

Rahway Redevelopment Agency

Minutes

May 1, 2013

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 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:

*Anthony Deige, Commissioner
Matthew Dobrowolski, Commissioner
Timothy Nash, Commissioner
Paul Sefranka, Commissioner
Michael Staryak Commissioner
William Rack, Chairman*

APPROVAL OF MINUTES

A motion was made by Commissioner Deige and Seconded by Commissioner Drobrowolski to approve the Minutes of the April 3, 2013 Regular Meeting.

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

CORRESPONDENCE

1. Letter dated April 18, 2013 from Michael Nord to Peter H. Pelissier regarding Gingerelli Brothers.

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

The Treasurer's Report was distributed to the Commissioners.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

EXECUTIVE DIRECTOR'S REPORT

The Executive Director reported on:

- Lafayette Village – waiting for NJDEP permit. Project will be presented to the Zoning Board of Adjustment for necessary variances.
- Water's Edge Project – construction was moving along quickly and the project should be completed late Summer.
- Slokker International met with the Executive Director to discuss the Main and Monroe Project. Negotiations with the Parking Authority were necessary for a land swap.
- Metro at Rahway (Station Place) – a meeting was held with Clay Bonny and another principal to discuss the building's demolition, asbestos abatement, and water permitting.
- Actors Fund Housing Project – met to discuss the project and the anticipated course to move it forward.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

LEGAL REPORT

Frank Regan reported that The Actors Fund was moving ahead to acquire the Elizabethtown Gas property and anticipated an LOI shortly. He explained the reason why Lafayette Village would need approval from the Zoning Board of Adjustment. And he stated the need for the Agency to meet in an Executive Session to discuss two projects.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

ENGINEERING REPORT

1. Rahway Arts District Expansion Project – Hamilton Stage (Bell Bldg.)
 - a. A final building inspection was conducted by the Architect, who will be rendering a report of same. The report will indicate that there are still punch list items, etc. remaining to be completed. Therefore, the project closeout documents were not prepared for the Agency's consideration and approval this evening.
 - b. Chiller Sound Wall contracts and construction preparations are moving forward.
2. Meridia – Water's Edge
 - a. The developer continues with the building construction.
 - b. The DEP Water allocation permit application has been facilitated through our office.
3. Landmark – Park Square
Finalizing As-Built requirements.
4. Meridia's Lafayette Village
Redeveloper is working to comply with NJDEP's Water Development Permit requirements, and regarding same has been applied to the Rahway Zoning Board for a revised Site Plan approval. A May hearing is being scheduled.
5. Public Water Allocation for Future Redevelopment Projects
On behalf of the Agency, continue to monitor and consult with United Water – Rahway on their progress to satisfy NJDEP's requirements regarding public water supply and demand, and report to the Agency monthly. A verbal report will be given this evening.

A motion was made by Commissioner Nash and Seconded by Commissioner Deige to approve the Engineer's Report.

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

UNFINISHED BUSINESS

NEW BUSINESS

Presentation:

Rahway Industrial Supply – New Brunswick Avenue

Resolutions:

18-13: RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH METRO RAHWAY URBAN RENEWAL, L.L.C. FOR PROPERTY KNOWN AS TAX BLOCK 149, LOTS 1, 5, 23, 24 AND 25 LOCATED IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT

WHEREAS, Rahway Redevelopment Agency (the "Agency") and Heartstone Development, LLC (the "Redeveloper") entered into a Redevelopment Agreement, dated August 1, 2006 ("Agreement") for the redevelopment of properties located within the Central Business District Redevelopment Area pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on April 11, 2007, the RRA and Redeveloper executed an Amendment to the Redevelopment Agreement (the "First Amendment") regarding the changing scope of the Project due to a variety of factors; and

WHEREAS, on November 14, 2012, the RRA and Redeveloper executed a Second Amendment to the Redevelopment Agreement (the "Second Amendment") regarding the assignment of the redevelopment agreement and its interests in the Project to a new entity; and

