

Rahway Redevelopment Agency

MINUTES

September 4, 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

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
Michael Staryak Commissioner
William Rack, Chairman*

Absent: Commissioner Sefranka

APPROVAL OF MINUTES

A motion was made by Commissioner Nash and Seconded by Commissioner Dobrowolski to approve the Minutes of the August 7, 2013 Regular Meeting.

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

CORRESPONDENCE

- 1. Letter dated August 20, 2013 from Morton S. Bunis, Esq., to John Stone, Esq. regarding Arnold Young v Rahway Redevelopment Agency*
 - 2. Letter Dated August 30, 2013 from Francis X. Regan, Esq. to Henry Szwed, regarding Redevelopment Agreement for Meridia Brownstones.*
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COMMENTS FROM THE PUBLIC

This portion of the meeting shall be opened to the public for comments (two minute maximum per person).

TREASURER'S REPORT

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

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

EXECUTIVE DIRECTOR'S REPORT

- 1. Main and Monroe Redevelopment: As reported last month a meeting was held to review architectural plans as presented by Joel Schwartz that were prepared by the Firm of Minnow and Wascow of Lambert, New Jersey. The development team spearheaded by Nils Berten and Oscar Moninex the Developers are continuing to streamline the plans in order to accommodate the proposed number of units to be constructed which consists of 196 residential units with 208 parking spaces under the building.*

The Developer continues to work on the economics of this project and will need to execute an agreement for a land swap with the Rahway Parking Authority and to reach an agreement with the City Council for a PILOT as well as to reach an agreement with the City for the extension of Monroe Street to Cherry Street. It is my understanding that a presentation before the Rahway Redevelopment Agency will take place in the near future, after which a Redevelopment Agreement will be prepared for consideration by the Rahway Redevelopment Agency Commissioners.

At the September 4, 2013 Rahway Redevelopment Agency meeting, a Resolution extending the conditional designation of the Slokker Real Estate Group as Redeveloper will be placed on the Agenda for consideration.

2. Metro Rahway: The foundation work has commenced and the Redeveloper is moving forward in a timely manner.

3. Actors Fund Housing: A meeting will be held this month to discuss the business terms of the acquisition of the property from AGL including:

1. Purchase price
2. Deposit
3. Project Financing
4. Contingencies
5. Development Approvals
6. Closing Date

It was agreed that Frank Regan, Esq. and the Development Team would begin working on a draft contract. It was further agreed that the Redevelopment Agency would request the transfer of Union County HOME Funds allocation to the Rahway Redevelopment Agency.

At the September 4, 2013 Rahway Redevelopment Agency meeting a Resolution will be placed on the Agenda extending the conditional designation of the Actors Fund Housing Development Corporation for the Redevelopment of the property for a residential project including affordable housing units. A meeting will be held on September 4, 2013, at 9:00a.m. at Hamilton Stage to discuss the status of this project and I will report verbally to the Rahway Redevelopment Agency Commissioners at the meeting to be held September 4, 2013.

4. A&M Litigation: This matter is to be discussed in closed session. The Court has appointed a Mediator to attempt to resolve the issue. A pre-mediation conference call has tentatively been scheduled for September 10, 2013.

5. Meridia Waters Edge: This project continues to proceed on schedule. A meeting will be held with the Redeveloper for September 5, 2013 at Hamilton Stage and I will report to the Commissioners as to the status of this meeting during the October, 2013 Executive Director's Report.

6. Meridia Brownstones: Mark Fauci, representing American Properties appreciates the readiness and willingness of the Rahway Redevelopment Agency to discuss a beneficial development for the City of Rahway. Mr. Fauci and American Properties President, Randy Cisik would like to schedule a meeting with Bill Rack, Frank Regan and Peter Pelissier to ascertain if there is any opportunity for their company to develop within the City of Rahway. It is my understanding that American Properties is very close to signing an agreement for acquisition of the former Wheatena Site. At the September 5, 2013 meeting, with George Capodagali, we will discuss the status of his Company's negotiations with Mr. George Bean, as Mr. Capadagali's company has been designated the conditional Redeveloper for the property.

7. Rahway Main Street: There is a Resolution placed on the September 4, 2013 Agenda conditionally designating Rahway Main Street, LLC as Redeveloper for property known as Tax Block 305, Lot 5.02 in the Lower Main Street Urban Renewal Area for a market rate residential development. This Resolution was discussed at the August, 2013 Redevelopment Agency meeting and tentatively agreed upon by the Commissioners who were present at that meeting. The Redeveloper is continuing to refine the plan improvements as presented at the August, 2013 Redevelopment Agency meeting.

8. Hotel Indigo: A meeting was held at 12 p.m. noon on September 4, 2013 with Joe LoMonaco, Manager of the property (formerly known as Carriage City Properties) to discuss various issues including the closing of Hotel Indigo and the subsequent use of the property. Carriage City is losing its flag hotel because of poor management. It was stated that the RRA would not be receptive to converting the hotel rooms into rental units.

