

Rahway Redevelopment Agency

Minutes Regular Meeting January 5, 2011 6:40 P.M.

CALL TO ORDER

The meeting shall be called to order at 6:40 P.M. in the Council Chambers

OPEN PUBLIC MEETINGS ACT

This meeting has 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 shall then salute to the flag

ROLL CALL

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

Matthew Dobrowolski, Commissioner
Timothy Nash, Commissioner
Nancy Saliga, Commissioner
William Rack, Commissioner
James Ferrell, Commissioner
Courtney Clarke, Commissioner

The following officials were absent:

Commissioners: Nash, Saliga, and Clarke

APPROVAL OF MINUTES

A motion was made by Commissioner Nash, seconded by Commissioner Clarke, to accept and approve the minutes listed below:

February 2, 2011 Regular Meeting

Yes: Commissioners Ferrell, Saliga, and Rack

Abstain: Commissioner Deige

CORRESPONDENCE

- 1. Letter dated November 16, 2010, from Amalgamated Bank, to Francis X. Regan, Esq., regarding Carriage City Properties, LLC.*
 - 2. Letter dated January 3, 2011 from James Housten, P.E., regarding recommendation of award for Rahway Arts District Studio Space.*
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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 Clarke and Seconded by Commissioner Nash to approve the Treasurer's Report.

Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Deige

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Peter Pelissier, commented on two items on the Agenda, including the proposed Studio Space Presentation and Resolution, and an update from Glen Fishman (Dornoch Redeveloper).

A motion was made by Commissioner Ferrell and Seconded by Commissioner Dobrowolski to approve the Executive Director's Report.

Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Deige

LEGAL REPORT

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

Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Deige

UNFINISHED BUSINESS

NEW BUSINESS

Presentations

Redeveloper Glen Fishman appeared before the Agency to give an update on the Dornoch properties.

- The Savoy Project - Hoping to find a bank to finance the project or sell the property. When asked about the fencing around the property, Mr. Fishman said the City should purchase and install the fence and put a lien on the property. He also stated that he would have the lien paid off immediately.
- The Westbury – An agreement with the Parking Authority to create a surface parking lot on the site.
- Dornoch 2.5 – Most of the properties were occupied with tenants.

Studio Space/Black Box Theater:

Mayor Kennedy reported on the status of the Hamilton Street Amphitheater Project and Studio Space Project. He explained that the Studio Space Project should be approved and constructed prior to the development of the Amphitheater – due to the costs involved. The amphitheater property could be used as surface parking for the Arts District. City Engineer, Jim Houston, passed out renderings of the proposed site plan for the project.

Resolutions:

03-11: RESOLUTION REGARDING THE APPLICATION OF JAMES S. SMITH AND JEST PROPERTIES, INC. FOR THE PROPERTY KNOWN AS 673 NEW BRUNSWICK AVENUE, ALSO KNOWN AS TAX BLOCK 280, LOT 8 LOCATED IN A REDEVELOPMENT AREA

WHEREAS, the property known as 673 New Brunswick Avenue, Rahway, also known as Block 280, Lot 8, is located in a Redevelopment Area (the "Property"); and

WHEREAS, upon the creation of the Rahway Redevelopment Agency by the City of Rahway, responsibility for managing the redevelopment for the City was granted to the Agency, including the review of projects proposed in redevelopment areas; and

WHEREAS, the Rahway Redevelopment Agency has the authority, pursuant to N.J.S.A. 40A:12A-1 et seq., to make recommendations for the redevelopment of property in redevelopment areas; and

WHEREAS, Jest Properties, Inc. is the owner of the Property and James S. Smith previously operated a fuel oil delivery service on the Property, which is currently vacant; and

WHEREAS, James J. Smith made an application to the Rahway Redevelopment Agency to lease the Property to Polmar Iron Works, who proposes to use the Property as offices and metal fabrication and installation; and

WHEREAS, James S. Smith and representatives of Polmar Iron Works made a presentation to the Board of Commissioners of the Rahway Redevelopment Agency on November 10, 2010 in regards to its application for the Property; and

