

Rahway Redevelopment Agency

MINUTES
Regular Meeting
January 6, 2010
6:40 P.M.

CALL TO ORDER

The meeting was called to order at 6:40 P.M. in the Rahway City Council Chambers

OPEN PUBLIC MEETINGS ACT

Chairman Rack noted 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 to the flag

ROLL CALL

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

Anthony Deige, Commissioner
Timothy Nash, Commissioner
Nancy Saliga, Commissioner
William Rack, Commissioner
James Ferrell, Commissioner
Courtney Clarke, Commissioner

The following official was absent:
Commissioner: Ferrell

APPROVAL OF MINUTES

A motion was made by Commissioner Nash, seconded by Commissioner Clarke, to accept and approve the minutes listed below:

December 2, 2009 Regular Meeting

Yes: Commissioner: Nash, Saliga, Clarke, and Rack
Abstain: Commissioner Deige

CORRESPONDENCE

- 1. Letter dated December 4, 2009, from Carl Erler, Esq., to Peter Pelissier, Executive Director, regarding Wheatena Redevelopment Project (and attached letter)*
 - 2. Letter dated December 9, 2009, from Francis X. Regan, Esq. to Peter H. Pelissier, regarding Carriage City Properties, LLC.*
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COMMENTS FROM THE PUBLIC

There were no comments from the public

TREASURER'S REPORT

None

EXECUTIVE DIRECTOR'S REPORT

None

LEGAL REPORT

General Counsel, Frank Regan, Esq. reported:

- A meeting was held with the Mayor, the RRA Executive Director, the RRA Legal Counsel with Matzel & Mumford regarding the Wheatena Project. Due to market conditions and current economy, the project will be held until market changes. However, Matzel & Mumford stated that they are committed to this redevelopment project.
- Carriage City has made a redevelopment payment to the agency for a condominium that was sold. In addition, Carriage City has made a payment to the City of Rahway for approximately \$72,000.00 for fees owed.
- Renaissance at Rahway is moving forward with construction.

A motion was made by Commissioner Clarke and Seconded by Commissioner Rack to accept the Legal Report.

Yes: Commissioners Deige, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Ferrell

NEW BUSINESS

Resolutions:

05-10: RESOLUTION OF THE RAHWAY REDEVELOPMENT AGENCY AUTHORIZING THE ASSIGNMENT OF THE REDEVELOPMENT AGREEMENT WITH RATAN RAHWAY, LLC AS REDEVELOPER FOR THE PROPERTY KNOWN 1360 ROUTE 1 ALSO KNOWN AS TAX BLOCK 304, LOTS 5 AND 6 IN THE ESSEX STREET REDEVELOPMENT AREA TO RAHWAY TOWER, LLC

WHEREAS, on August 29, 2008, the Rahway Redevelopment Agency and Ratan Rahway, LLC entered into a Redevelopment Agreement (the "Agreement") for the redevelopment of Block 304, Lots 5 and 6 (the "Property") are located in the Essex Street Redevelopment Area for a commercial project consisting of the rehabilitation of 51 of the 52 existing motel rooms with additional amenities for a national hotel/motel chain flag; and

WHEREAS, due to financial problems experienced by the members of Ratan Rahway, LLC, the members sold, assigned and transferred their respective interests in Ratan Rahway, LLC to Rahway Tower, LLC; and

WHEREAS, Rahway Tower, LLC intends to undertake the redevelopment of the Property in accordance with the Agreement and the site plan approval subsequently obtained by Ratan Rahway, LLC from the Rahway Planning Board for the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the assignment of the Agreement for the redevelopment of the Property for a commercial project consisting of the rehabilitation of 51 of the 52 existing motel rooms with additional amenities for a national hotel/motel chain flag from Ratan Rahway, LLC to Rahway Tower, LLC.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary are hereby authorized to execute any and all documents to effectuate such assignment, subject to final review by general counsel as to legal form and content.

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 January 6, 2010.

A motion was made by Commissioner Saliga and Seconded by Commissioner Clarke to approve the resolution.

Yes: Commissioners Deige, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Ferrell

06-10: RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE AMENDED AND RESTATED REDEVELOPMENT AGREEMENT WITH LANDMARK AT RAHWAY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 157, LOTS 1 THROUGH 13 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED USE PROJECT

WHEREAS, Landmark at Rahway, LLC ("Landmark") was designated as Redeveloper of Block 157, Lots 1 through 13 on February 28, 2001 by the Board of Commissioners of the Rahway Redevelopment Agency (the "Agency"), which designation was extended on June 21, 2001, after having been designated as Redeveloper by the City of Rahway in December 2000; and

WHEREAS, the Agency and Landmark entered into a Memorandum of Understanding executed on December 17, 2001; and

WHEREAS, the Agency and Redeveloper entered into a Redevelopment Agreement, dated April 2004, for the Park Square Redevelopment Project (the "Project"), which was authorized by the Board of Commissioners of the Rahway Redevelopment Agency on March 20, 2003; and

WHEREAS, on October 31, 2006, Landmark and Agency entered into an Amended and Restated Redevelopment Agreement (the "Agreement"); and

WHEREAS, Section 3.2.1.A of the Agreement requires the Agency to cause the City of Rahway (the "City") to undertake and complete certain road work, which portion of such road work relating to Elm Avenue is hereinafter referred to as the "Elm Avenue Improvements"; and

WHEREAS, the parties have determined that Landmark should undertake and complete the Elm Avenue Improvements, the cost of which shall be reimbursed by the City and/or the Agency; and

WHEREAS, N.J.S.A. 40A:12A-8(f) specifically authorizes a designated redevelopment entity such as the Agency, in pertinent part, to "[a]rrange or contract with...redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof...and arrange or contract with ... redevelopers for the opening, grading or closing of streets, roads, roadways, alleys, or other places...or for the furnishing of property or other services in connection with a redevelopment area."; and

WHEREAS, the parties have determined that completion of the Elm Avenue Improvements by Landmark would result in better integration of the many components of the Project while providing for greater efficiency and timeliness in the completion of the Project; and

WHEREAS, the public interest will be served by the prompt implementation and completion of the Project and the parties have determined that Landmark possesses the capabilities and the resources to implement and complete the Elm Avenue Improvements in such a manner as to expedite the implementation and completion of the Project; and

WHEREAS, the Landmark and the Agency have agreed to enter into a First Amendment to the Agreement with the specific intention to modify the terms of the Agreement for the redevelopment of these properties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby authorizes the execution of a First Amendment to the Amended and Restated Redevelopment Agreement with Landmark at 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 Amended and Restated Redevelopment Agreement, in a form substantially consistent with that attached hereto, to effectuate the completion and implementation of this project.

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 January 6, 2010.

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

Yes: Commissioners Deige, Nash, Saliga, Clarke, and Rack

Absent: Commissioner Ferrell

COMMISSIONER'S COMMENTS

There were no Commissioner's comments at this time

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:50 P.M.

Respectfully submitted,



Cynthia Solomon
Recording Secretary