission 2008 Meetings Schedule - Publication		\$ (82.60)
2249	Lakewood Chamber of Commerce Membership Dues 1/1/08-12/31/08; 1/7/08		\$ (160.00)

2250	Anita B. Doyle Administrator of Accounts for the Month of January 2008	\$ (400.00)
2251	MONOC FCU Acct# 2009183-6 Car Allowance - RKC- Month of January 2008	\$ (400.00)
2252	Princeton Public Affairs Group, Inc. Legislative Services Consultant - January 2008	\$ (2,500.00)
2253	Shore Business Solutions Supplies (Staples for MX 350)	\$ (217.80)
2254	Lakewood Blue Claws Reorganizational Dinner Meeting 2008- Catering Services 1/23/08	\$ (332.95)
2255	Yussi's Sponsored Seminar Refreshments 1/30/08	\$ (212.50)
		\$ (7,743.07)

Motion: Mr. Albert / Mr. Golub Motion to approve the bill list.

On Roll Call:

Commissioner	Aye	Nay	Abstain
Mr. Albert	X		
Mr. Doyle	X		
Mr. Flancbaum,	X		
Mr. Katz	-		
Mr. Kokes	-		
Mr. Silberberg	X		
Mr. Golub	X		

The above hereby being duly adopted by the Lakewood Industrial Commission

COMMENTS FROM THE PUBLIC: NONE

COMMENTS FROM Commissioners:

ADJOURNMENT:

Mr. Albert / Mr. Golub: Motion to adjourn the meeting. Voice vote [Carried].

Meeting adjourned at 8:20 PM

Dated:February 25, 2008

by:

Gidaly G. Cruz

Recording Secretary

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

ANITA B. DOYLE
Secretary-Designee