

Rahway Redevelopment Agency

MINUTES

February 4, 2015

6:30 P.M.

CALL TO ORDER

The meeting was called to order at 6:30 P.M. in the Council Chambers at Rahway City Hall

OPEN PUBLIC MEETINGS ACT

This meeting was 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 saluted the flag

ROLL CALL

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

Egon Behrmann, Commissioner
Sondra Fishing, Commissioner
Rodney Farrar, Commissioner
Timothy Nash, Commissioner
Armando Sanchez, Commissioner
Paul Sefranka, Commissioner
Ann Marie Williams, Commissioner

APPROVAL OF MINUTES

A motion was made by Commissioner Sefranka and Seconded by Commissioner Sanchez to approve the Minutes of the January 7, 2015 Organizational and Regular Meetings

Yes: Commissioners Behrmann, Fishing, Farrar, Nash, Sanchez, Sefranka, Williams

CORRESPONDENCE

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 Sanchez and Seconded by Commissioner Nash to approve the Treasurer's Report.

Yes: Commissioners Behrmann, Fishing, Farrar, Nash, Sanchez, Sefranka, Williams

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Len Bier, reported on meetings that were held with the developers of the Artists Housing and Slokker Main/Monroe projects. He discussed the HVAC system at 2 City Hall Plaza (Library/Condo) and stated that he would schedule a meeting with the other condo owner (Basad Realty) to review all issues related to the property. Mr. Bier also reported on the bond recall regarding Hamilton Stage.

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

Yes: Commissioners Behrmann, Fishing, Farrar, Nash, Sanchez, Sefranka, Williams

LEGAL REPORT

Jeanne McManus, Esq. informed the Commissioners about the problems regarding 2 City Hall Plaza and any fire safety issues would be addressed immediately. She reported on the Hamilton Stage bond recall and any

outstanding building issues. And Ms. McManus informed the Commissioners of the payment due by Metro Rahway and what would trigger that payment.

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

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Williams

ENGINEERING REPORT

Jacqueline Dirmann, RRA Engineer, reported on the status of various Redevelopment Projects:

1. Slokker International – The Developer is working to finalize his Site Plan application for Planning Board submission. We anticipate the application to be reviewed at the February Planning Board meeting.
2. Artist Housing/Elizabethtown Gas Company Property – The Developer continues to work on his Concept Plan for RRA review and comment prior to preparation of a Site Plan application. We anticipate the application to be reviewed at the March Planning Board meeting.
3. Meridia Brownstones – The application was approved by the Planning Board in December 2014 and we are awaiting revised Plans to review for Resolution Compliance.
4. Hamilton Stage – see Bohler email dated 4/3/15
5. Meridia Water's Edge – The developer has yet to complete the construction of an ADA ramp prior to issuance of a Final Certificate of Occupancy.
6. Metro-Rahway/Station Place – The developer is waiting for sign-off from the plumbing sub-code official prior to issuance of a Final Certificate of Occupancy.
7. Meridia Lafayette Village – The foundation permit has been issued and construction on the foundations is ongoing. The Construction Official and City Engineer are continuing to review the construction plans.

A motion was made by Commissioner Nash and Seconded by Commissioner Fishinger to approve the Engineering Report.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Sefranka, Williams

OLD BUSINESS

Letter dated January 30, 2015 from Jeanne Ann McManus, Esq. to Leonard T. Bier, regarding a release form for Meridia Lafayette Village

NEW BUSINESS

Resolutions

07-15: RESOLUTION CONDITIONALLY DESIGNATING DMR CONSTRUCTION SERVICES, INC. AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 156, LOTS 1,2,3,4, AND 7 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE REDEVELOPMENT OF THE PROPERTY FOR A MIXED USE PROJECT

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 156, Lots 1,2,3,4, and 7 are located in the Central Business District Redevelopment Area and is commonly referred to as Northfield Bank 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, DMR Construction Services Inc. submitted an application to the Agency for the redevelopment of the Property; and

WHEREAS, DMR Construction Services made a presentation to the Board of Commissioners of the Agency on January 7, 2015 regarding its proposal to develop a mixed use project consisting of the construction of approximately 75 market-rate, rental housing units, along with a commercial component on the ground floor, and parking, in a 5 story structure 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 DMR Construction Services, Inc. is hereby conditionally designated as redeveloper for the development of Block 156, Lots 1,2,3,4, and 7, located in the Central Business District Redevelopment Area, for a mixed use project consisting of the construction of approximately 75 market-rate, rental housing units, along with a commercial component on the ground floor, and parking, in a 5 story structure on the Property; and

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 DMR Construction Services, Inc. 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 DMR Construction Services, Inc. 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, DMR Construction Services, Inc. and the Agency enter into an escrow agreement, the form of which will be made as part of this resolution.

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 February 4, 2015.

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

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Williams

08-15: RESOLUTION FOR HVAC COOLING UNIT PURCHASE FOR THE RAHWAY RIVER CONDOMINIUM ASSOCIATION MECHANICAL/ELEVATOR ROOM AT 2 CITY HALL PLAZA, RAHWAY, NJ

WHEREAS, it is deemed necessary and in the best interest of the operation of the building known as 2 City Hall Plaza, Rahway NJ to award a contract for the Purchase and Installation of a HVAC Cooling Unit based upon competitive bids.

