

# Rahway Redevelopment Agency

## MINUTES

May 2, 2012

6:30 P.M.

### CALL TO ORDER

*The meeting was called to order at 6:25 P.M. in the Council Chambers*

### OPEN PUBLIC MEETINGS ACT

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

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### PLEDGE OF ALLEGIANCE

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

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### ROLL CALL

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

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

*Absent: Commissioner Clarke*

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### APPROVAL OF MINUTES

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

*April 4, 2012 Regular Meeting*

*Yes: Commissioners Deige, Dobrowolski, Nash, Staryak  
Abstain: Commissioners Rack, Sefranka  
Absent: Commissioner Clarke*

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### CORRESPONDENCE

- 1. Letter dated April 15, 2012 from Christopher Daggett, President and CEO of The Geraldine Dodge Foundation, to Richard Bryant regarding an approved grant to the Rahway Arts District.*
  - 2. Letter dated April 27, 2012 from Rachael Faillace, Executive Director, Rahway Arts District, Inc., to Peter Pelissier.*
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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).*

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### TREASURER'S REPORT

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke*

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### EXECUTIVE DIRECTOR'S REPORT

- March 30, 2012; Reviewed letter dated March 30, 2012 from Sloker Real Estate Group re: Blk 318 to Mr. Bier expressing interest in acquiring property from the Rahway Parking Authority for the redevelopment of this site. (see attached letter)
- March 31, 2012; Conversation and e-mail exchange whereas George Capodagli agreed to change the name of the former Savoy site from Chateau to Lafayette Village Rahway, LLC.
- April 2, 2012; Reviewed the Meridia Waters Edge alternate parking plan. (see attached letter)
- April 2, 2012; Reviewed the Library Refunding Bonds, City Secured.
- April 3, 2012; Reviewed Paul Phillips proposal for Professional Planning Services dated April 2, 2012. The proposal consists of Review and Analysis of Redevelopment Projects and Updates to CBD Redevelopment Plan and Lower Main Street Urban Renewal Plan. (see attached letter)
- April 3, 2012; Reviewed resolution to award a professional services contract to Phillips Preiss Grygiel, LLC for planning consulting services relative to a review and update of redevelopment plans and projects within the lower Main Street and CBD redevelopment areas in the City of Rahway.
- April 4, 2012; Discussed with Frank Regan the offer by Capodagli of \$25,000 to the Condo Association for parking spaces in addition to the construction of additional spaces at the developer's expense to accommodate the needs for parking requirements at Meridia at Waters Edge.
- April 5, 2012; Reviewed letter from Sloker Real Estate Group Re; Blk 318 requesting appraisal of property and the process related to same addressed to Executive Director Bier of the Rahway Parking Authority dated March 30, 2012.
- April 5, 2012; Reviewed and discussed with Frank Regan the calculation for selling 3700 sq. ft. of property @ \$30 a sq. ft. based on the sale of land to George Capodagli for Meridia at Waters Edge redevelopment project.
- April 5, 2012; Reviewed Riverwalk Developers, Notice of Sheriffs Sale Bank of America, NA v. Riverwalk Developers, LLC scheduled for August 15, 2012.
- April 5, 2012; Reviewed letter dated April 5, 2012 regarding the resolution awarding a contract to Mills & Schnoering Architects, LLC for services relative to a professional services contract for Hamilton Stage for the Performing Arts-Furniture.
- April 7, 2012; Reviewed e-mail from George Capodagli re: cost analysis of soil removal from Meridia Waters Edge property in the amount of \$160,635.
- April 9, 2012; George Capodagli delivered check in the amount of \$89,365 as second payment in accordance with the payments terms of sale of property from the Redevelopment Agency to George Capodagli.
- April 9, 2012; Reviewed revised agreement between Meridia Waters Edge and Center Circle, LP regarding various issues for access and easements as related to the redevelopment on the site.