WHEREAS, the Redeveloper obtained amended preliminary and final site plan approval from the Rahway Planning Board on September 23, 2008 to increase the project from 80 market rate residential condominium units to 116 market rate residential rental units (consisting of 52 one bedrooms and 64 two bedrooms) in a building of four stories over a restricted access ground level parking garage; and

WHEREAS, the Agency and Redeveloper have agreed to the terms and conditions of a Third Amendment to the Redevelopment Agreement which addresses the payment of the development fee to the Agency by the Redeveloper due to the change from a for sale project to a rental project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby approves and authorizes the execution of a Third Amendment to the Redevelopment Agreement with Metro Rahway Urban Renewal, L.L.C.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including the Third Amendment to the Redevelopment Agreement attached hereto in substantially similar form, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

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 May 1, 2013.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

19-13: RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY KNOWN AS 219 CENTRAL AVENUE, ALSO KNOWN AS BLOCK 167, LOT 1 LOCATED IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR REDEVELOPMENT OF AFFORDABLE HOUSING PROJECT

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, the Rahway Redevelopment Agency (the "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 and amended by the Municipal Council of the City of Rahway; and

WHEREAS, 219 Central Avenue, Block 167, Lot 1 is located in the Central Business District Redevelopment Area and is commonly referred to as the Elizabethtown Gas property (the "Property"); and

WHEREAS, the Central Business District Plan identifies certain properties to be acquired and redeveloped, including the Property; and

WHEREAS, the Property is owned by Elizabethtown Gas and the Agency has been negotiating the purchase of the Property; and

WHEREAS, Actors Fund Housing Development Corporation submitted an application to the Agency for the redevelopment of the Property; and

WHEREAS, Actors Fund Housing Development Corporation and its development partner, Crawford Street Partners, LLC of Newark made a presentation to the Board of Commissioners of the Agency on April 4, 2012 regarding its proposal to develop a project consisting of the construction of 60 affordable rental units in a 4 story structure and potential reuse of the existing commercial building for community arts and education on the Property (the "Project"); and

WHEREAS, Actors Fund Housing Development Corporation is an affiliate of the Actors Fund and was established to developer affordable, supportive and senior housing for the performing arts and entertainment community; and

WHEREAS, on May 2, 2012, the Agency adopted a resolution conditionally designating the Actors Fund Housing Development Corporation as redeveloper of the Property for a period of 120 days subject to certain conditions, which designation has been extended; 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 (N.J.S.A. 40A:12A-1 et seq.) for it to acquire the Property for redevelopment of the Project; and

WHEREAS, the Agency has negotiated a purchase of the Property for a price of \$1,000,000 with \$400,000 to be held in escrow to cover the cost of additional remediation of the Property to standards that will permit the Property to be developed for residential use; and

WHEREAS, the purchase will be subject to the Actors Fund obtaining financing for the Project that will include funding for the acquisition of the Property from the Agency.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the acquisition by contract of the property located at 219 Central Avenue, also known as Block 167, Lot 1 in the Central Business District Redevelopment Area for redevelopment with the intention of redeveloping it for an affordable housing project.

BE IT FURTHER RESOLVED that the Chairman, Executive Director and Secretary are hereby authorized to execute any and all related documents including, contract of purchase and closing documents, subject to the review of counsel, to effectuate the acquisition of the Property.

Certified to be 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 May 1, 2013

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

20-13: RESOLUTION EXTENDING THE CONDITIONAL DESIGNATION OF THE ACTORS FUND HOUSING DEVELOPMENT CORPORATION AS REDEVELOPER FOR PROPERTY LOCATED AT 219 CENTRAL AVENUE ALSO KNOWN AS TAX BLOCK 167, LOT 1 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE REDEVELOPMENT OF THE PROPERTY FOR A RESIDENTIAL PROJECT INCLUDING AFFORDABLE HOUSING UNITS

WHEREAS, the City of Rahway has been promoting the redevelopment of the Central Business District of Rahway since the preparation of the Central Business District Plan by Planners Diversified/Harvey Moskowitz in 1990 and the Central Business District Redevelopment Plan adopted in April 1998, as amended; and

