

Rahway Redevelopment Agency

Minutes Regular Meeting February 2, 2011 6:30 P.M.

CALL TO ORDER

The meeting was called to order at 6:35 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
William Rack, Commissioner
James Ferrell, Commissioner
Anthony Deige, Commissioner

The following officials were absent:

Commissioners Nash, Saliga, Clarke

APPROVAL OF MINUTES

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

January 5, 2011 Organizational Meeting

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

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

January 5, 2011 Regular Meeting

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

CORRESPONDENCE

- 1. Letter dated January 10, 2011 from Yacoub Yacoub, NJDEP, to Peter Pelissier, Executive Director, regarding 1839 Elizabeth Avenue.*
- 2. Letter dated January 18, 2011 from Bohler Engineering to Peter Pelissier, Executive Director, regarding Chemical Oxidation Remediation and UST Removal Project.*

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 Dobrowolski and Seconded by Commissioner Ferrell to approve the Treasurer's Report.

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

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Peter Pelissier stated that he has met with the Parking Authority to discuss the possible redevelopment of the parking lot behind RSI; and he stated the City was meeting with Comcast regarding advertising and promotion.

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

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

LEGAL REPORT

None

UNFINISHED BUSINESS

NEW BUSINESS

Resolutions:

7-11: RESOLUTION APPOINTING LERCH, VINCI, & HIGGINS, LLP AS AUDITOR/FINANCIAL ADVISOR FOR THE RAHWAY REDEVELOPMENT AGENCY

WHEREAS, the firm of Lerch, Vinci, & Higgins, LLP has submitted an engagement letter to the Rahway Redevelopment Agency for auditing and financial advisory services related to the operation and management of the Agency, a copy of which is attached hereto; and

WHEREAS, Lerch, Vinci, & Higgins, LLP has extensive experience in public accounting and auditing; and

WHEREAS, Lerch, Vinci, & Higgins, LLP has proposed a fee of \$20,000.00 for the preparation of an annual statutory audit and a rate schedule as detailed on the attached engagement letter for all work related to the Agency.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the appointment of Lerch, Vinci, & Higgins, LLP as auditor and financial advisor for the Agency for 2011 at a fee of \$12,800 for the preparation of an annual statutory audit and a rate schedule as detailed on the attached engagement letter, said engagement terminating on December 31, 2011; and

BE IT FURTHER RESOLVED that Chairman and Secretary are hereby authorized to execute any and all documents related to said engagement.

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 February 2, 2011

A motion was made by Commissioner Ferrell and seconded by Commissioner Deige to approve the resolution.

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

08-11: RESOLUTION APPOINTING DECOTIIS, FITZPATRICK & COLE, LLP AS GENERAL COUNSEL FOR THE RAHWAY REDEVELOPMENT AGENCY

WHEREAS, the firm of DeCotiis, FitzPatrick, Cole, LLP has submitted an engagement letter to the Rahway Redevelopment Agency for legal services related to the operation and management of the Agency, a copy of which is attached hereto; and

WHEREAS, DeCotiis, FitzPatrick, Cole, LLP has extensive experience in the public sector and has acted as general counsel to the Rahway Redevelopment Agency since its creation in 2001; and

WHEREAS, DeCotiis, FitzPatrick, Cole, LLP has proposed a blended rate of \$155.00 per hour for all attorneys and \$75.00 per hour for all paralegal work related to the Agency.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the appointment of DeCotiis, FitzPatrick, Cole, LLP as general counsel for the Agency for 2011 at blended rate of \$155.00 per hour for all attorneys and \$75.00 per hour for all paralegal work, said engagement terminating on December 31, 2011; and

BE IT FURTHER RESOLVED that Chairman and Secretary are hereby authorized to execute any and all documents related to said engagement.

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 February 2, 2011.

A motion was made by Commissioner Deige and seconded by Commissioner Dobrowolski to approve the resolution.

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

09-11: RESOLUTION APPOINTING WILENTZ, GOLDMAN & SPITZER, P.C. AS BOND COUNSEL FOR THE RAHWAY REDEVELOPMENT AGENCY

WHEREAS, the firm of Wilentz, Goldman & Spitzer, P.C. has submitted a response to the Request for Qualifications for Provision of Legal Services: Bond Counsel to the Rahway Redevelopment Agency to the City of Rahway; and

WHEREAS, the City of Rahway reviewed the proposal submitted by Wilentz, Goldman & Spitzer, P.C. and rated the firm's proposal the best of the two submitted and has recommended the firm be retained as Bond Counsel for the Rahway Redevelopment Agency; and

WHEREAS, Wilentz, Goldman & Spitzer, P.C. has extensive experience as bond counsel in the public sector and has acted as bond counsel to the Rahway Redevelopment Agency since its creation in 2001; and

WHEREAS, Wilentz, Goldman & Spitzer has proposed a flat fee per financing with an hourly rate as required ranging from \$75.00 to \$150.00 per hour for all work related to the Agency.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the appointment of Wilentz, Goldman & Spitzer, P.C. as bond counsel for the Agency for 2011 at a flat fee per financing with an hourly rate as required ranging from \$75.00 to \$150.00 per hour for all work related to the Agency.

BE IT FURTHER RESOLVED, that the Chairman and Secretary are hereby authorized to execute any and all documents related to said engagement.

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 February 2, 2011.

A motion was made by Commissioner Ferrell and seconded by Commissioner Dobrowolski to approve the resolution.