- April 10, 2012; Reviewed letter dated April 10, 2012 from Frank Regan, Esq to John DeNoia, Esq re: TS Developers, Inc. v. Richard Watkins and the City of Rahway; settlement agreement for the payment of sewer and water fees.
- April 11, 2012; Reviewed correspondence from Mr. Bier, Executive Director of Rahway Parking Authority, to Sloker Real Estate Group advising Nils Bertan the Parking Authority appraiser will do a Fair Market Value of Block 318 for \$1500 using the comparable sales and income approach, which is to be paid for by Sloker Real Estate Group.
- April 13, 2012; Reviewed Frank Regan's e-mail clarifying the access easement granted to the City and the Redevelopment Agency. Center Circle cannot restrict the use of the easement for material staging and unloading will actually be done on the Rahway Redevelopment/Condo Association property and not the municipal parking lot. Approvals must be granted by the City and the Redevelopment Agency.
- April 16, 2012; Reviewed letter from Frank Regan, Esq. to Kelin, Esq. regarding various easements to facilitate redevelopment for the Meridia at Waters Edge.
- April 16, 2012; Reviewed conservation easement for Blk 305, Lot 8.31 prepared by John DeNoia, Esq. on behalf of Meridia Waters Edge project dated March 19, 2012.
- April 17, 2012; Reviewed demolition Lien for 65 East Cherry Street Blk 317, Lot 15 in the amount of \$103,850; engineering \$51,000; other related costs \$1,360.
- April 17, 2012; Followed up on payment analysis and credit for soil removal cost reduction; \$250,000-\$160,365=\$89,365. Paid April 9, 2012.
- April 18, 2012; met with Chairman Rack, Frank Regan, Cindy Solomon and David Fink of the David Henry Agency for reviewing proposal for marketing the celebration of 15 years of successfully improving the City of Rahway infrastructure. (see attached proposal)
- April 18, 2012; Lafayette Village, request from George Capodagli to start redevelopment agreement. Mr. Capodagli agreed to pay \$100,000 redevelopment fee to the Redevelopment Agency, and requested as payment schedule.
- April 18, 2012; Reviewed status of Water Allocation regarding the City of Rahway and the authorized hydraulic model analysis of the Rahway Water System to determine that the interconnections can meet the demands of the Water's Edge Project as well as future redevelopment projects throughout the City and redevelopment areas.
- April 19, 2012; Conference call regarding pricing information for the Rahway Redevelopment City Secured Refunding Bonds for 2012.
- April 19, 2012; Landmark/Park Square Redevelopment project requests assistance to expedite the pole relocation on Elm Avenue for repaving the Street in early May.
- April 19, 2012; Rahway Redevelopment Agency sold refunding **Bonds resulting in savings of \$439,502 for the duration of the Bonds.**
- April 20, 2012; attended meeting with Chairman Rack, Frank Regan, Cindy Solomon, Paul Phillips, and Paul Grygiel of the firm Phillips, Preiss and Grygiel, LLC to discuss the redevelopment plans, redevelopment projects and updates to the CBD Redevelopment Plan and Lower Main Street Urban Renewal Plan.

- April 20, 2012; Attended a meeting at Luciano's restaurant to discuss plans for an addition to the restaurant facilities to build a banquet room in basement area and subsequent payment of water and sewer connection fees.
- April 23, 2012; Reviewed e-mail from Frank Regan, Esq. to Paul Phillips as a follow up to meeting for updates to CBD regarding projects completed and not completed in Redevelopment areas of the City of Rahway.
- April 23, 2012; Finalized payment schedule with Frank Regan, Esq and George Capodagli regarding payment of \$100,000 to the Redevelopment Agency as a redeveloper's fee, when a permanent CO is issued but not later than 3 months after a temporary CO is issued.
- April 23, 2012: Meridia Waters Edge; sale and conveyance of a portion of Condo Association to Meridia Waters Edge for parking. Owner is agreeable to accept \$25,000 conditioned on Meridia constructing additional parking on City property at redeveloper's expense.
- April 25, 2012; Reviewed e-mail correspondence from Frank Regan, Esq advising George Capodagli, Lafayette Village that a redevelopment agreement could be ready in 30 days, the zoning would likely take 60 days or more and an application to the planning board if necessary.

