

**LAKWOOD INDUSTRIAL COMMISSION
MINUTES
OPEN SESSION
MEETING OF: FEBRUARY 22, 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, February 22, 2006 at 12:20PM by Jeff Golub.

ROLL CALL:

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

Also in attendance: Mr. Corby; Mr. Delanoy; Anita Doyle: and Gidalty G. Cruz;
Hon. Charles Cunliffe, Liaison; John P. Doyle, Esq. and Carey Tajfel of Parkway Lodging

APPROVAL OF MINUTES OF: DECEMBER 7, 2005 & JANUARY 25, 2006

MOTION TO APPROVE THE MINUTES by Mr.Golub- and seconded by Mr. Doyle.
[Carried] Minutes were approved by a voice vote.

STATEMENT OF ACCOUNTS: Dated February 22, 2006

Mr. Golub/Mr. Silberberg – Motion to accept the Statement of Accounts as presented:

BILL LIST: Dated February 22, 2006

The following bill list was presented for payment approval:

Num	Name/Memo	Paid Amount
2002	Acculmage Typesetting & Design, Inc. Public Relations Services - January 2006 Res# 060111	\$. (3,500.00)
2003	Anita B. Doyle Admin of Accts Feb 2006; Reimbursement of out of pocket expenses	\$. (492.52)
2004	Anita B. Doyle Replenishment of Petty Cash On Hand	\$. (151.81)
2005	Lakewood Chamber of Commerce Registration - Meeting of 2/1/06	\$. (60.00)

2006	Lakewood Community Services Corporation Reimbursable Grant Monies - ESL 2005	\$ (39,400.00)
2007	MONOC FCU Acct# 2009183-6 Reimbursement of Travel Expenses- February 2006	\$ (350.00)
2008	Treasurer, State of New Jersey NJD986646438 - Hazardous Waste Compliance Monitoring Fees	\$ (40.00)
2009	Ocean County Observer Legal Ads #968079, 068082	\$ (85.26)
2010	Quickie Print Printing Letterhead - 1 ream	\$ (94.00)
2011	Secare, Delanoy, Martino & Ryan Legal Services - January 2006; Correction of billing October 2005	\$ (2,272.00)
2012	Watchung Spring Water Co., Inc. Acct # 127214 - outstanding balance	\$ (7.50)
2013	The Trentonian Inv # 00195222 - Legal Ad - LIC Schedule of meetings	\$ (23.04)
2014	Joseph J. Theibault, Jr. Landscape Designer, Inc. Deposit on trees for spring planting associated with the re-forestation of Lafayette Avenue - Grant awarded contingent on adequate funds being available	\$ (800.00)
	Bill List total	\$ (47,276.13)

remember, a (-) number reflects a debit to the balances, not an overdraft .

Regarding Item # 2014: The Commissioners asked that a warranty be included on the trees for the Cedar Bridge re-forestation project.

Mr. Silberberg/Mr. Katz – Motion to accept the Bill List as presented:

On Roll Call:

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

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

INVITED DISCUSSION:

Mr. Cunliffe: (Prior to Parkway Lodging entering the meeting)

This was discussed in detail at the last LTMUA meeting and three plans were considered. One plan would require some cooperation from Mr. Steiner and the other two plans would go around his property. The MUA is ready and willing to go with either plan B or plan C. Plan B still requires to traverse one portion of his [Steiner] lands but there won't be any interruption of service on Mr. Steiner's property. Plan C would go completely around toward the Parkway and it may require permission from the Parkway, so plan B looks the most attractive. They just need to get permission to go and cross a corner of his property.

At this time the Commissioners invited Messrs. John P. Doyle and Carey Tajfel inside the room. 12:31PM

Mr. John Doyle: [introduction] John Doyle, on behalf of the applicant, Carey Tajfel. Two months ago we appeared before the Board with some concerns about where we were and we shared them with you. We had other issues at the time; you asked us to come back in two months and report. The reports are good; the DOT has approved, CAFRA has approved, we still have some approvals out there to be gotten, but we are diligently pursuing all of those through our engineer. The critical one two months ago was for sewer and potential issues arising from where the sewer now terminates. My client most directly and personally work on that with Mr. Steiner, the principal and owner of that property with the outcome - that it looks like an end is in sight. The engineers are measuring the survey of the easement that would be necessary, and that matter can be concluded as well as the additional approvals that have yet to be obtained - within the next couple of months.

