

# Rahway Redevelopment Agency

## Minutes

June 19, 2013

6:30 P.M.

### CALL TO ORDER

*The meeting shall be 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*

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### PLEDGE OF ALLEGIANCE

*Commissioners, officials, and public attendees shall then salute to the flag*

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### ROLL CALL

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

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

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### APPROVAL OF MINUTES

*A motion was made by Commissioner Nash and Seconded by Commissioner Drobrowolski to approve the Minutes of the May 1, 2013 Regular Meeting.*

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

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### CORRESPONDENCE

- 1. Letter dated May 17, 2013 from Ronald Wund to William Rack regarding United Water.*
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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

*Auditor's Report was distributed.*

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

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

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### EXECUTIVE DIRECTOR'S REPORT

1. Lafayette Village; This project has now received planning board approval as well as approval for water allocation from the DEP. Resolution 29-13 on the June 19, 2013 meeting authorizes the first amendment to the redevelopers agreement to modify the project schedules due to difficulties, primarily with the DEP in obtaining permits. Redeveloper is anxious to begin the project once permits are in place.

2. Meridia Brownstones: this project located on the former Wheatena site, Elizabeth Avenue has reached the point of entering into a redevelopment agreement. Resolution 27-13 on the June

19, 2013 RRA meeting will authorize and approve the execution between the RRA and Meridia Brownstones Urban Renewal, LLC. Located in the Elizabeth Ave Redevelopment Area. This project will be approximately 450 residential units.

3. Main and Monroe Redevelopment: As reported last month, a meeting was held with Nils Berton of Sicker International to review the status of the project. The redeveloper has retained an architect and is in the process of detailing the plans for the site. Negotiations have taken place for the land acquisition from the parking authority, and it is my understanding that a proposal has been submitted by the redeveloper for the land swap required to construct the project. I would expect another presentation from the redeveloper at the September meeting of the RRA. This project is approximately 180 units.

4. Metro Rahway: This project has now received a water allocation from the DEP and demolition has commenced. The City Council will be considering a PILOT for this project in the next month and the redeveloper has agreed to pay an additional fee above and beyond the \$2500 per residential unit.

5. Actors Fund Housing: As reported last month this project is on hold until the application for tax credits open up next year that can be coordinated with the use of HOME funding as well as CBDG funds. The property owner is considering a reduced price for an accelerated sale. This will be discussed in closed session.

6. Meridia Waters Edge: this project is well under way and is set for completion in December of 2013.

7. A&M litigation: I have reviewed and met with John A. Stone, Esq regarding the Defendants answers to the first set of interrogatories. This matter is to be discussed in closed session.

8. I have met with Jim Houston to review and discuss the need for a maintenance contract for the Hamilton Stage building. If any members of the Agency would like a tour of the mechanical components of the building, arrangements can be made accordingly. A resolution and copy of contract will be provided at the June 19, 2013 meeting, with explanation from Jim Houston City Engineer.

9. I have been in contact with Frank Regan regarding various matters that have resulted in the resolutions before this Redevelopment Agency.

10. I have met and informed the Council president of various matters that will eventually come before the City Council pertaining to Redevelopment projects. Redevelopment Plan Amendments, PIOLTS, and proposed new redevelopment such as the Center Circle property behind City Hall.

11. Park Square Project: Joel Schwartz requires a certificate of completion for an upcoming closing on refinancing for the Park Square project. Frank Regan has prepared a resolution for this purpose and will bring it to the June 19, 2013 meeting requesting that it be placed on the agenda for action. Mr. Schwartz requested this on Monday and was not aware that the RRA would not meet again until August 7, 2013.

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

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

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## LEGAL REPORT

*All items discussed in closed session.*

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## ENGINEERING REPORT

1. Rahway Arts District Expansion Project- Hamilton Stage (Bell Bldg.)
  - a. Regarding the final building inspection and completion of punch list work, the Architect rendered a report on 5/20/13. Our office also rendered a "leak issues" letter dated 5/21/13- (see copies of each attached). I conducted an onsite review of both letters with Gingerelli Brothers, Inc. on 6/17/13. GBI is currently working to complete all outstanding items before the next Agency meeting
  - b. Chiller Sound Wall- the contractor has not signed the contract and is not responding to our queries regarding same.
2. Meridia- Water's Edge
  - a. The developer continues with the building construction.
  - b. The DEP Water allocation permit application- see item 5 below.