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

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

*Absent: Commissioner Clarke*

## LEGAL REPORT

Frank Regan, Esq. distributed a memo regarding ethics to the Commissioners.

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

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

*Absent: Commissioner Clarke*

## ENGINEERING REPORT

### PROJECT/STATUS

1. Rahway Arts District Expansion Project – Interim Parking Lot  
Contractor continues to install improvements.  
Completion schedule:
  - a. Substantial (TCO) 5/8/12.
  - b. Final (CO) 6/6/12.
2. Rahway Arts District Expansion Project – Hamilton Stage (Bell Bldg)  
The building construction is continuing and moving toward completion.  
Completion schedule:
  - a. Substantial (TCO) 5/8/12.
  - b. Final (CO) 6/6/12.
3. The Savoy Site Fencing  
The fencing with a dark green privacy screen will be completed shortly. The City has received reimbursement, from Wells Fargo Bank, in the amount of \$18,048.34 for the cost of the fencing.
4. Parking Lot B (former Westbury site)  
DPW is coordinating to begin the parking lot lighting installation.
5. Norwood Auto Parts  
We are reviewing the building plans for compliance with the City's Flood Damage Prevention Code.
6. Home 2 Suites Hotel  
The construction is continuing.
7. Meridia – Water's Edge
  - a. The building footing and foundation construction is progressing.
  - b. Meridia anticipates building completion by the end of the year.
  - c. A meeting was held on 4/2/12 with the Rahway River Condo Association to resolve the parking and easement matters.
8. Landmark – Park Square  
Continues to complete Elm Avenue and street light improvements.

*A motion was made by Commissioner Dobrowolski and Seconded by Commissioner Sefranka to approve the Engineering Report.*

## UNFINISHED BUSINESS

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## NEW BUSINESS

Resolutions:

*15-12: RESOLUTION CONDITIONALLY DESIGNATING 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 MIXED USE PROJECT CONSISTING OF AFFORDABLE RESIDENTIAL AND ARTS RELATED USES*

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 AGL Resources, the parent company of 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 mixed use project consisting of the construction of 60 affordable rental units in a 4 story structure and 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.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that Actors Fund Housing Development Corporation is hereby conditionally designated as redeveloper 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 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 conditional designation 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 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.
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, as set forth herein, in addition to any application fees required by the Agency.
4. Within fourteen (14) days of the adoption of this resolution, Actors Fund Housing Development Corporation and the Agency enter into an escrow agreement, the form of which is attached hereto and made part of this resolution.

5. That the City of Rahway adopts amendments to the Central Business District Redevelopment Plan to allow for the redevelopment of the Property as provided for in a redevelopment agreement.
6. That the Property be acquired from AGL Resources 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 2, 2012

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke*

**16-12: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO THE DAVID HENTRY AGENCY FOR ADVERTISING AND MARKETING CONSULTING SERVICES RELATIVE TO THE ACTIVITIES OF THE RAHWAY REDEVELOPMENT AGENCY**

WHEREAS, there exists for the Rahway Redevelopment Agency (the "Agency") the need for the services of a firm specializing in advertising and marketing consulting services for the purposes of publicizing the activities of the Agency in redevelopment through various media services pursuant to a non-fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

WHEREAS, The David Henry Agency has previously provided services to the Rahway Redevelopment Agency; and

WHEREAS, The David Henry Agency has provided a proposal to provide advertising and marketing consulting services to the Agency for the purposes of publicizing the activities of the Agency in redevelopment through various media services, a copy of which proposal is attached hereto and made part of this resolution; 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 The David Henry Agency, 10 Prospect Street, Westfield, N.J. 07090 to provide consulting 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 (not to exceed) \$135,500.00 payable upon completion of the services and tasks 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 2, 2012.

