

Rahway Redevelopment Agency

Minutes

October 1, 2014

6:30 P.M.

CALL TO ORDER

The meeting was called to order at 6:30 P.M. at the Hamilton Stage

OPEN PUBLIC MEETINGS ACT

This meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey

PLEDGE OF ALLEGIANCE

Commissioners, officials, and public attendees then saluted to the flag

ROLL CALL

On a call of the roll the following officials were present:

*Egon Behrmann, Commissioner
Sondra Fishinger, Commissioner
Rodney Farrar, Commissioner
Timothy Nash, Commissioner
Armando Sanchez, Commissioner
Paul Sefranka, Vice-Chair
Michael Staryak, Commissioner*

APPROVAL OF MINUTES

A motion was made by Commissioner Sefranka and Seconded by Commissioner Nash to approve the Minutes of the September 3, 2014 Regular Meeting.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Staryak

CORRESPONDENCE

- 1. Email from Cindy Solomon to Kathleen Naysmith regarding an advertisement for the position of Executive Director of the Rahway Redevelopment Agency*
- 2. Letter dated September 26, 2014 from Joan Stavros to Frank Regan regarding the Center Circle Parking Lot.*

COMMENTS FROM THE PUBLIC

This portion of the meeting shall be opened to the public for comments (two minute maximum per person).

TREASURER'S REPORT

A motion was made by Commissioner Sefranka and Seconded by Commissioner Nash to approve the Treasurer's Report

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Staryak

EXECUTIVE DIRECTOR'S REPORT

LEGAL REPORT

Frank Regan, General Counsel, said his legal report would be done in closed session.

A motion was made by Commissioner Fishinger and Seconded by Commissioner Behrmann to approve the Legal Report

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Staryak

ENGINEERING REPORT

1. Rahway Arts District Expansion Project-Hamilton Stage (Bell Bldg.)
 - a. Regarding the completion of punch list work, Gingerelli Brothers, Inc. (GBI) has completed the lighting issues but roofing leaks remain unresolved
2. Meridia-Water's Edge
 - a. The developer continues with the building construction towards issuance of a Final CO.
3. Metro-Rahway (N/F Station Place at Rahway)
Station Place at Rahway continues with site and with off-site utility construction.
4. Elizabethtown Gas Co. Property
The environmental work along the river's edge has been completed and the disturbance has been restored.

5. Meridia Lafayette Village has submitted their revised site plan documents for Resolution Compliance, which is being reviewed expeditiously. They are continuing to work towards satisfying outstanding conditions and should be completed very

A motion was made by Commissioner Nash and Seconded by Commissioner Sanchez to approve the Legal Report

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

UNFINISHED BUSINESS

NEW BUSINESS

PRESENTATION:

Joel Schwartz gave the Commissioners an overview and update of the Slokker International, Main Street and Monroe Street Project

RESOLUTIONS:

43-14: RESOLUTION AUTHORIZING THE ACQUISITION BY CONDEMNATION OF THE FEE SIMPLE INTEREST FOR A PROPERTY KNOWN AS BLOCK 312, LOT 4.04, ALSO KNOWN AS 1349-1353 FULTON STREET, LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8, the Rahway Redevelopment Agency is authorized to acquire property located within a designated redevelopment area by negotiation or condemnation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-5, the Central Business District Redevelopment Area was determined to be an area in need of redevelopment by the Municipal Council of the City of Rahway; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Central Business District Redevelopment Plan has been adopted by the Municipal Council of the City of Rahway; and

WHEREAS, the Central Business District Redevelopment Plan identifies certain properties to be redeveloped, including Block 312, Lot 4.04, also known as 1349-1353 Fulton Street (the "Property"); and

WHEREAS, the Board of Commissioners of the Rahway Redevelopment Agency has determined that it would serve the purposes of the Agency and the Local Redevelopment and Housing Law for it to acquire the fee simple interest in the Property to facilitate the redevelopment of the Redevelopment Area for a mixed use project; and

WHEREAS, the contract redeveloper and property owner have negotiated in an effort for the private acquisition and sale of the Property, which no agreement having been reached; and