WHEREAS, the Property is in a redevelopment area but no redevelopment plan has been adopted regulating redevelopment and therefore, the Rahway Zoning Ordinance is applicable regarding the permitted uses for the Property; and

WHEREAS, pursuant to Resolution 35-06 adopted on June 15, 2006, James S. Smith has paid fees in accordance with the fee schedule; and

WHEREAS, based on the application and presentation before the Board of Commissioners, as well as a review of the Rahway Zoning Ordinance, the Board finds that the proposed use of the Property appears to be consistent with the I-H, Heavy Industrial zoning for the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency based on the application and presentation of James J. Smith and Polmar Iron Works for the Property known as Block 280, Lot 8 located in a redevelopment area and a review of the Rahway Zoning Ordinance that the proposed use of the Property appears to be consistent with the I-H, Heavy Industrial zoning for the Property.

BE IT FURTHER RESOLVED, that any such use of the Property is subject to the review and approval of the Rahway Zoning Officer.

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 January 5, 2011

A motion was made by Commissioner Nash and Seconded by Commissioner Ferrell to approve the resolution.

*Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack
Absent: Commissioner Deige*

04-11: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PRIME APPRAISAL, INC. FOR APPRAISAL CONSULTING SERVICES TO PERFORM APPRAISALS OF PROPERTIES KNOWN AS 318-320 HAMILTON STREET (AKA TAX BLOCK 167, LOT 43), 332-336 HAMILTON STREET (AKA TAX BLOCK 167, LOT 41) AND 342-344 HAMILTON STREET (AKA TAX BLOCK 167, LOTS 40), LOCATED IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA

WHEREAS, there exists for the Rahway Redevelopment Agency, a need for the services of a firm specializing in appraisal consulting services to perform appraisals of 318-320 Hamilton Street, (Block 167, Lot 43), 332-336 Hamilton Street, (Block 167, Lot 41) and 342-344 Hamilton Street, (Block 167, Lot 40) located in the Central Business District Redevelopment Area (the "Properties"); and

WHEREAS, Prime Appraisal, Inc. has submitted proposals, each dated December 21, 2010 to perform an appraisal of each property; copies of which are attached hereto and made part of this Resolution; and

WHEREAS, the Treasurer has certified in writing hereon that funds are available; and

WHEREAS, the General Counsel has reviewed the certification of the Treasurer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioner of the Rahway Redevelopment Agency as follows:

1. The Chairman and Secretary are hereby authorized and directed to execute for the Agency, subject to the availability of funds, a professional services contract with Prime Appraisal, Inc., 199 Main Street, Woodbridge, New Jersey 07095 to provide services in accordance with its proposals, which shall remain on file in the Agency's office and available for public inspection.
2. That this contract shall be in an amount not to exceed a total of \$6,000.00 payable upon completion of each appraisal as outlined in each proposal for are in an amount not to exceed \$2,000.00 each.
3. This agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5) because it is a recognized profession, licensed and regulated by law and is not possible to obtain competitive bids.
4. A notice of this action shall be printed in the Legal Newspaper of the Agency as required by law within ten (10) days of its passage.
5. The vendor shall supply the Agency with the Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by N.J.A.C. 17:27. The contract shall contain the mandatory affirmative language for professional services contracts required by N.J.A.C. 17:27, a copy of which shall be attached to and incorporated in the professional services contract authorized herein.
6. The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Agency from all suits, claims, losses,

demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the professional services agreement authorized herein.

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 January 5, 2011.

A motion was made by Commissioner Nash and Seconded by Commissioner Ferrell to approve the resolution.

*Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack
Absent: Commissioner Deige*

05-11: RESOLUTION APPROVES AND AUTHORIZES A SHARED SERVICES AGREEMENT BETWEEN THE RAHWAY REDEVELOPMENT AGENCY AND THE RAHWAY ARTS DISTRICT, INC. CONCERNING THE OPERATION AND MANAGEMENT OF RAHWAY ARTS DISTRICT, INC. AND PROPERTIES OWNED BY THE RAHWAY REDEVELOPMENT AGENCY FOR THE PERFORMING ARTS.