Mr. Cunliffe: Through the Chair, Mr. Doyle, if I can just ask a question; I informed the group earlier that this was discussed in detail at the MUA meeting, which I was present at, and they gave us three ways that it could be connected. Did you go with the way - that you were just going to cut across one corner of his property so you only have to require an easement from Mr. Steiner, that there is to be no connection at all to any of his piping?

Mr. John Doyle: As I understand it, there was one that goes to McDonalds which he had some issue about. There was a less immediate route. That most-extensive route is the one of which you speak - to go around the perimeter of the property, back to the OCUA hookup.

Mr. Cunliffe: And does that look like it has a resolution day of 30 days, 60 days, 90 days - what do you think? I think the MUA is inclined to make it happen, listening to the discussion.

Mr. John Doyle: There also will a hookup directly from the LTMUA's last manhole to the OCUA, so my guess is, of those three numbers you gave us, the 90 days is the most likely period of time we would need.

Mr. Cunliffe: And Mr. Tajfel, we in a much better position today, than we were at the last meeting?

Mr. Tajfel: Yes, without a doubt.

Mr. John Doyle: We've gotten the DOT and CAFRA, those were big ones. The other ones are less important, but without sewer and water, you don't have a project. And that clearly was one of the approvals. When we came in two months ago, we were talking about 10-12 months, and then we said, "let's come back in two months and let's see where you stand, and then we would talk about it". The original contract, indicates that there was an approximate 18-month period to get all the approvals (with diligence) and Close [title] at the end of the 18 months, assuming all of the approvals were done, it does speak to the fact that we could ask for two three-month extensions, which would have run from December to June. Clearly, we are into that for two months. We would ask the Board, given the progress we've had having gotten the other approvals... looking for you to respond favorably to allow us to have what the contract allows us to ask for, and that is the balance of those two, three-month extensions or an additional 4 months. We feel confident we can get the sewer matter settled in hopefully, 90 days. We would obviously continue to pay the interest based upon the number as is within the contract and I think we would not be here to ask for any further extensions right now. In four months, we are hopefully telling you in advance, we hope we can close earlier.

Mr. Kokes: John, are you asking...you are going into your second three-month extension which expires in June?

Mr. John Doyle: Right now we would have been going into our last month of the first extension; and then add three additional months for the second extension. That is a total six months from December 2005 to June of 2006.

Mr., Kokes: So now you are asking for 4 month beyond that?

Mr. John Doyle: No, from just now to June.

Mr. Kokes: I wanted to make sure everyone understands that.

Mr. Golub: You are saying, that in 90 days, you would have in place, sewer approvals at least, but all if that would be in progress?

Mr. John Doyle: We are hoping is to get the approvals of the actual work.

Mr. Cunliffe: There still going to have to jack-board underneath Rt. 70 and then they're going to have to run an incredible length of sewer pipe to pick up to the OCMUA, which is all the way back- behind Four Seasons, that's how far they have to go.

Mr. Golub: The extension of the project itself takes months? or weeks?

Mr. John Doyle: No, we are going to close [title] prior to doing the work.

Mr. Golub: Great. Even better.

Mr. Kokes: If you already have two months and then three more months' extension as part of the contract, what do you need to know from us, what am I missing?

Mr. John Doyle: The contract says that we can ask for them and the Commission "shall not unreasonably withhold" its approval and we think that given our diligence and efforts, it would be reasonable to approve it. And all we ask you to do is what we think is a reasonable thing.

Mr. Kokes: Ok.

Mr. Silberberg: I wasn't here, so can you give us brief history of when this contract was originally executed?

Mr. John Doyle: The contract was executed in 2000 with a different group. Old Toms River Road Associates of the application was a part of the contract with the project description, which was for a conference center, and I believe 200 rooms, that went before the planning board and did other preliminary work with respect to CAFRA and DOT. Subsequent thereto and more particularly, in 2002, there was a First Amendment to the Contract that extended the time, and in 2004, more specifically June 9th, at the same time, a Second Amendment to the Contract and an Option to Purchase. Those documents must be seen hand-in-hand. And the Option was from Old Toms River Road Associates. Then, Lakewood Hotel Associates, LLC, which is the current Tajfel project, provided for an 18-month period to get an approval for a now-reconfigured project, to seem more in keeping with what the governing body thought would be appropriate, and that was a reduced number of rooms to 150; but with two [added] major pad sites. The pad sites mentioned in the document as to what kind of facilities they could be home to - Longhorns, Ruby Tuesday - so it would have a multiple ratable base, a multiple job-gaining base and it did get planning board approval; but that meant a reexamination of our CAFRA and our DOT permits and, during the earlier part, the sewer [permit] had not gone forward, so we had to take the part which proves to be more difficult than we thought. But at this point, we have municipal planning board approval, county planning board approval, DOT approval, CAFRA approval; we still have some permits for soil conservation, OCUA and most importantly the sewer and water.