WHEREAS, 219 Central Avenue, Block 167, Lot 1 is located in the Central Business District Redevelopment Area and is commonly referred to as the Elizabethtown Gas property (the "Property"); and

WHEREAS, upon the creation of the Rahway Redevelopment Agency (the "Agency") by the City of Rahway, responsibility for managing the redevelopment for the City was granted to the Agency; and

WHEREAS, the Property is owned by Elizabethtown Gas, who is interested in selling the Property; and

WHEREAS, Actors Fund Housing Development Corporation submitted an application to the Agency for the redevelopment of the Property; and

WHEREAS, Actors Fund Housing Development Corporation and its development partner, Crawford Street Partners, LLC of Newark made a presentation to the Board of Commissioners of the Agency on April 4, 2012 regarding its proposal to develop a project consisting of the construction of 60 affordable rental units in a 4 story structure and potential reuse of the existing commercial building for community arts and education on the Property; and

WHEREAS, Actors Fund Housing Development Corporation is an affiliate of the Actors Fund and was established to develop affordable, supportive and senior housing for the performing arts and entertainment community; and

WHEREAS, the proposal has been reviewed and found consistent with the City's and Agency's goals for redeveloping the area and supporting arts related development and uses in proximity to the UCPAC and Hamilton Stage; and

WHEREAS, on May 2, 2012, the Agency adopted a resolution conditionally designating the Actors Fund Housing Development Corporation as redeveloper of the Property for a period of 120 days subject to certain conditions; and

WHEREAS, on May 15, 2012, the Agency and the Actors Fund Housing Development Corporation entered into an escrow agreement, which was a condition of the conditional designation as redeveloper (the "Escrow Agreement"); and

WHEREAS, on August 15, 2012, the Agency adopted a resolution extending the conditional designation of the Actors Fund Housing Development Corporation as redeveloper of the Property for a period of 120 days subject to certain conditions; and

WHEREAS, on January 9, 2013, the Agency adopted a resolution extending the conditional designation of the Actors Fund Housing Development Corporation as redeveloper of the Property for a period of 120 days subject to certain conditions; and

WHEREAS, the Agency and the Actors Fund Housing Development Corporation have been working diligently to conduct due diligence regarding the Property, to negotiate the purchase of the Property from Elizabethtown Gas, explore and pursue funding opportunities and negotiating the terms and conditions of a Redevelopment Agreement, additional time is required for the Parties to complete these tasks and a further extension of the conditional redeveloper designation is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby extends the conditional designation as redeveloper of the Actors Fund Housing Development Corporation for the development of 219 Central Avenue, also known as Tax Block 167, Lot 1, located in the Central Business District Redevelopment Area, for a mixed use project consisting of the construction of approximately 60 affordable rental units in a 4 story structure and reuse of the existing commercial building for community arts and education on the Property for the reasons set forth herein.

BE IT FURTHER RESOLVED, that said extension of the conditional designation as redeveloper is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of the expiration of the prior extension granted by the Agency, at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Agency costs under the Escrow Agreement required herein. The Agency may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Agency and which extension must be in the form of a duly adopted resolution of the Board of Commissioners of the Agency.
2. That Actors Fund Housing Development Corporation and the Agency shall negotiate and agree upon the terms and conditions of a redevelopment agreement for the redevelopment of the Property subject to any modifications of the proposal required by the Agency, within the period of the conditional designation, as such period may be extended by the Agency in its sole discretion.
3. That Actors Fund Housing Development Corporation agrees to pay any and all costs incurred by the Agency from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation pursuant to the terms and conditions of the Escrow Agreement, in addition to any application fees required by the Agency.
4. That the Property be contracted for purchase from Elizabethtown Gas in order for the redevelopment of the Property as provided for in a redevelopment agreement.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Board of Commissioners of the Agency shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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 May 1, 2013.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