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Rahway Redevelopment Agency (the "Agency") is a public body corporate and politic of the State of New Jersey, created by the City of Rahway pursuant to N.J.S.A. 40A:12A-1 *et seq.* and the Rahway Arts District, Inc. ("Rahway Arts") is the district management corporation for the City of Rahway Special Improvement District ("SID") pursuant to N.J.S.A. 40:56-65 *et seq.* and Chapter 97 of the Rahway Municipal Code and both are authorized under New Jersey law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the SID lies within the boundaries of the Central Business District Redevelopment Area (the "Redevelopment Area") in which the Agency has authority to undertake redevelopment and related actions; and

WHEREAS, the Agency owns properties within the SID and the Redevelopment Area that are dedicated to the promotion of the performing arts in Rahway and the purpose of Rahway Arts is the support, encouragement and promotion of the arts in Rahway and the associated economic development related thereto; and

WHEREAS, the Agency and Rahway Arts have agreed to the terms and conditions of a Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the execution of the Shared Services Agreement by and between Rahway Arts District, Inc. and the Rahway Redevelopment Agency in a form substantially consistent with that attached hereto subject to final approval as to form and content by the Executive Director and General Counsel of the Rahway Redevelopment Agency.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including the Shared Services Agreement.

Certified to be a true copy of a Resolution adopted by the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey adopted at a regular meeting held on January 5, 2011.

A motion was made by Commissioner Clarke and Seconded by Commissioner Ferrell to approve the resolution.

*Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack
Absent: Commissioner Deige*

06-11 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GINGERELLI BROS., INC. FOR THE RENOVATION OF THE RAHWAY ARTS DISTRICT STUDIO SPACE ON THE FORMER BELL BUILDING SITE

WHEREAS, the Rahway Redevelopment Agency (hereinafter referred to as the "Agency") is the owner in fee simple of certain real property located in the City of Rahway, County of Union, New Jersey, designated as Lot(s) 38, 39 & 45, Block 167 on the official Tax Map of the City of Rahway, (hereinafter "the Property"); and

WHEREAS, there exists for the Agency, a need for the services of a qualified contractor to renovate the Rahway Arts District Studio Space (the "Project") on the Property; and

WHEREAS, the Authority issued bids in accordance with Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) for the construction of the Project; and

WHEREAS, bids were received for the Project on December 15, 2010 from the following three (3) lowest bidders for the base and alternate bid:

Gingerelli Bros., Inc.	\$5,825,746.00
W.D. Snyder Co.	\$6,150,930.00

WHEREAS, the Agency staff, consultants and general counsel have reviewed the bids and determined that Gingerelli Bros., Inc. has submitted the lowest responsive bid, and therefore recommend that the contract for the Project be awarded to Gingerelli Bros., Inc. in accordance with the provision of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioner of the Rahway Redevelopment Agency as follows:

1. Gingerelli Bros., Inc. is the lowest responsive bidder for the Project including Alternate Items Nos. 1 and 2, which consists of the Base Bid \$5,757,434.00, Alternate Bid #1 for the installation of a folding partition \$27,112.00 and Alternate Bid #2 for the installation of a metal roof in lieu of asphalt shingles \$41,200= \$5,825,746.00
2. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency, a contract with Gingerelli Bros., Inc., 2606 Route 37E, Toms River, New Jersey 08753 to renovate the Rahway Arts District Studio Space in accordance with its bid, which shall remain on file in the Agency's office and available for public inspection.
3. That this contract shall be in an amount not to exceed \$5,825,746.00 payable upon completion of each task as outlined in the proposal.
4. The bid security of all other bidders shall be returned to them in accordance with Local Public Contracts Law; and
5. A certified copy of this resolution shall be forwarded to Gingerelli Bros., Inc.

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 January 5, 2011.

A motion was made by Commissioner Nash and Seconded by Commissioner Dobrowolski to approve the resolution.

*Yes: Commissioners Dobrowolski, Ferrell, Nash, Saliga, Clarke, and Rack
Absent: Commissioner Deige*

COMMISSIONER'S COMMENTS

Any Commissioner who wishes to provide comments shall do at this time

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 P.M.