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

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

17-12: RESOLUTION APPROVING AND AUTHORIZING THE SALE OF A PORTION OF PROPERTY KNOWN TAX BLOCK 305, LOT 8.03 AND THE GRANTING OF EASEMENTS ON THE SAME PROPERTY OWNED BY THE RAHWAY RIVER CONDOMINIUM ASSOCIATION, INC. OF WHICH THE RAHWAY REDEVELOPMENT AGENCY IS A 50% OWNER TO MERIDIA, WATER'S EDGE URBAN RENEWAL, RAHWAY LLC, THE REDEVELOPER AND OWNER OF PROPERTY KNOWN AS TAX BLOCK 305, LOT 5.04 IN THE LOWER MAIN STREET URBAN RENEWAL AREA TO FACILITATE A MARKET-RATE RESIDENTIAL DEVELOPMENT

WHEREAS, the Municipal Council of the City of Rahway designated Block 305/ Lots 5.04 and 8.03 as part of a larger urban renewal area (the "Lower Main Street Urban Renewal Area") and adopted the Lower Main Street Urban Renewal Plan on May 9, 1961 (the "Plan"), which Plan was last amended on October 24, 2011; and

WHEREAS, the City of Rahway (the "City") and the Rahway Redevelopment Agency (the "Agency") have undertaken various projects (with and without private redevelopers) within the Lower Main Street Urban Renewal Area, including the construction of the Rahway Library/Office Condominium on Block 305, Lot 8.03 (the "Condominium Property"), which Condominium Property is owned by the Rahway River Condominium Association, Inc.; and

WHEREAS, the Agency is 50% owner of the Condominium Property and the other 50% is owned by Rahway Office Center, LLC ("Rahway Office"); and

WHEREAS, the Agency entered into a redevelopment agreement with Meridia, Waters Edge Urban Renewal, Rahway, LLC (the "Redeveloper") and conveyed Block 305, Lot 5.04 to the Redeveloper for construction of 108 residential units (the "Redeveloper's Property"); and

WHEREAS, the Redeveloper proposed to use a portion of the Condominium Property for parking for the development of the Redeveloper's Property and obtaining approvals for such use was a condition of the City Planning Board's approval of the project; and

WHEREAS, the Redeveloper also required other easements on the Condominium Property and easements from the City, which easements the City has granted to the Redeveloper; and

WHEREAS, initially, the Redeveloper proposed to obtain an easement for use of the Condominium Property for parking and the Agency and Rahway Office have now agreed to sell a portion of the Condominium Property to the Redeveloper for parking, as well as to grant easements for access and storm sewer extension; and

WHEREAS, the Agency and Rahway Office have agreed to sell a portion of the Condominium Property to the Redeveloper and grant easements for access and storm water extension in consideration of the Redeveloper constructing additional parking on property owned by the City for which the City is to grant an easement for the benefit of the Condominium Property and for \$25,000 payable to Rahway Office with the Agency waiving its rights to a portion of the purchase price on the basis that it agreed to grant the Redeveloper any easements necessary for the project as part of the consideration paid by the Redeveloper to the Agency for the sale of the Redeveloper's Property, which was \$1,000,000; and

WHEREAS, the conveyance of a portion of the Condominium Property to the Redeveloper is subject to Rahway Office obtaining approval from its mortgagee, approval for the subdivision of the portion of the Condominium Property by the City Planning Board, the granting of an easement by the City for the benefit of the Condominium Property for the construction of additional parking and any other terms and conditions the parties may agree to in a contract for sale.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby approves and authorizes the conveyance of a portion of the Condominium Property and certain easements to Meridia, Water's Edge Urban Renewal, Rahway, LLC, as the redeveloper for the redevelopment of Tax Block 305/ Lot 5.04 for a 108 unit market rate residential project, subject to the terms and conditions of such conveyances as set forth in this resolution and any other applicable documents.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including a contract for sale of a portion of the Condominium Property and deeds for conveyance of the property and easements to the Redeveloper, which documents shall be prepared by the Agency's general counsel.