21-13: RESOLUTION EXTENDING THE CONDITIONAL DESIGNATION OF SLOKKER REAL ESTATE GROUP AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 318 LOTS 1 THROUGH 10 & 23 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED USE RESIDENTIAL AND COMMERCIAL PROJECT

WHEREAS, Tax Block 318 Lots 1 through 10 and 23 (the "Properties") are located in the Central Business District Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, the Rahway Redevelopment Agency (the "Agency") has been promoting the redevelopment of the Properties consistent with the Central Business Redevelopment Plan since 1998; and

WHEREAS, the Agency entered into a redevelopment agreement with Dornoch Rahway II, LP on March 16, 2006 for the redevelopment of the Properties, which agreement was terminated on or about June 30, 2011; and

WHEREAS, Block 318, Lots 1 through 10 are owned by Dornoch Rahway II, LP and Slokker Real Estate Group has an interest in this partnership; and

WHEREAS, Block 318, Lot 18 is owned by the Rahway Parking Authority; and

WHEREAS, on or about September 24, 2006, the Rahway Parking Authority and Dornoch Rahway, LP entered into a purchase and sale agreement regarding Block 318, Lot 18, which agreement remains in full force and effect; and

WHEREAS, Slokker Real Estate Group ("Slokker") has successfully completed residential projects in the United States, Canada and the Netherlands; and

WHEREAS, Slokker made a presentation to the Board of Commissioners of the Agency on December 5, 2012 regarding its concept proposal to develop a mixed use residential and commercial project for the Properties including approximately 180 units in two buildings with approximately 4,000 square feet of ground floor retail space; and

WHEREAS, the proposal has been reviewed and found consistent with the City's and Agency's goals for redeveloping the area; and

WHEREAS, on January 9, 2013, the Agency adopted a resolution conditionally designating Slokker as redeveloper of the Properties for a period of 120 days subject to certain conditions; and

WHEREAS, on January 26, 2013, the Agency and Dornoch Rahway II, LP entered into an escrow agreement; and

WHEREAS, the Agency and Slokker have been working diligently to conduct due diligence regarding the Properties, negotiate a land exchange with the Rahway Parking Authority and negotiating the terms and conditions of a Redevelopment Agreement, additional time is required for the Parties to complete these tasks and a further extension of the conditional redeveloper designation is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby extends the conditional designation as redeveloper of Slokker Real Estate Group for the development of Tax Block 318, Lots 1 through 10 and 23, located in the Central Business District Redevelopment Area, for a mixed use residential and commercial project consisting of approximately 180 units in two buildings with approximately 4,000 square feet of ground floor retail space.

BE IT FURTHER RESOLVED, that said extension of conditional designation as redeveloper is subject to the following conditions:

5. That the extension of the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Agency costs under the Escrow Agreement required herein. The Agency may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Agency and which extension must be in the form of a duly adopted resolution of the Board of Commissioners of the Agency.
6. That Slokker or an affiliated entity and the Agency shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Agency in its sole discretion.
7. That Slokker agrees to pay any and all costs incurred by the Agency from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.
8. That Slokker obtain title to the properties owned by the Rahway Parking Authority through a potential land exchange in order for the redevelopment of the Properties as provided for in a redevelopment agreement.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Board of Commissioners of the Agency shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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 May 1, 2013.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

22-13: 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 PERSONELL, 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 May1, 2013, 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 May 1, 2013.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

TO RETURN TO PUBLIC SESSION AFTER CLOSED SESSION

A motion was made by Commissioner Sefranka and Seconded by Commissioner Nash to approve to return to Public Session.