Mr. Cunliffe: Mr. Doyle, bottom line - is the clock ticking for your client? And, as of when, and besides that answer, all of the major work that's been done? All of the approvals and what-not has been done under your watch, correct?

Mr. John Doyle: Well, major approvals were done under the earlier watch but as a different project.

Mr. Cunliffe: But all of the permits DEP, CAFRA, the significant work that was really done by your client.

Mr. John Doyle: Yes, that's correct and, without shedding any tears, and we don't ask you to, but I did ask my client how much was expended in terms of the approval processes and right now it's over a couple hundred thousand dollars, we so diligently pursued in the 18 month period, but we are not able to bring it across the finish line within the estimated period and that is why we are here.

Mr. Cunliffe: So your start date was what... June 9, 2004

Mr. John Doyle: June 9, 2004 and the 18 months - would have been December 9, of 2005.

Mr. Corby: For the record, Mr. Golub, two matters. Within the second contract amendment, there was an optional monthly amount that was also paid to the Commissioners each month in the amount of \$8,333.33 which represent a percentage [5%] on the 2 million dollar purchase price. The other matter to report to the members of the Commission - I qualify to sign the CAFRA permit documents and the documents from the DOT are in terms of their final permits, they are physical evidence of them.

Mr. Kokes: Could we go to closed session? Is that what we need to do?

Mr. Golub: I would think to discuss this further, absolutely.

Mr. Silberberg: I wasn't part of the Commission then, the original contract was in 2000... I'm trying understanding how we are sitting here six years later.

Mr. John Doyle: Those that had been intimately familiar with the project for the first year

Mr. Silberberg: ...and I was not, that's why...

Mr. John Doyle: I can't speak about what happened during those four years. Our watch began on June 9, 2004, and in that 18 months we've gotten all the approvals. What we are looking to do is bring it to the point in half the time (where it didn't go between 2000 and 2004) and that is to give us, as the contract speaks, the extensions and [we'll] keep paying the interest on it.

At this time Mr. John Doyle and Mr. Tajfel stepped outside the meeting in order to allow the Commissioners to hold their closed session: 12:49 PM

1st CLOSED SESSION:

The following Resolution was offered to move the meeting into closed session. Offered by Mr. Kokes/ Mr. Doyle 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) exclusion 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 returned to Open Session at 1:00 PM on a motion by Mr. Kokes/ Mr. Silberberg and carried.

Motion by Mr. Kokes/Mr. Golub to grant them [Parkway Lodging, LLC] a final extension to June 9, 2006 at the previously establish rate of \$8,333.33. Time of the Essence to close title is to be issued.

On Roll Call:

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

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

At this time the Commissioners asked Attorney John Doyle and Mr. Tajfel to return to the meeting. 1:02 PM

Mr. Delanoy: What that Commissioners have done is they have considered your request, they also have considered the issue of the extension and what the consideration would be for the extension. So that you know, there was much debate about increasing the monthly extension fee as we talked about earlier. The Commissioners considered the fee of \$16,000.00 as being potentially more appropriate for the extension. However, after some discussion, they have agreed that they will grant to you an extension to the closing date to June 9, 2006. This will be the last extension [granted] at the current rate of \$8,333.33; time will be of the essence for that date. That will be our last extension, so it will continue as is for the next four months until June 9, 2006.

Mr. John Doyle: I understand the dialogue and appreciate that it came out that way. We are hoping we can close earlier than that date.

Mr. Delanoy: I will prepare an amendment to the contract and we can sign on that. Agreeing to the new closing date and also with some other terms needs to be placed in the contract as far as the "Parkway Lodging" buyers name and some other items.