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 2, 2012.

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

Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke

*18-12: RESOLUTION AUTHORIZING PAYMENT OF FUNDS PURSUANT TO THE 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, on or about January 5, 2011, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, (the "Act"), the Rahway Redevelopment Agency (the "Agency") and the Rahway Arts District, Inc. ("Rahway Arts") entered into a Shared Services Agreement; and

WHEREAS, pursuant to the Shared Services Agreement, the Agency agreed to provide funding in the total amount of \$300,000 to Rahway Arts, which funding was intended to be provided to Rahway Arts by the Agency in increments of \$100,000 per year based on availability of funding and the Shared Services Agreement provided for Rahway Arts to request payment earlier based on need; and

WHEREAS, the Rahway Arts has used and intends to continue to use the funding provided by the Agency for costs associated with its purpose of support, encouragement and promotion of the arts in Rahway and the associated economic development related thereto, including but not limited to the start-up of the operation and management of the black box studio to be constructed and owned by the Agency on properties known as Block 167, Lots 38, 39, 42, 44 and 45 located on Hamilton Street in Rahway (now known as the "Hamilton Stage") and its responsibilities as district management corporation for the SID; and

WHEREAS, the Agency has already provided \$200,000 to Rahway Arts and pursuant to a request by Rahway Arts, the Agency proposes to provide the third and last allocation of \$100,000 to Rahway Arts for use in accordance with the Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the third and final allocation of \$100,000 to Rahway Arts for use in accordance with 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 May 2, 2012.

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke*

*19-12: RESOLUTION AFFIRMING, AMENDING AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE UNION COUNTY PERFORMING ARTS CENTER, INC. FOR THE PROPERTY KNOWN AS TAX BLOCK 167, LOTS 38, 39, 44 & 45, ALSO KNOWN AS THE FORMER HAMILTON LAUNDRY/BELL BUILDING IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR USE AS A THEATER, SUPPORT FACILITIES AND PARKING*

WHEREAS, the Union County Performing Arts Center, Inc. ("UCPAC") is a non-profit entity dedicated to providing exciting live performances that are educational, affordable and responsive to the diverse interests of the communities it serves, which performances are held in the historic Rahway Theater, which UCPAC; and

WHEREAS, the Rahway Redevelopment Agency owns the property known as Block 167, Lots, 38, 39, 44 & 45 (the "Property"), which Property is currently being reconstructed for the purposes of creating a 200-seat proscenium theater with rehearsal hall, flexible 50-seat public space, dressing rooms and other support facilities, including parking; and

WHEREAS, the Rahway Redevelopment Agency has no intention of operating the improvements constructed on the Property, other than the use of parking to support other downtown activities when no performances are being held at the Property; and

WHEREAS, the UCPAC, working in conjunction with the Rahway Arts District, Inc., has and continues to solicit artistic affiliates and companies that specialize in producing performances of theater, dance, music ensemble, vocal ensemble, children's theatre or another performing arts disciplines to use the Property; and

WHEREAS, the UCPAC and the Rahway Redevelopment Agency have agreed to the terms and conditions of a lease agreement for the Property for a thirty (30) year period for use as a 199-seat proscenium theater with rehearsal hall, flexible 50-seat public space, dressing rooms and other support facilities, including parking; and

WHEREAS, on September 7, 2011, the Rahway Redevelopment Agency adopted a resolution approving and authorizing the execution of a lease with UCPAC for the Property for a ten (10) year period for use as a 200-seat proscenium theater with rehearsal hall, flexible 50-seat public space, dressing rooms and other support facilities, including parking.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby affirms its prior approval, amends the term of the lease and authorizes the execution of a lease agreement with the Union County Performing Arts Center, Inc. for the Property, said lease shall be for a term of thirty (30) years for use as a 199-seat proscenium theater with rehearsal hall, flexible 50-seat public space, dressing rooms and other support facilities, including parking.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including the lease agreement in a form substantially consistent with that attached hereto, 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 at a regular meeting held on May 2, 2012.