WHEREAS, the property owner has advised the Agency that it will not contest the Agency's right to condemn the Property, however, it will reserve it's right to contest the appraised value of the Property as determined by the Agency's appraiser, which is \$795,000; and

WHEREAS, on August 6, 2014, the Board of Commissioners adopted a resolution authorizing the acquisition of the Property by negotiation and/or condemnation with the condition that prior to the Agency filing a declaration of taking for the Property, further review and approval of the Board of Commissioners of the Rahway Redevelopment Agency shall be required; and

WHEREAS, pursuant to the terms of the Redevelopment Agreement by and between the contractor redeveloper and the Agency, dated August 5, 2014, the contract redeveloper is required to fully fund the acquisition of the Property; and WHEREAS, the Agency, if required, shall prepare a Workable Relocation Assistance Plan (WRAP) for the Property, which WRAP shall be submitted to the Department of Community Affairs for review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the acquisition by condemnation and the filing of a declaration of taking of the fee simple interest in the property known as Block 312, Lot 4.04, also known as 1349-1353 Fulton Street, located in the Central Business District Redevelopment Area for redevelopment for a mixed project.

BE IT FURTHER RESOLVED that the contract redeveloper is required to fully fund the acquisition of the Property by the Agency pursuant to the terms of the Redevelopment Agreement, dated August 5, 2014.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute any and all related documents, subject to the review of counsel, to effectuate the acquisition of the Property through negotiation and/or condemnation.

Certified to be true copy of a Resolution of the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey adopted at a meeting held on October 1, 2014.

A motion was made by Commissioner Seifranka and Seconded by Commissioner Behrmann to table the Resolution.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

44-14: A RESOLUTION CONSENTING TO THE INSTALLATION AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY AT GOLDEN AGE TOWERS, 220 EAST MILTON AVENUE, LOCATED IN THE LOWER MAIN STREET URBAN RENEWAL AREA

WHEREAS, NJSMA Verizon Wireless ("Verizon") has entered into a lease with Golden Age Towers, Inc. for use of a portion of 220 East Milton Avenue (the "Property") for the installation and operation of a wireless telecommunications facility on the rooftop of the Property; and

WHEREAS, the Property is located in the Lower Main Street Urban Renewal Area, which is now part of the Central Business District Redevelopment Area and as such is subject to the requirements of the Amended and Supplemented Central Business District Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, pursuant to the Redevelopment Plan, the Property is located in the R-4 High-Rise Multifamily residential zone and the City of Rahway zoning offer has issued a zoning permit for the installation and operation of a wireless telecommunications facility on the Property; and

WHEREAS, as a result of a title search of the Property, certain restrictions remain in place that limit the use of the Property to the uses specified in the Lower Main Street Urban Renewal Plan; and

WHEREAS, due to subsequent actions of the City of Rahway, the Lower Main Street Urban Renewal Plan, as recorded, has been superseded by the Redevelopment Plan and the proposed use of the Property for the installation and operation of a wireless telecommunications facility on the rooftop is permitted subject to the issuance of any and all required permits by the City of Rahway; and

WHEREAS, Verizon has requested (in correspondence dated August 27 and September 18, 2014 from its legal counsel to the Agency's general counsel) that that the Agency consent to the installation and operation of a wireless telecommunications facility on the rooftop of the Property due to the restrictions that limit the use of the Property to the uses specified in the Lower Main Street Urban Renewal Plan, as recorded.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioner of the Rahway Redevelopment Agency that it hereby consents to the use of a portion of 220 East Milton Avenue for the installation and operation of a wireless telecommunications facility on the rooftop of the Property pursuant to the terms of a lease between Verizon and Golden Age Towers, Inc.

BE IT FURTHER RESOLVED that the installation and operation of a wireless telecommunications facility on the rooftop of the Property is subject to the issuance of any and all required permits that may be required by the City of Rahway.

Certified to be a true copy of a Resolution adopted by the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey at a regular meeting held on October 1, 2014.