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 received a revised preliminary site plan approval from the Rahway Zoning Board. Once they have satisfied the NJDEP permit requirements, they will return to the Board for revised final site plan approval.

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. Attached please find the June 4, 2013 letters from the Mayor and UW-R et als. to NJDEP, wherein documents were submitted to satisfy NJDEP's requirements to enable them to re-issue the Station Place water permit. I confirmed on 6/17/13 that NJDEP received the documents, and also that they will be issuing this permit and the Meridia Water's Edge & Lafayette Village permits as well, before the end of this month.

The Commissioners discussed actions to be taken regarding the chiller sound wall contract.

*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*

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## UNFINISHED BUSINESS

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## NEW BUSINESS

### Resolutions:

*26-13: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO PROPERTY LOCATED AT THE CORNER OF MAIN STREET AND MONROE STREET, ALSO KNOWN AS LOT 1.01 IN BLOCK 319, 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, budget preparation and initial regulatory compliance management services for the property located at the corner of Main and Monroe Streets (formerly known as Timko Kagan Property), also known as Lot 1.01 in Block 319, located in the Central Business District Redevelopment Area (the "Property"), which Property was sold by the Agency for the Luciano's 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 current owner; and

WHEREAS, Whitestone Associates, Inc. submitted a proposal, dated May 2, 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 June 19, 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*

**27-13: RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH MERIDIA BROWNSTONES URBAN RENEWAL, RAHWAY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 226, LOT 1; TAX BLOCK 227, LOTS 1 & 2; AND TAX BLOCK 228, LOT 1 IN THE ELIZABETH AVENUE (FORMER QUINN & BODEN/WHEATENA SITE) REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT**

WHEREAS, the Rahway Redevelopment Agency, in its capacity as the redevelopment agency for the City of Rahway, municipal Agency (hereinafter referred to as the "Agency") shall be responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (hereinafter referred to as the "Redevelopment Law"); and

WHEREAS, Tax Block 226, Lot 1; Tax Block 227, Lots 1 & 2; and Block 228, Lot 1 (the "Properties") are located in the Elizabeth Avenue (Former Quinn & Boden/Wheatena Site) Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, on December 13, 2004, pursuant to Ordinance O-51-04, the Rahway City Council adopted the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, the Agency has been promoting the redevelopment of this 6.5 acre industrial property for re-use consistent with the City's Master Plan and Planning and Redevelopment Study of the Transportation Development District, dated February 2000, prepared by Abeles Phillips Preiss & Shapiro, Inc. and the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, the Agency entered into a redevelopment agreement with M&M at Wheatena Urban Renewal, a subsidiary of K. Hovnanian on September 22, 2005 for the redevelopment of the Properties, which agreement was terminated on October 31, 2011; and

WHEREAS, the Agency has previously considered proposals for the redevelopment of the Properties and met with various redevelopers regarding same, along with representatives of the Property owner; and

WHEREAS, the Properties are privately owned and partially occupied by industrial users; and

WHEREAS, Capodagli Property Company, LLC successfully completed a market rate residential rental project in a redevelopment area on East Grand Avenue in Rahway and recently entered into redevelopment agreements with the Agency for the redevelopment of Block 305, Lot 5.04 and Block 320, Lot 1.02 for a market rate residential projects; and

WHEREAS, Capodagli Property Company, LLC made a presentation to the Board of Commissioners of the Agency on August 15, 2012 regarding its concept proposal to develop a residential project for the Property consisting of approximately 450 units (the "Project"); 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 September 5, 2012, the Agency adopted a resolution conditionally designating Capodagli Property Company, LLC as redeveloper for the Properties for 120 days, which was extended by the Agency by adoption of a resolution on February 6, 2013; and

WHEREAS, after the conditional designation, Capodagli Property Company, LLC and the Agency enter into an escrow agreement as required; and

WHEREAS, Capodagli Property Company, LLC has created Meridia Brownstones Urban Renewal, Rahway, LLC for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise deal with the Properties; and

WHEREAS, the Agency and the Redeveloper have fulfilled the conditions of the conditional designation, and by approval and execution of a redevelopment agreement, the Redeveloper shall be designated as exclusive Redeveloper of the Properties, subject to the terms and conditions of the redevelopment agreement; and

WHEREAS, in light of the importance of the Project to the Agency, the Parties acknowledge that proceeding with the Project in a timely fashion is essential; and

WHEREAS, the Agency believes that the redevelopment of the Properties in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the City of Rahway's residents and is in accord with the public purpose and provisions of the Redevelopment Law and all other Applicable Laws; and

