

Rahway Redevelopment Agency

MINUTES

May 6, 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 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 saluted to the flag

ROLL CALL

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

Egon Behrmann, Commissioner
Rodney Farrar, Commissioner
Timothy Nash, Commissioner
Paul Sefranka, Commissioner

Absent: Commissioners Sanchez, Williams

APPROVAL OF MINUTES

A motion was made by Commissioner Nash and Seconded by Commissioner Farrar to approve the Minutes of the April 1, 2015 Regular Meeting

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

Abstain: Commissioner Sefranka

Absent: Commissioners Sanchez, Williams

CORRESPONDENCE

1. Letter dated March 19, 2015 from NJ DEP regarding 1839-1905 Elizabeth Avenue.
2. Letter dated March 31, 2015 from NJ EDA regarding HDSRF Grant.
3. Memo dated April 1, 2015 from M + S Architects regarding roof leaks at the Hamilton Stage.
4. Email dated April 17, 2015 from Sondra Fishinger regarding resignation from the RRA.
5. Letter dated April 22, 2015 from M + S Architects regarding a proposal for the Artist Village Project.

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

Yes: Commissioners Behrmann, Farrar, Nash, Sefranka

Absent: Commissioners Sanchez, Williams

EXECUTIVE DIRECTOR'S REPORT

Executive Director, Len Bier, reported on meetings that were held with developers and gave updates on progress. He also discussed the problems with the Hamilton Stage and repairs. Mr. Bier, also informed the commissioners of the proposed sale of the Skyview/Carriage City Project. He also reported on the redeveloper designation of East Cherry Street.

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

Yes: Commissioners Behrmann, Farrar, Nash, Sefranka

Absent: Commissioners Sanchez, Williams

LEGAL REPORT

Legal Counsel, Jeanne McManus, reported on the Artist Housing Project, the fire alarm system at 2 City Hall Plaza, issues with the Hamilton Stage contractor, and negotiating an amended redeveloper's agreement with Meridia Brownstones.

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

*Yes: Commissioners Behrmann, Farrar, Nash, Sefranka
Absent: Commissioners Sanchez, Williams*

ENGINEERING REPORT

Jacqueline Dirmann presented the following report to the Commissioners:

1. Slokker International – The Developer was approved at the March Planning Board meeting and continues to revise his Plans for Resolution compliance.
2. Artist Housing/Elizabethtown Gas Company Property – The Developer has submitted Plans for the May Planning Board meeting.
3. Meridia Brownstones – The Developer has submitted Plans to the various outside agencies and will be submitting revised Plans to our office for Resolution compliance.
4. Hamilton Stage – see Weiner Lesniak letter dated 5/6/15.
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. Meridia Lafayette Village – Construction is on-going.

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

*Yes: Commissioners Behrmann, Farrar, Nash, Sefranka
Absent: Commissioners Sanchez, Williams*

OLD BUSINESS

NEW BUSINESS

Presentation: *Whitestone Associates*

Jeff Bauer explained the environmental issues involved with past and future redevelopment projects. He also discussed the HDSRF program and the environment remediation process.

Resolutions

13-15: A RESOLUTION TO REAFFIRM THE AWARD OF 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 Railway 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 and reaffirmed in a proposal dated March 30, 2015 (for the same cost) to provide the services described above for the Property, a copy of which is attached hereto and made part of this Resolution; and

WHEREAS, the General Counsel has reviewed the certification of the Treasurer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that resolutions authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

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

1. The Chairman and Executive Director are hereby authorized and directed to execute for the Agency a professional services contract with Whitestone Associates, Inc., 35 Technology Drive, Warren, New Jersey 07059 to provide services in accordance with its proposal which shall remain on file in the Agency's office and available for public inspection.
2. That this contract shall be in the amount of \$9,000.00 payable upon completion of each task as outlined in the proposal.
3. This agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5) because it is a recognized profession, licensed and regulated by law and is not possible to obtain competitive bids.
4. A notice of this action shall be printed in the Legal Newspaper of the Agency as required by law within ten (10) days of its passage.
5. The vendor shall supply the Agency with the Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by N.J.A.C. 17:27. The contract shall contain the mandatory affirmative language for professional services contracts required by N.J.A.C.17:27, a copy of which shall be attached to and incorporated in the professional services contract authorized herein.
6. The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Agency from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the professional services agreement authorized herein.

Certified to be a true copy of a Resolution adopted by the Board of Commissioners of the Rahway Redevelopment Agency, Rahway, New Jersey at a regular meeting held on May 6, 2015.

A motion was made by Commissioner Seifranka and Seconded by Commissioner Farrar to approve the Resolution.

*Yes: Commissioners Behrmann, Farrar, Nash, Seifranka
Absent: Commissioners Sanchez, Williams*

17-15: RESOLUTION CONDITIONALLY DESIGNATING DMR CONSTRUCTION SERVICES, INC. AS REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 318, LOTS 18, 19, 20, AND 21 (EAST CHERRY STREET) 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 318, Lots 18,19,20, and 21 are located in the Central Business District Redevelopment Area and is commonly referred to as East Cherry Street 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 April 1, 2015 regarding its proposal to develop a mixed use project consisting of the construction of approximately 33 market-rate, rental housing units, along with a commercial component on the ground floor, 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 , Block 318, Lots 18,19,20, and 21 located in the Central Business District Redevelopment Area, for a mixed use project consisting of the construction of approximately 33 market-rate, rental housing units, along with a commercial component on the ground floor, 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 May 6, 2015.

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

*Yes: Commissioners Behrmann, Farrar, Nash, Sefranka
Absent: Commissioners Sanchez, Williams*

COMMISSIONER'S COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 PM