At this time, Attorney Doyle and Mr. Tajfel thanked the Commissioners and exited. 1:05 PM

EXECUTIVE DIRECTOR'S REPORT:

Mr. Corby: During the last session, we talked about a full scale audit of the LIC. I met specifically with the Township auditors, Lakewood CFO and we are now in a new financial reporting routine, where at the end of each month, the statement of accounts and the bill list go to the CFO, he posts them in a separate account, and then they will be subjected to the Township auditors at the end of the year as opposed to the way it was done in the past, where there was a separate audit done. This is all now going to come in under the Township - that was the resolution of that. You should know that the LDC has approved the study of the paving of the roads in the Industrial Park we have let the contract [study/cost estimates] and they are going to go back with cost estimate. There are about 20 miles roads in the industrial park that haven't been re-paved, so we are moving ahead on one side but that also the LDC let a contract to review and come up with a concept plan for the entrance way to the industrial park. As you know, many of the signs there are dilapidated and broken and they will be removed. We will have a new look to all of the entranceways. Last thing I have is the matter of correspondence we received today with respect with the property on Cedar Bridge Avenue. Each of you have been given a copy. I would defer to counsel as to whether this letter should be spoken about in closed session or open session, but certainly, you all have a copy.

Mr. Delanoy: I think we should go into closed session.

Mr. Kokes: I'll make the motion

The meeting moved into the 2nd Closed Session at 1:08 PM By Mr. Kokes/ Mr. Doyle and carried.

The meeting moved into the Open Session at 2:20 PM By Mr. Kokes/ Mr. Silberberg and carried.

Mr. Katz left the Meeting at 1:50 PM

Dr. Eisenberg left the meeting at 1:55PM

Motion by Mr. Kokes/Mr. Golub: To withdraw from the contract with Goldstone.

On Roll Call:

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

The above motions fails - split decision.

Motion by Mr. Doyle/ Mr. Silberberg: If LIC doesn't receive a signed contract from Goldstone Management by March 1, 2006, the contract will be considered withdrawn.

After further discussion from the remaining four board members, Commissioners Doyle and Silberberg withdrew their motion/second and they all agreed to wait for all Commissioners to be present to discuss and take action on the contract, to include amendments.

Mr. Kokes: We will just go to the next meeting.

Mr. Silberberg: So practically this is all delayed one month and what are we telling Lightstone?

Mr. Doyle: I think before we have our next meeting, we should see Lighthstone and see what they are offering and if they have the money to do it.

Mr. Golub: I would like them to bring to light what they are offering and be more specific if possible.

Mr. Corby: We can certainly have them come in at the March meeting and make a presentation and make an offer.

Mr. Kokes: Then will have everything and then we can make a decision and it won't just be a letter of intent.

Mr. Cunliffe: Do we take action to invite Lightstone?

Mr. Kokes: Our attorney will do that.

AGENDA RESOLUTIONS

060201 Resolution memorializing action taken on November 2, 2005 to provide funding in the form of a grant for the reforestation of the former Lafayette Avenue following vacation of same and subsequent development of Avenue of the Americas; this grant not to exceed the bid threshold and conditioned upon availability of funds.

Mr. Silberberg/Mr. Doyle: Motion to adopt Resolution # 060201

On Roll Call:

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

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

060202 Resolution authorizing the Commission's intent to enter into an agreement to provide grant – subsidy funding the LCSC (English as a Second Language) for the year of 2006.

Mr. Doyle/Mr. Golub: Motion to adopt Resolution # 060202

On Roll Call:

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

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

CORRESPONDENCE: NONE

COMMITTEE REPORTS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

Mr. Cunliffe: Right now on the Township Web-site, we are posting the Meeting Minutes and the Agenda for the Township, Planning Board & Zoning Board meetings. Are you sending your minutes?

Mrs. Doyle: Yes we are.

Mr. Cunliffe: Do we want to add Legal and Public Notices because we are going to add a section to the web-site for legal and public notices to be posted. Do you want to do it for this Board? There is legislation pending in Trenton to give Townships the ability not to have to advertise in newspapers any more. You can do it all electronically. You can post the Agenda, but no later than 72 hours prior to a meeting.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM THE MEMBERS: None

ADJOURNMENT:

Mr. Golub/Mr.Doyle— Motion to adjourn. Carried

Meeting Adjourned at 2:20PM

Dated:March 10, 2006

by
Gidaly G. Cruz
Recording Secretary

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