I met with Council President on various matters and invited him to meetings to review and discuss issues that will eventually come before the City Council that involve Redevelopment Projects including, Rahway Redevelopment Agency fees, sewer and water fees and allocation, Redevelopment Plan Amendments and PILOTS.

I also communicated with Cindy Solomon, Director of Community Development for the City of Rahway, and Frank Regan, Esq. regarding all of the various matters that the Redevelopment Agency considers through emails, telephone calls and meetings with Redevelopers.

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

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

LEGAL REPORT

General Counsel Frank Regan stated that much of his report would be held in private session. He commented on the Actor's Fund Housing Corporation and the change in the entity that will be completing the project, assuring the commissioners of a continuation in the design and scope of the project. He discussed the designation of AST as redevelopers for the Center Circle property, and the Slokker project will need assistance in an application to DEP.

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

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

ENGINEERING REPORT

1. Rahway Arts District Expansion Project-Hamilton Stage (Bell Bldg.)

- a. Regarding the final building inspection and completion of punch list work, Gingerelli Brothers, Inc. (GBI), continues working to complete all outstanding items, hopefully before the October 2nd Agency meeting.
- b. Chiller Sound Wall-we continue to work with the Architect to solicit new prices. We expect to have the additional requisite prices within the next ten (10) days. We would like the Agency's approval to issue a Contract, in conjunction with Frank Regan, Esq., and Chairman Rack, for an amount less than the Bid threshold of \$36,000.00.
- c. The HVAC Maintenance Agreement with Automated Building Controls (ABC) has been executed. An on-site meeting between myself and Karin Napier, the House Manager, was held to review the entire maintenance process and conditioning settings for each room.
- d. Mills + Schnoering, Architects -they have submitted a proposal for additional services in the amount of \$4,500.00. A resolution for same has been prepared for your consideration. It continues to be necessary for their office to assist in getting GBI, to resolve outstanding issues and close out the project. Their services will be added to GBI's liquidated damages.
- e. Fire Alarm system-an annual certified inspection is required by the NJ Dept. of Community Affairs. An annual service agreement and a resolution for same have been submitted for the Agency's consideration and approval.

2. Meridia Water's Edge

- a. The developer continues with the building and site construction, including the Levee repair.
- b. DEP Water Main Extension Permit application- see item 4 below

3. Meridia Lafayette Village

The redeveloper continues working to comply with the NJDEP's Waterfront Development Permit requirements.

4. Public Water Allocation for Future Redevelopment Projects

On behalf of the Agency and the City, we have continued to work with NJDEP for the issuance of the Water Main Extension Permits for Station Place, Water's Edge and Lafayette Village projects. The DRAFT Special Permit Conditions were submitted and approved by the DEP. The issuance of the Permits is eminent.

5. Station Place at Rahway

Station Place at Rahway has completed demolition and continues to prepare for construction.

6. AST Development Corp.

Our office is scheduling a meeting with AST and the Police Department to review the best options for the realignment of the drive between East Milton Ave and Main Street.

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

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

UNFINISHED BUSINESS

NEW BUSINESS

Presentations:

Representatives from the former Actor's Fund Housing project informed the commissioners of their new partnership with The Reinvestment Fund. Steve Burns from Crawford Street Partners stated that although the name of the entity is changing, the project is committed to developing affordable housing for the artistic community.

Resolutions:

35-13: RESOLUTION CONDITIONALLY DESIGNATING RAHWAY MAIN STREET, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 305, LOT 5.02 IN THE LOWER MAIN STREET URBAN RENEWAL AREA FOR THE REDEVELOPMENT OF THE PROPERTY FOR A MARKET-RATE RESIDENTIAL DEVELOPMENT

WHEREAS, the Municipal Council of the City of Rahway designated Block 305/ Lot 5.02 (the "Property") 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, which was incorporated into the Amended and Restated Central Business District Redevelopment Plan adopted on February 13, 2013 (the "Plan"); 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; and

WHEREAS, the Property is owned by the Center Circle and consists of approximately 3 acres occupied by an indoor sports facility; and

WHEREAS, Rahway Main Street, LLC or its partners or affiliates successfully completed a market rate residential rental project in the CBD Redevelopment Area and are currently constructing a project known as Station Place; and

WHEREAS, Rahway Main Street, LLC has contracted with the Center Circle to purchase the Property; and

WHEREAS, Rahway Main Street, LLC made a presentation to the Board of Commissioners of the Agency on August 7, 2013 regarding its proposal to develop a residential project comprised of approximately two hundred and forty-eight (248) market rate rental units on the Property; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that Rahway Main Street, LLC, 111 Magee Avenue, Lavallette, New Jersey 08735, is hereby conditionally designated as redeveloper for the development of Tax Block 305/ Lot 5.02, located in the Lower Main Street Urban Renewal Area, for a residential project comprised of approximately 248 market rate rental units 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 Rahway Main Street, LLC 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.