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

10-11 RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH PANTHER TECHNOLOGIES, INC. AND THE PAYMENT OF A CHANGE ORDER FOR THE "CHEMICAL OXIDATION REMEDIATION AND UNDERGROUND STORAGE TANK (UST) REMOVAL" FROM THE FORMER HAMILTON LAUNDRY PROPERTY

WHEREAS, on July 7, 2010, the Board of Commissioners of the Rahway Redevelopment Agency (the "Agency") authorized the execution of a contract with Panther Technologies, Inc. (the "Contractor") for the chemical oxidation remediation and underground storage tank (UST) removal from the former Hamilton Laundry Property (the "Property"); and,

WHEREAS, the original contract amount was not to exceed \$346,950.00; and,

WHEREAS, in the course of undertaking the remediation of the Property it was determined that additional work would be needed to accomplish the remediation of the Property and subsequent change orders were submitted by the Contractor and approved by the Agency; and

WHEREAS, further in the course of undertaking the remediation of the Property it was determined that additional work would be needed to accomplish the remediation of the Property including the removal of existing unsuitable soil, and replacing same with structural fill due to the remediated soil's use for backfill/compaction being insufficient in accordance with the specifications for the project; and

WHEREAS, the total project cost for the additional work consisting of importing additional dense graded aggregate for the remediation of the Property as reflected on the change order is \$3,338.68 ("Change Order No. 3"); and

WHEREAS, the cost for the additional work as set forth in Change Order No. 3 brings the total contract amount to \$420,524.10, thus increasing the original contract amount by 21.2%;

WHEREAS, Change Order No. 3 was reviewed by Whitestone Associates, Inc., construction manager for the Rahway Redevelopment Agency, and the remediated soil's condition making it insufficient for use as backfill/compaction in accordance with the specifications for the project was not foreseeable and therefore, the requirement for additional fill was not accounted for in the original specifications and contract, thus the need for Change Order No. 3; and

WHEREAS, the costs associated with Change Order No. 3 will be reimbursed to the Agency by New Jersey Department of Environmental Protection through the Hazardous Discharge Site Remediation Fund.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency hereby finds the approval of Change Order No. 3 necessary to complete the remediation of the Property and the objectives of the redevelopment project; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Rahway Redevelopment Agency that in accordance with N.J.A.C. 5:30-11.9, it hereby approves and authorizes the execution of an amendment to the original contract with Panther Technologies, Inc. for the 20% exceedence of the original contract amount as a result of Change Order No. 3.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Rahway Redevelopment Agency authorizes the payment of Change Order No. 3 for the remediation of the Property which is in the amount of \$3,338.68 and is detailed on the attachments hereto and made part of this resolution.

BE IT FURTHER RESOLVED that the total project cost for the remediation of the Property with all change orders is \$420,524.10, which is 21.2% over the original contract amount.

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 February 2, 2011.

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

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

11-11 A RESOLUTION TO REJECT ALL SIX (6) BIDS RECEIVED BY THE RAHWAY REDEVELOPMENT AGENCY FOR THE CONSTRUCTION OF THE AMPHITHEATER PROJECT AT THE FORMER HAMILTON LAUNDRY PROPERTY

WHEREAS, on December 15, 2010, bids were received in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and the Construction Documents, dated November 10, 2010 and prepared by Farewell Mills Gatsch Architects, LLC, for the construction of the Amphitheater Project at the former Hamilton Laundry property; and

WHEREAS, a total of six (6) bids were received; and

WHEREAS, all bids have been reviewed by Farewell Mills Gatsch Architects, LLC, Bohler Engineering, P.C. and by the Rahway Redevelopment Agency's legal counsel; and

WHEREAS, the amount of all bids received exceed the funds appropriated and available to the Rahway Redevelopment Agency for the Amphitheater Project; and

WHEREAS, the Rahway Redevelopment Agency intends to reject the bids in accordance with applicable law.

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

1. The six (6) bids received in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and the Construction Documents, dated November 10, 2010 and prepared by Farewell Mills Gatsch Architects, LLC, for the construction of the Amphitheater Project at the former Hamilton Laundry property have been determined to substantially exceed the funds appropriated and available to the Rahway Redevelopment Agency.

2. For the reasons set forth herein, Rahway Redevelopment Agency rejects all six (6) bids received on December 15, 2010 for the construction of the Amphitheater Project at the former Hamilton Laundry property.
3. A copy of this Resolution shall be served upon all six (6) bidders who submitted bid proposals.

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 special meeting held on February 2, 2011.

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

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

12-11 RESOLUTION APPROVING AND AUTHORIZING THE RETURN OF THE PERFORMANCE/PAYMENT BOND AND FINAL PAYMENT TO PANTHER TECHNOLOGIES, INC. FOR THE "CHEMICAL OXIDATION REMEDIATION AND UNDERGROUND STORAGE TANK (UST) REMOVAL" FROM THE FORMER HAMILTON LAUNDRY PROPERTY

WHEREAS, on July 7, 2010, the Board of Commissioners of the Rahway Redevelopment Agency (the "Agency") authorized the execution of a contract with Panther Technologies, Inc. (the "Contractor") for the chemical oxidation remediation and underground storage tank (UST) removal from the former Hamilton Laundry Property (the "Property"); and,

WHEREAS, Panther Technologies, Inc. has posted a Performance/Payment Bond No. 17756 in the amount of \$346,950.00; and,

WHEREAS, the Performance/Payment Bond and retainage in the amount of \$8,324.33 can be released as indicated in the attached letter by Bohler Engineering dated February 1, 2011; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that the Treasurer is authorized and directed to release the Performance/Payment Bond #17756 and retainage in the amount of \$8,324.33.

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 February 2, 2011.

A motion was made by Commissioner Deige 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 7:15 P.M.