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke*

**20-12: A RESOLUTION AUTHORIZING THE CONVERSION TO A CALENDAR YEAR ACCOUNTING OPERATION.**

WHEREAS, the Rahway Redevelopment Agency, since inception in 2001, has operated on a State Fiscal Year accounting cycle (July – June), and

WHEREAS, the City of Rahway has recently converted from a State Fiscal Year to a traditional Calendar Year accounting cycle, and

WHEREAS, it is financially and logistically advantageous to operate both entities on the same accounting cycle, and

WHEREAS, the Rahway Redevelopment Agency would pass a Transitional Year conversion budget funding the Agency's operations from July 1, 2012 to December 31, 2012, and pass the first full Calendar Year beginning in January 2013.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Rahway Redevelopment Agency that a conversion to a Calendar Year operation commence via the introduction of a Transitional Year budget for the period July 1, 2012 – December 31, 2012.

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 2, 2012.

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

*Yes: Commissioners Deige, Dobrowolski, Nash, Rack, Sefranka, Staryak  
Absent: Commissioner Clarke*

**21-12: A RESOLUTION TO AUTHORIZING THE PURCHASE OF FURNITURE FOR THE HAMILTON STAGE BUILDING BY THE RAHWAY REDEVELOPMENT AGENCY UNDER THE APPLICABLE STATE CONTRACT**

WHEREAS, Mills + Schnoering Architects, LLC, the Rahway Redevelopment Agency's (the "Agency") consultant, has recommended that the Agency purchase furniture, as described in more detail on the quotes attached hereto and made part of this resolution, for the Hamilton Stage building being constructed by the Agency from the vendors identified on the attached quotes under the applicable State Contracts for a total amount not to exceed \$50,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a governmental agency may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, funds are available in Account Numbers 04-215-55-642, 04-215-55-644 and 04-215-55-640 and have been certified to by the Chief Financial Officer / Treasurer of the Agency; and

WHEREAS, the Board of Commissioners desires to approve the purchase of said furniture for the Hamilton Stage building as recommended by the Agency's consultant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that authorization is hereby granted to purchase furniture, as described in more detail on the quotes attached hereto and made part of this resolution, for the Hamilton Stage building being constructed by the Agency from the vendors identified on the attached quotes under the applicable State Contracts for a total amount not to exceed \$47,479.76; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the vendors identified on the quotes attached to this resolution, the Chief Financial Officer/Treasurer, Mills + Schnoering Architects, LLC and DeCotiis, FitzPatrick & Cole, LLP.

BE IT FURTHER RESOLVED that the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding and the contract itself must be available for public inspection.



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 2, 2012.

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

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

*No: Commissioner Sefranka*

*Absent: Commissioner Clarke*

**22-12: RESOLUTION INTRODUCING THE TRANSITIONAL 2012 RAHWAY REDEVELOPMENT AGENCY BUDGET**

WHEREAS, the Annual Budget and Capital Budget for the Rahway Redevelopment Agency for the Transitional Year beginning, July 1, 2012 and ending, December 31, 2012 has been presented before the governing body of the Rahway Redevelopment Agency at its open public meeting of May 2, 2012; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 598,000.00, Total Appropriations, including any Accumulated Deficit if any, of \$ 598,000.00 and Total Unrestricted Net Assets utilized of \$0; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$0, and Total Unrestricted Net Assets 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. 5:31-2, 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 May 2, 2012 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Rahway Redevelopment Agency for the fiscal year beginning, July 1, 2011 and ending, December 31, 2012 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.

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

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

*Absent: Commissioner Clarke*

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**COMMISSIONER'S COMMENTS**

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**ADJOURNMENT**

*There being no further business, the meeting was adjourned at 8:10 PM*