3. That Rahway Main Street, LLC 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.
4. Within fourteen (14) days of the adoption of this resolution, Rahway Main Street, LLC and the Agency enter into an escrow agreement, the form of which is attached hereto and made part of this resolution.
5. That Rahway Main Street, LLC acquires the Property for redevelopment.

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 September 4, 2013.

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

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

Absent: Commissioner Sefranka

36-13: RESOLUTION EXTENDING THE CONDITIONAL DESIGNATION OF THE INGERMAN GROUP, CRAWFORD PARTNERS AND THE REINVESTMENT FUND FORMERLY 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, on May 1, 2013, the Agency adopted a resolution extending the conditional designation of the Actors Fund Housing Development Corporation or its designee as redeveloper of the Property for a period of 120 days subject to certain conditions; and

WHEREAS, the Actors Fund Housing Development Corporation will no longer be involved in the development of housing and has transferred its interest in the project to The Reinvestment Fund, who along with the existing partners consisting of the Ingerman Group and Crawford Street Partners, will be the conditional redeveloper (the "Redeveloper"); and

WHEREAS, the Agency and the Redeveloper 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 Reinvestment Fund, Ingerman Group and Crawford Street Partners 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 the Redeveloper 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 the Redeveloper 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 September 4, 2013.

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

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

37-13: 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, on May 1, 2013, the Agency adopted a resolution extending the conditional designation of Slokker as redeveloper of the Properties for a period of 120 days subject to certain conditions; 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 190 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:

1. 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.
2. 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.
3. 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.
4. 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 September 4, 2013.

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

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

Absent: Commissioner Sefranka

38-13: RESOLUTION AUTHORIZING THE COMMITMENT OF UP TO \$3,000.00 OF FUNDING FROM THE RAHWAY REDEVELOPMENT AGENCY FOR THE PURCHASE OF ART WORK AND STREET SCULPTURE FOR PROPERTIES OWNED BY THE RAHWAY REDEVELOPMENT AGENCY IN SUPPORT OF THE RAHWAY ARTS DISTRICT

WHEREAS, the Rahway Redevelopment Agency (the "Agency") has been supportive of the Rahway Arts District through its Shared Services Agreement with Rahway Arts District, Inc. and its lease of Hamilton Stage to the Union County Performing Arts Center ("UCPAC"); and

WHEREAS, the Agency has also encouraged and supported redevelopment of the Rahway Arts District for residential and commercial development, which would further support the arts in Rahway; and

WHEREAS, the Agency was requested to consider a commitment of \$3,000.00 to support the purchase of art work and street sculpture to further enhance the Rahway Arts District and support and encourage local and regional artists.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the commitment of \$3,000.00 of funding from the Agency for the purchase of art work and street sculpture for properties owned by the Agency in support of the Rahway Arts District.

BE IT RESOLVED, that the Executive Director and Treasurer are authorized to expend \$3,000.00 of funding from the Agency for the purchase of art work and street sculpture for properties owned by the Agency in support of the Rahway Arts District.

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 September 4, 2013.

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

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

39-13: 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 \$4,500.00 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 September 4, 2013

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

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

40:13: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SYSTEM SALES CORPORATION FOR THE MAINTENANCE AND SERVICING OF FIRE ALARM PANEL SYSTEM AT THE HAMILTON STAGE LOCATED AT 370 HAMILTON STREET, RAHWAY NJ

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 fire alarm system testing and smoke detector cleaning 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 System Sales Corporation, Inc., 1345 Campus Parkway, Wall Township, NJ 07753 for an annual contract in the amount of \$1,550.00 for the Services; and

WHEREAS, the Agency staff, consultants and general counsel have determined that System Sales Corporation, Inc. has submitted the lowest quote/bid, and therefore recommends that the contract for the Project be awarded to System Sales Corporation, Inc. in accordance with the provisions of the Local Public Contracts Law, subject to System Sales Corporation, 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. System Sales Corporation, Inc., 1345 Campus Parkway, Wall Township, NJ 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 System Sales Corporation, 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 \$1,550.00 payable upon completion of the Services as outlined in the quote/bid, subject to System Sales Corporation, 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 System Sales Corporation, Inc., 1345 Campus Parkway, Wall Township, NJ 07753

Certified to be a true copy of a Resolution adopted by the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, NJ held at a regular meeting on September 4, 2013.

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

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

41-13: 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 September 4, 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 September 4, 2013.

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

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

TO RETURN TO PUBLIC SESSION AFTER CLOSED SESSION

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

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

COMMISSIONER'S COMMENTS

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

ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 PM.