WHEREAS, the Agency has determined that it is in the best interest of the community for the Agency to enter into a redevelopment agreement with the Redeveloper for the purposes of facilitating the acquisition of the Properties and to specify each parties' respective rights and obligations for the effectuation of the goals and objective(s) of redevelopment of the Properties; and

WHEREAS, the Agency and the Redeveloper desire to fully and thoroughly address the rights and obligations of the Parties hereto in connection with the redevelopment of the Project Premises by way of a redevelopment agreement, in a form substantially consistent with that attached and annexed hereto, and the Agency and the Redeveloper acknowledge that the mutual promises contained in the redevelopment agreement shall be good and valuable consideration for the binding execution of the redevelopment agreement.

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 redevelopment agreement with Meridia Brownstones Urban Renewal, Rahway, LLC, 6035 Park Avenue, West New York, New Jersey 07093 as redeveloper for the development of Tax Block 226, Lot 1; Tax Block 227, Lots 1 & 2; and Block 228, Lot 1, located in the Elizabeth Avenue Redevelopment Area, for a residential project.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including the redevelopment agreement substantially consistent with the form of agreement attached hereto, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

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 June 19, 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*

**28-13: 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 PERSONNEL, POTENTIAL LITIGATION AND/OR CONTRACT NEGOTIATIONS**

WHEREAS, pursuant to N.J.S.A.10:4-12, the Open Public Meetings Act permits the exclusion of the public from portions of a meeting at which the Board of Commissioners of the Rahway Redevelopment Agency will discuss personnel, potential litigation and/or 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 June 19, 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 June 19, 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*

**TO RETURN TO PUBLIC SESSION AFTER CLOSED SESSION**

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

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

**29-13: RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH MERIDIA LAFAYETTE VILLAGE URBAN RENEWAL, RAHWAY, LLC AS CONDITIONAL REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 320, LOT 1.02 IN THE CENTRAL**

*BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE REDEVELOPMENT OF THE PROPERTY FOR A MARKET-RATE RESIDENTIAL DEVELOPMENT*

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, Block 320, Lot 1.02 is located in the Central Business District Redevelopment Area (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 Agency has previously entered into a redevelopment agreement for the redevelopment of the Property with Dornoch Rahway, LLC, which redevelopment agreement was terminated in May 2011 by the Agency; and

WHEREAS, Meridia Chateau, Urban Renewal, Rahway, LLC made a presentation to the Board of Commissioners of the Agency on February 1, 2012 regarding its proposal to develop a residential project comprised of approximately one hundred and twenty (120) market rate rental units on the Property; and

WHEREAS, Capodagli Property Company, LLC, an affiliate of Meridia Chateau, Urban Renewal, Rahway, LLC, successfully completed a market rate residential rental project in a redevelopment area on East Grand Avenue in Rahway and recently entered into a redevelopment agreement with the Agency for the redevelopment of Block 305, Lot 5.04 for a market rate residential project; and

WHEREAS, the proposal has been reviewed and found consistent with the City's and Agency's goals for redeveloping the area, however, such proposal may require modifications to address residential density and ground floor use; and

WHEREAS, on March 7, 2012, the Agency designated Meridia Chateau, Urban Renewal, Rahway, LLC as conditional redeveloper of the Property for a 120-day period; and

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

WHEREAS, Capodagli Property Company, LLC has created a new entity to act as the redeveloper for the Project known as Meridia, Lafayette Village Urban Renewal, Rahway LLC, which entity is wholly owned and controlled by Capodagli Property Company, LLC (the "Redeveloper"); and

WHEREAS, pursuant to one of the conditions of the resolution designating the Redeveloper, the Agency and Redeveloper entered into an Escrow Agreement on or about March 7, 2012, which Escrow Agreement remains valid and binding; and

WHEREAS, the Property has been acquired by Meridia, Lafayette Village Urban Renewal, Rahway LLC; and

WHEREAS, on October 3, 2012, the Agency and the Redeveloper entered into a Redevelopment Agreement for the redevelopment of the Property for a market rate rental residential project; and

WHEREAS, the Redeveloper has encountered difficulties and delays in obtaining State permits and approvals, specifically from the Department of Environmental Protection for the Project thus impacting its ability to meet the Project Schedule in the Redevelopment Agreement and changes to the Project Schedule are proposed along with a requirement that a memorandum of agreement of the Redevelopment Agreement be executed by the Parties for recording.