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

23-13: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO MILLS + SCHNOERING ARCHITECTS, LLC FOR ARCHITECTURAL SERVICES RELATIVE TO ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES FOR THE HAMILTON STAGE PROJECT 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 architectural services relative to additional construction administration services for the Hamilton Stage for the Performing Arts Project located at the former Hamilton Laundry located, 370 Hamilton Street (the "Project"); and

WHEREAS, Mills + Schnoering Architects, LLC is the current Project architect, who designed the Project and has the qualifications to provide the services required by the Agency; and

WHEREAS, Mills + Schnoering Architects, LLC submitted a proposal, dated April 28, 2012 to provide the services described above for the Project, a copy of which is attached hereto and made part of this Resolution; 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 resolutions authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

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

1. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency, subject to the availability of funds, a professional services contract with Mills + Schnoering Architects, LLC, 200 Forrestal Road, Suite 3A, Princeton, New Jersey 08540 to provide services in accordance with its proposal which shall remain on file in the Agency's office and available for public inspection.
2. That this contract shall be for a total amount of \$4,200.00 including expenses payable upon completion of the services as outlined in the proposal.
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 May 1, 2013

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

24-13: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO 80 EAST MILTON AVENUE, ALSO KNOWN AS LOT 3.02 IN BLOCK 316, LOCATED IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA

WHEREAS, there exists for the Rahway Redevelopment Agency (the "Agency"), a need for the services of a firm specializing in environmental consulting services relative to conducting a limited remedial investigation of the property located at 80 East Milton Avenue, also known as Lot 3.02 in Block 316, located in the Central Business District Redevelopment Area (the "Property"), which Property was sold by the Agency for the Skyview project; and

WHEREAS, the Agency has a contractual obligation to deliver a No Further Action Letter or Remedial Action Outcome to the owner of the Property pursuant to the redevelopment agreement with the original redevelopment and the settlement agreement with the current owner; and

WHEREAS, Whitestone Associates, Inc. submitted a proposal, dated April 22, 2013 to provide the services described above for the Property, a copy of which is attached hereto and made part of this Resolution; 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 resolutions authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

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

1. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency a professional services contract with Whitestone Associates, Inc., 35 Technology Drive, Warren, New Jersey 07059 to provide services in accordance with its proposal which shall remain on file in the Agency's office and available for public inspection.
2. That this contract shall be in the amount of \$9,000.00 payable upon completion of each task as outlined in the proposal.
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 May 1, 2013.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Sefranka, Staryak, Rack

25-13: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ACADEMY GLASS FOR THE CONSTRUCTION OF OFFICE SPACE AT THE HAMILTON STAGE

WHEREAS, the Rahway Redevelopment Agency (hereinafter referred to as the "Agency") is the owner in fee simple of certain real property located at 370 Hamilton Street in the City of Rahway, County of Union, New Jersey, designated as Lots 38, 39, 44 & 45, Block 167 on the official Tax Map of the City of Rahway and includes the Hamilton Stage (hereinafter "the Property"); and

WHEREAS, there exists for the Agency, a need for the services of a qualified contractor to construct a glass wall partition for an office in a conference room at the Property for use by the Agency (the "Project"); and

WHEREAS, the Authority solicited a quote/bid in accordance with Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and applicable regulations for the Project; and

WHEREAS, a quote/bid was received for the Project on April 30, 2013 from Academy Glass Inc., 232 Wescott Drive, Rahway, New Jersey in the amount of \$6,700.00 for the Project; and

WHEREAS, the Agency staff, consultants and general counsel have determined that Academy Glass Inc. has submitted the lowest quote/bid, and therefore recommends that the contract for the Project be awarded to Academy Glass Inc. in accordance with the provisions of the Local Public Contracts Law.

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

1. Academy Glass Inc., 232 Wescott Drive, Rahway, New Jersey has submitted the lowest responsive quote/bid for the Project; and

2. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency a contract with Academy Glass Inc. to undertake the Project in accordance with its quote/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 \$6,700.00 payable upon completion of the Project as outlined in the quote/bid.
4. A certified copy of this resolution shall be forwarded to Academy Glass Inc., 232 Wescott Drive, Rahway, New Jersey.

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 May 1, 2013.

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Staryak, Rack
No: Commissioner Sefranka*

COMMISSIONER'S COMMENTS

Commissioner Sefranka was dismayed at the change orders regarding The Hamilton Stage.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:20 PM.