A motion was made by Commissioner Seifranka and Seconded by Commissioner Behrmann to approve the Resolution.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

45-14: RESOLUTION AUTHORIZING THE BOARD OF COMMISSIONERS OF THE RAHWAY REDEVELOPMENT AGENCY TO HOLD A PORTION OF ITS REGULAR MEETING IN CLOSED SESSION FOR PURPOSES OF DISCUSSING PERSONNEL, POTENTIAL LITIGATION AND/OR CONTRACT NEGOTIATIONS

WHEREAS, pursuant to N.J.S.A.10:4-12, the Open Public Meetings Act permits the exclusion of the public from portions of a meeting at which the Board of Commissioners of the Rahway Redevelopment Agency will discuss potential litigation and contract negotiations relative to properties located in the Central Business District Redevelopment Area; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that a portion of its meeting held on October 1, 2014, shall be held in closed session, thus excluding the public from portions of a meeting at which the Board of Commissioners of the Rahway Redevelopment Agency will discuss potential litigation and contract negotiations relative to properties located in the Central Business District Redevelopment Area; and

BE IT FURTHER RESOLVED, that the Rahway Redevelopment Agency may take action on any matters discussed in this closed session provided it discloses to the public the content of the discussions to be held in closed session at this or any future meeting at which it takes action.

Certified to be a true copy of a Resolution of the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey adopted at a regular meeting held on October 1, 2014.

A motion was made by Commissioner Seifranka and Seconded by Commissioner Staryak to approve the Resolution

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

TO RETURN TO PUBLIC SESSION AFTER CLOSED SESSION

A motion was made by Commissioner Sanchez and Seconded by Commissioner Fishinger to return to Public Session.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

46-14: A RESOLUTION INTRODUCING THE RAHWAY REDEVELOPMENT AGENCY BUDGET FOR CALENDAR YEAR JANUARY 1, 2015 TO DECEMBER 31, 2015.

WHEREAS, the Annual Budget and Capital Budget for the Rahway Redevelopment Agency for the fiscal year beginning, January 1, 2015 and, ending, December 31, 2015 has been presented before the governing body of the Rahway Redevelopment Agency at its open public meeting of October 1, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$1,795,195, Total Appropriations, including any Accumulated Deficit if any, of \$1,795,195 and Total Unrestricted Net Position utilized of \$-0-; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$-0- and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$-0-; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C.17:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Rahway Redevelopment Agency, at an open public meeting held on October 1, 2014 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Rahway Redevelopment Agency for the fiscal year beginning, January 1, 2015 and, ending, December 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Rahway Redevelopment Agency will consider the Annual Budget and Capital Budget/Program for adoption on November 5, 2014.

A motion was made by Commissioner Seifranka and Seconded by Commissioner Fishinger to approve the Resolution

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Staryak

47-14 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RAHWAY REDEVELOPMENT AGENCY AFFIRMING THE CHAIRMAN'S APPOINTMENT OF A SPECIAL COMMITTEE TO REVIEW RESPONSE TO ADVERTISEMENT FOR EXECUTIVE DIRECTOR POSITION AND MAKE RECOMMENDATIONS FOR THE APPOINTMENT OF A QUALIFIED CANDIDATE

WHEREAS, the position of the Executive Director of the Rahway Redevelopment Agency (the "Agency") is vacate as of October , 2014; and

WHEREAS, the Agency has published an employment advertisement for candidates for the position of Executive Director; and

WHEREAS, the Chairman proposes the appointment of a special committee of the Agency to review resumes received in responses to the employment advertisement, recommend a candidate to the Board of Commissioners and undertake any other actions relating thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby affirms the Chairman's appointment of a special committee of the Agency to review resumes received in response to the employment advertisement, recommend a candidate to the Board of Commissioners and undertake any other actions relating thereto.

Certified to be a true copy of a Resolution adopted by the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey at a regular meeting held on October, 1, 2014.

A motion was made by Commissioner Sefranka and Seconded by Commissioner Nash to approve the Resolution

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Staryak

- *Chairman Behrmann appointed a screening committee for the selection process of a new Executive Director that includes, Commissioners Sanchez, Staryak, and Behrmann.*

COMMISSIONER'S COMMENTS

Commissioner Staryak thanked Chairman Behrmann for selecting him to be on the Executive Director Selection Committee

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 PM