WHEREAS, the Agency and Redeveloper have agreed to the terms and conditions of a First Amendment to the Redevelopment Agreement which addresses

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby approves and authorizes the execution of the First Amendment to the Redevelopment Agreement between the Agency and Meridia, Lafayette Village Urban Renewal, Rahway, LLC.

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

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 June 19, 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*

A MOTION WAS MADE BY COMMISSIONER SEFRANKA AND SECONDED BY COMMISSIONER NASH TO PLACE RESOLUTION 30-13 AND RESOLUTION 31-13 ON TONIGHT'S AGENDA.

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

**30-13: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO AUTOMATED BUILDING CONTROLS, INC. FOR THE MAINTENANCE AND SERVICING OF ALL HEATING AND COOLING EQUIPMENT AT THE HAMILTON STAGE LOCATED AT 370 HAMILTON STREET, RAHWAY**

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 maintain and service all heating and cooling equipment remotely and on-site at the Property by an annual service contract (the "Services"); 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 Services; and

WHEREAS, a quote/bid was received for the Services from Automated Building Controls, Inc., 3320 Route 66, Neptune, New Jersey 07753 for an annual contract in the amount of \$12,500.00 for the Services; and

WHEREAS, the Agency staff, consultants and general counsel have determined that Automated Building Controls, Inc. has submitted the lowest quote/bid, and therefore recommends that the contract for the Project be awarded to Automated Building Controls, Inc. in accordance with the provisions of the Local Public Contracts Law, subject to Automated Building Controls, Inc. providing the Agency with a defined rate for any additional services provided that are not part of the agreement.

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

1. Automated Building Controls, Inc., 3320 Route 66, Neptune, New Jersey 07753 has submitted the lowest responsive quote/bid for the Services; and
2. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency a contract with Automated Building Controls, Inc. to undertake the Services in accordance with its quote/bid and service agreement, 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 \$12,500.00 payable upon completion of the Services as outlined in the quote/bid, subject to Automated Building Controls, Inc. providing the Agency with a defined rate for any additional services provided that are not part of the agreement.
4. A certified copy of this resolution shall be forwarded to Automated Building Controls, Inc., 3320 Route 66, Neptune, New Jersey 07753.

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 June 19, 2013.

*A motion was made by Commissioner Nash and Seconded by Commissioner Deige to approve the Resolution (subject to final inclusions of comments in contract)*

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

**31-13 RESOLUTION AUTHORIZING THE ISSUANCE AND EXECUTION OF A CERTIFICATE OF COMPLETION TO LANDMARK AT RAHWAY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 157, LOTS 1.01, 1.02 AND 1.03 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE PARK SQUARE PROJECT**

WHEREAS, the RRA and Landmark at Rahway, LLC (the "Redeveloper") entered into that certain Redevelopment Agreement dated April 2004 (the "Agreement") pursuant to which the RRA agreed to acquire and sell to the Redeveloper certain properties and the Redeveloper agreed to redevelop the real property now known as Lots 1.01, 1.02 and 1.03 in Block 157 as shown on the Tax Maps of the City of Rahway, Union County, New Jersey (the "Property") in accordance with the terms and conditions of the Redevelopment Agreement; and

WHEREAS, the RRA and the Redeveloper amended the Redevelopment Agreement pursuant to that certain Amended and Restated Redevelopment Agreement dated October 31, 2006 (the "Amended Agreement") and that certain First Amendment to Amended and Restated Redevelopment Agreement executed on or about June 2010 which was approved by the RRA on January 6, 2010 (the "First Amendment"); and

WHEREAS, the Agreement, the Amended Agreement and the First Amendment are collectively referred to herein as the "Redevelopment Agreement;" and

WHEREAS, on or about July 26, 2006, the Redeveloper commenced construction of a mixed use building consisting of 159 residential units, approximately 7,000 square feet of commercial space, garage parking and related site improvements on the Property (hereinafter referred to as the "Project"); and

WHEREAS, on or about April 12, 2012, the Redeveloper completed construction of the Project; and

WHEREAS, in accordance with Section 6.4.3 of the Amended Agreement, the RRA is required to issue a Certificate of Completion for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the issuance and execution of a Certificate of Completion to Landmark at Rahway, LLC for the Park Square project.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents, including the Certificate of, in a form substantially consistent with that attached hereto.

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

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

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#### COMMISSIONER'S COMMENTS

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

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#### ADJOURNMENT

*There being no further business, the meeting adjourned at 7:55 PM*