WHEREAS, competitive estimates were solicited for the Purchase and Installation a HVAC cooling unit; and

WHEREAS, three quotes for the Purchase and Installation of a HVAC cooling unit were received

<u>Contractor</u>	<u>Base Bid</u>
Meyer & Depew	\$4,740.00
Tustin Mechanical	\$12,944.00
Carrier Commercial Service	\$12,005.00

WHEREAS, Meyer & Depew, having offices at 309 Lafayette Avenue, Kenilworth, NJ 07033 submitted the lowest bid for the Purchase and Installation of a HVAC cooling unit in the amount of \$4,740.00; and

NOW THEREFORE BE IT RESOLVED, that the Rahway Redevelopment Agency award a contract, pursuant to NJSA 40A:11 et. seq of the Local Public Contract Law of the State of New Jersey, to Meyer & Depew the lowest responsive bidder for the Purchase and Installation of a HVAC cooling unit, in the amount of \$4,740.00; and

BE IT FURTHER RESOLVED, that the cost of this HVAC cooling unit will be shared with both members of the Rahway River Condominium Association, in accordance with the Association's by-laws; and

BE IT FURTHER RESOLVED; that the award of this contract is contingent upon the RRA having sufficient funds and the Treasurer of the RRA certifying that there are sufficient funds budgeted by the Authority for said services.

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 February 4, 2015.

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

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Williams

09-15: RESOLUTION TO APPROVAL THE RRA CALENDAR YEAR BUDGET OF 2015

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

Yes: Commissioners Behrmann, Fishingier, Farrar, Nash, Sanchez, Sefranka, Williams

10-15: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO MILLS + SCHOENER 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 February 2, 2015 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 not to exceed \$3,500 (plus an allowance of \$200.00 for 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 February 4, 2015.

A motion was made by Commissioner Sanchez and Seconded by Commissioner Behrmann to approve the Resolution.

Yes: Commissioners Behrmann, Fishingier, Farrar, Nash, Sanchez, Sefranka, Williams

11-15: RESOLUTION AUTHORIZING PROCUREMENT OF REAL ESTATE LEGAL PROFESSIONAL SERVICES FOR THE ACQUISITION OF BLOCK 167 LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY FOR A REDEVELOPMENT PROJECT

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1 et seq. of the State of New Jersey the Redevelopment Agency of the City of Rahway ("Agency") is authorized to plan, design, construct, reconstruct, enlarge, improve, manage, maintain, repair, operate and projects as in the opinion of the Agency will provide an effective and satisfactory method for promoting the purposes of the Agency; and

WHEREAS, the Agency has undertaken the planning of an "Artists" Residential Development Project in the Rahway business district (the "Project") on Block 167, Lot 1 on the official tax map of the City of Rahway; and

WHEREAS, the Agency by Resolution dated May 1, 2013 authorized the purchase of said property by the Agency; and

WHEREAS, it is deemed necessary and in the best interests of the Agency to acquire the property commonly known as 219-245 Central Avenue designated as Block 167 Lot 1 on the official tax map of the City of Rahway (the "Property") for the construction of the Project; and

WHEREAS, there exists for the Rahway Redevelopment Agency the need for the services of a qualified licensed New Jersey Attorney to act as Special Counsel to provide assistance in the acquisition and closing of the aforesaid Property; and

WHEREAS, DeCotiis, Fitzpatrick & Cole, LLP has previously served as the Agency's General Counsel and Leonard T. Bier, executive Director of the Agency has reviewed the qualifications and experience of the law firm of DeCotiis, Fitzpatrick & Cole, LLP located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey., a licensed NJ Attorney and their proposal dated December 18, 2014 to provide General Counsel legal services attached hereto and adopted by reference, and recommends the appointment of DeCotiis, Fitzpatrick & Cole, LLP as Special Counsel for the purposes of closing title to the afore mentioned property ; and

WHEREAS, Leonard T. Bier, Executive Director is satisfied with the qualification and experience and has retained said law firm based on a RFQ procurement process for Professional Legal Services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and Pay to Play Law requires that resolutions authorizing the award of contracts for "Professional Services" must be publicly advertised; and

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

1. The Commissioners of the Rahway Redevelopment Agency approve the action by the Executive Director and the execution by the Agency of a professional services contract with DeCotiis, Fitzpatrick & Cole, LLP a Licensed New Jersey Attorney law firm with offices located at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Suite 31, Teaneck, New Jersey to provide Special Counsel legal services in accordance with their proposal to provide General Counsel legal service, which shall remain on file in the Agency's office and available for public inspection.
2. This agreement is awarded based on an RFQ as a "Professional Service" under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5) as a recognized profession, licensed and regulated by law.
3. 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.
4. 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.
5. 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.

A motion was made by Commissioner Sanchez and Seconded by Commissioner Behrmann to approve the Resolution.

Yes: Commissioners Behrmann, Fishinger, Farrar, Nash, Sanchez, Seifranka, Williams

COMMISSIONER'S COMMENTS

ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 PM